

consensus standards and/or established federal standards, the Commissioner may adopt by reference and issue such rules, regulations and standards without the necessity of a public hearing thereon, notwithstanding the provisions of subsection (i) hereof, provided the Commissioner shall publish or otherwise circulate notice of his action in adopting such rules, regulations and standards by reference, complies with subsections (j) and (k) hereof, and files copies thereof with the clerk of the Court of Appeals, with the Secretary of State, with the State Library, with each of the libraries of the respective circuit courts of the several counties, with the State Department of Legislative Reference, and, subject to [Article 40, § 51 of the Code] § 2-1312 OF THE STATE GOVERNMENT ARTICLE, with the General Assembly of Maryland.

32B.

(b) Sections 32A through 32N of this subtitle do not apply to any hazardous chemical that is:

(1) A consumer product or [food stuff] FOODSTUFF packaged for distribution to, and intended for use by, the general public. This includes any product used by an employer in the same physical form, concentration and manner as used by consumers, and to which, in the employer's knowledge, employee exposure is not significantly greater than that of the consumer in foreseeable consumer uses of the product;

(2) An article which is formed to a specific shape or design during manufacture and has end use function dependent in whole or in part upon its shape or design during end use and does not release or otherwise result in exposure to a hazardous chemical under normal conditions of use[.];

(3) An ingredient used in the production of [food stuffs] FOODSTUFFS which are regulated under the Federal Food, Drug, and Cosmetic Act; and

(4) A hazardous chemical being transported or temporarily stored in a sealed or totally enclosed container and which is transported in accordance with requirements of the United States Department of Transportation.

32K.

(c) Any independent contractor or employer to whom information is not supplied under subsections (a) and (b) of this section may obtain a chemical information list or material safety data sheet from the Department of Health and Mental Hygiene, pursuant to [§ 32H(c)] § 32H(B) of this subtitle.

32L.

(c) If an employer fails to comply with [subsections] SUBSECTION (a) or SUBSECTION (b) of this section, an employee