

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 958

H. P. 750

House of Representatives, March 2, 1979

On Motion of Mr. Wyman of Pittsfield, referred to the Committee on Labor.
Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Prescott of Hampden.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT Relating to the Identification and the Hazards of Chemicals in the
Workplace.**

Be it enacted by the People of the State of Maine, as follows.

26 MRSA c. 22 is enacted to read:

CHAPTER 22

CHEMICAL SUBSTANCE IDENTIFICATION

§ 1701. Scope and application

1. **Information.** This chapter requires that information be provided to employees about the identities and hazards of chemicals in the workplace by means of chemical identification lists, labels, substance data sheets, education and training and access to written records.

2. **Applicable chemicals.** This chapter applies to any chemical in the workplace which is:

- A. A hazardous substance;
- B. A toxic substance; or
- C. A substance likely to be inhaled, ingested or absorbed through the skin.

3. **Nonapplicable chemicals.** This chapter does not apply to chemicals which are goods, drugs, cosmetics or tobacco products intended for personal consumption.

§ 1702. **Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms shall have the following meanings.

1. **Chemical.** "Chemical" means any element, chemical compound or mixture of elements, or both compounds.

2. **Chemical name.** "Chemical name" means the name of a substance established by the Chemical Abstracts Services in the most recent edition of the Collective Index of Chemical Abstracts.

3. **Common name.** "Common name" means any designation or identification, such as code name or number or trade or brand name, used by the employer to identify a substance other than by its chemical name.

4. **Container.** "Container" means any open or closed bag, barrel, bottle, carton, flask, package, pipe, tank, vat, vessel or the like into which chemicals are placed.

5. **Director.** "Director" means the Director of the Bureau of Labor, Department of Manpower Affairs, or a designee.

6. **Hazardous substance.** "Hazardous substance" means a chemical which:

A. Is listed in the Department of Transportation Hazardous Materials Table, 49 CFR 172.101; or

B. Meets one or more of the following criteria for hazard class:

(1) Is a combustible substance. For purposes of this section, a combustible substance is any liquid with a flash point above 100° F. and below 200° F.;

(2) Is a compressed gas. For purposes of this section, a compressed gas is any chemical having in the container an absolute pressure exceeding 40 PSI at 70° F. or having an absolute pressure exceeding 104 PSI at 130° F., or any flammable liquid having a vapor pressure exceeding 40 PSI absolute pressure at 100° F.;

(3) Is an explosive. For purposes of this section, an explosive is any chemical which is capable of producing an instantaneous release of gas and heat;

(4) Is a flammable substance. For purposes of this section, a flammable substance is any liquid with a flash point of below 100° F., solid heat from manufacturing or processing or gas which at atmospheric temperature and pressure forms a flammable mixture with air when present at a concentration of 13% or less by volume or that forms a range of flammable mixtures with air wider than 12% regardless of the lower limit;

(5) Is an organic peroxide. For purposes of this section, an organic peroxide is an organic compound that contains the bivalent - O - O - structure and which is a derivative of hydrogen peroxide where one or more hydrogen atoms have been replaced by organic radicals;

(6) Is an oxidizer. For purposes of this section, an oxidizer is a chemical that readily yields oxygen and can stimulate the combustion of organic matter; or

(7) Is an unstable, reactive substance. For purposes of this section, an unstable, reactive substance is a chemical which will vigorously polymerize, decompose, condense or become self-reactive under conditions of shocks, pressure or temperature.

7. Toxic substance. "Toxic substance" means a chemical which is:

A. Listed in the National Institute for Occupational Safety and Health Registry of Toxic Effects of Chemical Substances; or

B. Reported in the Federal Register or a publicly available or private report known to the employer as inducing in man or experimental animals any of the following:

(1) Mutagenic, teratogenic or transplacental effects;

(2) Reversible or irreversible bodily injury or illness via the respiratory tract, skin, eye, mouth or other routes; or

(3) Diminished mental alertness, reduced motivation or altered behavior.

8. Work area. "Work area" means a room or defined space in which employees are or may be exposed to chemicals.

§ 1703. Chemical identification lists

1. Information to be listed. Each employer shall develop and maintain chemical identification lists for each work area containing the following information:

A. The chemical names of all chemicals in the workplace in alphabetical order, with a cross-reference to their respective common names, if any;

B. The common names of all chemicals in the workplace in alphabetical order, with a cross-reference to their respective chemical names; and

C. An indication of which chemicals on the list are present in the work area if the list contains more than these items.

2. Updated listing. The chemical and common names of all chemicals introduced into the workplace since the prior listing shall be appended to the chemical identification lists when introduced into the workplace and the list shall be revised and realphabetized annually.

3. Posting of list. The chemical identification lists shall be posted or available to employees for inspection in each work area.

§ 1704. Labels

1. Containers to be labeled, tagged or marked. Each container present in the workplace shall be labeled, tagged or marked with the common or chemical names of the chemicals contained.

2. Precautionary labels. Each container of hazardous or toxic substances not subject to a specific Occupational Health and Safety Act labeling standard shall display a precautionary label, tag or marking which contains at least the following information;

- A. Hazards of exposure to the chemicals;
- B. Symptoms of exposure or overexposure;
- C. Appropriate emergency treatment; and
- D. Proper conditions and precautions of safe use or exposure.

3. Label requirements of the Occupational Health and Safety Act. Each container of chemicals subject to a specific Occupational Health and Safety Act labeling standard in the United States Code of Federal Regulations 29, Part 1910, subpart Z, or United States Code of Federal Regulations 29, Part 1990, shall meet the specific labeling requirements of that standard in lieu of the requirements of this paragraph.

4. Label of chemical containers sold or distributed. The chemical name and any precautionary labels required by this standard shall be affixed to containers of chemicals which are sold, distributed or otherwise leave the employer's workplace.

5. Label to be prominently affixed. Each label, tag or marking shall be prominently affixed in a manner to facilitate employee identification of the chemicals that are contained.

6. Detracting information prohibited. No statement which contradicts or detracts from the required information shall appear on or near any required sign or label, except that labels, tags or markings which have been affixed to containers or chemicals pursuant to the regulations of other federal agencies may remain affixed to the containers after entering the workplace.

§ 1705. Substance data sheets

1. Development of substance data sheets. Each employer shall obtain or develop a substance data sheet for each hazardous or toxic substance in the workplace.

2. Sheet required for each hazardous or toxic substance sold or distributed. Substance data sheets required by this standard shall be provided for each hazardous or toxic substance which is sold, distributed or otherwise leaves the employer's workplace.

3. Information required for substance data sheets. The substance data sheet shall contain at least the following information:

- A. The chemical and common names of the hazardous or toxic substance;
- B. A description of the substance including physical data;
- C. The hazards of the substances, including the potential for fire, explosion, reactivity, acute and chronic health effects and route of exposure;
- D. Handling and hygienic practices or precautions;
- E. Engineering and personal protective methods and equipment where appropriate;
- F. Emergency and first aid procedures;
- G. Procedures for clean up of leaks or spills;
- H. References to source materials and test data used to fill out the substance data sheet; and
- I. The name and address of the person responsible for completing the substance data sheet and the date of completion.

4. Unknown information. If information is not available from the manufacturer, supplier, a publication in the Federal Register or a publicly available or private report known to the employer, the fact shall be indicated by inserting the word, unknown.

5. Posting of substance data sheet. A substance data sheet for each hazardous or toxic substance in the work area shall be posted or available to employees for inspection in each work area.

6. Time limit for adding new information to substance data sheet. Newly acquired information which indicates the need for additional protective measures shall be added to the substance data sheet within 3 months, and this information shall be forwarded to other employers who have obtained within the previous 24 months the data sheet from the originator.

§ 1706. Employee education and training

1. Education and training program required. The employer shall institute an education and training program for all employees that are routinely exposed to chemicals and shall assure the employees' participation.

2. Schedule for educational and training program. The education and training shall commence prior to initial assignment and shall be repeated at least annually thereafter. Additional instruction shall be provided whenever chemicals or processes change, or newly acquired information indicates the need for additional protective measures.

3. Education and training contents. The education and training program shall include the following:

- A. The location, properties and acute and chronic health effects of the chemicals to which the employees are routinely exposed in the workplace;
- B. The nature of the operations which could result in exposure to these chemicals as well as any necessary handling or hygienic practices or precautions;
- C. The purpose, proper use and limitation of personal protective equipment required by any other Occupational Health and Safety Act standard or otherwise used in the workplace;
- D. An explanation of the information contained on the chemical identification lists, labels and substance data sheets;
- E. The location and availability of the chemical identification lists, substance data sheets and any exposure monitoring and medical records; and
- F. The contents of this law.

4. Materials furnished at no cost. The employer shall assure that all the education and training materials and information are provided at no cost to the employee.

5. Materials available at request to the director. All materials relating to the education and training and required by this standard shall be made available upon request to the director.

§ 1707. Access to written records

1. Lists and sheets; availability. Chemical identification lists and substance data sheets required by this law shall be made available upon request for examination and copying to any affected employee, former employee, designated physician or representative or the director. The chemical identification lists shall be kept for 20 years.

2. Exposure measurements; availability. Any exposure measurements taken to monitor employee exposure to chemicals in the workplace shall be made available upon request for examination and copying to any affected employee, former employee, designated physician or representative or the director.

3. Employee medical records; availability. Any employee medical records which the employer maintains shall be made available to the affected employee, former employee, designated physician or representative and to the director.

STATEMENT OF FACT

This bill recognizes that many places of work are dangerous to the health of employees and that many chemical and other hazards of the workplace remain known only to employers. The bill requires that workers be given adequate information and education in order that they might protect themselves. This legislation is based on the chemical labeling standard proposed but not yet promulgated by the Occupational Safety and Health Administration of the United States Department of Labor.