

MOSH Advisory Board Meeting

Wednesday, August 26, 2026 - 1:00 p.m.



Maryland Department of Labor
Maryland Occupational Safety and Health

MOSH Advisory Board Meeting

Board Members

- Neill Christopher, Public Member, Chair
- Steve Connelly, Agriculture Member
- Carol Dodson, Business Member
- Clifford Mitchell, M.D., Health Member
- Edward R. Arellano, Health Member
- Elizabeth (Sissy) Martin, Industry Member
- Grant Walker, Labor Member
- John Gibula, Public Member
- Jeffrey K. Lochte, Public Member
- Devki Virk, Commissioner/Ex-Officio Member (No Vote)

AUGUST 26, 2026 AGENDA

1. Call to Order
2. Approval of Minutes
3. MOSH Update
 - a. Davis Martinez Public Employee Safety and Health Act implementation and establishment of Public Employees' Safety and Health unit
 - b. Heat Stress Standards implementation and enforcement
4. MOSH Regulatory Update
 - a. Workplace Violence Prevention Standard Development
 - b. Employee Injury and Illness Records and Reports amendments
5. New Business
6. Adjournment

MOSH Compliance Update

MOSH vs. Other State Plans vs. National

Federal Fiscal Year 2025	MOSH	Other State Plans	National
Average number of work days to initiate serious complaint inspections	2.93	10.11	10.69
Percent of complaints and referrals of imminent danger responded to within a day	100%	99.33%	97.58%
Average number of Serious/Willful/Repeat violations per inspection with violations	2.78	1.60	1.67
Number of safety inspections	1,121	28,775	54,010
Number of health inspections	162	9,634	14,664

MOSH vs. Other State Plans vs. National

Federal Fiscal Year 2025	MOSH	Other State Plans	National
Percent in compliance programmed safety inspections	9.98%	27.91%	29.84%
Percent of fatalities responded to in 1 work day	100%	95.83%	97.81%
Average safety lapse time	41.66	51.71	55.34
Penalty retention percent penalty retained	90.47%	78.52%	69.48%

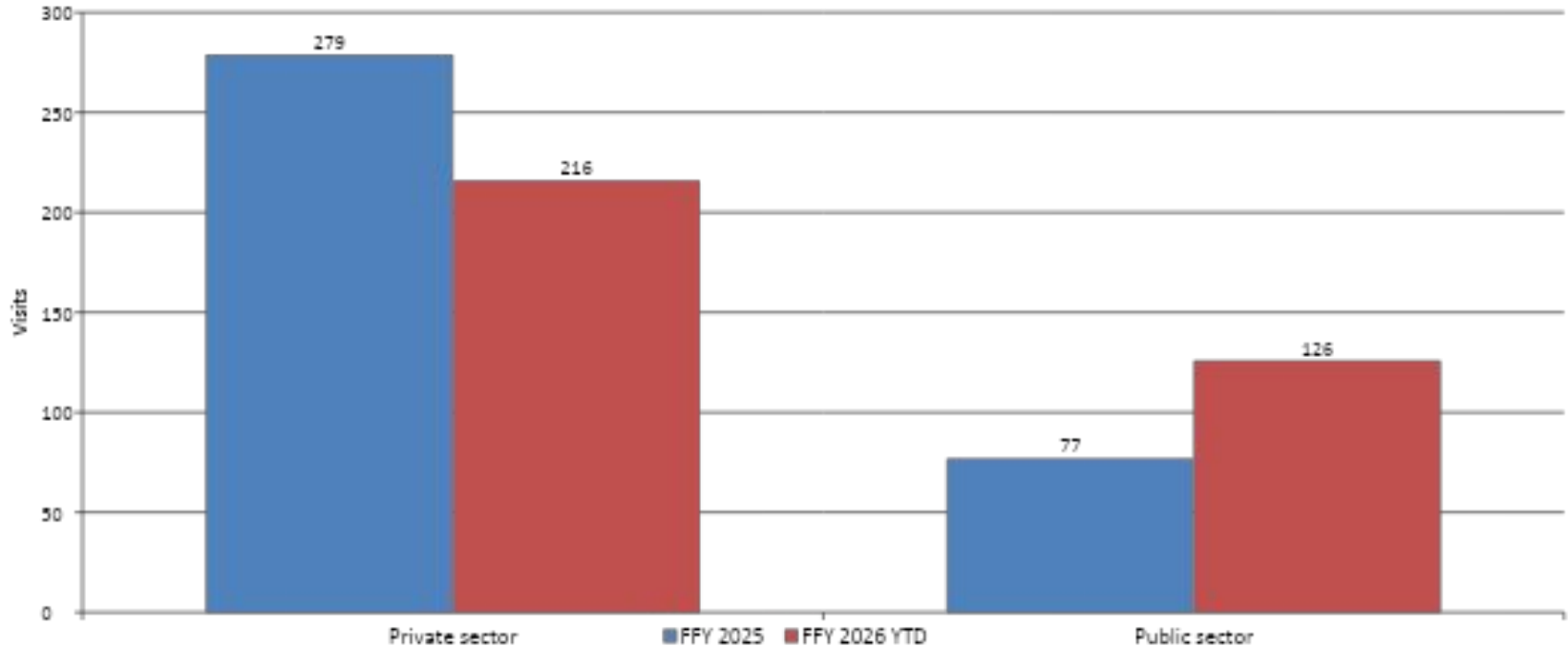
Highway Work Zones



- Finalize enforcement directive with assistance of MOSH Regional supervisors
- Share insights and recommendations with Wage and Labor Unit
- Require one programmed planned inspection of highway work zones per Region per month
- Reestablish and strengthen working relationship with MDOT/SHA and local jurisdictions

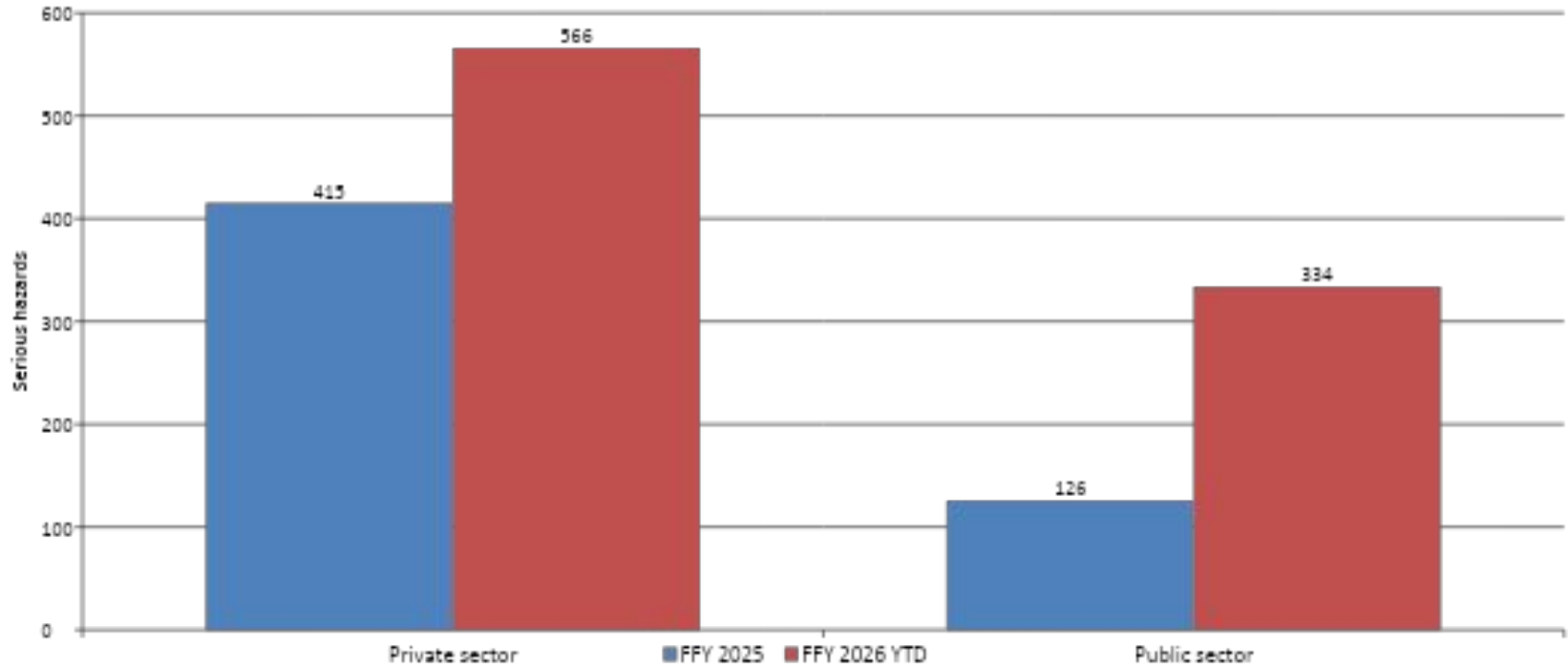
MOSH Consultation Update

MOSH Consultation Safety and Health Visits



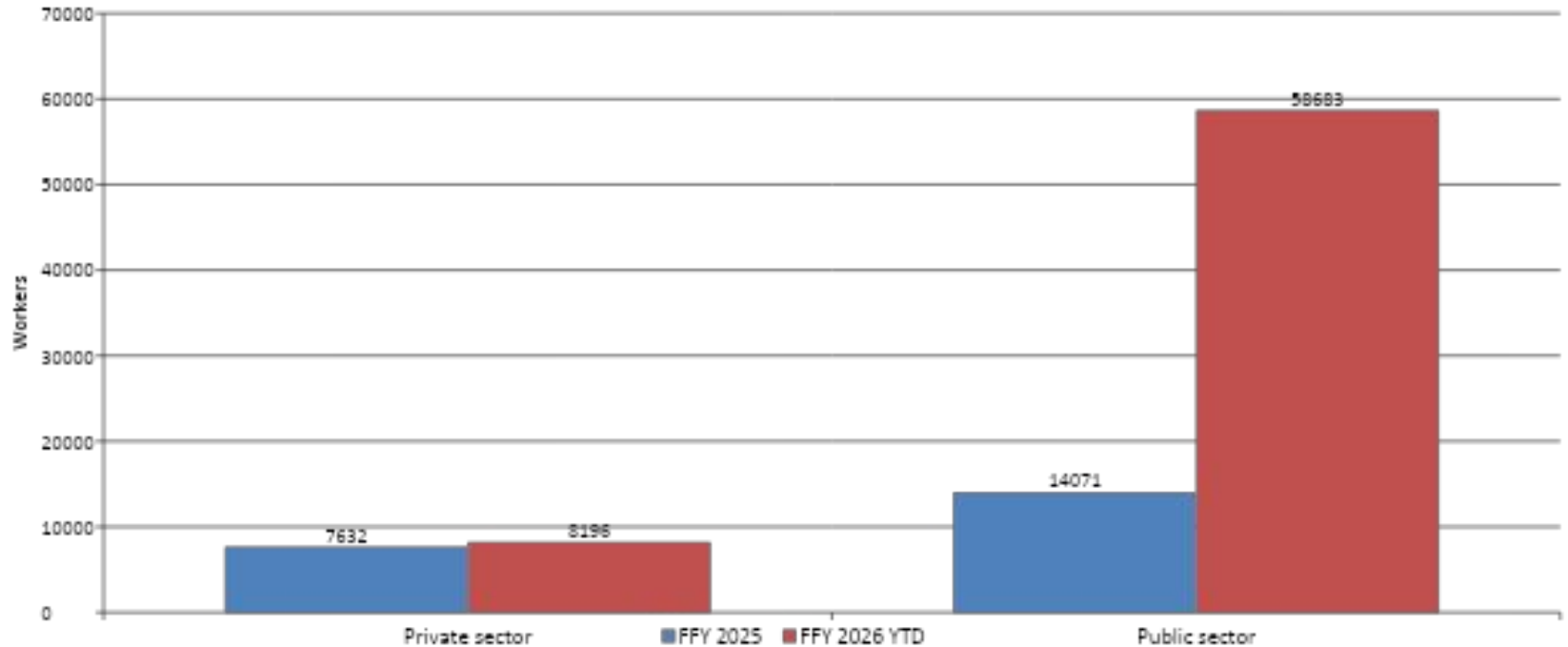
FFY 2026 data is year to-date.

Serious Hazards Identified



FFY 2026 data is year to-date.

Workers at Risk from Identified Hazards



FFY 2026 data is year to-date.

Davis Martinez Public Employee Safety and Health Act of 2025

Overview

Regulatory Context: The Davis Martinez Act

- **Background:** The Davis Martinez Public Employee Safety and Health Act of 2025 went into effect on October 1, 2025.
- **Origin:** The Act was named in honor of parole agent Davis Martinez, who was killed in the line of duty during a home visit.
- **MOSH and MOSH Advisory Board Responsibilities:**
 - In consultation with the MOSH Advisory Board, the Act requires MOSH to adopt occupational safety and health standards to protect employees of public bodies from workplace violence.
(Labor and Employment Article §5-1302 Annotated Code of Maryland)
 - The Act also amended the general responsibilities of the MOSH Advisory Board to include: (1) giving specific consideration to the workplace conditions and safety and health concerns of employees of public bodies; and (2) recommending higher standards for public bodies, if warranted.
(Labor and Employment Article §5-308(b) Annotated Code of Maryland)

Davis Martinez Act Highlights

- **New Obligations for MOSH and Public Bodies:**
 - **Civil Penalties:** Public bodies are subject to civil monetary penalties for violations resulting from MOSH inspections.
 - **Citation Awareness and Accountability:** Citations must be served to chief executive officers and legislative oversight bodies.
 - **New Public Sector Unit:** Created a Public Employees' Safety and Health Unit within MOSH.
 - **Annual Reporting:** Requires MOSH to publish an annual report on occupational safety and health in public sector workplaces each July.
 - **Workplace Violence Prevention Standard:** Mandates development and adoption of a standard to prevent workplace violence.

The Davis Martinez Act Implementation Milestones

- Issuance of civil penalties to public bodies for MOSH violations
- PESH Unit supervisor hired
- First public sector annual report submitted to General Assembly and published on MOSH website
- Adoption of injury and illness recordkeeping amendment on June 6, 2026 to require all public bodies to comply with the requirements of 29 CFR §1904.
- Continued education and outreach (SERMA, MML, and MACo)
- Increase in public sector consultation requests
- Significant reduction in outstanding public sector abatements
- Developed a new system to ensure public sector penalties are distributed to the Maryland Apprenticeship and Training Program

First PESH Annual Report Key Findings

- \$47,500 in initial civil penalties assessed to public bodies through May 31, 2026
- From 2011-2024, in Maryland, TRC and DART incidence rates were higher each year in both the state and local government sectors compared to the private sector.
- For the 2023-2024 period, violent acts is the category with the highest DART incidence rate in Maryland state government, and for all sectors, the rates of violent acts are almost double in Maryland compared to the national rates.
 - Additionally, transportation incidents; falls, slips, trips; explosion and fire; and contact incidents are event and exposure categories where Maryland state and local government rates were higher than national rates.
- The most frequently cited MOSH standards in the public sector in Federal Fiscal Year 2026: Personal Protective Equipment; Hazard Communication; Electrical; Walking-Working Surfaces; Machine Guarding; Lockout/Tagout; Welding & Cutting; Fire Protection; Power Equipment Operation & Material Handling; and Emergency Eyewash/Shower.

Heat Illness Prevention Standard

(COMAR 09.12.32)

2025 Review and Update

MOSH Heat Standard: Year One (2025)

Education, Outreach, and Compliance Assistance

- Provided in-person and online presentations to **2,358 participants**.
- Social media campaigns in English and Spanish to educate and raise awareness about the new standard.



MOSH Heat Standard: Year One (2025)

Education, Outreach, and Compliance Assistance

MOSH staff provided compliance assistance and informational presentations to trade associations and employer groups, labor organizations, with targeted activities in the following sectors:

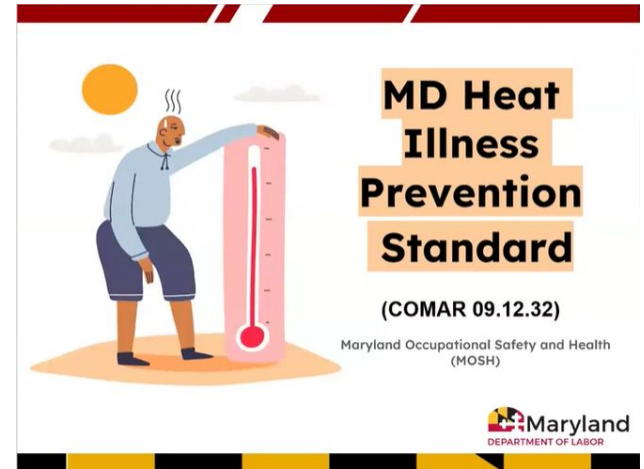
- Construction
- Agriculture and Landscaping
- Restaurants, Commercial Kitchens, and Bakeries
- Laundries and Dry Cleaners



MOSH Heat Standard: Year One (2025)

Education, Outreach, and Compliance Assistance

- MOSH inspectors discussed the new heat standard and heat illness awareness with employees and employers during inspections
- Targeted outreach and compliance assistance sent to employers where one or more workers may have experienced a recordable work-related heat illness in 2024.
- Partnered with Lamar Advertising to display MOSH heat information on electronic billboards in multiple Maryland locations



MOSH Heat Standard: Year One (2025)

Active Education, Outreach, and Compliance Assistance



#BeatTheHeat



Maryland Department of Labor
Maryland Occupational Safety and Health

- Developed guidance materials and maintained a separate heat standard webpage for stakeholders to easily access resources such as:
 - A **key requirements guide** in [English](#) and [Spanish](#).
 - A **written heat illness prevention plan template**.
 - Recordings of webinars with Q&A
 - Tips for preventing heat illness
- Since its launch late last year, the [MOSH Heat Stress webpage](#) has quickly become MOSH's most visited separate webpage!

MOSH Heat Standard: Year One (2025)

By the Numbers:

Inspections resulting in heat-related violations: **70**

- Private sector: **67**, key sectors included roofing, framing, and siding contractors; restaurants and kitchens; manufacturing; warehousing; and construction
- Public sector: **3**

Heat-related **violations** issued: **206**

Heat Complaints represented **half** of all formal **complaints** received between April and October 2025

- MOSH responses to heat-related complaints
 - Formal: 45 inspections initiated
 - Non-Formal: 64 letters sent to employers requiring response to MOSH
 - Awareness: 102 memorandums sent to employers with educational and compliance assistance resources for heat stress

Potomac Jobsite | June 25, 2025

A two-person crew moved furniture and other items - some weighing more than 50 pounds - up and down stairs and through outdoor work areas.

- The heat index reached approximately 103°F **§.08**
- No drinking water remained, and no field refill method was available. **§.07**
- The crew had no scheduled high-heat recovery periods or other effective means of cooling **§.08**
- The employees had not received heat illness prevention training. **§.10**



The Heat-Control Gaps Began at Dispatch



No cooled staging area

Field crews staged in an unconditioned warehouse. Temporary cooling was limited to management work areas.

\$.04 \$.08



Water supply depleted

The refrigerator was empty. Employees reported that early crews could take the available water before later crews arrived.

\$.07



Field capacity inadequate

A small cooler was issued to two employees and was intended to hold four 16.9-ounce bottles for the route.

\$.07

Once dispatched, no field system assured refills, recovery periods, or alternative cooling.

Abatement built a system that followed the crew

BEFORE DISPATCH



Water and ice stocked
Coolers assigned before routes

The supply system no longer depended on a single bottle count or one piece of equipment.

§.04 §.07

ACROSS THE ROUTE



Heat index monitored
Field coolers assigned by crew

The written procedures added monitoring, hydration, rest, cooling, and emergency response.

\$.04 \$.07 \$.08

WORKFORCE

COMPLIANCE	
OSHA is dedicated to protecting employees from on-the-job diseases and injuries. All employers have the responsibility to work safely and to protect the health of their employees. The purpose of this site is to supplement your existing safety and health awareness and ensure employees recognize how stress impacts and can seriously affect the health of the body, mind, and emotions. This website has 70 key areas of health-related information, as outlined below.	
Main Elements of Health-Stress Prevention Plans	
Element	Description
1. Train supervisors and employees	Train supervisors and employees on health stress prevention strategies, as well as to recognize and report their signs or symptoms of health-related stress.
2. Monitor weather conditions and schedule activities	Monitor weather/working conditions and time periods to schedule activities and control weather when the temperature exceeds 72° F (21° C).
3. Conduct a health-related assessment	Determine an effective and well-established temperature (WBGT) threshold and use established temperature threshold to schedule activities and schedule activities to determine the level of risk to health.
4. Implement heat stress prevention strategies	Implement appropriate heat stress prevention strategies based on established heat levels for heat prevention.
5. Plan for heat-related emergencies	Develop adequate response, and first and medical services for heat-related emergencies in the event a worker suffers from heat-related stress.

[illegible]

Written plan established
Training and acclimatization
addressed

Seasonal huddles reinforced hydration, buddy monitoring, cooling, and emergency response.

\$.09 \$.10

The controls became visible, assigned, and repeatable.

REGULATORY UPDATE

Workplace Violence Prevention Standard Development Overview

What is Workplace Violence?

- **Defined:** “Workplace violence” means an **act of violence or threat of violence** that occurs at a place of employment and that is not a lawful act of self-defense of another person. Workplace violence includes, regardless of whether the employee is physically or psychologically injured: (i) **using or threatening to use physical force** against an employee; or ii) an **incident involving the use of or threatening the use of a firearm or other dangerous weapon.**

(Labor and Employment Article, §5-101(i), Annotated Code of Maryland)

Types of Workplace Violence

- **Categories of WPV:**
 - **Type 1:** Criminal Intent - e.g. robbery at a gas station
 - **Type 2:** Customer or Client - e.g. aggressive patient in a healthcare clinic
 - **Type 3:** Worker on Worker - e.g. physical fight between co-workers
 - **Type 4:** Personal Relationship - e.g. physical fight between an employee and their domestic partner at the workplace

Standard Development Process

- Public Hearings, Stakeholder Engagement, & Regulation Development
- MOSH Advisory Board Engagement
- Agency and Executive Branch review and approval
- Proposed regulation submitted to Maryland General Assembly Joint Committee on Administrative, Executive, and Legislative Review (AELR)
- Proposed regulation submitted to Division of State Documents (DSD) to publish Notice of Proposed Action in the Maryland Register
- Comment and Public Hearing on Proposed Regulation

Public Engagement

- **Conducted:** Between mid-June and early July 2026. Four in-person meetings held in Hunt Valley, Hagerstown, Easton, and Silver Spring. Two virtual-only meetings via Zoom.
- **Participation:** 89 attendees in-person and online, largely labor representatives, state and local government employees, occupational safety and health advocates, and county representatives.

Public Engagement Cont.

Comments:

- Oral comments were offered from stakeholders attending meetings. Written comments were also accepted.
- Through July 17, 2026, MOSH has received a total of 32 oral comments and 15 written comments.
- **Oral Comments** - 32 total: 22 Union, 10 Worker/Worker Advocate.
- **Written Comments** - 15 total: 7 Union, 5 Worker/Worker Advocate, 3 Employer

Stakeholder Feedback: Scope and Covered Workers

Scope: In many public bodies, direct employees work side-by-side or in the same facilities with contractors. Should the public body, the contractor, or both of them be responsible for ensuring contracted workers are covered by workplace violence prevention policies, and receive appropriate training and protections?

Covered workers: Law enforcement personnel, emergency responders, and similar occupations face certain unique challenges given their mission to protect the public. How should a workplace violence standard address these occupations?

Scope of incidents: Should the standard address incidents occurring between coworkers?

- *Several commenters expressed a view that the standard should apply broadly: to all public sector employees, including law enforcement and emergency responders, and to employees of contractors working alongside public sector workers, and to all types of workplace violence.*

Stakeholder Feedback: Risk Level and Obligations

Risk Level and Obligations: If a workplace is assessed to have a low risk of exposure to workplace violence, should that have implications for the employer's obligations under the standard? Or should all covered employers be subject to the same requirements?

In particular, should all covered employers have to develop and implement a comprehensive, written workplace violence prevention plan for every establishment or employee group even if the assessed risk of workplace violence for that location or group is low?

- *Commenting stakeholders expressed support for requiring all public bodies and covered employers to develop, implement, and maintain a written workplace violence prevention plan specific to each worksite, regardless of the assessed level of risk*

Stakeholder Feedback: Reporting and Recording

Reporting: Standards adopted by some other states require each employer to maintain a separate log for all workplace violence incidents. Should employers be required to log all reports, or just substantiated reports? Do any public bodies currently record workplace violence incidents, and if so, what has your experience been doing so?

- *Commenters supported requiring employers to establish reporting systems and noted the importance of encouraging employees to report without fear of retaliation.*
- *Several commenters expressed support for tracking all incidents, including "near misses" and verbal threats; investigating and responding to reports; and evaluating and documenting outcomes.*
- *Some commenters requested that workplace violence logs be kept separate from standard OSHA 300 logs with mechanisms to maintain confidentiality.*

Stakeholder Feedback: Training

Training: Should all covered employers be required to provide all employees some form of workplace violence prevention training? What topics or forms of training would be most beneficial?

- *Commenters supported training for all levels of staff, including front-line employees, supervisors, and managers that is tailored based on roles.*
- *Stakeholders asked that training should be interactive & participatory, in-person, and tailored to specific jobs and hazards rather than generic computer-based modules.*
- *Several commenters suggested that training should cover the following areas: all types of workplace violence; de-escalation and mitigation techniques; emergency (and non-emergency) response procedures; and the written prevention plan.*
- *Some commenters recommended initial, annual, and remedial training.*

Stakeholder Feedback: Risk Assessment

- *Commenters suggested that the risk assessment should evaluate every worksite across all shifts and operational conditions, with specific consideration for lone workers, isolated locations, public interaction, and staffing levels.*
- *Commenters requested that frontline workers and authorized union representatives have a mandatory, active role in conducting walkthroughs and identifying site-specific risks.*

Stakeholder Feedback: Prevention Plan

- *Some commenters expressed a view that union representatives, front-line employees, supervisors, and managers should be included in the development, implementation, and maintenance of the plan.*
- *Commenters supported that the plan be written, prescriptive, and site-specific; include management commitment, hierarchy of controls, and incident & emergency response procedures.*
- *Several commenters recommended annual review of the plan.*

Regulation Development: Highlights

- **Highlights:**

- Maryland and California are the only states currently developing workplace violence standards to cover workers outside the healthcare sector. New York currently has a public sector only standard.
- Considering novel approach that would cover all public bodies and certain private sectors based on the type, nature, and location of work performed.
- Consistent with NIOSH and OSHA recommendations, the standard's framework will include a risk assessment, written prevention plan, reporting system, incident log, training, and recordkeeping.

Regulation Development: Challenges

- **Challenges:**

- Covered employers
- Effective coordination between public bodies and private contractors
- Reporting criteria
- Log elements & recording requirements
- Confidentiality of reports & logs
- Timeframes for review/update/ongoing requirements of specific elements
- Duplicative obligations for some public bodies

Potential Discussion Topics

- **Scope & Coverage**
- **Definitions**
- **Risk Assessment**
- **Prevention Plan**
- **Reporting & Recording**
- **Training**
- **Record Retention**

Discussion: Next Steps & Action Items

- **Action items**
- **Next Steps**