

The Committee also notes, for consideration by the General Assembly, that it is unclear whether the requirement, in subsection (i) of this section, to inspect an "industry" means that the Commissioner must inspect each employer who engages in the industry or only a sample. In practice, the Commissioner examines claims for workers' compensation benefits to identify employers who the Commissioner believes should be investigated for excessive safety violations.

The Committee also notes that, in subsections (a) and (b) of this section, the reference to an "authorized representative" of the Commissioner is carried over from former Art. 89, § 30(b). Subsections (c) through (k) of this section, which describe powers and duties that the Commissioner normally could subdelegate under the general rule that allows subdelegation of any power or duty that is not discretionary, do not refer to an "authorized representative". The Committee concluded that the references to an "authorized representative" were intended to refer to individuals outside the Division who perform inspections for the Commissioner and who would not fall within the chain of subdelegation. Those references also would allow a safety inspector in the Division to perform acts that may involve discretion. See, e.g., § 5-208 of this subtitle.

The Committee also notes that, although subsection (m) of this section refers only to "safety inspectors", safety and health inspectors and industrial hygienists also play an important role in enforcement of safety codes.

Defined terms: "Commissioner" § 5-101

"County" § 1-101 "Employee" § 5-101

"Employer" § 5-101 "Governmental unit" § 5-101

"Person" §§ 1-101 and 5-101

5-206. OCCUPATIONAL SAFETY AND HEALTH PROGRAMS FOR PUBLIC BODIES.

(A) RESPONSIBILITY OF COMMISSIONER.

THE COMMISSIONER SHALL PROVIDE FOR AND MAINTAIN A COMPREHENSIVE AND EFFECTIVE PROGRAM ON OCCUPATIONAL SAFETY AND HEALTH FOR EMPLOYEES OF PUBLIC BODIES.

(B) REQUIREMENTS OF PROGRAM.

THE PROGRAM UNDER THIS SECTION SHALL:

- (1) BE GENERALLY CONSISTENT WITH THIS TITLE; AND
- (2) REQUIRE EACH PUBLIC BODY TO:

(I) PROVIDE CONDITIONS AND PLACES OF EMPLOYMENT THAT ARE SAFE AND HEALTHFUL;