MOSH INSTRUCTION:

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| **INSTRUCTION NUMBER:** 23-4 | **EFFECTIVE DATE:** March 10, 2023 |
| **SUBJECT:** Local Emphasis Program (LEP) for High Hazard Industries in Maryland | **ISSUANCE DATE:** March 10, 2023 |
| **CANCELLATION:** MOSH Instruction 19-1 | **EXPIRATION:** Effective until superseded, cycles already assigned must be completed |

**Purpose:**  This Instruction establishes a Local Emphasis Program for High Hazard Industries in Maryland

**Scope:** MOSH-wide

**Reference:** MOSH Field Operations Manual

**Contact:** Chief of MOSH Compliance Services.  See MOSH Website for Current Information

<https://www.labor.maryland.gov/labor/mosh/>

1. **Action:**
   1. MOSH compliance personnel shall ensure that the procedures contained in the instruction are followed when conducting this LEP.
   2. Supervisors shall ensure that this instruction is reviewed with all operations staff, compliance officers, outreach, and consultation staff involved in enforcement or outreach.
2. **Background:** 
   1. Industries appearing on this High Hazard List were derived primarily from Maryland-specific data Bureau of Labor Statistics' occupational injury and illness annual survey results from 2019 and 2021. The included industries reported incidence rates involving days away from work, job restriction, or job transfer (DART) rates above Maryland's 2019 and 2021 combined average private sector DART rate of 1.6 injuries and illnesses per 100 full-time equivalent workers.
3. **Procedures:** 
   1. The Chief of Compliance, or designee, will create a randomized establishment inspection list by extracting the industries listed in Appendix A of this section from an establishment database. The Chief of Compliance, or designee, will maintain the randomized inspection list and shall assign cycles for completion to Regional Offices. Regional Supervisors shall request inspection cycles from the Chief or Assistant Chief of Safety, and shall complete the list before requesting additional sites. The Supervisor of lndustrial Hygiene, in coordination with the Chief or designee, may pull a subset of North American Industry Classification System (NAICS) codes and/or establishments based on prior inspection history, industry knowledge, and demographics of injuries/illnesses of the particular industry. These inspections will be scheduled in accordance with MOSH FOM Chapter 2.
   2. Any comprehensive programmed-planned inspection conducted under this instruction, by either Industrial Hygiene or Safety, will result in the establishment being removed from any inspection list(s) created from this instruction. This does not preclude referrals to/from Safety or Health or joint inspections.
   3. Any unprogrammed inspection or investigation such as a complaint, referral, fatality, etc., will be expanded to a comprehensive safety or health inspection for any establishment that is already included within the high hazard list without regard to scheduling order.
   4. This list will also serve as a state specific High Hazard list for Consultation coding and targeting efforts for VPP, CCP, SHARP, Alliances, and Training and Education activities.
   5. Use the identifier code **"HIGHHAZD"** in OIS under State Emphasis Program and choose the appropriate State Strategic Initiative Program.

By and Under the Authority of:



Michael A. Penn CSP, SMS

Acting Assistant Commissioner

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

All MOSH Staff

Maryland Department of Labor Assistant Attorneys General

OSHA Region III

**Appendix A**

**List of High Hazard Industries by NAICS Code:**

|  |  |
| --- | --- |
| Food Manufacturing | 311000 |
| Beverage Manufacturing | 312000 |
| Wood Products | 321000 |
| Printing and related Support Activities | 323000 |
| Plastic and Rubber Products Manufacturing | 326000 |
| Fabricated Metal Product Manufacturing | 332000 |
| Machinery Manufacturing | 333000 |
| Electrical Equipment, Appliance, and Component Manufacturing | 335000 |
| Transportation Equipment Manufacturing | 336000 |
| Furniture and Related Product Manufacturing | 337000 |
| Merchant Wholesalers Durable Goods | 423000 |
| Grocery & Related Product Wholesalers | 424400 |
| Motor Vehicle and Parts Dealers | 441000 |
| Building Material and Garden Equipment and Supplies | 444000 |
| Grocery Stores | 445100 |
| General Merchandise Stores | 452000 & 455000 |
| Truck Transportation | 484000 |
| Transit and Ground Passenger Transportation | 485000 |
| Support Activities for Transportation | 488000 |
| Couriers and Messengers | 492000 |
| Warehousing and Storage | 493000 |
| Telecommunications | 517000 |
| Landscaping Services | 561730 |
| Waste management and Remediation Services | 562000 |
| Hospitals | 622000 |
| Nursing and Residential Care facilities | 623000 |
| Traveler Accommodation | 721100 |
| Personal and Laundry Services | 812000 |