# MOSH INSTRUCTION:

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| **INSTRUCTION NUMBER:** 21-2 | **EFFECTIVE DATE:** August 27, 2021 |
| **SUBJECT:** Inspection Procedures for the COVID-19 Emergency Temporary Standard (COVID ETS) | **ISSUANCE DATE:** August 27, 2021 |
| **CANCELLATION:** None | **EXPIRATION:** Effective from date above until the COVID ETS expires or replaced by a new Instruction |

# Purpose: This instruction provides Operations and Regional Office personnel with policy and guidelines for enforcement of the COVID ETS in covered healthcare related establishments.

# Scope: MOSH-wide

# Contact: Chief of MOSH Compliance Services. See MOSH Website for Current Information <http://www.dllr.maryland.gov/labor/mosh/>

# Reference:

1. OSHA Directive 2021-02 (CPL 02) Inspection Procedures for the COVID-19 Emergency Temporary Standard
2. Current MOSH Field Operations Manual (FOM)
3. MOSH Instruction 21-1, MOSH COVID-19 Pandemic Field Enforcement Guidelines



This Instruction, Inspection Procedures for the COVID-19 Emergency Temporary Standard*,* establishes inspection procedures and enforcement policies for the COVID-19 Emergency Temporary Standard, 29 CFR §§1910.502 and .504.

**Action:**

1. MOSH Assistant Commissioner shall ensure that operations, compliance, outreach, and consultation personnel utilize OSHA Directive 2021-02 (CPL 02), except §§ IX.M.5 and .6, Chapters XII.–XIV, and Appendix C, while preparing for and performing on-site inspections and visits in general industry facilities.
2. MOSH personnel shall contact the Chief of Compliance if a possible violation of 29 CFR §1910.502(l)(5)(i)–(iv) for referral to the Division’s Employment Standards Service Unit for investigation and enforcement through joint inspection activity. A joint pre-closing with the MOSH Assistant Commissioner and/or Chief of Compliance is required.
3. Any potential violation of 29 CFR §1910.502(l)(5)(v) shall include consultation with and possible referral to an 11(c) investigator for investigation under Labor and Employment Article, §5-604, Annotated Code of Maryland.
4. All field staff shall comply with MOSH Instruction 21-1 Revised MOSH COVID-19 Field Guidelines, and relevant internal training instructions.
5. In any circumstance where OSHA Directive 2021-02 (CPL 02) may conflict with the current MOSH FOM, or MOSH Instruction the guidance in the MOSH FOM or Instruction shall prevail, including classification of violations.
6. Supervisors shall ensure that this instruction is reviewed with all operations staff, compliance officers, outreach, and consultation staff involved in enforcement or outreach of the COVID ETS.
7. Wherever the OSHA Instruction references job titles, manuals, and offices, the equivalent MOSH job title, manual, or office shall apply.

By and Under the Authority of:

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Michael A. Penn CSP, SMS

Acting Assistant Commissioner

cc: Matthew S. Helminiak, Commissioner, Division of Labor and Industry