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1997 Regular Session
7lr2150

**By: Senators Della, Collins, Madden, Trotter, Stone, Van Hollen, Conway, Dorman,
Frosh, Sfikas, Currie, Kelley, Pinsky, Jimeno, and Lawlah**

Introduced and read first time: January 31, 1997

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Toxics Safety Information Act**

3 FOR the purpose of requiring certain toxics users to provide certain information to the
4 Department of the Environment concerning the manufacture, processing, and other
5 use of toxic and hazardous substances under certain circumstances; expressing the
6 findings and declarations of the General Assembly of Maryland concerning the
7 presence and effect of toxic and hazardous substances in Maryland; requiring the
8 Department to establish and maintain a toxic or hazardous substance list containing
9 certain information; establishing a Toxics Safety Advisory Council; providing for the
10 appointment, membership, powers, duties, and operation of the Council; requiring
11 certain large quantity toxics users to prepare and report certain information relating
12 to toxic and hazardous substances to the Department on an annual basis; providing
13 a procedure for entities seeking an exemption from certain reporting requirements
14 because the release of certain information would reveal a trade secret; requiring the
15 Department, the Department of Health and Mental Hygiene, and certain local
16 governmental agencies to maintain certain information and make that information
17 available to the public under certain circumstances; providing a statewide goal for
18 the reduction of the quantity of toxic and hazardous substances generated in
19 Maryland by a certain date; providing penalties for violations of this Act; defining
20 certain terms; repealing current provisions of law relating to public access to
21 information on hazardous and toxic chemicals; and generally relating to the
22 reporting and disclosure of information concerning the manufacture, processing, or
23 use of toxic and hazardous substances.

24 BY repealing

25 Article - Environment
26 Section 6-501 through 6-504, inclusive, and the subtitle "Subtitle 5. Public Access to
27 Information on Hazardous or Toxic Chemicals"
28 Annotated Code of Maryland
29 (1996 Replacement Volume and 1996 Supplement)

30 BY adding to

31 Article - Environment
32 Section 6-501 through 6-509, inclusive, to be under the new subtitle "Subtitle 5.
33 Toxics Safety Information Act"

2

1 Annotated Code of Maryland
2 (1996 Replacement Volume and 1996 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article - Environment**

6 [Subtitle 5. Public Access to Information on Hazardous or Toxic Chemicals]

7 [6-501.

8 In this subtitle, "hazardous or toxic chemical" has the meaning stated under Title 5
9 of the Labor and Employment Article.]

10 [6-502.

11 The purpose of this subtitle is to provide the following persons with access to any
12 information on hazardous or toxic chemicals that the Department maintains under this
13 subtitle:

14 (1) Any environmental organization that is in the State of Maryland;

15 (2) Any civic or consumer organization that is in the State of Maryland; and

16 (3) Any individual who lives:

17 (i) In a local community where a business stores, produces, or locates
18 hazardous or toxic chemicals; or

19 (ii) In the nearest local community to a business that stores, produces,
20 or locates hazardous or toxic chemicals.]

21 [6-503.

22 (a) The Department shall:

23 (1) Duplicate information contained on all chemical information lists and
24 material safety data sheets that the Department receives under § 5-406 of the Labor and
25 Employment Article;

26 (2) Maintain this information in a central repository for a period of 40 years;
27 and

28 (3) Provide access to this information by the persons who are allowed access
29 under this subtitle.

30 (b) On written request to the Department, the following persons may have access
31 to, inspect, and make a copy, at the person's expense, of any chemical information list and
32 material safety data sheet that contains information on hazardous or toxic chemicals and
33 that the Department maintains under this subtitle:

34 (1) Any environmental organization that is in the State of Maryland;

35 (2) Any civic or consumer organization that is in the State of Maryland; and

3

1 (3) Any individual who lives:

2 (i) In a local community where a business stores, produces, or locates
3 hazardous or toxic chemicals; or

4 (ii) In the nearest local community to a business that stores, produces,
5 or locates hazardous or toxic chemicals.

6 (c) Whenever the Department receives a written request, under this subtitle, for
7 chemical information lists and material safety data sheets submitted by an employer in
8 accordance with § 5-406 of the Labor and Employment Article, the Department shall
9 promptly notify the employer of the request.]

10 [6-504.

11 (a) The Department may adopt rules and regulations to provide for access by the
12 public in an efficient manner that does not interrupt or impede the normal course of
13 business of the Department to any information that the Department has concerning
14 hazardous or toxic chemicals on chemical information lists and material safety data
15 sheets.

16 (b) The Department of the Environment shall consult with the Division of Labor
17 and Industry of the Department of Labor, Licensing, and Regulation when the
18 Department of the Environment adopts rules and regulations under this section.]

19 SUBTITLE 5. TOXICS SAFETY INFORMATION ACT.

20 6-501.

21 (A) IN THIS SUBTITLE THE FOLLOWING WORDS SHALL HAVE THE MEANINGS
22 INDICATED.

23 (B) "BY-PRODUCT" MEANS ALL NONPRODUCT OUTPUTS OF TOXIC OR
24 HAZARDOUS SUBSTANCES GENERATED BY A PRODUCTION UNIT, PRIOR TO
25 HANDLING, TRANSFER, TREATMENT, OR RELEASE.

26 (C) "CERCLA" MEANS THE COMPREHENSIVE ENVIRONMENTAL RESPONSE
27 COMPENSATION AND LIABILITY ACT.

28 (D) "CWA" MEANS THE FEDERAL WATER POLLUTION CONTROL ACT ("CLEAN
29 WATER ACT").

30 (E) "COUNCIL" MEANS THE TOXICS SAFETY ADVISORY COUNCIL AS
31 ESTABLISHED UNDER THIS SUBTITLE.

32 (F) "EMISSION" MEANS A RELEASE OF A TOXIC OR HAZARDOUS SUBSTANCE
33 TO THE ENVIRONMENT OR A TRANSFER OF A TOXIC OR HAZARDOUS SUBSTANCE IN
34 WASTE TO AN OFF-SITE LOCATION.

35 (G) "EPCRA" MEANS THE EMERGENCY PLANNING AND COMMUNITY
36 RIGHT-TO-KNOW ACT.

37 (H) "FACILITY" MEANS ALL BUILDINGS, EQUIPMENT, STRUCTURES, AND
38 OTHER STATIONARY ITEMS THAT ARE LOCATED ON A SINGLE SITE OR ON

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1 CONTIGUOUS OR ADJACENT SITES AND THAT ARE OWNED OR OPERATED BY THE
2 SAME PERSON, OR BY ANY PERSON WHO CONTROLS, IS CONTROLLED BY, OR IS
3 UNDER COMMON CONTROL WITH THAT PERSON.

4 (I) "INTERMEDIATE PRODUCT" MEANS:

5 (1) IN CHEMICAL MANUFACTURING, ANY CHEMICAL SUBSTANCE THAT
6 IS CONSUMED, IN WHOLE OR IN PART, IN CHEMICAL REACTIONS USED FOR THE
7 INTENTIONAL MANUFACTURE OF ANOTHER CHEMICAL SUBSTANCE OR MIXTURE,
8 OR THAT IS INTENTIONALLY PRESENT FOR THE PURPOSE OF ALTERING THE RATE
9 OF CHEMICAL REACTIONS, OTHER THAN A NONISOLATED INTERMEDIATE; AND

10 (2) IN ANY OTHER SETTING, ANY MANUFACTURED SUBSTANCE,
11 COMPOUND, OR PRODUCT THAT:

12 (I) IS CONSUMED, IN WHOLE OR IN PART, IN A CHEMICAL OR
13 PHYSICAL PROCESS FOR THE INTENTIONAL MANUFACTURE OF ANOTHER PRODUCT;

14 (II) BECOMES A COMPONENT PART OF ANOTHER PRODUCT; OR

15 (III) IS INTENTIONALLY PRESENT FOR THE PURPOSE OF AIDING
16 THE MANUFACTURE OF ANOTHER PRODUCT, OTHER THAN A NONISOLATED
17 INTERMEDIATE.

18 (J) "LARGE QUANTITY TOXICS USER" MEANS ANY TOXICS USER WHO
19 MANUFACTURES, PROCESSES, OR OTHERWISE USES ANY TOXIC OR HAZARDOUS
20 SUBSTANCE IN AN AMOUNT EQUAL TO OR GREATER THAN THE APPLICABLE
21 THRESHOLD AMOUNT IN A CALENDAR YEAR AT A FACILITY.

22 (K) "MANUFACTURE" MEANS TO PRODUCE, PREPARE, IMPORT, OR
23 COMPOUND A TOXIC OR HAZARDOUS SUBSTANCE.

24 (L) "MIXTURE" MEANS ANY COMBINATION OF TWO OR MORE CHEMICALS
25 THAT:

26 (1) IS NOT, IN WHOLE OR IN PART, THE RESULT OF A CHEMICAL
27 REACTION;

28 (2) WAS PRODUCED BY A CHEMICAL REACTION, BUT COULD HAVE
29 BEEN PRODUCED WITHOUT A CHEMICAL REACTION; AND

30 (3) CONSISTS OF CHEMICAL AND ASSOCIATED IMPURITIES.

31 (M) "MULTIMEDIA" MEANS ALL ENVIRONMENTAL MEDIA INCLUDING WATER,
32 LAND, AND AIR.

33 (N) "NONISOLATED INTERMEDIATE" MEANS ANY INTERMEDIATE WHICH IS
34 NOT INTENTIONALLY REMOVED FROM THE EQUIPMENT IN WHICH IT IS
35 MANUFACTURED:

36 (1) INCLUDING:

37 (I) ANY REACTION VESSEL IN WHICH IT IS MANUFACTURED;

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1 (II) EQUIPMENT THAT IS ANCILLARY TO THE REACTION VESSEL
2 OR SIMILAR EQUIPMENT; AND

3 (III) ANY EQUIPMENT THROUGH WHICH THE INTERMEDIATE
4 PASSES DURING A CONTINUOUS FLOW PROCESS; BUT

5 (2) EXCLUDING TANKS OR OTHER VESSELS OR EQUIPMENT IN WHICH
6 THE SUBSTANCE OR PRODUCT IS STORED AFTER MANUFACTURE.

7 (O) "PERSON" MEANS ANY INDIVIDUAL, TRUST, FIRM, JOINT STOCK
8 COMPANY, CORPORATION, PARTNERSHIP, OR ASSOCIATION, EXCLUDING THIS
9 STATE AND ANY AGENCY OR POLITICAL SUBDIVISION OF THIS STATE.

10 (P) "PROCESS" MEANS THE PREPARATION OF A TOXIC OR HAZARDOUS
11 SUBSTANCE, AFTER ITS MANUFACTURE FOR COMMERCIAL DISTRIBUTION:

12 (1) IN THE SAME FORM OR PHYSICAL STATE;

13 (2) IN A DIFFERENT FORM OR PHYSICAL STATE FROM THE STATE IN
14 WHICH IT WAS RECEIVED BY THE TOXICS USER; OR

15 (3) AS PART OF AN ARTICLE CONTAINING THE TOXIC OR HAZARDOUS
16 SUBSTANCE.

17 (Q) "PRODUCT" MEANS A PRODUCT, A FAMILY OF PRODUCTS, AN
18 INTERMEDIATE PRODUCT, A FAMILY OF INTERMEDIATE PRODUCTS, A DESIRED
19 RESULT, OR A FAMILY OF RESULTS.

20 (R) "PRODUCTION UNIT" MEANS A PROCESS, LINE, METHOD, ACTIVITY, OR
21 TECHNIQUE, OR A COMBINATION OR SERIES THEREOF, USED TO PRODUCE A
22 PRODUCT.

23 (S) "REPORT" MEANS AN ANNUAL TOXICS OR HAZARDOUS SUBSTANCES USE
24 REPORT REQUIRED UNDER THIS SUBTITLE.

25 (T) "SECRETARY" MEANS THE SECRETARY OF THE DEPARTMENT OF THE
26 ENVIRONMENT.

27 (U) "SIC CODE" MEANS THE IDENTIFICATION CODE ASSIGNED TO FACILITIES
28 BY THE UNITED STATES DEPARTMENT OF COMMERCE.

29 (V) "STATE AGENCY" MEANS ANY AGENCY OR AUTHORITY OF THE STATE.

30 (W) "THRESHOLD AMOUNTS" MEANS:

31 (1) FOR THOSE TOXICS USERS THAT MANUFACTURE OR PROCESS OR
32 OTHERWISE USE A TOXIC OR HAZARDOUS SUBSTANCE, 10,000 POUNDS EACH YEAR
33 AT ANY ONE FACILITY; OR

34 (2) THE THRESHOLD AMOUNT SET BY THE ADMINISTRATOR OF THE
35 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, IF THE ADMINISTRATOR
36 SETS A THRESHOLD AMOUNT FOR FACILITY REPORTING ON A TOXIC OR
37 HAZARDOUS SUBSTANCE UNDER § 313 OF EPCRA THAT IS LOWER THAN THE

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1 CORRESPONDING THRESHOLD AMOUNT SPECIFIED IN PARAGRAPH (1) OF THIS
2 SUBSECTION.

3 (X) "TOXICS USER" MEANS ANY PERSON WHO OWNS OR OPERATES ANY
4 FACILITY THAT MANUFACTURES, PROCESSES, OR OTHERWISE USES ANY TOXIC OR
5 HAZARDOUS SUBSTANCE THAT IS CLASSIFIED IN SIC CODES:

- 6 (1) TEN THROUGH FOURTEEN, INCLUSIVE;
- 7 (2) TWENTY THROUGH FORTY, INCLUSIVE;
- 8 (3) FORTY-FOUR, THROUGH FIFTY-ONE, INCLUSIVE; AND
- 9 (4) SEVENTY-TWO, SEVENTY-THREE, SEVENTY-FIVE, OR SEVENTY-SIX.

10 (Y) (1) "TOXIC OR HAZARDOUS SUBSTANCE" INCLUDES ANY CHEMICAL
11 SUBSTANCE IN A GASEOUS, LIQUID, OR SOLID STATE THAT IS IDENTIFIED ON THE
12 TOXIC OR HAZARDOUS SUBSTANCE LIST ESTABLISHED UNDER THIS SUBTITLE.

13 (2) "TOXIC OR HAZARDOUS SUBSTANCE" EXCLUDES ANY CHEMICAL
14 SUBSTANCE WHEN IT IS:

- 15 (I) PRESENT IN AN ARTICLE;
- 16 (II) USED AS A STRUCTURAL COMPONENT OF A FACILITY;
- 17 (III) PRESENT IN A PRODUCT USED FOR ROUTINE JANITORIAL OR
18 FACILITY GROUNDS MAINTENANCE;
- 19 (IV) PRESENT IN FOODS, DRUGS, COSMETICS, OR OTHER PERSONAL
20 ITEMS USED BY EMPLOYEES OR OTHER PERSONS AT A FACILITY;
- 21 (V) PRESENT IN PROCESS WATER OR NONCONTACT COOLING
22 WATER AS DRAWN FROM THE ENVIRONMENT OR FROM MUNICIPAL SOURCES;
- 23 (VI) PRESENT IN AIR USED EITHER AS COMPRESSED AIR OR AS
24 PART OF COMBUSTION; OR
- 25 (VII) PRESENT IN CRUDE, LUBE, OR FUEL OILS OR OTHER
26 PETROLEUM MATERIALS HELD FOR DIRECT WHOLESALE OR RETAIL SALE.

27 (Z) "TOXIC OR HAZARDOUS SUBSTANCE LIST" MEANS THE LIST OF TOXIC OR
28 HAZARDOUS SUBSTANCES ESTABLISHED UNDER THIS SUBTITLE AND MAINTAINED
29 BY THE TOXICS SAFETY ADVISORY COUNCIL.

30 (AA) "TRADE SECRET" MEANS ANY FORMULA, PLAN, PATTERN, PROCESS,
31 PRODUCTION DATA, DEVICE, INFORMATION, OR COMPILATION OF INFORMATION
32 THAT IS USED IN THE BUSINESS OF A TOXICS USER, AND THAT GIVES THE TOXICS
33 USER AN OPPORTUNITY TO OBTAIN AN ADVANTAGE OVER COMPETITORS WHO DO
34 NOT KNOW OR USE IT.

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1 6-502.

2 THE GENERAL ASSEMBLY OF MARYLAND FINDS AND DECLARES THAT:

3 (1) THE PROLIFERATION OF HAZARDOUS SUBSTANCES IN THE
4 ENVIRONMENT POSES A GROWING THREAT TO THE HEALTH, SAFETY, AND
5 WELFARE OF THE PUBLIC;

6 (2) THE CONSTANTLY INCREASING NUMBER AND VARIETY OF
7 HAZARDOUS SUBSTANCES, AND THE MANY ROUTES OF EXPOSURE TO THEM MAKE
8 IT DIFFICULT AND EXPENSIVE TO ADEQUATELY MONITOR AND DETECT ANY
9 ATTRIBUTABLE ADVERSE HEALTH EFFECTS;

10 (3) INDIVIDUALS ARE OFTEN ABLE TO DETECT AND MINIMIZE THE
11 EFFECTS OF EXPOSURE TO HAZARDOUS SUBSTANCES IF THEY ARE AWARE OF THE
12 IDENTITY OF THE SUBSTANCES AND THE EARLY SYMPTOMS OF UNSAFE EXPOSURE;

13 (4) THAT LOCAL GOVERNMENTAL AGENCIES REQUIRE DETAILED
14 INFORMATION ABOUT THE IDENTITY, CHARACTERISTICS, AND QUANTITIES OF
15 HAZARDOUS SUBSTANCES USED AND STORED IN THEIR COMMUNITIES TO
16 ADEQUATELY PLAN FOR, AND RESPOND TO, EMERGENCIES AND ENFORCE
17 COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS CONCERNING THESE
18 SUBSTANCES;

19 (5) THE EXTENT OF TOXIC CONTAMINATION OF THE AIR, WATER, AND
20 LAND OF THIS STATE HAS CAUSED A HIGH DEGREE OF CONCERN AMONG ITS
21 RESIDENTS; AND

22 (6) IT IS IN THE INTEREST OF THE PUBLIC TO ESTABLISH A
23 COMPREHENSIVE PROGRAM FOR THE DISCLOSURE OF INFORMATION ABOUT
24 HAZARDOUS SUBSTANCES IN THE COMMUNITY AND TO PROVIDE A PROCEDURE
25 WHEREBY RESIDENTS OF THIS STATE MAY GAIN ACCESS TO THIS INFORMATION.

26 6-503.

27 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE TOXIC OR
28 HAZARDOUS SUBSTANCE LIST SHALL CONSIST OF THE CHEMICALS IDENTIFIED ON
29 THE TOXIC CHEMICAL LIST ESTABLISHED PURSUANT TO § 313 OF EPCRA, THE
30 CHEMICALS LISTED PURSUANT TO §§ 101(14) AND 102 OF CERCLA AND THE
31 CHEMICALS LISTED ON THE CHESAPEAKE BAY PROGRAMS TOXICS OF CONCERN
32 LIST.

33 (B) EACH YEAR, THE COUNCIL SHALL ADJUST THE TOXIC OR HAZARDOUS
34 SUBSTANCE LIST TO ADD OR DELETE SUBSTANCES CONSISTENT WITH CHANGES IN
35 THE TOXIC CHEMICAL LISTS PROVIDED IN SUBSECTION (A) OF THIS SECTION.

36 (C) FOR THE CALENDAR YEAR REPORTING PERIODS 1998 AND BEYOND, THE
37 COUNCIL MAY ADD ADDITIONAL CHEMICALS TO THE LIST THAT THE DEPARTMENT,
38 BASED ON DOCUMENTED SCIENTIFIC EVIDENCE, DETERMINES POSE A THREAT TO:

39 (1) THE HEALTH AND SAFETY OF THE PUBLIC; OR

40 (2) THE ENVIRONMENT OF THIS STATE.

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1 (D) (1) NO MORE THAN 10 CHEMICALS MAY BE ADDED UNDER SUBSECTION
2 (C) OF THIS SECTION FOR ANY 1 CALENDAR YEAR.

3 (2) THE DEPARTMENT AND THE DEPARTMENT OF HEALTH AND
4 MENTAL HYGIENE SHALL PROVIDE RECOMMENDATIONS PROPOSING ADDITIONS
5 UNDER SUBSECTION (C) OF THIS SECTION.

6 (3) A CHANGE IN THE LIST REQUIRES A 90-DAY NOTICE TO THE PUBLIC
7 DURING WHICH TIME THE DEPARTMENT SHALL ACCEPT AND CONSIDER COMMENTS
8 ON THE PROPOSED ADDITIONS.

9 6-504.

10 (A) THERE IS A TOXICS SAFETY ADVISORY COUNCIL IN THE DEPARTMENT.

11 (B) (1) THE COUNCIL CONSISTS OF 11 MEMBERS APPOINTED BY THE
12 GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE OF MARYLAND.

13 (2) EACH MEMBER OF THE COUNCIL SHALL BE APPOINTED FOR A TERM
14 OF 3 YEARS.

15 (3) OF THE 11 MEMBERS:

16 (I) ONE SHALL BE A PERSON HAVING TRAINING AND EXPERIENCE
17 IN INDUSTRIAL HYGIENE RECOMMENDED BY RECOGNIZED LABOR UNIONS;

18 (II) ONE SHALL BE A PERSON RECOMMENDED BY RECOGNIZED
19 ENVIRONMENTAL ORGANIZATIONS;

20 (III) ONE SHALL BE A PERSON RECOMMENDED BY RECOGNIZED
21 PUBLIC INTEREST ORGANIZATION;

22 (IV) ONE SHALL BE A PERSON RECOMMENDED BY RECOGNIZED
23 ORGANIZATIONS OF CHEMICAL INDUSTRIES;

24 (V) ONE SHALL BE A PERSON RECOMMENDED BY RECOGNIZED
25 COMMUNITY ORGANIZATIONS;

26 (VI) ONE SHALL BE A PERSON RECOMMENDED BY RECOGNIZED
27 ORGANIZATIONS OF PETROLEUM INDUSTRIES;

28 (VII) ONE SHALL BE A PERSON RECOMMENDED BY RECOGNIZED
29 ORGANIZATIONS OF FIREFIGHTERS;

30 (VIII) ONE SHALL BE A PERSON RECOMMENDED BY RECOGNIZED
31 BUSINESS OR TRADE ORGANIZATIONS;

32 (IX) ONE SHALL BE A PERSON RECOMMENDED BY RECOGNIZED
33 ORGANIZATIONS OF SMALL BUSINESS;

34 (X) ONE SHALL BE A PERSON HOLDING AN M.D. DEGREE
35 RECOMMENDED BY RECOGNIZED PUBLIC HEALTH ORGANIZATIONS; AND

1 (XI) ONE SHALL BE A PERSON WITH TRAINING AND EXPERIENCE IN
2 ENVIRONMENTAL EPIDEMIOLOGY RECOMMENDED BY RECOGNIZED RESEARCH OR
3 ACADEMIC ORGANIZATIONS.

4 (4) IF NO RECOMMENDATIONS FOR A PARTICULAR CATEGORY OF
5 MEMBERSHIP OF THE COUNCIL ARE MADE TO THE GOVERNOR 3 MONTHS PRIOR TO
6 THE EFFECTIVE DATE OF THIS ACT FOR THE APPOINTMENT OF THE INITIAL
7 MEMBERS, OR WITHIN 60 DAYS OF THE DATE OF THE EXPIRATION OF A MEMBER'S
8 TERM OR THE OCCURRENCE OF ANY VACANCY FOR SUBSEQUENT APPOINTMENTS,
9 THE GOVERNOR SHALL APPOINT A PERSON WHOM THE GOVERNOR BELIEVES WILL
10 BE REPRESENTATIVE OF THE CATEGORY REPRESENTED BY THE VACANT OFFICE.

11 (C) A MAJORITY OF THE COUNCIL SHALL CONSTITUTE A QUORUM.

12 (D) THE COUNCIL MAY TAKE ACTION BY THE AFFIRMATIVE VOTE OF A
13 MAJORITY OF THE COUNCIL PRESENT AND VOTING.

14 (E) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE
15 COUNCIL SHALL MEET REGULARLY AT THE DISCRETION OF ITS MEMBERS.

16 (2) THE COUNCIL MAY NOT MEET LESS THAN 4 TIMES EACH YEAR.

17 (3) THE COUNCIL SHALL MEET AT THE DIRECTION OF THE SECRETARY
18 OF THE DEPARTMENT OF THE ENVIRONMENT OR THE SECRETARY OF THE
19 DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

20 (F) THE COUNCIL SHALL APPOINT A CHAIRPERSON AND OTHER OFFICERS AS
21 NECESSARY FROM AMONG ITS MEMBERS.

22 (G) THE COUNCIL MAY HIRE STAFF OR CONSULT WITH EXPERTS AS
23 PROVIDED IN THE STATE BUDGET.

24 (H) MEMBERS OF THE COUNCIL SHALL SERVE WITHOUT COMPENSATION, BUT
25 MAY BE REIMBURSED FOR EXPENSES UNDER THE STANDARD STATE TRAVEL
26 REGULATIONS AS PROVIDED IN THE STATE BUDGET.

27 6-505.

28 (A) BEGINNING IN 1998, BY APRIL 1 OF EACH YEAR, EACH LARGE QUANTITY
29 TOXICS USER SHALL PROVIDE TO THE DEPARTMENT, THE COUNTY HEALTH
30 DEPARTMENT, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, AND THE
31 LOCAL FIRE AND POLICE DEPARTMENTS IN THEIR AREA AN ANNUAL REPORT FOR
32 EACH TOXIC OR HAZARDOUS SUBSTANCE MANUFACTURED, PROCESSED, OR
33 OTHERWISE USED AT EACH FACILITY IN AMOUNTS EQUAL TO OR EXCEEDING THE
34 APPLICABLE THRESHOLD AMOUNTS.

35 (B) EACH REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION
36 SHALL:

37 (1) BE EXPRESSED IN TERMS OF THE MASS OF EACH TOXIC OR
38 HAZARDOUS SUBSTANCE MANUFACTURED, PROCESSED, OR OTHERWISE USED,
39 REGARDLESS OF WHETHER THE SUBSTANCE WAS IN A PURE FORM OR CONTAINED

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1 IN A MIXTURE, SUBJECT TO THE ESTABLISHMENT OF DE MINIMIS LEVELS OF
2 CHEMICALS IN A MIXTURE BY THE DEPARTMENT BY REGULATION.

3 (2) CONTAIN DATA ACCOUNTING FOR TOXIC OR HAZARDOUS
4 SUBSTANCES MANUFACTURED, PROCESSED OR OTHERWISE USED DURING THE
5 PRECEDING CALENDAR YEAR.

6 (3) (I) USE THE REPORTING FORMS REQUIRED BY THE REGULATIONS
7 ADOPTED UNDER § 313 OF EPCRA.

8 (II) TO THE EXTENT THAT INFORMATION REQUIRED BY THIS
9 SECTION IS NOT INCLUDED IN THE FORMS REFERENCED IN SUBPARAGRAPH (I) OF
10 THIS PARAGRAPH, THAT INFORMATION SHALL BE SUBMITTED ON SUPPLEMENTAL
11 FORMS ESTABLISHED BY THE DEPARTMENT BY REGULATION.

12 (4) INCLUDE:

13 (I) THE INFORMATION REQUIRED UNDER THE REGULATIONS
14 ADOPTED UNDER § 313 OF EPCRA;

15 (II) THE INFORMATION NECESSARY TO IDENTIFY THE LARGE
16 QUANTITY TOXICS USER, THE FACILITY, THE PRODUCTION UNIT, AND THE TOXIC
17 OR HAZARDOUS SUBSTANCE;

18 (III) AN INDICATION OF WHETHER THE TOXIC OR HAZARDOUS
19 SUBSTANCE WAS USED IN THE PRODUCTION UNIT IN AMOUNTS:

20 1. GREATER THAN ZERO POUNDS AND LESS THAN OR
21 EQUAL TO 5,000 POUNDS;

22 2. GREATER THAN 5,000 POUNDS BUT LESS THAN OR EQUAL
23 TO 10,000 POUNDS; OR

24 3. GREATER THAN 10,000 POUNDS;

25 (IV) THE QUANTITIES OF THE TOXIC OR HAZARDOUS SUBSTANCE
26 AT THE FACILITY THAT ARE:

27 1. MANUFACTURED, PROCESSED, OR OTHERWISE USED;

28 2. GENERATED AS A BY-PRODUCT PRIOR TO ANY
29 HANDLING, TRANSFER, TREATMENT, OR RELEASE; AND

30 3. SHIPPED AS OR IN PRODUCT FROM THE FACILITY; AND

31 (V) FOR EACH PRODUCTION UNIT AT THE LARGE QUANTITY
32 TOXICS USER'S FACILITY IN WHICH THE TOXIC OR HAZARDOUS SUBSTANCE IS
33 MANUFACTURED, PROCESSED, OR OTHERWISE USED:

34 1. THE INFORMATION NECESSARY TO IDENTIFY THE LARGE
35 QUANTITY TOXICS USER, THE FACILITY, THE PRODUCTION UNIT, AND THE TOXIC
36 OR HAZARDOUS SUBSTANCE;

11

1 2. AN INDICATION OF WHETHER THE TOXIC OR
2 HAZARDOUS SUBSTANCE WAS USED IN THE PRODUCTION UNIT IN AMOUNTS:

3 A. GREATER THAN ZERO POUNDS AND LESS THAN OR
4 EQUAL TO 5,000 POUNDS;

5 B. GREATER THAN 5,000 POUNDS BUT LESS THAN OR EQUAL
6 TO 10,000 POUNDS; OR

7 C. GREATER THAN 10,000 POUNDS;

8 3. THE REPORTING BASE YEAR, WHICH SHALL BE THE FIRST
9 CALENDAR YEAR FOR WHICH THE LARGE QUANTITY TOXICS USER WAS OR IS
10 REQUIRED TO FILE ANY INFORMATION REGARDING THE TOXIC OR HAZARDOUS
11 SUBSTANCE UNDER THIS SUBTITLE OR § 313 OF EPCRA;

12 4. INFORMATION ON THE PERCENT REDUCTION IN USE OF
13 EACH CHEMICAL AND BY-PRODUCT FOR EACH PRODUCTION UNIT WHEN
14 COMPARED TO THE BASE YEAR; AND

15 5. INFORMATION ON HOW EACH REDUCTION UNDER ITEM 4
16 OF THIS SUBPARAGRAPH WAS ACHIEVED.

17 (VI) FOR THE INFORMATION SUBMITTED UNDER SUBPARAGRAPH
18 (V) OF THIS PARAGRAPH, THE LARGE QUANTITY TOXICS USER SHALL MAINTAIN AT
19 THE FACILITY DOCUMENTATION THAT SUBSTANTIATES THE INFORMATION
20 SUBMITTED, INCLUDING DOCUMENTATION OF THE QUANTITY OF THE TOXIC OR
21 HAZARDOUS SUBSTANCE USED IN EACH PRODUCTION UNIT AND THE QUANTITY
22 GENERATED AS BY-PRODUCT BY EACH PRODUCTION UNIT.

23 (C) (1) THE FOLLOWING SHALL BE EXEMPTED FROM THE REPORTING
24 REQUIREMENTS OF THIS SECTION:

25 (I) FACILITIES WITH FEWER THAN THE EQUIVALENT OF 10
26 FULL-TIME EMPLOYEES; AND

27 (II) ACTIVITIES IN LABORATORIES, INCLUDING QUALITY
28 CONTROL LABORATORIES, TO THE EXTENT AND IN THE MANNER THAT THE
29 ACTIVITIES ARE EXEMPTED FROM REPORTING IN REGULATIONS ADOPTED UNDER §
30 313 OF EPCRA.

31 (2) THE FOLLOWING SHALL BE EXEMPTED FROM THE REPORTING
32 REQUIREMENTS OF PARAGRAPH (4)(V) OF SUBSECTION (B) OF THIS SECTION:

33 (I) PILOT PLANTS AND PILOT PRODUCT UNITS; AND

34 (II) START-UP PRODUCTION UNITS FOR A TIME PERIOD EQUAL TO
35 THE SHORTER OF EITHER:

36 1. THE TIME PERIOD FROM THE DATE OF INITIAL
37 OPERATION UNTIL REQUIRED OPERATIONAL EFFICIENCY IS ACHIEVED; OR

38 2. 2 YEARS FROM THE INITIAL DATE OF OPERATION.

12

1 (3) FACILITIES CLAIMING ANY EXEMPTIONS PROVIDED FOR IN THIS
2 SUBSECTION SHALL MAINTAIN ON-SITE DOCUMENTATION SUPPORTING ALL
3 EXEMPTION CLAIMS.

4 (D) IN CALCULATING, MEASURING, OR ESTIMATING QUANTITIES OF A TOXIC
5 OR HAZARDOUS SUBSTANCE TO BE REPORTED UNDER THIS SECTION, LARGE
6 QUANTITY TOXICS USERS SHALL REPORT WITH THE MAXIMUM ACCURACY THAT IS
7 FEASIBLE AND PRACTICABLE, WITH ACCURACY TO TWO SIGNIFICANT DIGITS.

8 (E) IF THE DEPARTMENT DISCOVERS A DEFICIENCY IN A REPORT, THE
9 DEPARTMENT SHALL ALLOW THE USER 90 DAYS FROM THE DATE THAT THE
10 DEFICIENCY WAS NOTICED TO CORRECT THE DEFICIENCY UNLESS THE DEFICIENCY
11 WAS INTENTIONAL.

12 (F) A SENIOR MANAGEMENT OFFICIAL OF A SUBMITTING LARGE QUANTITY
13 TOXICS USER SHALL SIGN EACH REPORT CERTIFYING ITS ACCURACY AND
14 COMPLETENESS.

15 (G) THE DEPARTMENT SHALL MAKE AVAILABLE TO THE PUBLIC AND, TO THE
16 EXTENT PRACTICABLE, SHALL REQUIRE REPORTING AND RECORDING OF THE
17 REPORT DATA THROUGH MAGNETIC MEDIA.

18 6-506.

19 (A) IF A PERSON BELIEVES THAT DISCLOSING INFORMATION REQUIRED
20 UNDER THIS SUBTITLE WILL REVEAL A TRADE SECRET, A PERSON MAY FILE WITH
21 THE DEPARTMENT A TRADE SECRET CLAIM.

22 (B) (1) IF A PERSON CLAIMS THAT DISCLOSING INFORMATION ON A
23 REPORT REQUIRED UNDER THIS SUBTITLE WOULD REVEAL A TRADE SECRET, A
24 PERSON SHALL FILE WITH THE DEPARTMENT A TRADE SECRET CLAIM AT LEAST 90
25 DAYS BEFORE THE DUE DATE OF THE REPORT.

26 (2) A PERSON MAKING A TRADE SECRET CLAIM SHALL SUBMIT 2 COPIES
27 OF THE REPORT TO THE DEPARTMENT.

28 (3) ONE REPORT REQUIRED UNDER THIS SUBTITLE SHALL CONCEAL
29 THE INFORMATION FOR WHICH A TRADE SECRET CLAIM IS BEING MADE AND THE
30 OTHER REQUIRED REPORT SHALL BE SEALED IN AN ENVELOPE MARKED
31 "CONFIDENTIAL" CONTAINING THE INFORMATION FOR WHICH A TRADE SECRET
32 CLAIM IS BEING MADE.

33 (4) DURING THE PENDENCY OF THE TRADE SECRET CLAIM, THE
34 DEPARTMENT SHALL KEEP THE SEALED REPORT IN A LOCKED FILE OR ROOM.

35 (5) ON THE REPORTS SENT TO OTHER ENTITIES AS REQUIRED BY THIS
36 SUBTITLE, THE PERSON SHALL CONCEAL THE INFORMATION FOR WHICH THE
37 TRADE SECRET CLAIM IS BEING MADE.

38 (C) (1) THE DEPARTMENT SHALL DETERMINE THE VALIDITY OF A TRADE
39 SECRET CLAIM WHEN A REQUEST IS MADE FOR THE DISCLOSURE OF THE
40 INFORMATION FOR WHICH THE TRADE SECRET CLAIM WAS MADE, OR AT ANY
41 OTHER TIME THAT THE DEPARTMENT DEEMS APPROPRIATE.

13

1 (2) UPON MAKING A DETERMINATION ON THE VALIDITY OF A TRADE
2 SECRET CLAIM, THE DEPARTMENT SHALL INFORM THE PERSON CLAIMING A TRADE
3 SECRET OF THE DETERMINATION BY CERTIFIED MAIL.

4 (3) IF THE DEPARTMENT DETERMINES THAT THE PERSON'S TRADE
5 SECRET CLAIM IS NOT VALID, THE PERSON SHALL HAVE 45 DAYS FROM THE RECEIPT
6 OF THE DEPARTMENT'S DETERMINATION TO FILE WITH THE DEPARTMENT A
7 WRITTEN REQUEST FOR AN ADMINISTRATIVE HEARING.

8 (4) IF THE PERSON DOES NOT FILE A REQUEST AUTHORIZED UNDER
9 PARAGRAPH (3) OF THIS SUBSECTION WITHIN 45 DAYS, THE DEPARTMENT SHALL
10 TAKE ACTION TO RELEASE THE INFORMATION FOR WHICH THE TRADE SECRET
11 CLAIM WAS MADE.

12 (5) IF AN EMPLOYER REQUESTS AN ADMINISTRATIVE HEARING UNDER
13 PARAGRAPH (3) OF THIS SUBSECTION, THE DEPARTMENT SHALL REFER THE
14 MATTER TO AN ADMINISTRATIVE LAW JUDGE.

15 (6) AT THE HEARING BEFORE THE ADMINISTRATIVE LAW JUDGE, THE
16 EMPLOYER SHALL HAVE THE BURDEN TO SHOW THAT THE TRADE SECRET CLAIM IS
17 VALID.

18 (7) WITHIN 45 DAYS OF RECEIPT OF THE ADMINISTRATIVE LAW JUDGE'S
19 RECOMMENDATION, THE DEPARTMENT SHALL AFFIRM, REJECT, OR MODIFY THE
20 RECOMMENDATION.

21 (8) THE DEPARTMENT'S ACTION SHALL BE CONSIDERED THE
22 DEPARTMENT'S FINAL ACTION AND SHALL BE SUBJECT ONLY TO JUDICIAL REVIEW
23 AS PROVIDED IN THE MARYLAND RULES.

24 (9) THE DEPARTMENT SHALL INFORM THE EMPLOYER OF ITS DECISION
25 ON THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDATION BY CERTIFIED MAIL.

26 (10) IF THE DEPARTMENT DETERMINES THAT THE TRADE SECRET
27 CLAIM IS NOT VALID, THE PERSON CLAIMING A TRADE SECRET SHALL HAVE 45
28 DAYS TO NOTIFY THE DEPARTMENT IN WRITING THAT HE HAS FILED AN APPEAL TO
29 THE DEPARTMENT'S DECISION IN A COURT HAVING JURISDICTION.

30 (11) IF THE PERSON DOES NOT NOTIFY THE DEPARTMENT, THE
31 DEPARTMENT SHALL TAKE ACTION TO RELEASE THE INFORMATION FOR WHICH
32 THE TRADE SECRET CLAIM WAS MADE.

33 (D) ANY REPORT CONTAINING INFORMATION FOR WHICH A TRADE SECRET
34 CLAIM IS PENDING OR HAS BEEN APPROVED SHALL BE MADE AVAILABLE TO THE
35 PUBLIC WITH THAT INFORMATION CONCEALED.

36 (E) (1) THE SUBJECT OF ANY TRADE SECRET CLAIM PENDING OR
37 APPROVED SHALL BE TREATED AS CONFIDENTIAL INFORMATION BY THE
38 DEPARTMENT.

39 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE
40 DEPARTMENT SHALL NOT DISCLOSE ANY CONFIDENTIAL INFORMATION TO ANY
41 PERSON EXCEPT:

14

1 (I) TO AN OFFICER OR EMPLOYEE OF THE STATE IN CONNECTION
2 WITH THE OFFICIAL DUTIES OF THE OFFICER OR EMPLOYEE UNDER ANY LAW FOR
3 THE PROTECTION OF PUBLIC HEALTH; OR

4 (II) TO A CONTRACTOR OF THE STATE AND ITS EMPLOYEES IF THE
5 DEPARTMENT BELIEVES THE DISCLOSURE IS NECESSARY FOR THE COMPLETION OF
6 ANY WORK IN CONNECTION WITH THE IMPLEMENTATION OF THIS SUBTITLE.

7 (3) ANY OFFICER OR EMPLOYEE OF THE STATE, CONTRACTOR OF THE
8 STATE, PHYSICIAN OR OSTEOPATH, OR EMPLOYEE OF A COUNTY HEALTH
9 DEPARTMENT, LOCAL FIRE DEPARTMENT, OR LOCAL POLICE DEPARTMENT WHO
10 HAS ACCESS TO ANY CONFIDENTIAL INFORMATION, AND WHO WILLINGLY AND
11 KNOWINGLY DISCLOSES THE CONFIDENTIAL INFORMATION TO ANY PERSON NOT
12 AUTHORIZED TO RECEIVE IT, IS IN VIOLATION OF THIS SUBTITLE.

13 (F) THE PROVISIONS OF THIS SECTION MAY NOT APPLY TO THE DISCLOSURE
14 OF INFORMATION CONCERNING EMISSIONS.

15 6-507.

16 (A) (1) THE DEPARTMENT, THE DEPARTMENT OF HEALTH AND MENTAL
17 HYGIENE, AND EACH COUNTY HEALTH DEPARTMENT SHALL MAINTAIN COPIES OF
18 ALL REPORTS SUBMITTED UNDER THIS SUBTITLE FOR 20 YEARS.

19 (2) THE REPORTS MAINTAINED UNDER PARAGRAPH (1) OF THIS
20 SUBSECTION SHALL BE MADE AVAILABLE TO THE PUBLIC AT REASONABLE HOURS
21 AND AT A FEE NOT TO EXCEED THE COST OF REPRODUCING THE REPORTS.

22 (B) (1) THE DEPARTMENT SHALL, ON AN ANNUAL BASIS, PRODUCE A
23 SUMMARY REPORT OF THE ANNUAL REPORTS SUBMITTED UNDER THIS SUBTITLE.

24 (2) THIS SUMMARY REPORT SHALL, BY FACILITY AND PRODUCTION
25 UNIT, INCLUDE:

26 (I) THE TYPES OF CHEMICALS USED;

27 (II) THE QUANTITY OF CHEMICALS USED; AND

28 (III) THE BY-PRODUCT AND EMISSIONS REDUCTION INDICES.

29 (3) SUMMARY INFORMATION REGARDING QUANTITIES OF CHEMICALS
30 USED SHALL ALSO BE PRESENTED BY SIC CODE, CHEMICAL TYPE, AND
31 GEOGRAPHICALLY BY COUNTY AND CITY.

32 (4) INFORMATION COLLECTED UNDER THIS SECTION SHALL BE MADE
33 AVAILABLE TO THE PUBLIC THROUGH ELECTRONIC MEDIA AND IN WRITING.

34 (5) THE ANNUAL SUMMARY REPORT SHALL BE PRODUCED BY
35 SEPTEMBER 1 OF THE SAME YEAR THE REPORTS ARE SUBMITTED TO THE
36 DEPARTMENT.

37 (6) THE DEPARTMENT SHALL SEND A COPY OF THE ANNUAL REPORT
38 TO THE COUNCIL EACH YEAR BY SEPTEMBER 1.

15

1 (C) (1) FOR ALL WATER QUALITY LIMITED SEGMENTS LISTED ON THE
2 STATE'S "303(D) LIST", FILED WITH THE UNITED STATES ENVIRONMENTAL
3 PROTECTION AGENCY UNDER THE CWA, THE DEPARTMENT SHALL NOTIFY, IN
4 WRITING, ALL CITIZENS LIVING ADJACENT TO EACH LISTED WATER QUALITY
5 LIMITED SEGMENT.

6 (2) THE DEPARTMENT SHALL NOTIFY, IN WRITING, ALL COMMUNITY
7 ASSOCIATIONS IN THE STATE OF THE EXISTENCE OF ANY WATER QUALITY LIMITED
8 SEGMENTS LOCATED WITHIN THE SAME COUNTY AS THE ASSOCIATIONS.

9 (3) THE NOTICES TO CITIZENS AND COMMUNITY ASSOCIATIONS SHALL
10 PROVIDE:

11 (I) THE REASON FOR THE LISTING;

12 (II) THE CURRENT CONDITION AND THE POTENTIAL HEALTH RISK
13 ASSOCIATED WITH EXPOSURE TO THE WATER QUALITY LIMITED SEGMENT AND
14 CONSUMPTION OF LIVING ORGANISMS CONTAINED IN THE WATER; AND

15 (III) THE MEASURES BEING IMPLEMENTED TO ADDRESS THE
16 DEGRADED WATER QUALITY OF THE WATER QUALITY LIMITED SEGMENT.

17 (4) THE NOTICE SHALL DESIGNATE A DEPARTMENT CONTACT PERSON
18 AND TELEPHONE NUMBER FOR CITIZENS AND ORGANIZATIONS TO OBTAIN
19 ADDITIONAL INFORMATION.

20 (5) THE DEPARTMENT SHALL ALSO PLACE POSTINGS AT ALL PUBLIC
21 ACCESS POINTS ON WATER QUALITY LIMITED SEGMENTS DETAILING:

22 (I) THE FACT OF THE LISTING OF THE WATER AS A WATER
23 QUALITY LIMITED SEGMENT; AND

24 (II) THE CURRENT CONDITION AND THE POTENTIAL HEALTH RISK
25 ASSOCIATED WITH EXPOSURE TO THE WATER QUALITY LIMITED SEGMENT AND
26 CONSUMPTION OF LIVING ORGANISMS CONTAINED IN THE WATER.

27 (6) THE DEPARTMENT SHALL DEVELOP, AND UPDATE ON AN ANNUAL
28 BASIS, AN INFORMATIONAL PAMPHLET CONTAINING:

29 (I) A COMPLETE LIST OF ALL WATER QUALITY LIMITED
30 SEGMENTS WITHIN THE STATE;

31 (II) THE REASONS FOR EACH LISTING;

32 (III) THE CURRENT CONDITION AND THE POTENTIAL HEALTH RISK
33 ASSOCIATED WITH EXPOSURE TO THE WATER QUALITY LIMITED SEGMENT AND
34 CONSUMPTION OF LIVING ORGANISMS CONTAINED IN THE WATER; AND

35 (IV) THE MEASURES BEING IMPLEMENTED TO ADDRESS THE
36 DEGRADED WATER QUALITY OF THE WATER QUALITY LIMITED SEGMENT.

37 (7) THE DEPARTMENT SHALL ENSURE THAT THIS PAMPHLET IS
38 DISTRIBUTED WITH EACH BOATING LICENSE AND FISHING LICENSE ISSUED IN THE
39 STATE.

16

1 6-508.

2 (A) THE GOAL OF THE STATE IS TO ACHIEVE, ON OR BEFORE OCTOBER 1, 2007,
3 A 50% REDUCTION OF THE QUANTITIES OF TOXIC OR HAZARDOUS BY-PRODUCTS
4 GENERATED BY INDUSTRY IN MARYLAND IN 1998; AND

5 (B) TO TRACK ACHIEVEMENTS RELATIVE TO THIS GOAL, THE DEPARTMENT,
6 IN ADDITION TO THE ANNUAL REPORTS MANDATED UNDER THIS SUBTITLE, SHALL
7 BY JANUARY 1, 2003 AND JANUARY 1, 2008, RESPECTIVELY, TRANSMIT A REPORT TO
8 THE LEGISLATURE AND THE COUNCIL, DETAILING THE PROGRESS TOWARD
9 ACHIEVEMENT OF THE STATEWIDE GOAL.

10 6-509.

11 (A) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR ANY
12 REGULATION ADOPTED UNDER THIS SUBTITLE SHALL BE SUBJECT TO A CIVIL
13 PENALTY NOT TO EXCEED \$25,000 FOR EACH DAY OR PART OF A DAY THAT A
14 VIOLATION CONTINUES, WHICH MAY BE ASSESSED IN AN ACTION BROUGHT ON
15 BEHALF OF THE STATE IN ANY COURT HAVING JURISDICTION.

16 (B) ANY INDIVIDUAL OR TOXICS USER WHO WILLFULLY VIOLATES ANY
17 REQUIREMENT OF § 6-505 OR § 6-506 OR ANY REGULATION ADOPTED UNDER THOSE
18 SECTIONS, SHALL BE PUNISHED BY A FINE OF NOT LESS THAN \$2,500 OR MORE THAN
19 \$25,000 FOR EACH DAY OR PART OF A DAY THAT A VIOLATION CONTINUES, BY
20 IMPRISONMENT FOR NOT MORE THAN 1 YEAR, OR BY BOTH.

21 (C) IF THE SECRETARY DETERMINES THAT A TRADE SECRET CLAIM IS
22 FRIVOLOUS, THE PERSON MAKING THE TRADE SECRET CLAIM SHALL BE SUBJECT TO
23 A CIVIL PENALTY NOT TO EXCEED \$25,000 PER FRIVOLOUS CLAIM.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of the
25 Environment shall adopt regulations to effectuate and enforce this Act by October 1,
26 1997.

27 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
28 members of the Toxics Safety Advisory Council shall be as follows:

29 (1) four members shall serve for 1 year after appointment;

30 (2) four members shall serve for 2 years after appointment; and

31 (3) three members shall serve for 3 years after appointment.

32 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
33 take effect on June 1, 1997.

34 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in
35 Section 4 of this Act, this Act shall take effect on October 1, 1997.