

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 770

6
7 H.P. 549 House of Representatives, February 10, 1983
8 Referred to the Joint Standing Committee on Health and Institutional
9 Services.

10 On February 15, 1983, on Motion of Representative Nelson of Portland,
11 House receded from reference to the Committee on Health and Institutional
12 Services and concurred with the Senate reference to the Joint Standing
13 Committee on Energy and Natural Resources. EDWIN H. PERT, Clerk
14 Presented by Representative Michael of Auburn.

15 Cosponsors: Representative Gauvreau of Lewiston, Senator Bustin of
16 Kennebec and Senator Pearson of Penobscot.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT Relating to the Identification
18 and the Hazards of Exposure to Toxic
19 and Hazardous Substances.
20

21 Be it enacted by the People of the State of Maine as
22 follows:

23 Sec. 1. 26 MRSA c. 22, as amended, is repealed.

24 Sec. 2. 26 MRSA c. 24 is enacted to read:

25 CHAPTER 24

26 CHEMICAL SUBSTANCE IDENTIFICATION

27 §1901. Scope and application

28 The handling, storage, use, transport, process-
29 ing, discharge and disposal of toxic and hazardous
30 substances may endanger the health, welfare and

1 safety of those who live and work within the State.

2 It is necessary for the protection of the citi-
3 zens and workers of the towns and cities of the State
4 that employers who manufacture, process, use or store
5 toxic and hazardous substances disclose to their
6 employees, local fire departments and the Bureau of
7 Health or the Bureau of Labor Standards the identify
8 of and hazards associated with those substances.

9 Disclosure is necessary so that workers, resi-
10 dents and fire departments may respond quickly to any
11 health problem or other emergency created by the han-
12 dling, storage, use, discharging, transporting, pro-
13 cessing or disposal of toxic and hazardous sub-
14 stances.

15 Individuals who live and work within the State
16 have a right to know the identities of the toxic and
17 hazardous substances to which they may be exposed and
18 these same individuals as well as local fire depart-
19 ments have the right to know the health hazards asso-
20 ciated with the substances to which they may be
21 exposed.

22 §1902. Exemptions

23 Notwithstanding any language contrary to this
24 section, this chapter shall not apply to substances
25 which are:

26 1. Consumer products and food stuffs. Consumer
27 products and food stuffs packaged for distribution
28 to, and intended for use by, the general public.
29 This includes any labeled product used or stored in a
30 workplace in the same form, approximate volume or
31 amount, concentration and manner as it is sold to and
32 used by the general public, provided that it remains
33 labeled in the workplace, and to which, in the
34 employers' knowledge, employee exposure is not sig-
35 nificantly different from that of the general public
36 during foreseeable use of the substance. Ingredients
37 used in the production of food stuffs which are regu-
38 lated by the United States Food, Drug and Cosmetic
39 Act, as amended;

1 2. Toxic or hazardous substances. Toxic or
2 hazardous substances emitted or transported in inter-
3 state commerce into or through the State; or

4 3. Located in containers. Located in containers
5 having a volume of less than one gallon of liquid.

6 §1903. Definitions

7 As used in this chapter, unless the context indi-
8 cates otherwise, the following terms have the follow-
9 ing meanings:

10 1. CAS number. "CAS number" means the identifi-
11 cation number assigned by the Chemical Abstracts Ser-
12 vice to chemical substances.

13 2. Chemical name. "Chemical name" means the
14 scientific designation of a substance in accordance
15 with the nomenclature system developed by the Inter-
16 national Union of Pure and Applied Chemistry or the
17 Chemical Abstract Service Rules of Nomenclature.

18 3. Common name. "Common name" means any desig-
19 nation or identification, such as trade name or
20 number, code name or brand name used by the employer
21 to identify a substance other than its chemical name.

22 4. Container. "Container" means any receptacle
23 or formed or flexible covering for toxic or hazardous
24 substances, including, but not limited to, bag, bar-
25 rel, bottle, box, can cylinder, drum, carton, sta-
26 tionary or mobile storage tank, vessel or vat.

27 5. Employee. "Employee" means any person who
28 works, with or without compensation, in a workplace.

29 6. Employer. "Employer" means any person, firm,
30 corporation, partnership, association or other entity
31 engaged in a business or in providing services which
32 has employees, including the State and any of its
33 political subdivisions. The term employer does not
34 include the employment of domestic workers or casual
35 laborers employed at the place of residence of the
36 employer.

1 7. Label. "Label" means written, printed and
2 graphic information displayed on or affixed to the
3 container of a substance.

4 8. Material safety data sheet. "Material safety
5 data sheet" means that listing of information as re-
6 quired by section 1906.

7 9. Store. To "store" means to deposit or place
8 a substance in the city or town for a period of 48
9 hours or more.

10 10. Substance. "Substance" means any element,
11 entity, compound, combination or any mixture thereof,
12 whether organic or inorganic.

13 11. Trace quantity. "Trace quantity" means a
14 quantity of a substance which constitutes less than
15 1% of the total substance or the total volume of the
16 substance in question. "Toxic or hazardous sub-
17 stance" shall not mean any substance which contains
18 only a trace quantity of a toxic or hazardous sub-
19 stance.

20 12. Toxic and hazardous substance. "Toxic and
21 hazardous substance" means, except as provided in
22 section 1902, a substance which satisfies any of the
23 following requirements:

24 A. A substance which, because of the toxic or
25 hazardous properties which it exhibits, is deter-
26 mined by the Legislature or the Director of the
27 Bureau of Health to represent a significant risk
28 to the public health and safety as a result of
29 foreseeable use, handling, accidental spill,
30 exposure or contamination; or

31 B. A substance which is known by the employer to
32 present a significant risk of personal injury or
33 illness in workplaces in the State as the result
34 of foreseeable use, handling, accidental spill,
35 exposure or contamination. This subsection shall
36 be construed as requiring any employer to compile
37 or generate new data.

38 Any mixture containing more than a trace quantity of
39 a toxic or hazardous substance is a toxic or hazard-
40 ous substance.

1 13. Work area. "Work area" means any room or
2 defined space, whether within or outside of a build-
3 ing or other structure, where substances are used,
4 manufactured, processed or stored, and includes, but
5 is not limited to, areas where substances are
6 handled, mixed, packaged, repackaged or transported
7 and where employees or others are likely to be
8 present.

9 14. Workplace. "Workplace" means an establish-
10 ment or business at one geographic location contain-
11 ing one or more work areas.

12 §1904. Labeling of toxic and hazardous substances

13 1. Labels. Any employer who manufacturers, pro-
14 cesses, uses or stores toxic or hazardous substances
15 in the State shall clearly label every container of
16 a toxic or hazardous substance having a capacity of
17 one gallon or more and which appears on the workplace
18 of any manufacturer, processor, user or storer with
19 the following information:

20 A. The chemical name of the toxic or hazardous
21 substances contained therein. An employer who
22 has registered the name of a substance as a trade
23 secret according to section 1911 may choose not
24 to place the chemical name on any or all contain-
25 ers in its possession, provided that if an elec-
26 tion is made by the employer, the container must
27 bear a code which identifies the applicable mate-
28 rial safety data sheet, and the labeling provi-
29 sions of paragraph B must be complied with; and

30 B. The category and degree of hazard conveyed
31 through the color and number coding system
32 adopted by the National Fire Protection Associa-
33 tion, Inc., as published in the 1980 edition of
34 NEPA 704, entitled "Standard System for the Iden-
35 tification of the Fire Hazards of Materials." A
36 copy of NEPA 704 shall be on file for public
37 inspection at the Bureau of Health and in the
38 Maine State Library.

39 Labeling of toxic or hazardous substances, as re-
40 quired by this section, shall not be considered a
41 disclosure of trade secret information.

1 2. Exemptions. Toxic or hazardous substances
2 used in scientific experimentation or analysis, chem-
3 ical research or product development are exempted
4 from the labeling requirements of this chapter, pro-
5 vided that:

6 A. Quantities used are not greater than reason-
7 ably necessary for these purposes;

8 B. Employees are adequately advised of the toxic
9 or hazardous properties of these substances; and

10 C. Substances are used by, or directly under the
11 supervision of a properly trained individual
12 assigned to conduct research or product develop-
13 ment.

14 3. Transfers. An employer is not required to
15 label a container of a toxic or hazardous substance
16 which is 10 gallons or less in volume, into which
17 toxic or hazardous substances are transferred from
18 labeled containers and which are intended only for
19 immediate use of the employee who performs the trans-
20 fer.

21 §1905. Posting requirements

22 Every employer manufacturing, processing, using
23 or storing a toxic or hazardous substance in the
24 workplace shall post a sign in every work area, at
25 the location or locations where notices to employees
26 are normally posted, to inform employees that they or
27 their collective bargaining agent, or both, or other
28 designated representative have a right to information
29 from their employer regarding the toxic or hazardous
30 substances found in workplaces and a description of
31 the toxic or hazardous effects of the substances and
32 the circumstances under which these effects may be
33 produced.

34 §1906. Material safety data sheets

35 1. Information to be compiled. Every employer
36 manufacturing, processing, using or storing a toxic
37 or hazardous substance in a workplace within the
38 State shall compile and provide to the local fire
39 department upon request and the Bureau of Health

1 annually a material safety data sheet for every toxic
2 or hazardous substance which appears in its workplace
3 within the State. The material safety data sheet
4 shall set forth the following information:

5 A. The chemical name, trade name, common name,
6 CAS number and any other commonly used name of
7 the substance, except as provided in section
8 1911;

9 B. The routes of exposure, such as inhalation,
10 ingestion, adsorption or absorption;

11 C. The symptoms of and acute and chronic effects
12 of exposure to the substance at hazardous levels;

13 D. The potential for flammability, explosion and
14 reactivity of the substance;

15 E. Appropriate emergency treatment in the event
16 of exposure to hazardous levels;

17 F. Proper conditions for safe use and exposure
18 to the substance, including the need for personal
19 protective equipment;

20 G. Procedures for cleanup of leaks and spills of
21 the substance, including emergency procedures for
22 fire and explosion;

23 H. Any known danger, hazard or risk resulting
24 from the use of the substance, whether by itself
25 or in combination or mixture, or a statement that
26 there are no known dangers, hazards or risks,
27 based upon tests conducted by the manufacturer,
28 or research of the technical literature available
29 or the toxic or hazardous substance; and

30 I. The name, address and the current telephone
31 number of the manufacturer.

32 2. Copies available. The employer shall ensure
33 that copies of material safety data sheets for each
34 toxic or hazardous substance are located at each
35 workplace and are readily accessible to employees or
36 their representatives, or both, for examination
37 during all hours of operation.

1 3. Update data sheets. Whenever an employer
2 receives new information concerning those subjects
3 listed in subsection 1, whether from the manufacturer,
4 processor or other supplier or from state or federal
5 agencies, that employer must update the relevant
6 material safety data sheet and must make that new
7 information available to employees and, if so
8 requested, their representatives, upon receipt of the
9 information.

10 4. Maintenance of data for one year. The
11 employer shall retain material safety data sheets re-
12 quired under subsection 1 for a period of at least
13 one year after the toxic or hazardous substance was
14 last used, manufactured, processed or stored in its
15 workplace.

16 §1907. Location of toxic or hazardous substance

17 1. Lists of work areas in workplace. For the
18 purposes of local fire department inspections, every
19 employer shall compile and provide to the fire chief,
20 upon request, lists of work areas in the workplace
21 where toxic or hazardous substances are manufactured,
22 processed, used or stored. The lists shall also
23 specify, in alphabetical order by chemical name, all
24 toxic or hazardous substances regularly present in
25 each work area. Each list shall contain sufficient
26 information to identify the work area by name and
27 location.

28 2. Introduction of substance to workplace. When
29 a toxic or hazardous substance is introduced to the
30 workplace, the employer shall add the toxic or
31 hazardous substance and the date introduced to the
32 lists prior to worker exposure.

33 3. Trade secret information. The supplying of
34 information to the fire chief under subsections 1 and
35 2 shall not be considered disclosure of trade secret
36 information. An employer shall specify which infor-
37 mation, if any, contained on the lists is trade
38 secret information and is protected from improper use
39 and dissemination under section 1911.

40 §1908. Maintenance of records

1 1. Bureau of Health to maintain records. The
2 Bureau of Health shall accumulate and maintain the
3 following information as received from manufacturers,
4 processors, users or storers of toxic or hazardous
5 substances in each locality:

6 A. Material safety data sheets provided in ac-
7 cordance with section 1906;

8 B. Information as to the exact location of all
9 toxic or hazardous substances which is provided
10 in accordance with section 1907; and

11 C. The approximate amount used annually.

12 2. Availability of records. With the exception
13 of information classified as trade secrets pursuant
14 to section 1911, information maintained under subsec-
15 tion 1, is part of the public record and must be made
16 available to any local resident.

17 §1909. Inspections

18 1. Entry for inspection. Each local fire chief
19 or designated representative shall have the right to
20 entry at reasonable hours into any workplace when the
21 chief has reason to believe or suspect that employees
22 or residents may be exposed to toxic substances at
23 hazardous levels, either in the course of normal
24 usage or in the event of accidental spill or emer-
25 gency. The chief or designee shall not attempt a
26 forcible entry should the employer refuse to consent
27 to such an inspection, but shall seek a proper search
28 warrant. These inspections shall be for the purpose
29 of determining:

30 A. That toxic or hazardous substances are prop-
31 erly labeled consistent with section 1904 and the
32 required information is contained on the material
33 safety data sheets;

34 B. That appropriate safety, containment and
35 clean-up equipment is readily available; and

36 C. That the location of toxic or hazardous sub-
37 stances is consistent with the information re-
38 quired under section 1907.

1 2. Assistance. If an inspection has been deter-
2 mined to be necessary by the fire chief, the chief
3 may request the Department of Human Services, Divi-
4 sion of Health Engineering, to assist in or conduct
5 the inspection. The division will provide such
6 assistance as requested, or may initiate inspections
7 when the Directors of the Bureau of Labor Standards
8 or Bureau of Health believe that workers or residents
9 may be exposed to toxic substances at hazardous
10 levels.

11 3. Request for inspection. Any employee, repre-
12 sentative of employees, or local resident, who
13 believes that a violation of this chapter exists may
14 request an inspection by giving written notice to the
15 local fire chief, his designated representative, or
16 the Bureau of Health or the Bureau of Labor Standards
17 of the violation. Upon the request of the person
18 giving the notice, his identity and that of the
19 employees referred to in the notice shall be confi-
20 dential information and shall not be revealed or pub-
21 lished by the fire department or the Bureau of Health
22 or the Bureau of Labor Standards, except for good
23 cause upon court order.

24 4. Time period for inspection. The Bureau of
25 Labor Standards shall investigate, within 72 hours,
26 any complaint in which it is alleged that employees
27 have been ordered to work with substances which are
28 not labeled as required by this chapter or for which
29 material safety data sheets required by this chapter
30 are not accessible to employees.

31 §1910. Employees' rights

32 1. Employer or employers to provide information.
33 Employees, their designated representatives or their
34 recognized collective bargaining agents, or both, may
35 request in writing, and the employer or employers
36 shall provide, any information relating to toxic or
37 hazardous substances which the employer is required
38 to maintain pursuant to this chapter.

39 2. Period information to be furnished. Upon
40 receipt of a request for information, the employer
41 must provide the requested information within 72
42 hours, excluding weekends and public holidays. If

1 the information is not provided, the employee may not
2 be required to work with the toxic or hazardous sub-
3 stance until the information is made available.

4 3. Right to participate in inspection. Any
5 employee or designated representative, or both, shall
6 have the right to accompany the inspector from the
7 fire department or the Division of Health Engineering
8 and to participate in any inspection provided for in
9 this section at no loss of pay.

10 4. Discharge, discipline or discrimination. No
11 employer may discharge, cause to be discharged or
12 otherwise disciplined or in any manner discriminate
13 against any employee or prospective employee for the
14 reason or reasons that the person has exercised any
15 right, made any claim or filed any complaint or suit
16 or has instituted, or caused to be instituted, any
17 proceeding under this chapter, or has testified, or
18 is about to testify, in any proceeding in his own
19 behalf or on the behalf of others; nor may any
20 renumeration, position, seniority or other benefits
21 be lost or denied to any such employee who has exer-
22 cised any right provided by this chapter.

23 5. Procedure for violation. Any employee who
24 believes that he has been discharged, disciplined or
25 otherwise discriminated against by any person in
26 violation of this section may, within 180 days after
27 the violation occurs or, 180 days after the employee
28 first obtains knowledge that a violation did occur,
29 file a complaint with the Director of the Bureau of
30 Labor Standards alleging the discrimination. Upon
31 receipt of the complaint, the director shall cause
32 the investigation to be made as he deems appropriate.
33 If upon investigation, the director determines that
34 this section has been violated, he shall request the
35 Attorney General to bring an action in the appropri-
36 ate court against the person or persons alleged to
37 have violated this section. In any action, the court
38 shall have jurisdiction to restrain violations of
39 this section and to order all appropriate relief,
40 including, but not limited to, civil penalties as set
41 forth in section 1915, hiring, rehiring or reinstatement
42 of the employee in employment together with the
43 payment of any compensation otherwise actually lost
44 as a result of the violation. Within 90 days of the

1 receipt of a complaint filed under this section, the
2 director shall notify the complainant and his repre-
3 sentative by registered mail of his determination.

4 In addition to, but not in lieu of, the described ac-
5 tion in this subsection, any employee may commence
6 any action in any appropriate court of law alleging
7 wrongful discrimination in violation of this chapter.

8 §1911. Trade secrets

9 1. Exemptions. An employer may withhold the
10 chemical name of a toxic or hazardous substance from
11 the label required by section 1904 and the material
12 safety data sheet required by section 1906, provided
13 that:

14 A. The employer can establish that the substance
15 is a trade secret by showing that:

16 (1) It is a catalyst unknown to competitors
17 or other intermediate unknown to competi-
18 tors; or

19 (2) It cannot be practically and lawfully
20 discovered by analytical techniques, labora-
21 tory procedures or other means available to
22 any potential competitor;

23 B. The employer can establish that the substance
24 is not a suspected or recognized carcinogen,
25 mutagen, teratogen or cause of significant
26 irreversible damage to human organs or body sys-
27 tems, as demonstrated through human, animal or
28 other experimental media;

29 C. The toxic or hazardous substance is identi-
30 fied by a generic chemical classification that
31 would provide sufficient information upon which a
32 health professional could render recommendations
33 for adequate safeguards to prevent toxic or
34 hazardous exposure to the substance;

35 D. All other information on the properties and
36 effects of the substance required by section 1906
37 is provided;

1 E. The material safety data sheet indicates
2 which category of information is being withheld
3 on trade secret grounds;

4 F. The material safety data sheet for the spe-
5 cific substances or substance in question is
6 posted in the work area where the substance is
7 used, manufactured or stored; and

8 G. The withheld information is provided on a
9 confidential basis to a treating physician who
10 states in writing, except in an emergency situa-
11 tion, that a patient's health problems may be
12 related to exposure to a toxic or hazardous sub-
13 stance. A statement to this effect with the name
14 and telephone number of the person or persons
15 authorized, on a 24-hour a day basis, to disclose
16 the withheld information shall be included on the
17 materials safety data sheet.

18 2. Supplier withholds information. An employer
19 may withhold information as trade secret, if the
20 employer can establish that the information was with-
21 held by the employer's supplier in accordance with
22 subsection 1.

23 3. Requirements for employers. An employer must
24 provide the chemical name and location of all toxic
25 or hazardous substances, notwithstanding status as a
26 trade secret as provided in subsection 1 or 2, to the
27 fire chief as provided in section 1907. The employer
28 shall designate what information is considered trade
29 secret information to be protected as such by the
30 fire department, pursuant to this section and section
31 1907. The employer shall also file a statement with
32 the fire chief, when designating that a certain toxic
33 or hazardous substance is trade secret or that its
34 location would reveal trade secret information, that
35 the conditions of subsection 1, paragraphs A to G,
36 are satisfied.

37 4. Disclosure of trade secrets. No officer,
38 employee, agent or contractor of any state or local
39 department, board or commission shall knowingly and
40 intentionally disclose to anyone in any manner unless
41 authorized by law, any trade secret information,
42 except as is required to administer or enforce this

1 chapter and perform official duties. Any person who
2 violates this section may be fined, suspended or
3 removed from office or employment in the manner pro-
4 vided by law.

5 5. Disclosure permitted to protect health,
6 safety and property. Notwithstanding any other
7 provision of this chapter, the fire chief, or his
8 designated representative, is authorized to disclose
9 trade secret information as designated by an employer
10 when that action is necessary to properly protect
11 health, safety or property in an emergency action.

12 §1912. Declaration of toxic and hazardous substances

13 In accordance with section 1903, subsection 1,
14 the Legislature determines substances listed in the
15 latest editions of the following publications as
16 "toxic or hazardous substances:"

17 1. Department of Transportation Hazardous Mate-
18 rials Table. Department of Transportation Hazardous
19 Materials Table, 49 Code of Federal Regulations,
20 172.101, and meets one or more of the following cri-
21 teria for hazard class:

22 A. Is a combustible substance. For purposes of
23 this section, a combustible substance is any liq-
24 uid with a flash point above 100° F. and below
25 200° F.;

26 B. Is a compressed gas. For purposes of this
27 section, a compressed gas is any chemical having
28 in the container an absolute pressure exceeding
29 40 PSI at 70° F. or having an absolute pressure
30 exceeding 104 PSI at 130° F., or any flammable
31 liquid having a vapor pressure exceeding 40 PSI
32 absolute pressure at 100° F.;

33 C. Is an explosive. For purposes of this
34 section, an explosive is any chemical which is
35 capable of producing an instantaneous release of
36 gas and heat;

37 D. Is a flammable substance. For purposes of
38 this section, a flammable substance is any liquid
39 with a flash point of below 100° F., solid heat

1 from manufacturing or processing or gas, which at
2 atmospheric temperature and pressure forms a
3 flammable mixture with air when present at a con-
4 centration of 13% or less by volume or that forms
5 a range of flammable mixtures with air wider than
6 12%, regardless of the lower limit;

7 E. Is an organic peroxide. For purposes of this
8 section, an organic peroxide is an organic com-
9 ound that contains the bivalent - O- O- struc-
10 ture and which is a derivative of hydrogen
11 peroxide where one or more hydrogen atoms have
12 been replaced by organic radicals; or

13 F. Is an oxidizer. For purposes of this
14 section, an oxidizer is a chemical that readily
15 yields oxygen and can stimulate the combustion of
16 organic matter;

17 2. Toxic and hazardous substances of the United
18 States Occupational Health and Safety Act. Listed in
19 the toxic and hazardous substances section of the
20 regulations of the United States Occupational Health
21 and Safety Act labeling standard in the 29 Code of
22 Federal Regulations, Part 1910, Subpart Z;

23 3. International Agency for Research on Cancer.
24 Listed as a human or animal carcinogen by the Inter-
25 national Agency for Research on Cancer;

26 4. United States Environmental Protection
27 Agency. Is designated by the United States Environ-
28 mental Protection Agency pursuant to the United
29 States Clean Water Act of 1977, Sections 307 and 311,
30 or as hazardous air pollutants pursuant to the United
31 States Clean Air Act, as amended, which have known,
32 adverse human health risks; and

33 5. Pesticides Control Board. Substances listed
34 as hazardous or toxic by the Pesticides Control Board
35 and the Department of Human Services or any other
36 state agency responsible for the health and safety of
37 Maine citizens.

38 §1913. Employee education and training

1 1. Educational and training program required.
2 Every employer shall institute an educational and
3 training program for employees routinely exposed to
4 toxic substances. The employer shall assure that all
5 education and training materials and information are
6 provided at no cost to the employee.

7 2. Time for instituting the program. The educa-
8 tional and training program shall commence prior to
9 initial assignment and shall be repeated at least
10 annually thereafter. Additional instruction must be
11 provided whenever the potential for exposure to toxic
12 substances is altered.

13 3. Program to include. The educational and
14 training program shall include, but may not be
15 limited to, the following:

16 A. The location of toxic substances to which the
17 employee may be exposed;

18 B. All information required to be supplied on
19 material safety data sheets pursuant to section
20 1906, subsection 1; and

21 C. The contents of this chapter.

22 §1914. Penalties

23 1. Civil penalty. Any employer who fails to
24 comply with this chapter shall be liable for a civil
25 penalty not to exceed \$10,000, in addition to any
26 other damages for which an employer may be liable
27 pursuant to any other provision of law. The Attorney
28 General may bring an action in the appropriate court
29 against any person or persons alleged to have vio-
30 lated this chapter. In any such action, the court
31 shall have jurisdiction to restrain violations of
32 this chapter and to levy appropriate penalties. Any
33 penalty assessed for the violation of any of the
34 provisions of this chapter shall be payable to the
35 Director of the Bureau of Health to be utilized for
36 the purposes of environmental health.

37 2. Criminal penalty. Any person who willfully
38 and intentionally violates this chapter is, for a
39 first offense, guilty of a Class E crime and is, for
40 a subsequent offense, guilty of a Class D crime.

