

NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE BUT SUBJECT TO THE LIMITATIONS ON EMERGENCY ADOPTION IN TITLE 10, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE, THE COMMISSIONER MAY ADOPT IMMEDIATELY AN EMERGENCY OCCUPATIONAL SAFETY AND HEALTH STANDARD THAT THE COMMISSIONER DETERMINES IS NEEDED TO PROTECT EMPLOYEES FROM THE GRAVE DANGER OF:

(1) A NEW HAZARD; OR

(2) EXPOSURE TO AN AGENT OR CIRCUMSTANCE DETERMINED TO BE TOXIC OR PHYSICALLY HARMFUL.

(B) DURATION.

AN EMERGENCY OCCUPATIONAL SAFETY AND HEALTH STANDARD ADOPTED UNDER THIS SECTION REMAINS IN EFFECT UNTIL THE EARLIER OF:

(1) EXPIRATION OF A PERIOD THAT THE JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW SETS;

(2) EXPIRATION OF A PERIOD, NOT EXCEEDING 6 MONTHS, THAT THE COMMISSIONER SETS; OR

(3) REPLACEMENT OF THE EMERGENCY OCCUPATIONAL SAFETY AND HEALTH STANDARD BY ANOTHER REGULATION.

REVISOR'S NOTE: Subsections (a) and (b)(2) and (3) of this section are new language derived without substantive change from former Art. 89, § 31(n).

Subsection (b)(1) of this section is new language added as a general reference to the power of the Joint Committee on Administrative, Executive, and Legislative Review to impose, as a condition for approval of emergency adoption, a time limit on the effectiveness of a regulation. See SG § 10-111(b)(4).

In the introductory language of subsection (a) of this section, the reference to "limitations ... in Title 10, Subtitle 1 of the State Government Article" is added to clarify that the Commissioner must comply with the requirements for submission of the proposed regulation and a fiscal impact statement to the Joint Committee on Administrative, Executive, and Legislative Review. See SG § 10-111(b)(1). Accordingly, the former reference to effectiveness "upon the day of issuance and publication" is deleted, since the Joint Committee sets the effective date of a regulation after its emergency adoption. See SG § 10-117(b).

Defined terms: "Commissioner" § 5-101

"Employee" § 5-101

"Occupational safety and health standard" § 5-101