

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 89, § 32C(b).

Former Art. 89, § 32C(a), which stated that "in addition to the requirements set forth in § 32B, an employer shall comply with §§ 32D through 32H of this subtitle", is deleted as unnecessary. Those provisions, which now are codified as §§ 5-404 through 5-408, expressly apply to "employers".

5-403. APPLICATION OF FEDERAL STANDARD.

(A) IN GENERAL.

EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN EMPLOYER, CHEMICAL MANUFACTURER, IMPORTER, OR DISTRIBUTOR SHALL COMPLY WITH ALL APPLICABLE PROVISIONS OF THE UNITED STATES DEPARTMENT OF LABOR, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, "HAZARD COMMUNICATION STANDARD", 29 C.F.R. 1910.1200, AS PUBLISHED AT 52 FEDERAL REGISTER NO. 163, AUGUST 24, 1987, PAGES 31876 THROUGH 31886, AND, AS ADOPTED BY THE COMMISSIONER, ALL SUBSEQUENT AMENDMENTS.

(B) INTERPRETATION OF TERMS.

(1) IF A TERM IS USED IN 29 C.F.R. 1910.1200 AND DEFINED IN § 5-401 OF THIS SUBTITLE, THE TERM HAS THE MEANING STATED IN § 5-401.

(2) WHEN USED IN 29 C.F.R. 1910.1200, THE TERMS "ASSISTANT SECRETARY OF LABOR FOR OSHA" AND "DIRECTOR OF THE NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH" SHALL BE INTERPRETED TO MEAN THE COMMISSIONER OR A DESIGNATED REPRESENTATIVE OF THE COMMISSIONER.

(C) WOOD AND WOOD PRODUCTS.

THE EXCLUSION FOR WOOD AND WOOD PRODUCTS SET FORTH IN 29 C.F.R. 1910.1200(B)(6)(III) DOES NOT APPLY IN MARYLAND.

(D) LABORATORIES.

(1) EXCEPT FOR AN ANALYTICAL, EDUCATIONAL, OR RESEARCH AND DEVELOPMENT LABORATORY, A LABORATORY SHALL COMPLY WITH 29 C.F.R. 1910.1200.

(2) AN EMPLOYER THAT IS AN ANALYTICAL, EDUCATIONAL, OR RESEARCH AND DEVELOPMENT LABORATORY SHALL COMPLY WITH 29 C.F.R. 1910.1200(B)(3).

(E) BURDEN OF PROOF OF TRADE SECRET.

THE PARTY WHO CLAIMS A TRADE SECRET UNDER 29 C.F.R. 1910.1200(I) HAS THE BURDEN OF PROVING THE CLAIM.