

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

In subsection (a) of this section, the former limitation "[i]n the development of such proposed rules, regulations and standards, or modifications, amendments or revocations thereof" is deleted as misleading surplusage, since the specific reference to proposal of an occupational safety and health standard seemingly limits the scope of subsection (b) of this section to recommendations on that specific type of regulation.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that the second sentence of former Art. 89, § 31(e) referred to "a standard recommended or proposed under this section" and, thus, seemed to encompass all occupational safety and health standards. However, the placement of the sentence as part of former Art. 89, § 31(e) suggests that the General Assembly may have intended the restrictions on form to apply only to those occupational safety and health standards to which the first sentence of former Art. 89, § 31(e) referred — *i.e.*, "standards dealing with toxic materials or harmful physical agents". Furthermore, former § 31(e) was nearly identical to Section 6, subsection (5) of 84 Stat. 1594. In the federal act, the requirement to express standards in terms of objective criteria and desired performance clearly is limited to standards about toxic materials or harmful physical agents. Therefore, in subsection (c)(2) of this section, the word "subsection" is substituted for the word "section".

Defined terms: "Board" § 5-301

"Employee" § 5-101

"Occupational safety and health standard" § 5-101

"Place of employment" § 5-101

5-310. BASES FOR RECOMMENDATION OF BOARD.

(A) INFORMATION AND RECOMMENDATIONS FROM COMMISSIONER.

(1) THE BOARD MAY ASK FOR AND THE COMMISSIONER MAY PROVIDE TECHNICAL OR OTHER INFORMATION THAT MAY HELP THE BOARD TO DETERMINE THE NEED FOR A PROPOSED REGULATION AND TO MAKE A RECOMMENDATION.

(2) THE COMMISSIONER MAY MAKE ANY RECOMMENDATION TO THE BOARD ABOUT A REGULATION THAT THE COMMISSIONER CONSIDERS NECESSARY TO CARRY OUT THIS TITLE.

(B) SPECIAL COMMITTEE.

THE BOARD OR COMMISSIONER MAY APPOINT A SPECIAL COMMITTEE, COMPOSED OF EMPLOYEES, EMPLOYERS, EXPERTS, AND AT LEAST 1 MEMBER OF THE GENERAL PUBLIC, TO HELP THE BOARD TO DEVELOP ITS RECOMMENDATIONS ON PROPOSED REGULATIONS.