MOSH INSTRUCTION:

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| **INSTRUCTION NUMBER:** 23-6 | **EFFECTIVE DATE:** March 10, 2023 |
| **SUBJECT:** Compliance Directive for the Excavation Standard, 29 | **ISSUANCE DATE:** March 10, 2023 |
| **CANCELLATION:** None | **EXPIRATION:** Effective until replaced by a new Instruction |

**Purpose:** This Instruction provides guidance to MOSH personnel for performing compliance inspections and consultation site visits involving Excavations.

**Scope:** MOSH-wide

**References:** OSHA Compliance Directive for the Excavation Standard, CPL 02-00-165

29 CFR Part 1926 Subpart P – Excavations

MOSH Field Operations Manual (FOM)

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

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

1. **Action:**
   1. MOSH compliance and consultation personnel may utilize OSHA CPL 02-00-165 for informational purposes and guidance in conducting inspections related to Excavations.
   2. Supervisors shall ensure that this instruction is reviewed with all operations staff, compliance officers, outreach, and consultation staff involved in enforcement or outreach.
   3. This is a non-mandatory reference document for MOSH personnel to supplement internal procedures and training.
2. **Background:**

Maryland adopted 29 CFR Part 1926 Subpart P with amendments published in 17:6 Md. R. 746-748 (March 23, 1990).

1. **Procedures:** 
   1. Wherever CPL 02-00-165 conflicts with the MOSH FOM, the FOM shall take precedence.
   2. Wherever CPL 02-00-165 references job titles, manuals, and offices, the equivalent MOSH job title, manual, or office is applicable.
   3. Violations shall be grouped and classified in accordance with MOSH policies and procedures in the MOSH FOM.

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