

HOUSE BILL 189

K3, M3

(4lr0696)

ENROLLED BILL

— *Economic Matters/Finance* —

Introduced by **Delegates Serafini, Dwyer, George, Glass, and Schuh**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

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 of Labor, Licensing, and Regulation; requiring the Department
12 of Labor, Licensing, and Regulation to keep the chemical information list for a
13 certain period of time; requiring an employer or, under certain circumstances,
14 the Department of Labor, Licensing, and Regulation, to provide access to
15 information on a certain chemical information list to certain individuals under

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.

Italics indicate opposite chamber/conference committee amendments.



1 certain circumstances; recodifying and revising certain provisions of law
 2 concerning access to certain chemical information lists; repealing the
 3 requirement that the Department *of the Environment* take certain actions
 4 regarding the chemical lists that are submitted to the Department *of the*
 5 *Environment*; and generally relating to the chemical information list employers
 6 are required to keep under the Maryland Occupational Safety and Health Act.

7 BY repealing

8 Article – Environment

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

11 Annotated Code of Maryland

12 (2013 Replacement Volume)

13 BY repealing and reenacting, with amendments,

14 Article – Labor and Employment

15 Section 5–405 and 5–407

16 Annotated Code of Maryland

17 (2008 Replacement Volume and 2013 Supplement)

18 BY repealing

19 Article – Labor and Employment

20 Section 5–406 and 5–408(d)

21 Annotated Code of Maryland

22 (2008 Replacement Volume and 2013 Supplement)

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 26 the Annotated Code of Maryland be repealed.

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

29 **Article – Labor and Employment**

30 5–405.

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

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

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

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

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

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

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

14 **(1)** contain its chemical and common names; and

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

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

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

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

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

31 [5-406.

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

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

4 (b) The Department of the Environment shall:

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

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

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

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

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

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

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

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

18 (4) the Commissioner; and

19 (5) an independent contractor or employer as provided in § 5-408 of
20 this subtitle.

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

23 (1) shall treat as confidential information in a chemical information
24 list; and

25 (2) may not disclose the information:

26 (i) in any civil proceeding; or

27 (ii) to any person.]

28 5-407.

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

3 (i) access to a chemical information list maintained by the
4 employer; and

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

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

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

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

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

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

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

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

24 **ON RECEIPT OF A WRITTEN REQUEST, AN EMPLOYER OR, IF THE**
25 **EMPLOYER'S BUSINESS HAS CEASED OPERATING AS DESCRIBED IN §**
26 **5-405(E)(2) OF THIS SUBTITLE, THE DEPARTMENT OF ~~THE ENVIRONMENT~~**
27 **LABOR, LICENSING, AND REGULATION SHALL PROVIDE ACCESS TO**
28 **INFORMATION ON A CHEMICAL INFORMATION LIST TO:**

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

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

33 **(3) THE COMMISSIONER;**

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

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

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

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

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

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

10 5-408.

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.