

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE
Revised

House Bill 189

(Delegate Serafini, *et al.*)

Economic Matters

Finance

Maryland Occupational Safety and Health Act - Chemical Information List -
Submission, Maintenance, and Accessibility

This bill repeals the requirement that an employer submit a chemical information list to the Maryland Department of the Environment (MDE) within 15 days after the list has been prepared or revised. The bill also repeals the requirement that MDE provide information on hazardous or toxic chemicals to specified organizations and individuals and maintain information in a central repository for 40 years on all chemical information lists and material safety data sheets that MDE receives. Instead, if an employer's business ceases to operate or formulate, handle, manufacture, package, process, react, repackage, store, or transfer hazardous chemicals, the employer must promptly submit the most recent chemical information list to the Department of Labor, Licensing, and Regulation (DLLR). DLLR must keep that chemical information list for at least 40 years. On receipt of a written request, an employer, or DLLR if the business has ceased operations, must provide access to information on a chemical list to specified individuals and organizations.

Fiscal Summary

State Effect: None. The bill's provisions do not materially affect governmental finances because MDE staff assigned to maintaining chemical information lists can be reassigned to other duties within the Worker Right-to-Know Program in the Science Services Administration at MDE. DLLR can store the chemical information lists and respond to requests with existing resources.

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

Small Business Effect: Minimal. The bill eliminates the reporting requirement for more than 17,000 companies that currently submit a chemical information list to MDE, but the companies still have to maintain those lists.

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 2 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. Under State law, 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.

MDE must store information contained on all chemical information lists and material safety data sheets for 40 years. Upon written request by specified interested organizations and individuals, MDE must allow those persons to have access, inspect, and copy, at the person's expense, any chemical information list and material safety data sheet. When MDE receives a written request, it must promptly notify the employer of the request.

Background: The Division of Labor and Industry within DLLR 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). MOSH has found substantial noncompliance of employers with submitting a chemical information list to MDE. MOSH normally cites the violation of failing to submit a chemical information list to MDE as an administrative, not serious, violation and without assessing a penalty.

The federal Emergency Planning and Community Right-to-Know Act (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. Under the bill, employers are no longer required to submit chemical information lists, but MDE advises that they still must submit hazardous and extremely hazardous chemical lists to MDE. 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: SB 711 (Senator Feldman) - Finance.

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

Fiscal Note History: First Reader - January 24, 2014
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