

**MARYLAND DEPARTMENT OF THE ENVIRONMENT**

**Robert M. Summers, Ph.D., Secretary**

**BILL NO:** House Bill 189

**COMMITTEE:** Finance

**POSITION:** Support with Amendments

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

**BILL ANALYSIS:** Under the Labor and Employment Article, Maryland Occupational Safety and Health Act, employers are required to compile and maintain a chemical information list (CIL) for each hazardous chemical that is formulated, handled, manufactured, packaged, processed, reacted, stored or transferred in the workplace, and to identify each work area where the hazardous chemical is found. Employers are further required to provide access to the lists upon request of an employee or designated representative. Under Section 5-406, a copy of the list must also be submitted to the Department of the Environment (MDE or “the Department”); the Department must then make the CIL available to certain members of the public, such as first responders, medical professionals, former employees, environmental, civic and consumer organizations, community associations, etc.

HB 189 repeals the requirement that an employer submit the CIL to MDE. The bill also repeals the requirement that MDE provide information on hazardous to toxic chemicals to certain organizations and individuals under Environment Article Section 6, Subtitle 5. Finally, the bill repeals the requirement that MDE maintain information in a central repository for 40 years on all CILs and material safety data sheets submitted to the Department.

There were amendments adopted in the House that require, if an employer’s business ceases to operate or formulate, handle, manufacture, package, process, react, repackage, store, or transfer hazardous chemicals, the employer to promptly submit their most recent CIL to MDE. MDE must keep that CIL for at least 40 years. On receipt of a written request, an employer, or MDE if the business has ceased operations, must provide access to information on a chemical list to the specified individuals and organizations.

**POSITION AND RATIONALE:** MDE supports the repeal of the requirement that employers submit their CILs to MDE. The current requirement to submit the lists to the Department is a duplicative one, as the employers are already required to keep complete lists in their company files.

MDE is requesting one change to the amendments adopted in the House. The requirement that a business that ceases to operate or formulate, handle, manufacture, package, process, react, repackage, store, or transfer hazardous chemicals, to promptly submit their most recent CIL to MDE should be amended to require the CIL to be submitted to the Department of Labor, Licensing, and Regulation (DLLR). The new amendment would require DLLR to keep the CIL for at least 40 years. And finally, the new amendment would require on written request, an employer, or DLLR if the business has ceased operations, must provide access to information on the CIL to specified individuals and organizations.

DLLR is the most appropriate agency to handle these responsibilities because: (1) DLLR is going to continue to regulate these companies, perform inspections, etc., and thus will be in the best position to have knowledge that these businesses have ceased to operate or handle the chemicals, and (2) the legislation strikes the entire section of the environment article related to this program and is intended to streamline the process for businesses by removing one of the two State Agencies (MDE) from the program altogether. DLLR has agreed that they can take on the small extra burden that would come with these additional responsibilities. With these amendments MDE supports the bill.

AMENDMENTS TO HOUSE BILL 189

Amendment No. 1

On page 1, in line 11, after the first and second “Department” insert “**OF LABOR, LICENSING AND REGULATION**”

On page 1, in line 13, after “Department” insert “**OF LABOR, LICENSING AND REGULATION**”

Amendment No. 2

On page 3, in line 15, after “Department” strike “**OF THE ENVIRONMENT**” and insert “**OF LABOR, LICENSING, AND REGULATION**”

On page 3, in line 17, after “Department” strike “**OF THE ENVIRONMENT**” and insert “**OF LABOR, LICENSING, AND REGULATION**”

On page 5, in line 17, after “Department” strike “**OF THE ENVIRONMENT**” and insert “**OF LABOR, LICENSING, AND REGULATION**”

**FOR MORE INFORMATION,**  
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