

(1) SHALL TREAT AS CONFIDENTIAL INFORMATION IN A CHEMICAL INFORMATION LIST; AND

(2) MAY NOT DISCLOSE THE INFORMATION:

(I) IN ANY CIVIL PROCEEDING; OR

(II) TO ANY PERSON.

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

The former duty to "[m]aintain information on all chemical information lists for 40 years" is deleted as duplicative of EN § 6-503(a)(2).

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that the duty of the Department of the Environment under subsection (b)(2) of this section is unclear, since "noncompliance" may refer to a failure to submit a document or to submission of an incomplete or otherwise insufficient document. As to public access to information on hazardous and toxic substances, see Title 6, Subtitle 5 of the Environment Article.

Defined term: "Commissioner" § 5-101

5-407. REQUEST FOR INFORMATION.

(A) RIGHT OF EMPLOYEES TO SEE DOCUMENTS; ACCESS.

(1) AN EMPLOYEE OR DESIGNATED REPRESENTATIVE MAY ASK AN EMPLOYER FOR:

(I) ACCESS TO A CHEMICAL INFORMATION LIST MAINTAINED BY THE EMPLOYER; AND

(II) A COPY OF THE CHEMICAL INFORMATION LIST OR ANY MATERIAL SAFETY DATA SHEET IN THE WORKPLACE OF THE EMPLOYEE.

(2) AN EMPLOYER SHALL COMPLY WITH A REQUEST UNDER THIS SUBSECTION:

(I) FOR ACCESS, IN THE WORKPLACE OF THE EMPLOYEE, WITHIN 1 WORKING DAY AFTER A REQUEST; AND

(II) FOR A COPY, WITHIN 5 DAYS AFTER A REQUEST.

(3) TO COMPLY WITH A REQUEST FOR A COPY, AN EMPLOYER SHALL PROVIDE, WITHOUT CHARGE TO THE EMPLOYEE OR DESIGNATED REPRESENTATIVE, THE COPY OR THE MECHANICAL MEANS TO PRODUCE THE COPY. IF, DURING A CALENDAR YEAR, MORE THAN 1 COPY IS REQUESTED FOR AN EMPLOYEE THE EMPLOYER MAY ASSESS A REASONABLE CHARGE FOR EACH ADDITIONAL COPY.