

PART II. ADOPTION OF REGULATIONS BY COMMISSIONER.

5-308. GENERAL RESPONSIBILITY OF BOARD.

THE BOARD SHALL ADVISE, CONSULT WITH, PROPOSE, AND RECOMMEND TO THE COMMISSIONER REASONABLE REGULATIONS:

(1) TO PREVENT CONDITIONS THAT ARE DETRIMENTAL TO SAFETY AND HEALTH IN EACH EMPLOYMENT OR PLACE OF EMPLOYMENT IN THE STATE; AND

(2) THAT THE BOARD FINDS ARE NECESSARY TO PROTECT AND TO IMPROVE THE SAFETY AND HEALTH OF EMPLOYEES ON THE BASIS OF CIRCUMSTANTIAL EVIDENCE AND INFORMATION THAT:

(I) IS DEVELOPED BY THE COMMISSIONER;

(II) IS AVAILABLE TO THE COMMISSIONER; OR

(III) IS SUBMITTED BY AN INTERESTED PERSON TO THE BOARD AT A PUBLIC HEARING HELD UNDER § 5-310(D) OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 89, § 31(b).

Defined terms: "Board" § 5-301

"Commissioner" § 5-101

5-309. REQUIREMENTS FOR STANDARDS.

(A) COMPARISON TO FEDERAL LAW; EFFECT ON INTERSTATE COMMERCE.

THE BOARD SHALL PROPOSE OR RECOMMEND OCCUPATIONAL SAFETY AND HEALTH STANDARDS THAT:

(1) ARE OR WILL BE AT LEAST AS EFFECTIVE IN PROVIDING SAFE AND HEALTHFUL EMPLOYMENT AND PLACES OF EMPLOYMENT AS ANY STANDARD ADOPTED UNDER THE FEDERAL OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970; AND

(2) WILL NOT PUT AN UNDUE BURDEN ON INTERSTATE COMMERCE WHEN:

(I) A LOCAL CONDITION OR CUSTOMIZED PRODUCT OR PART REQUIRES THE APPLICATION OF AN OCCUPATIONAL SAFETY AND HEALTH STANDARD THAT DIFFERS FROM A FEDERAL STANDARD; AND

(II) APPLIED TO A PRODUCT OR PART THAT IS DISTRIBUTED OR USED IN INTERSTATE COMMERCE.