

(B) EXEMPTIONS FROM LABELING REQUIREMENTS.

TO THE EXTENT THE SECRETARY FINDS TO BE CONSISTENT WITH PROTECTING THE PUBLIC HEALTH AND SAFETY ADEQUATELY, THE SECRETARY SHALL ADOPT RULES AND REGULATIONS THAT EXEMPT OR PARTIALLY EXEMPT HAZARDOUS MATERIAL FROM THE LABELING REQUIREMENTS IF COMPLIANCE WITH LABELING REQUIREMENTS IS IMPRACTICAL OR UNNECESSARY:

(1) BECAUSE OF THE SIZE OF THE PACKAGE THAT CONTAINS THE HAZARDOUS MATERIAL;

(2) BECAUSE THE HAZARD IS MINOR; OR

(3) FOR OTHER GOOD REASON.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 809(2) and (3), § 811(a), and 810(a), (c), (d) -- except the last phrase of that subsection -- and the first clause of (b).

In subsection (a) of this section, the reference to the Administrative Procedure Act is new language added for clarity.

In subsection (a)(1) of this section, the former phrase "or mixture of substances" is deleted as unnecessary.

In subsection (a)(1)(ii) of this section, "substance" is substituted for "article" to conform to terminology used elsewhere in this subtitle.

In subsection (a)(2) of this section, the former language "he finds necessary", which modified "requirements", is deleted as unnecessary.

Former Article 43, § 810(d) provided that the Secretary could declare an "article to be a banned hazardous substance and require its removal from commerce", but, unlike the federal act on which it is based, former Article 43, § 810(d) did not specify accompanying procedure. To fill this gap, and to avoid due process violations, the Commission to Revise the Annotated Code determined that normal rulemaking procedure should be followed in declaring hazardous materials to be banned hazardous materials. This revision is called to the attention of the General Assembly.

7-103. MISBRANDED HAZARDOUS MATERIAL.