# MOSH INSTRUCTION:

|  |  |
| --- | --- |
| **INSTRUCTION NUMBER:** 21-3 | **EFFECTIVE DATE:** August 27, 2021 |
| **SUBJECT:** Revised National Emphasis Program (NEP) adoption | **ISSUANCE DATE:** August 27, 2021 |
| **CANCELLATION:** None | **EXPIRATION:** July 7, 2022 unless superseded |

# Purpose: This instruction adopts the federal NEP to identify and reduce or eliminate exposures to SARS-CoV-2, the cause of COVID-19, through inspection targeting, outreach, and compliance assistance.

# 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 2021-03 (CPL 03) Revised National Emphasis Program (NEP) - Coronavirus Disease 2019 (COVID-19)
2. MOSH Instruction 21-1, MOSH COVID-19 Pandemic Field Enforcement Guidelines
3. MOSH Instruction 21-2, Inspection Procedures for the COVID-19 Emergency Temporary Standard
4. Current MOSH Field Operations Manual (FOM)
5. 29 CFR §1910, Subpart U adopted through COMAR 09.12.29.02B

This Instruction adopts the federal Occupational Safety and Health Administration (OSHA) NEP to identify and reduce or eliminate exposures to SARS-CoV-2, the cause of COVID-19, through inspection targeting, outreach, and compliance assistance.

**Action:**

1. MOSH Assistant Commissioner shall ensure that operations, compliance, and outreach personnel utilize OSHA Directive 2021-03 (CPL 03), while scheduling, preparing for, and performing on-site inspections and visits, see also MOSH Instruction 21-1.
2. Any potential violation of 29 CFR §1910.502(l)(5)(v) or existing anti-retaliation laws shall be referred to an 11(c) investigator for investigation under Labor and Employment Article, §5-604, Annotated Code of Maryland.
3. All field staff shall comply with MOSH Instruction 21-1 Revised MOSH COVID-19 Field Guidelines, and relevant internal training instructions.
4. In any circumstance where OSHA Directive 2021-03 (CPL 03) may conflict with the current MOSH FOM or any MOSH Instruction, the guidance in the MOSH FOM and Instruction shall prevail, including classification of violations.
5. 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:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michael A. Penn CSP, SMS

Acting Assistant Commissioner

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