

Chapter 548

(Senate Bill 711)

AN ACT concerning

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

FOR the purpose of repealing obsolete language regarding the maintenance of and access to certain chemical information lists submitted to the Department of the Environment; ~~repealing the requirement that employers, under certain circumstances, submit a certain chemical list to the Department~~ requiring certain employers that cease to operate as a business or to take certain actions related to hazardous chemicals to submit a certain chemical information list to the Department of Labor, Licensing, and Regulation; requiring the Department of Labor, Licensing, and Regulation to keep the chemical information list for a certain period of time; requiring an employer or, under certain circumstances, the Department of Labor, Licensing, and Regulation, to provide access to information on a certain chemical information list to certain individuals under certain circumstances; recodifying and revising certain provisions of law concerning access to certain chemical information lists; repealing the requirement that the Department of the Environment take certain actions regarding the chemical lists that are submitted to the Department of the Environment; and generally relating to the chemical information list employers are required to keep under the Maryland Occupational Safety and Health Act.

BY repealing

Article – Environment

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

Annotated Code of Maryland
 (2013 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 5–405 and 5–407

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

BY repealing

Article – Labor and Employment

Section 5–406 and 5–408(d)

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

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Access to Information on Hazardous or Toxic Chemicals” of Article – Environment of the Annotated Code of Maryland be repealed.

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

Article – Labor and Employment

5–405.

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

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

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

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

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

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

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

(1) contain its chemical and common names; and

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

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

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

(2) (I) IF AN EMPLOYER'S BUSINESS CEASES TO OPERATE OR FORMULATE, HANDLE, MANUFACTURE, PACKAGE, PROCESS, REACT, REPACKAGE, STORE, OR TRANSFER HAZARDOUS CHEMICALS IN A WORKPLACE REGULATED UNDER THIS SUBTITLE, THE EMPLOYER PROMPTLY SHALL SUBMIT THE MOST RECENT CHEMICAL INFORMATION LIST TO THE DEPARTMENT OF ~~THE ENVIRONMENT~~ LABOR, LICENSING, AND REGULATION.

(II) THE DEPARTMENT OF ~~THE ENVIRONMENT~~ LABOR, LICENSING, AND REGULATION SHALL KEEP, FOR AT LEAST 40 YEARS, THE CHEMICAL INFORMATION LIST THAT THE EMPLOYER PROVIDES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

[5-406.

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

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

(b) The Department of the Environment shall:

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

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

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

(2) give the Commissioner notice of any noncompliance.

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

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

- (2) a nurse, physician, or physician assistant who is treating an individual in a medical emergency;
- (3) a former employee of an inactive employer;
- (4) the Commissioner; and
- (5) an independent contractor or employer as provided in § 5–408 of this subtitle.

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

- (1) shall treat as confidential information in a chemical information list; and
- (2) may not disclose the information:
 - (i) in any civil proceeding; or
 - (ii) to any person.]

5–407.

- (a) (1) An employee or designated representative may ask an employer for:
- (i) access to a chemical information list maintained by the employer; and
 - (ii) a copy of the chemical information list or any material safety data sheet in the workplace of the employee.
- (2) An employer shall comply with a request under this subsection:
- (i) for access, in the workplace of the employee, within 1 working day after a request; and
 - (ii) for a copy, within 5 days after a request.
- (3) To comply with a request for a copy, an employer shall provide, without charge to the employee or designated representative, the copy or the mechanical means to produce the copy. If, during a calendar year, more than 1 copy is requested for an employee the employer may assess a reasonable charge for each additional copy.

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

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

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

ON RECEIPT OF A WRITTEN REQUEST, AN EMPLOYER OR, IF THE EMPLOYER'S BUSINESS HAS CEASED OPERATING AS DESCRIBED IN § 5-405(E)(2) OF THIS SUBTITLE, THE DEPARTMENT OF ~~THE ENVIRONMENT~~ LABOR, LICENSING, AND REGULATION SHALL PROVIDE ACCESS TO INFORMATION ON A CHEMICAL INFORMATION LIST TO:

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

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

(3) THE COMMISSIONER;

(4) A FORMER EMPLOYEE;

(5) AN INDEPENDENT CONTRACTOR OR EMPLOYER;

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

(7) ANY INDIVIDUAL WHO LIVES:

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

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

5-408.

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

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

Approved by the Governor, May 15, 2014.