

§800. Trade secrets

1. Withholding information. Information that constitutes a trade secret may be withheld from the local emergency planning committee or fire department, and specific chemical names and identifications may be withheld in accordance with this subchapter if:

A. The information has not been disclosed to any other person except the commission, the local emergency planning committee, a public official or a person bound by confidentiality agreement, and reasonable measures have been taken to protect confidentiality; [PL 1989, c. 464, §3 (NEW).]

B. The information is not required to be disclosed by law; [PL 1989, c. 464, §3 (NEW).]

C. Disclosure is likely to cause harm to the business's competitive position; and [PL 1989, c. 464, §3 (NEW).]

D. The chemical identity in question is not readily discoverable through reverse engineering. [PL 1989, c. 464, §3 (NEW).]

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2. Substitute information. If trade secrecy is claimed, the owner or operator of the facility shall substitute on the relevant forms:

A. The generic class of the material; [PL 1989, c. 464, §3 (NEW).]

B. Sufficient information so that emergency responders will not be hampered; and [PL 1989, c. 464, §3 (NEW).]

C. Identification of potential adverse health effects posed by the hazardous chemical or extremely hazardous substance. [PL 1989, c. 464, §3 (NEW).]

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3. Exception. Trade secrecy cannot be claimed if:

A. The commission and the United States Environmental Protection Agency so rule; [PL 1989, c. 464, §3 (NEW).]

B. Notification is required by a release; or [PL 1989, c. 464, §3 (NEW).]

C. In the event of a life threatening situation, the information is requested by the State Toxicologist or a health professional treating a victim of exposure to the chemical. [PL 1989, c. 464, §3 (NEW).]

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SECTION HISTORY

PL 1989, c. 464, §3 (NEW).

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