**§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).]

[PL 1989, c. 464, §3 (NEW).]

**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).]

[PL 1989, c. 464, §3 (NEW).]

**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).]

[PL 1989, c. 464, §3 (NEW).]

SECTION HISTORY

PL 1989, c. 464, §3 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1. 2023
. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.