# MAINE STATE LEGISLATURE

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	FIRST	REGULAR SE	ESSION	
	ONE HUNDRED A	ND TWELFT	H LEGISLATURE	
Legislative D	ocument			No. 1436
S.P. 535 Reference printed.	to the Committee	e on Human R	In Senate, A	
		JOY J. O	'BRIEN, Secretary of	of the Senate
Cosponso	Senator Andrews or ored by President laresentative Jacque	Pray of Penob	scot, Representative	Carroll of
	STA	TE OF MAIN	NE	
	IN THE NINETEEN HUN	YEAR OF OUDRED AND E		
		nvestigate	tment of Huma: and Provide nity Health	n
Be it enac follows:	ted by the F	eople of t	the State of M	aine as
Sec. 1 pealed and			first 2 lines l in their plac	
	<u>C</u>	HAPTER 271	<u> </u>	
	HEA	LTH PROGRA	AMS	
	SU	BCHAPTER I	<u>-</u>	
	ENVIRONMEN	TAL HEALTH	I PROGRAMS	
Sec. 2	. 22 MRSA c	. 271, sub	o-c. II is ena	cted to

## SUBCHAPTER II

## COMMUNITY HEALTH INVESTIGATION AND INFORMATION

## §1696-A. Findings and intent

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The Legislature finds and declares that the proliferation of hazardous substances in the environment poses a growing threat to the public health, safety and welfare; that the constantly increasing number and variety of hazardous substances, and the many routes of exposure to them make it difficult and expensive to adequately monitor and detect any adverse health effects attributable to them; that individuals are often able to detect and thus minimize effects of exposure to hazardous substances if they are aware of the identity of the substances and the early symptoms of unsafe exposure; and that individuals have an inherent right to know the full range of the risks they face so that they can make reasoned decisions and take informed actions concerning their employment and their living conditions.

The Legislature further declares that accidental releases of hazardous materials pose a threat to public health and safety and that there are serious questions concerning the State's ability to respond to these emergencies in a coordinated and effective manner; and that local health, fire, police, safety and other government officials require information about the identity, characteristics and quantities of hazardous substances used and stored in communities within their jurisdictions, in order to adequately plan for, and respond to, emergencies and enforce compliance with applicable laws and rules concerning these substances.

The Legislature further declares that the extent of the toxic contamination of the air, water, and land in this State has caused a high degree of concern among its residents; and that much of this concern is needlessly aggravated by the unfamiliarity of these substances to residents.

The Legislature determines that it is in the public interest for the State to examine its emergency response mechanisms and procedures for accidents in-

- volving hazardous materials, to establish a compre-hensive program for the disclosure of information
- 2
- 3 about hazardous substances in the community and to
- 4 provide a procedure whereby residents of this State 5 may gain access to this information.
  - §1696-B. Short title

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- 7 This subchapter may be cited as the "Community 8 Right-to-Know Act.'
- 9 §1696-C. Community health information project
- 10 The department shall undertake a community health 11 information project under the auspices of the Envi-
- 12 ronmental Health Program in the Bureau of Health. The project shall respond, subject to this subchap-13
- ter, to requests made by state agencies, municipali-14
- 15 ties or individuals for information on potential health hazards posed by the use of hazardous chemi-16
- cals. To meet these requests, the director shall es-17
- tablish a Community Health Information Clearinghouse 18
- which shall contain information on the health impli-19
- 20 cations of chemicals in use in the home and the
- 21 workplace.
- 22 §1696-D. Response to requests
- 23 When requested under this subchapter, the direc-24 tor shall provide, at a minimum, the identity of 25 chemical substances in use or present at a specific
- location, unless the substance has been designated as 26
- 27 trade secret under Title 26, chapter 22. The director may provide information on the chronic 28
- acute health hazards posed by the substance, potential routes of exposure, emergency procedures and 29
- 30 31
- other subjects as appropriate. The director shall 32
- report in writing annually by January 1st to the joint standing committee of the Legislature having 33
- 34 jurisdiction over human resources on the number and
- 35 type of requests received and on his response to
- 36 these requests.
- 37 §1696-E. Cooperation with state agencies
- 38 The director may obtain, upon request, informa-
- 39 tion from and the assistance of the Bureau of Labor

- Standards, Department of Environmental Protection,
  Bureau of Pesticides Control and other state agencies
  as appropriate in the conduct of investigations under
  this chapter. Information obtained under this section shall be subject to the trade secret provisions
  governing the agencies supplying the information.
  - §1696-F. Provision of information; trade secrets
- A person may withhold the identity of a specific toxic or hazardous substance, if the substance has been registered as a trade secret under Title 26, chapter 22. All other information, including routes of exposure, effects of exposure, type and degree of hazard and emergency treatment and response proce-dures, shall be provided if requested by the Director the Bureau of Health and shall be considered a public record.
- 17 Sec. 3. 26 MRSA §1721, as enacted by PL 1983, c. 823, §2, is amended to read:
- 19 §1721. Confidentiality of information

- All information and reports obtained by the director, the Director of the Bureau of Health or any other agency under this chapter shall be confidential, except that the Director of the Bureau of Health shall may provide the public with relevant information relating to any chemical in a particular workplace when the Director of the Bureau of Health has reason to believe that the chemical is present in that workplace under circumstances which represent an immediate or long-term threat to the health or safety of the general public subject to Title 22, chapter 271, subchapter II. Review of the director's actions or failure to act under this section shall be in Superior Court.
- Sec. 4. Emergency response study. The Bureau of Civil Emergency Preparedness, the Department of Environmental Protection, and the Bureau of Health shall jointly conduct a study of the State's ability to respond to accidental releases of hazardous material due to fires, spills, natural disasters and other unforeseen events.

- 1. Report. The results of this study together with any recommendations for legislation shall be reported to the First Regular Session of the 113th Legislature by January 1, 1987.
- 2. Study subject. The study will consider issues, including, but not limited to, the need for a central dispatcher of emergency response teams and health experts, the need for mobile sampling and analytical equipment, training needs of local and state health and safety officials, onsite emergency decision-making procedures and advance planning for emergency response at specific locations.
- 3. Advisory group. To assist in the conduct of this study, the agencies mentioned in this section shall appoint a temporary advisory group composed of individuals from Department of Public Safety, Department of Transportation, the Maine Firemen's Association, Legislature, municipal governments and other members of the public as appropriate.

### 20 STATEMENT OF FACT

There are currently serious questions about the State's ability to respond quickly, effectively and in a coordinated manner to accidental releases of hazardous materials. This issue can only be adequately addressed by thoughtful cooperative planning involving businesses, local and state safety officials and members of the public. The bill requires a study to be conducted jointly by the Bureau of Civil Emergency Preparedness, the Department of Environmental Protection and the Bureau of Health.

Many of the chemicals in common commercial use pose serious potential health and safety hazards to the general population. Those hazardous chemicals used directly by the public often have warning labels. The public has little knowledge of the chemicals which may be in use by businesses all around them in their communities. They have no way of controlling their exposure to these materials. They may also lack the knowledge and information necessary to have a meaningful input to state and local regulatory proceedings.

This bill establishes a procedure for providing information to citizens on the hazardous materials that may be in use in their communities. The bill utilizes existing information collection mechanisms and imposes no new reporting burdens on the State's businesses. Legitimate trade secrets are protected as they are under existing law.

The community health information project will be coordinated by the Environmental Health Program in the Department of Human Services. This agency has the responsibility and expertise to evaluate potential threats to public health.

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