



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Governor

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Lieutenant Governor

March 6, 2014

The Honorable Thomas M. Middleton
Members of the Senate Finance Committee
3 East, Miller Senate Office Building
Annapolis, MD 21401

Re: Letter of Support with Amendments: Senate Bill 711 – *Maryland Occupational Safety and Health Act – Chemical Information List – Submission to Department of the Environment – Repeal*

Dear Senator Middleton and Committee Members:

The Maryland Department of the Environment (MDE or “the Department”) has reviewed Senate Bill 711 and would like to express its support for this legislation, as well as offer two amendments that are needed to ensure that public health and public access protections remain in place.

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 or toxic 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, the Department must then make it available to certain members of the public, such as first responders, medical professionals, former employees, environmental, civic and consumer organizations, community associations, etc.

Senate Bill 711 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, “Public Access to Information on Hazardous or Toxic Chemicals.” 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.

The Department 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. However, there are two protections that Environment Article, Sections 6-501 through 6-504, contain that would no longer remain if the Department’s Article is completely repealed. The Department has two conceptual amendments that would need to be added to the legislation to ensure that these public health and public access provisions are maintained in state law.



The first amendment would require the creation of a central repository for the CILs of employers that go out of business or otherwise are no longer required to keep CILs. This would allow continued access to these CILs if the employers no longer are required to keep them on site. The amendment will ensure that employees of such companies will continue to have access to CILs for 40 years if some work-related illness arise after a company goes out of business.

The second amendment allows continued access to CILs by entities (first responders, medical professionals, former employees, environmental, civic and consumer organizations, community associations, etc.) currently provided access to these lists in Environment Article 6-501 through 6-504, which is being repealed in this legislation. The Department believes there is great value in ensuring that these entities continue to have access to these lists.

The Department supports this legislation with these two amendments. Thank you for your consideration of this information as you review SB 734. Please contact me at 410-260-6301 or by email at jeffrey.fretwell@maryland.gov if you would like to discuss this issue further.

Sincerely,



Jeffrey Fretwell