

**Department of Legislative Services**  
Maryland General Assembly  
2013 Session

**FISCAL AND POLICY NOTE**

House Bill 547  
Economic Matters

(Delegate Serafini, *et al.*)

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**Maryland Occupational Safety and Health Act - Chemical Information List -  
Exemption**

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This bill exempts hazardous chemicals that are not subject to Title III of the federal Superfund Amendments and Reauthorization Act of 1986 (SARA) from being included in an employer's chemical information list that is reported to the Maryland Department of the Environment (MDE).

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**Fiscal Summary**

**State Effect:** None. The bill's provisions do not affect governmental finances.

**Local Effect:** None. The bill's provisions do not affect governmental finances.

**Small Business Effect:** None. The bill does not materially alter the reporting requirement for any of the 600 companies that currently submit a chemical information list to MDE.

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**Analysis**

**Current Law:** To comply with federal requirements, an employer, including a governmental unit, must compile and maintain a chemical information list for every hazardous chemical that is formulated, handled, manufactured, packaged, processed, reacted, repackaged, stored, or transferred in the employer's workplace. A consumer product or foodstuff that is packaged for distribution, intended for general public use, and handled unopened or stored unopened in a retail establishment does not need to be included on the chemical information list.

An employer must add a hazardous chemical to the chemical information list within 30 days of it being introduced into the workplace, revise the list every two years, and keep record of each list for at least 40 years. The chemical information list must contain the chemical, its common name, and where the chemical is found in the work area. An employer must submit a copy of the chemical information list to MDE within 15 days of the list being prepared or revised.

Access to information about hazardous and toxic substances does not apply to specified railroads; landfills; people engaged in specified garbage pickup and disposal services; and analytical, educational, or research and development laboratories.

**Background:** The Division of Labor and Industry within the Department of Labor, Licensing, and Regulation administers the Maryland Occupational Safety and Health (MOSH) program. The requirements of the MOSH program are codified by the MOSH Act. In general, these requirements parallel the safety standards established by the federal Occupational Safety and Health Administration (OSHA).

Title III of SARA is known as the Emergency Planning and Community Right-to-Know Act (EPCRA). EPCRA contains four separate reporting requirements: (1) Emergency Planning Notification; (2) Emergency Release Notification; (3) Hazardous Chemical Reporting; and (4) Toxics Release Inventory Reporting. The first two provisions share a list of Extremely Hazardous Substances, while the third provision uses the Extremely Hazardous Substances list but also covers anything subject to the OSHA Hazard Communication Standard. The last provision has its own separate list of covered chemicals. There is no definitive list for hazardous chemical reporting, and the bill does not specify which list of substances determines what substances businesses must include on their chemical information lists.

EPCRA was designed to provide all levels of government and the public with information required to plan for a chemical incident. The law was meant as a starting point for an ongoing dialogue between community representatives, emergency response personnel, and industry. EPCRA requires each state to establish a state emergency response commission (SERC), to designate local emergency planning districts, and to appoint a local emergency planning committee (LEPC) for each district. Industries are required to provide the government with information about their activities with hazardous and toxic chemicals. SERC and LEPCs use the information in their emergency planning activities and make it available to the public. In Maryland, MDE serves as the repository for all notifications, reports, and inventories that must be submitted to SERC. The Maryland SERC designated the 23 counties, Baltimore City, and Ocean City as planning districts. An LEPC has been established for each district.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of the Environment; Department of Labor, Licensing, and Regulation; Department of Legislative Services

**Fiscal Note History:** First Reader - February 8, 2013

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