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| **MOSH STANDARDS NOTICE:** 22-1 | **EFFECTIVE DATE:** December 21, 2021 |
| **SUBJECT:** COVID-19 Emergency Temporary Standard (COVID ETS) | **ISSUANCE DATE:** December 30, 2021 |
| **CANCELLATION:** MOSH STANDARDS NOTICE 21-1 | **EXPIRATION:** Effective from date above until the COVID ETS expires or replaced by a new Standard |

# Purpose: To cancel the adoption of the expired federal COVID-19 Emergency Temporary Standard, 29 CFR §1910, Subpart U

# Scope: MOSH-wide

Contact: Chief of MOSH Compliance Services.  See MOSH Website for Current Information <http://www.labor.maryland.gov/labor/mosh/>

# Reference:

COMAR 09.12.29.02B

Due to the adoptive language in the emergency action incorporating the federal COVID Emergency Temporary Standard that provided for adoption “as amended” the recent expiration of the 29 CFR 1910, Subpart U, on December 21, 2021 effectively expires the MOSH adoption found at COMAR 09.12.21.02B. The provisions of 29 CFR 1910, Subpart U are no longer in effect.

**Background:** On August 16, 2021 Joint Committee on Administrative, Executive, and Legislative Review (AELR) granted approval of the Emergency Action submitted by the Commissioner of Labor and Industry to adopt the federal COVID Emergency Temporary Standard.  A new Chapter was created in COMAR to house this and any future emergency actions.  This action was published in the Maryland Register on August 27, 2021, Volume 48, Issue 18 [21-121-E]:

COMAR 09.12.29 Emergency Temporary Standards

*.01 Purpose.*

*This chapter establishes Emergency Temporary Standards for employers in Maryland.*

*.02 Incorporation by Reference of Federal Standard.*

*A. In this chapter, the following documents are incorporated by reference.*

*B. Documents Incorporated — COVID Emergency Temporary Standard. All amendments and revisions to 29 CFR §1910, Subpart U, that appeared in the Federal Register on June 21, 2021 (86 FR 32620-32628), as amended, are adopted by reference with the following substitutions:*

*(1) Where “Assistant Secretary” appears, substitute “Assistant Commissioner of MOSH”;*

*(2) Where “OSH Act” appears, substitute "Maryland Occupational Safety and Health Act"; and*

*(3) Where "OSHA" appears, substitute "MOSH" for "OSHA”, except for references to “OSHA injury” and “illness records”.*

**Action:**

Supervisors shall ensure that this notice is reviewed with all compliance officers and consultants.

By and Under the Authority of:

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Michael A. Penn CSP, SMS

Acting Assistant Commissioner

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