

AN EMPLOYER SHALL GIVE AN EMPLOYEE OR REPRESENTATIVE OF AN EMPLOYEE AN OPPORTUNITY TO OBSERVE EACH MEASUREMENT OR MONITORING UNDER THIS SECTION.

(C) NOTICE ABOUT EXPOSURE.

IF AN EMPLOYEE IS EXPOSED TO A POTENTIALLY TOXIC MATERIAL OR HARMFUL PHYSICAL AGENT IN A CONCENTRATION OR LEVEL THAT EXCEEDS THE LEVEL ALLOWED UNDER AN APPLICABLE OCCUPATIONAL SAFETY AND HEALTH STANDARD, THE EMPLOYER OF THE EMPLOYEE:

(1) PROMPTLY SHALL GIVE THE EMPLOYEE NOTICE; AND

(2) SHALL INFORM THE EMPLOYEE OF EACH CORRECTIVE ACTION BEING TAKEN.

(D) ACCESS TO RECORD.

(1) EACH EMPLOYEE OR FORMER EMPLOYEE SHALL HAVE ACCESS TO EACH RECORD THAT INDICATES EXPOSURE OF THE EMPLOYEE OR FORMER EMPLOYEE TO A TOXIC MATERIAL OR HARMFUL AGENT.

(2) EACH EMPLOYEE OR REPRESENTATIVE OF AN EMPLOYEE SHALL HAVE ACCESS TO EACH RECORD KEPT UNDER SUBSECTION (A) OF THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 89, § 33(c).

Subsection (a) of this section is revised to state expressly that the Commissioner may require measurements and monitoring and records. Although the first sentence of former Art. 89, § 33(c) was phrased as a duty of an employer to comply with regulations on measurement and monitoring, that duty is imposed for every regulation. See § 5-104(b) of this title. The revision also clarifies that the former phrases "as the Commissioner may prescribe by regulation" modified both the duty to monitor and the duty to keep records.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that subsection (d)(1) of this section is not limited to a "physical" agent, since the third sentence of former Art. 89, § 33(c) was not limited.

Defined terms: "Commissioner" § 5-101

"Employee" § 5-101 "Employer" § 5-101

"Occupational safety and health standard" § 5-101

5-702. RECORD AND REPORT OF ACCIDENTS.

(A) AUTHORITY TO REQUIRE.