

Title 09
MARYLAND DEPARTMENT OF LABOR
Subtitle 12 DIVISION OF LABOR AND INDUSTRY
Chapter 21 Employee Injury and Illness Records and Reports

Authority: Labor and Employment Article, §§2-106(b)(5), 5-312, and 5-702—5-704, Annotated Code of Maryland

.01 Purpose.

A. This chapter establishes the requirements for employers in Maryland to record and report work-related fatalities, injuries, and illnesses in accordance with federal and State law, regulations, and procedures.

B. This chapter establishes partial exemptions for employers with ten or fewer employees and for establishments in certain industries.

.02 Incorporation by Reference.

In this chapter, Recording and Reporting Occupational Injuries and Illnesses, 29 CFR Part 1904 (2019), is incorporated by reference with the following changes:

A. Wherever the words:

(1) “OSH Act” appear, substitute “Maryland Occupational Safety and Health Act”;

(2) “Occupational Safety and Health Administration (OSHA), U.S. Department of Labor” appear, substitute “MOSH”;

(3) “OSHA” appear, substitute “MOSH” for “OSHA” except for references to “OSHA injury and illness records”;

(4) “Section 11(c) of the Act” appear, substitute “§5-604 of the Maryland Occupational Safety and Health Act”;

(5) “OSHA Area Office” appear, substitute “MOSH Central Office”;

(6) “your local OSHA Area Office director” appear, substitute “the MOSH Assistant Commissioner”;

(7) “OSHA toll-free central telephone number, 1-800-321-OSHA (1-800-321- 6742)” appear, substitute “MOSH Central Office toll-free telephone number, 1-800-759-6297”; and

(8) “www.osha.gov” appear, substitute “www.labor.maryland.gov/labor/mosh”.

B. In 29 CFR §1904.39(a)(2), where the words “an employee’s amputation” appear substitute “an employee’s amputation involving bone or cartilage loss”.

.03 Survey.

Upon receipt of an Occupational Injuries and Illnesses Survey form, an employer shall promptly complete and return the form in accordance with the instructions.

.04 Variance Procedure for Record Keeping.

A. State or Local Government Employers. The Commissioner shall consider an application for variance from the record keeping and reporting requirements by a State or local government employer consistent with COMAR 09.12.20.17, and subject to the approval of the federal Occupational Safety and Health Administration.

B. Private Sector Employers. MOSH may not issue a variance to a private sector employer and shall recognize all variances issued by the federal Occupational Safety and Health Administration.

Administrative History

Effective date: July 5, 1993 (20:13 Md. R. 1047)

Regulation .09A amended effective January 15, 1996 (23:1 Md. R. 23)

Regulation .09B amended effective August 29, 1994 (21:17 Md. R. 1439)

Regulation .10 adopted effective June 30, 1997 (24:13 Md. R. 930)

Regulations .01—.10 repealed and new Regulations .01—.04 adopted as an emergency provision effective February 12, 2002 (29:5 Md. R. 499); adopted permanently effective May 13, 2002 (29:9 Md. R. 744)

Regulation .02 repealed and new Regulation .02 adopted effective September 7, 2020 (47:18 Md. R. 824)

Regulation .02B, C amended effective February 17, 2003 (30:3 Md. R. 179); January 5, 2004 (30:26 Md. R. 1913); January 2, 2017 (43:26 Md. R. 1444)

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