

HOUSE BILL 189

K3, M3

4r0696
CF SB 711

By: **Delegates Serafini, Dwyer, George, Glass, and Schuh**

Introduced and read first time: January 15, 2014

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2014

CHAPTER _____

1 AN ACT concerning

2 **Maryland Occupational Safety and Health Act – Chemical Information List –**
3 **~~Submission to Department of the Environment – Repeal Submission,~~**
4 **Maintenance, and Accessibility**

5 FOR the purpose of repealing obsolete language regarding the maintenance of and
6 access to certain chemical information lists submitted to the Department of the
7 Environment; ~~repealing the requirement that employers, under certain~~
8 ~~circumstances, submit a certain chemical list to the Department~~ requiring
9 certain employers that cease to operate as a business or to take certain actions
10 related to hazardous chemicals to submit a certain chemical information list to
11 the Department; requiring the Department to keep the chemical information
12 list for a certain period of time; requiring an employer or, under certain
13 circumstances, the Department, to provide access to information on a certain
14 chemical information list to certain individuals under certain circumstances;
15 recodifying and revising certain provisions of law concerning access to certain
16 chemical information lists; repealing the requirement that the Department take
17 certain actions regarding the chemical lists that are submitted to the
18 Department; and generally relating to the chemical information list employers
19 are required to keep under the Maryland Occupational Safety and Health Act.

20 BY repealing

21 Article – Environment

22 Section 6–501 through 6–504 and the subtitle “Subtitle 5. Public Access to
23 Information on Hazardous or Toxic Chemicals”

24 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2013 Replacement Volume)

2 BY repealing and reenacting, with amendments,
3 Article – Labor and Employment
4 Section 5–405 and 5–407
5 Annotated Code of Maryland
6 (2008 Replacement Volume and 2013 Supplement)

7 BY repealing
8 Article – Labor and Employment
9 Section 5–406 and 5–408(d)
10 Annotated Code of Maryland
11 (2008 Replacement Volume and 2013 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That Section(s) 6–501 through 6–504 and the subtitle “Subtitle 5. Public
14 Access to Information on Hazardous or Toxic Chemicals” of Article – Environment of
15 the Annotated Code of Maryland be repealed.

16 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
17 read as follows:

18 **Article – Labor and Employment**

19 5–405.

20 (a) This section does not apply to a consumer product or foodstuff that is:

21 (1) packaged for distribution to and intended for use by the general
22 public; and

23 (2) handled unopened or stored unopened in a retail establishment,
24 including its storeroom or warehouse.

25 (b) (1) To comply with the requirements of 29 C.F.R. 1910.1200(e)(1)(i) for
26 a list of hazardous chemicals, each employer shall compile and maintain a chemical
27 information list for each hazardous chemical that is formulated, handled,
28 manufactured, packaged, processed, reacted, repackaged, stored, or transferred in the
29 workplace of the employer.

30 (2) Within 30 days after a hazardous chemical is introduced into the
31 workplace of an employer, the employer shall add the hazardous chemical to the
32 chemical information list. The employer need not place the hazardous chemical
33 alphabetically on the chemical information list until the employer next revises the list
34 as required under paragraph (3) of this subsection.

1 (3) Every 2 years, an employer shall revise the chemical information
2 list.

3 (c) For each hazardous chemical on a chemical information list, the list shall:

4 (1) contain its chemical and common names; and

5 (2) identify each work area where the hazardous chemical is found.

6 (d) Each compilation of a chemical information list and each revision under
7 subsection (b) of this section shall list the hazardous chemicals on the list in
8 alphabetical order according to common name.

9 (e) **(1)** Each employer shall keep, for at least 40 years, each chemical
10 information list that the employer compiles or revises.

11 **(2) (I)** **IF AN EMPLOYER'S BUSINESS CEASES TO OPERATE OR**
12 **FORMULATE, HANDLE, MANUFACTURE, PACKAGE, PROCESS, REACT,**
13 **REPACKAGE, STORE, OR TRANSFER HAZARDOUS CHEMICALS IN A WORKPLACE**
14 **REGULATED UNDER THIS SUBTITLE, THE EMPLOYER PROMPTLY SHALL SUBMIT**
15 **THE MOST RECENT CHEMICAL INFORMATION LIST TO THE DEPARTMENT OF THE**
16 **ENVIRONMENT.**

17 **(II)** **THE DEPARTMENT OF THE ENVIRONMENT SHALL KEEP,**
18 **FOR AT LEAST 40 YEARS, THE CHEMICAL INFORMATION LIST THAT THE**
19 **EMPLOYER PROVIDES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

20 [5-406.

21 (a) (1) Within 15 days after an employer prepares or revises a chemical
22 information list, the employer shall submit a copy of the list to the Department of the
23 Environment.

24 (2) Within 5 working days after an employer receives a written
25 request from the Department of the Environment for a copy of a material safety data
26 sheet, the employer shall submit to the Department a copy of that sheet.

27 (b) The Department of the Environment shall:

28 (1) review, for completeness and sufficiency, each:

29 (i) chemical information list that an employer submits under
30 subsection (a) of this section; and

31 (ii) material safety data sheet that the Department requests;
32 and

1 (2) give the Commissioner notice of any noncompliance.

2 (c) The Department of the Environment shall provide access to information
3 on a chemical information list only to:

4 (1) a person who provides fire, ambulance, or rescue service for the
5 appropriate geographic area;

6 (2) a nurse, physician, or physician assistant who is treating an
7 individual in a medical emergency;

8 (3) a former employee of an inactive employer;

9 (4) the Commissioner; and

10 (5) an independent contractor or employer as provided in § 5–408 of
11 this subtitle.

12 (d) Except as provided in subsections (b) and (c) of this section and § 6–503 of
13 the Environment Article, the Department of the Environment:

14 (1) shall treat as confidential information in a chemical information
15 list; and

16 (2) may not disclose the information:

17 (i) in any civil proceeding; or

18 (ii) to any person.]

19 5–407.

20 (a) (1) An employee or designated representative may ask an employer
21 for:

22 (i) access to a chemical information list maintained by the
23 employer; and

24 (ii) a copy of the chemical information list or any material safety
25 data sheet in the workplace of the employee.

26 (2) An employer shall comply with a request under this subsection:

27 (i) for access, in the workplace of the employee, within 1
28 working day after a request; and

1 (ii) for a copy, within 5 days after a request.

2 (3) To comply with a request for a copy, an employer shall provide,
3 without charge to the employee or designated representative, the copy or the
4 mechanical means to produce the copy. If, during a calendar year, more than 1 copy is
5 requested for an employee the employer may assess a reasonable charge for each
6 additional copy.

7 (4) An employer shall make the material safety data sheet readily
8 accessible in accordance with 29 C.F.R. 1910.1200(g)(8).

9 (5) If an employer fails to comply with this subsection, an employee
10 who requests the information may refuse to work with the hazardous chemical for
11 which the chemical information list or material safety data sheet was requested.

12 (b) [A person described in Title 6, Subtitle 5 of the Environment Article has
13 access to a chemical information list or material safety data sheet in accordance with
14 that subtitle.]

15 **ON RECEIPT OF A WRITTEN REQUEST, AN EMPLOYER OR, IF THE**
16 **EMPLOYER'S BUSINESS HAS CEASED OPERATING AS DESCRIBED IN §**
17 **5-405(E)(2) OF THIS SUBTITLE, THE DEPARTMENT OF THE ENVIRONMENT**
18 **SHALL PROVIDE ACCESS TO INFORMATION ON A CHEMICAL INFORMATION LIST**
19 **TO:**

20 **(1) AN INDIVIDUAL WHO PROVIDES FIRE, AMBULANCE, OR**
21 **RESCUE SERVICE FOR THE APPROPRIATE GEOGRAPHIC AREA;**

22 **(2) A NURSE, PHYSICIAN, OR PHYSICIAN'S ASSISTANT WHO IS**
23 **PROVIDING EMERGENCY MEDICAL TREATMENT;**

24 **(3) THE COMMISSIONER;**

25 **(4) A FORMER EMPLOYEE;**

26 **(5) AN INDEPENDENT CONTRACTOR OR EMPLOYER;**

27 **(6) ANY ENVIRONMENTAL, CIVIC, OR CONSUMER ORGANIZATION**
28 **IN THE STATE; AND**

29 **(7) ANY INDIVIDUAL WHO LIVES:**

30 **(I) IN A LOCAL COMMUNITY WHERE A BUSINESS STORES,**
31 **PRODUCES, OR LOCATES HAZARDOUS OR TOXIC CHEMICALS; OR**

1 (II) IN THE NEAREST LOCAL COMMUNITY TO A BUSINESS
2 THAT STORES, PRODUCES, OR LOCATES HAZARDOUS OR TOXIC CHEMICALS.

3 5-408.

4 [(d) An independent contractor or employer who is not given information as
5 required under subsection (a) or (b) of this section may obtain the document from the
6 Department of the Environment in accordance with § 5-406(c) of this subtitle.]

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.