

(4) AN EMPLOYER SHALL MAKE THE MATERIAL SAFETY DATA SHEET READILY ACCESSIBLE IN ACCORDANCE WITH 29 C.F.R. 1910.1200(G)(8).

(5) IF AN EMPLOYER FAILS TO COMPLY WITH THIS SUBSECTION, AN EMPLOYEE WHO REQUESTS THE INFORMATION MAY REFUSE TO WORK WITH THE HAZARDOUS CHEMICAL FOR WHICH THE CHEMICAL INFORMATION LIST OR MATERIAL SAFETY DATA SHEET WAS REQUESTED.

(B) ACCESS TO DOCUMENTS BY OTHER PERSONS.

A PERSON DESCRIBED IN TITLE 6, SUBTITLE 5 OF THE ENVIRONMENT ARTICLE HAS ACCESS TO A CHEMICAL INFORMATION LIST OR MATERIAL SAFETY DATA SHEET IN ACCORDANCE WITH THAT SUBTITLE.

REVISOR'S NOTE: Subsection (a) of this section is new language derived without substantive change from former Art. 89, § 32H(a), (b), and (c).

Subsection (b) of this section is new language added to provide a convenient cross-reference to other provisions on access to chemical information lists and material safety data sheets.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that it is unclear whether subsection (a)(3) of this section allows a charge for additional copies of a particular document or for all copies after the first copy of any document.

Defined terms: "Employee" §§ 5-101 and 5-401

"Employer" §§ 5-101 and 5-401

"Person" § 1-101

5-408. EXCHANGE OF INFORMATION BY CONTRACTOR AND EMPLOYER.

(A) INFORMATION FOR EMPLOYERS.

AN INDEPENDENT CONTRACTOR TO WHOM THIS SUBTITLE APPLIES OR AN EMPLOYER:

(1) BEFORE COMMENCEMENT OF WORK AT A WORKPLACE, SHALL PROVIDE INFORMATION COMPILED UNDER § 5-405 OF THIS SUBTITLE TO ANY OTHER EMPLOYER WHOSE WORKPLACE IS THE SITE OF WORK BEING PERFORMED BY THE INDEPENDENT CONTRACTOR OR EMPLOYER; AND

(2) ON REQUEST, SHALL PROVIDE MATERIAL SAFETY DATA SHEETS FOR EACH HAZARDOUS CHEMICAL IDENTIFIED ON THE CHEMICAL INFORMATION LIST TO ANY OTHER EMPLOYER WHOSE WORKPLACE IS THE SITE OF THE WORK BEING PERFORMED BY THE INDEPENDENT CONTRACTOR OR EMPLOYER, WITHIN 1 WORKING DAY AFTER THE REQUEST.