

The Committee also notes that many regulations to carry out the Maryland Occupational Safety and Health Act are adopted by reference to federal occupational safety and health standards. It is not clear whether this section requires the Commissioner to prepare and mail copies of the text of those regulations that are adopted by reference.

As to the substitution of "regulations" for the former references to "rules, regulations and standards", see the General Revisor's Note to this subtitle.

Defined terms: "Commissioner" § 5-101

"Person" § 1-101

5-316. RESERVED.

5-317. RESERVED.

PART III. VARIANCES.

5-318. APPLICATION BY EMPLOYER.

AN EMPLOYER WHO IS AFFECTED BY A REGULATION ADOPTED TO CARRY OUT THIS TITLE MAY APPLY TO THE COMMISSIONER FOR A TEMPORARY OR PERMANENT VARIANCE FROM THE REGULATION OR A PART OF THE REGULATION.

REVISOR'S NOTE: This section is new language that combines, without substantive change, the first sentence of former Art. 89, § 34(a) and the first sentence of (b).

This section is revised to make the limitation "who is affected by a regulation" applicable to an applicant for a temporary variance, as well as an applicant for a permanent variance. This revision is supported by the references to compliance with the regulation, in §§ 5-321, 5-324(a), 5-326(b), and 5-327(a) of this subtitle.

The references to a "temporary" variance and a "permanent" variance are substituted for the former references to a "temporary order granting a variance" and an "order for a variance", respectively, to distinguish between and to allow concise and consistent reference to the two types of variances.

The reference to a regulation "adopted to carry out this title" is substituted for the former references to a regulation "promulgated under this subtitle", to reflect that all of the general rulemaking authority of the Commissioner is consolidated in § 2-106 of this article, although specific limitations on regulations are revised with the substantive provisions to which the regulations relate.

As to the substitution of "regulation" for the former references to a "rule, regulation or standard", see the General Revisor's Note to this subtitle.

Defined terms: "Commissioner" § 5-101

"Employer" § 5-101