

**Department of State  
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**For Department of State Use Only**

Sequence Number: 20-05-14  
Rule ID(s): 5730  
File Date: 6/6/14  
Effective Date: 11/28/14

# Proposed Rule(s) Filing Form

*Proposed rules are submitted pursuant to T.C.A. §§ 4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

SECRETARY OF STATE  
 2014 JUN 16 AM 12:23  
 REC'D

<b>Agency/Board/Commission:</b>	Department of Labor and Workforce Development
<b>Division:</b>	Division of Occupational Safety and Health
<b>Contact Person:</b>	Larry Hunt
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**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0800-01-09	Hazardous Chemical Right to Know
Rule Number	Rule Title
0800-01-09-.01	Purpose and Scope

Chapter Number	Chapter Title
0800-01-09	Hazardous Chemical Right to Know
Rule Number	Rule Title
0800-01-09-.02	Definitions

Chapter Number	Chapter Title
0800-01-09	Hazardous Chemical Right to Know
Rule Number	Rule Title
0800-01-09-.03	Notice

<b>Chapter Number</b>	<b>Chapter Title</b>
0800-01-09	Hazardous Chemical Right to Know
<b>Rule Number</b>	<b>Rule Title</b>
0800-01-09-.04	Hazardous Chemical List

<b>Chapter Number</b>	<b>Chapter Title</b>
0800-01-09	Hazardous Chemical Right to Know
<b>Rule Number</b>	<b>Rule Title</b>
0800-01-09-.05	Material Safety Data Sheet(s)

<b>Chapter Number</b>	<b>Chapter Title</b>
0800-01-09	Hazardous Chemical Right to Know
<b>Rule Number</b>	<b>Rule Title</b>
0800-01-09-.07	Hazardous Chemical Education and Training

<b>Chapter Number</b>	<b>Chapter Title</b>
0800-01-09	Hazardous Chemical Right to Know
<b>Rule Number</b>	<b>Rule Title</b>
0800-01-09-.08	Prohibition of Discharge or Discrimination

<b>Chapter Number</b>	<b>Chapter Title</b>
0800-01-09	Hazardous Chemical Right to Know
<b>Rule Number</b>	<b>Rule Title</b>
0800-01-09-.09	Trade Secrets

<b>Chapter Number</b>	<b>Chapter Title</b>
0800-01-09	Hazardous Chemical Right to Know
<b>Rule Number</b>	<b>Rule Title</b>
0800-01-09-.11	Workplace Chemical List

<b>Chapter Number</b>	<b>Chapter Title</b>
0800-01-09	Hazardous Chemical Right to Know
<b>Rule Number</b>	<b>Rule Title</b>
0800-01-09-.12	Recordkeeping and Reporting

<b>Chapter Number</b>	<b>Chapter Title</b>
0800-01-09	Hazardous Chemical Right to Know
<b>Rule Number</b>	<b>Rule Title</b>
0800-01-09-.13	Public Information

<b>Chapter Number</b>	<b>Chapter Title</b>
0800-01-09	Hazardous Chemical Right to Know
<b>Rule Number</b>	<b>Rule Title</b>
0800-01-09-.14	Contractors and Subcontractors

Chapter 0800-01-09  
Hazardous Chemical Right to Know

Amendments

Paragraph (1)(a) of Rule 0800-01-09-.01 Purpose and Scope is amended by removing "material" and "M" so as amended the paragraph shall read:

(a) Comprehensive hazard communication programs for employees, which are to include container labeling and other forms of warning, safety data sheets (SDS) and employee training.

Paragraph (2) of Rule 0800-01-09-.01 Purpose and Scope is amended by deleting "their" and inserting "these" so as amended the paragraph shall read:

(2) Scope. This chapter and the rules thereof shall apply to all employers in the State of Tennessee who store or use a hazardous chemical except these provisions shall not apply to:

Paragraph (2)(a) of Rule 0800-01-09-.01 Purpose and Scope is amended by deleting current text and replacing with "Products intended for personal consumption by employees in the workplace;" so as amended the paragraph shall read:

(a) Products intended for personal consumption by employees in the workplace;

Paragraph (2)(b) of Rule 0800-01-09-.01 Purpose and Scope is amended by deleting current text and replacing with "A workplace where a hazardous chemical is received in a sealed package and is subsequently sold or transferred in that package if the seal remains intact while the chemical is in the workplace and if the chemical does not remain in the workplace more than fourteen (14) calendar days except that the provisions of Rule 0800-1-9-.07 and Rule 0800-1-9-.10 shall apply except as stated therein;" so as amended the paragraph shall read:

(b) A workplace where a hazardous chemical is received in a sealed package and is subsequently sold or transferred in that package if the seal remains intact while the chemical is in the workplace and if the chemical does not remain in the workplace more than fourteen (14) calendar days except that the provisions of Rule 0800-1-9-.07 and Rule 0800-1-9-.10 shall apply except as stated therein;

Paragraph (2)(c) of Rule 0800-01-09-.01 Purpose and Scope is amended by deleting current text and replacing with "Any food, food additive, color additive, drug or cosmetic as such terms are defined in the federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or distilled spirits, wines or malt beverages as such terms are defined in the federal Alcohol Administration Act (27 U.S.C. 201 et seq.);" so as amended the paragraph shall read:

(c) Any food, food additive, color additive, drug or cosmetic as such terms are defined in the federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or distilled spirits, wines or malt beverages as such terms are defined in the federal Alcohol Administration Act (27 U.S.C. 201 et seq.);

Paragraph (2)(d) of Rule 0800-01-09-.01 Purpose and Scope is amended by deleting current text and replacing with "A laboratory under the direct supervision or guidelines of a technically qualified individual; provided, that:

1. Labels on containers of incoming chemicals shall not be removed or defaced;
2. SDS received shall be maintained and made accessible to employees and students;
3. The provisions of Rules 0800-1-9-.07 and 0800-1-9-.10 are met; and
4. The laboratory is not used primarily to produce hazardous chemicals in bulk for commercial purposes." so as amended the paragraph shall read:

(d) A laboratory under the direct supervision or guidelines of a technically qualified individual; provided, that:

1. Labels on containers of incoming chemicals shall not be removed or defaced;
2. SDS received shall be maintained and made accessible to employees and students;
3. The provisions of Rules 0800-1-9-.07 and 0800-1-9-.10 are met; and

4. The laboratory is not used primarily to produce hazardous chemicals in bulk for commercial purposes.

Paragraph (2)(e) of Rule 0800-01-09-.01 Purpose and Scope is amended by deleting current text and replacing with "The workplace of an agricultural employer or employer group if the Commissioner of Agriculture certifies to the Commissioner of Labor and Workforce Development that the chemicals are covered by other federal or state laws or regulations." so as amended the paragraph shall read:

(e) The workplace of an agricultural employer or employer group if the Commissioner of Agriculture certifies to the Commissioner of Labor and Workforce Development that the chemicals are covered by other federal or state laws or regulations.

Paragraph (2)(f) of Rule 0800-01-09-.01 Purpose and Scope is deleted.

Paragraph (2)(g) of Rule 0800-01-09-.01 Purpose and Scope is deleted.

Authority: T.C.A. §§ 4-3-1411 and 50-3-201.

Paragraph (10) of Rule 0800-1-9-.02 Definitions is amended by deleting current text and replacing with "'Workplace" means any workplace as defined in 29 CFR 1910.1200(c) that is located within the fire chief's actual jurisdiction or that is located in a jurisdiction to which the fire chief responds pursuant to a mutual aid pact." so as amended the paragraph shall read:

(10) "Workplace" means any workplace as defined in 29 CFR 1910.1200(c) that is located within the fire chief's actual jurisdiction or that is located in a jurisdiction to which the fire chief responds pursuant to a mutual aid pact.

Paragraph (11) of Rule 0800-1-9-.02 Definitions is amended by deleting current text and replacing with "'Workplace chemical list (WCL)" means the list of hazardous chemicals developed pursuant to Rule 0800-1-9-11 of this chapter." so as amended the paragraph shall read:

(11) "Workplace chemical list (WCL)" means the list of hazardous chemicals developed pursuant to Rule 0800-1-9-11 of this chapter.

Rule 0800-1-9-.02 is edited to add Paragraph (12) so as amended, the paragraph shall read:

(12) "Worksite" means a geographical location where construction operations are conducted containing one (1) or more work areas. A building under construction shall be termed a "worksite" until all construction work is completed and it is occupied. At that time, the terms "establishment" or "workplace" shall be applied. A "worksite" may cover a significantly greater area than an "establishment" or "workplace" such as in highway construction.

Authority: T.C.A. §§ 4-3-1411 and 50-3-201.

Rule 0800-1-9-.03 Notice is amended by deleting current text and changing rule title to "Reserved" so as amended the rule shall read:

0800-1-9-.03 RESERVED

Authority: T.C.A. §§ 4-3-1411 and 50-3-201.

Rule 0800-1-9-.04 Hazardous Chemical List is amended by deleting current text and changing rule title to SS-7038 (September 2011)

"Reserved" so as amended the rule shall read:

0800-1-9-.04 RESERVED

Authority: T.C.A. §§ 4-3-1411 and 50-3-201.

Rule 0800-1-9-.05 Material Safety Data Sheet(s) is amended by deleting current text and changing rule title to "Reserved" so as amended the rule shall read:

0800-1-9-.05 RESERVED

Authority: T.C.A. §§ 4-3-1411 and 50-3-201.

Rule 0800-1-9-.07 Hazardous Chemical Education and Training is amended by adding ", pursuant to 29 CFR 1910.1200" so as amended the rule shall read:

0800-1-9-.07 HAZARDOUS CHEMICAL EDUCATION AND TRAINING. Employers shall provide employees with information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new hazard is introduced into their work area, pursuant to 29 CFR 1910.1200. Refresher training shall be provided at least annually thereafter.

Paragraph (1) of 0800-1-9-.07 Hazardous Chemical Education and Training is deleted and reserved for future use by insertion of the text, "Reserved" so as amended the rule shall read:

(1) RESERVED

Paragraph (2) of 0800-1-9-.07 Hazardous Chemical Education and Training is deleted and reserved for future use by insertion of the text, "Reserved" so as amended the rule shall read:

(2) RESERVED

Paragraph (3) of 0800-1-9-.07 Hazardous Chemical Education and Training is deleted and reserved for future use by insertion of the text, "Reserved" so as amended the rule shall read:

(3) RESERVED

Authority: T.C.A. §§ 4-3-1411 and 50-3-201.

Rule 0800-1-9-.08 Prohibition of Discharge or Discrimination is amended by deleting current text and changing rule title to "Reserved" so as amended the rule shall read:

0800-1-9-.08 RESERVED

Authority: T.C.A. §§ 4-3-1411 and 50-3-201.

Rule 0800-1-9-.09 Trade Secrets is amended by deleting current text and changing rule title to "Reserved" so as amended the rule shall read:

0800-1-9-.09 RESERVED

Authority: T.C.A. §§ 4-3-1411 and 50-3-201.

Paragraph (1)(c) of 0800-1-9-.11 Workplace Chemical List is amended by deleting current text and replacing with "Employer's primary North American Industry Classification System (NAICS) Code;" so as amended the rule shall read:

(c) Employer's primary North American Industry Classification System (NAICS) Code;

Paragraph (1)(f) of 0800-1-9-.11 Workplace Chemical List is amended by deleting current text and replacing with "The product identifier referenced on the appropriate SDS; and" so as amended the rule shall read:

(f) The product identifier referenced on the appropriate SDS; and

Paragraph (1)(g) of 0800-1-9-.11 Workplace Chemical List is amended by deleting the current text and replacing with "The work area or workplace in which the hazardous chemical is normally used, stored, or generated. A separate WCL may be compiled for separate or distinct work areas or workplaces within an establishment." so as amended the rule shall read:

(g) The work area or workplace in which the hazardous chemical is normally used, stored, or generated. A separate WCL may be compiled for separate or distinct work areas or workplaces within an establishment.

Paragraph (1)(h) of 0800-1-9-.11 Workplace Chemical List is amended by deleting the current text, so as amended, paragraph (1)(h) will be deleted.

Paragraph (4) of 0800-1-9-.11 Workplace Chemical List is amended by deleting current text and inserting "Reserved" so as amended the rule shall read:

(4) RESERVED

Paragraph (5)(a) of 0800-1-9-.11 Workplace Chemical List is amended by deleting "of twenty five cents (\$0.25) per page" and inserting "established in accordance with the directives published by the Office of Open Records counsel" so as amended the rule shall read:

(a) A copy of each WCL filed with the Department of Labor and Workforce Development shall be available for inspection by the public during regular office hours at any area office of the Division of Occupational Safety and Health. Copies shall be made available upon payment, by check or money order payable to "Treasurer, State of Tennessee," of a copying fee established in accordance with the directives published by the Office of Open Records counsel.

Paragraph (5)(b) of 0800-1-9-.11 Workplace Chemical List is amended by deleting "of twenty five cents (\$0.25) per page" and inserting "established in accordance with the directives published by the Office of Open Records counsel" so as amended the rule shall read:

(b) Copies of any WCL may be obtained from the Division of Occupational Safety and Health upon written request and payment, by check or money order payable to "Treasurer, State of Tennessee," of a copying fee established in accordance with the directives published by the Office of Open Records counsel. The Department of Labor and Workforce Development shall provide such list within ten (10) business days of receipt of the written request.

Authority: T.C.A. §§ 4-3-1411 and 50-3-201.

Paragraph (1) of 0800-1-9-.12 Recordkeeping and Reporting is amended by deleting current text and replacing with "Training records shall be maintained for the period an employee is employed plus five years." so as amended the rule shall read:

(1) Training records shall be maintained for the period an employee is employed plus five years.

Paragraph (2) of 0800-1-9-.12 Recordkeeping and Reporting is amended by deleting current text and replacing with "Correspondence relating to exemptions from Rule 0800-1-9-.10 shall be maintained as long as the exemption is in effect plus one (1) year." so as amended the rule shall read:

(2) Correspondence relating to exemptions from Rule 0800-1-9-.10 shall be maintained as long as the exemption is in effect plus one (1) year.

Paragraph (3) of 0800-1-9-.12 Recordkeeping and Reporting is amended by deleting current text and replacing with "Employers shall maintain copies of WCL for thirty (30) years following the effective period of the WCL. If the employer generating a WCL ceases to operate a business in the State of Tennessee, copies of all WCL shall be sent to the Commissioner, Attention: Division of Occupational Safety and Health, within ninety (90) days following cessation of business. The WCL shall then be maintained by the Department of Labor and Workforce Development for the required thirty (30) years." so as amended the rule shall read:

(3) Employers shall maintain copies of WCL for thirty (30) years following the effective period of the WCL. If the employer generating a WCL ceases to operate a business in the State of Tennessee, copies of all WCL shall be sent to the Commissioner, Attention: Division of Occupational Safety and Health, within ninety (90) days following cessation of business. The WCL shall then be maintained by the Department of Labor and Workforce Development for the required thirty (30) years.

Paragraph (4) of 0800-1-9-.12 Recordkeeping and Reporting is deleted

Paragraph (5) of 0800-1-9-.12 Recordkeeping and Reporting is deleted

Authority: T.C.A. §§ 4-3-1411 and 50-3-201.

Paragraph (1) of 0800-1-9-.13 Public Information is amended by deleting current text and replacing with "Upon written request and payment of a copying fee and postage, the public may also obtain the following:

- (a) Workplace Chemical Lists (see Rule 0800-1-9-.11).
- (b) Hazardous Chemical Right to Know Law.
- (c) Hazard Communication Standard, 29 CFR 1910.1200 or 1926.59." so as amended the rule shall read:

(1) Upon written request and payment of a copying fee and postage, the public may also obtain the following:

- (a) Workplace Chemical Lists (see Rule 0800-1-9-.11).
- (b) Hazardous Chemical Right to Know Law.
- (c) Hazard Communication Standard, 29 CFR 1910.1200 or 1926.59.

Paragraph (2) of 0800-1-9-.13 Public Information is deleted

Authority: T.C.A. §§ 4-3-1411 and 50-3-201.

Rule 0800-1-9-.14 Notice is amended by deleting current text and changing rule title to "Reserved" so as amended the rule shall read:

0800-1-9-.14 RESERVED

Authority: T.C.A. §§ 4-3-1411 and 50-3-201.

\* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the (board/commission/other authority) on 4/22/14 (date as mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.



Date: 4-22-14

Signature: Burns Phillips

Name of Officer: Burns Phillips

Title of Officer: Commissioner of Labor and Workforce Development

Subscribed and sworn to before me on: 4-22-14

Notary Public Signature: Sheryl Messenger

My commission expires on: January 9, 2016

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

RE Cooper Jr  
 Robert E. Cooper, Jr.  
 Attorney General and Reporter  
5-30-14  
 Date

**Department of State Use Only**

Filed with the Department of State on: 6/6/14

Effective on: 11/28/14

Tre Hargett  
 Tre Hargett  
 Secretary of State

### **Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

An economic impact statement regarding the amendments in this rule proposal is not required under the provisions of the Regulatory Flexibility Act of 2007. As stated in Section 6 of Public Chapter 464, "This part shall not apply to rules that are adopted on an emergency or public necessity basis under Title 4, Chapter 5, Part 2, that are federally mandated, or that substantially codify existing state or federal law." Under the statutory authority of 29 U.S.C. § 667, Tennessee has an approved state plan that provides for the development and enforcement of occupational safety and health standards. In accordance with the Tennessee Occupational Safety and Health State Plan, when a federal occupational safety and health standard is promulgated under 29 U.S.C. § 655 Tennessee generally adopts the federal standard relating to the same issue. The plan specifies that the state of Tennessee will adopt the federal standards or an equivalent state requirement within six (6) months of the standard's promulgation by federal OSHA. In addition, T.C.A. §50-3-201 authorizes the Commissioner of Labor and Workforce Development to adopt either state or federal occupational safety and health standards.

### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule does not have a projected impact on local governments.

**Additional Information Required by Joint Government Operations Committee**

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Rule 0800-01-09 is amended in order to incorporate recent changes to T.C.A. § 50-3 pertaining to hazard communication.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Under the statutory authority of 29 U.S.C. § 667, Tennessee has an approved state plan that provides for the development and enforcement of occupational safety and health standards. In accordance with the plan, when a federal occupational safety and health standard is promulgated under 29 U.S.C. § 655 Tennessee generally adopts the federal standard relating to the same issue. When a federal standard is not adopted, it is referenced as an exception in the rules. The statutory authority for promulgation of the rules by the Commissioner of Labor and Workforce Development is T.C.A. § 50-3-201.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

All persons subject to T.C.A. §§ 50-3-101 *et seq.* are directly affected by the rules in Chapters 0800-01-09. These rules provide for the effective administration and enforcement of the occupational safety and health standards required by the state plan. Employees and employers including governmental entities in the state must comply with the rules promulgated pursuant to federal and state law. It appears that there are no objections to the proposed amendments to the rules since no inquiries have been made.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

There have been no Attorney General opinions or judicial rulings relevant to these rules.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

There are no anticipated increases or decreases in state and local government revenues and expenditures resulting from promulgation of the proposed rules and amendments to the existing rules.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Larry Hunt, Manager, Standards & Procedures, Division of Occupational Safety and Health, is the agency representative most knowledgeable about these rules.

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

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Division of Occupational Safety and Health  
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(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

RECEIVED Proposed Amendments with Changes Red-Lined

Chapter 0800-01-09  
2014 JUN -6 PM 12: 23

Rule 0800-01-09-.01 Amended

SECRETARY OF STATE

Paragraph (1)(a) of Rule 0800-01-09-.01 Purpose and Scope is amended by removing "material" and "M":

Existing Rule:

- (a) Comprehensive hazard communication programs for employees, which are to include container labeling and other forms of warning, material safety data sheets (MSDS) and employee training.

Proposed Amended Rule:

- (a) Comprehensive hazard communication programs for employees, which are to include container labeling and other forms of warning, safety data sheets (SDS) and employee training.

Authority: T.C.A. §§ 4-3-1411 and 50-3-201.

Chapter 0800-01-09-.01

Paragraph 2 of Rule 0800-01-09-.01 Purpose and Scope is amended by deleting "their" and inserting "these"

Existing Rule:

- (2) Scope. This chapter and the rules thereof shall apply to all employers in the State of Tennessee who store or use a hazardous chemical except their provisions shall not apply to:

Proposed Amended Rule:

- (2) Scope. This chapter and the rules thereof shall apply to all employers in the State of Tennessee who store or use a hazardous chemical except these provisions shall not apply to:

Chapter 0800-01-09-.01

Paragraph (2)(a) of Rule 0800-01-09-.01 Purpose and Scope is amended by deleting current text and replacing with "Products intended for personal consumption by employees in the workplace;":

Existing Rule:

- (a) Any article which is formed to a specific shape or design during manufacture, which has end use function(s) dependent in whole or in part upon its shape or design during end use, and which does not release or otherwise result in exposure to a hazardous chemical under normal conditions of use;

Proposed Amended Rule:

- (a) Products intended for personal consumption by employees in the workplace;

Authority: T.C.A. §§ 4-3-1411 and 50-3-201.

Chapter 0800-01-09-.01

Paragraph (2)(b) of Rule 0800-01-09-.01 Purpose and Scope is amended by deleting current text and replacing with "A workplace where a hazardous chemical is received in a sealed package and is subsequently sold or transferred in that package if the seal remains intact while the chemical is in the workplace and if the chemical does not remain in the workplace more than fourteen (14) calendar days except that the provisions of Rule 0800-1-9-.07 and Rule 0800-1-9-.10 shall apply except as stated therein;"

Existing Rule:

- (b) ~~Products intended for personal consumption by employees in the workplace;~~

Proposed Amended Rule:

- (b) A workplace where a hazardous chemical is received in a sealed package and is subsequently sold or transferred in that package if the seal remains intact while the chemical is in the workplace and if the chemical does not remain in the workplace more than fourteen (14) calendar days except that the provisions of Rule 0800-1-9-.07 and Rule 0800-1-9-.10 shall apply except as stated therein;

Authority: T.C.A. §§ 4-3-1411 and 50-3-201.

Chapter 0800-01-09-.01

Paragraph (2)(c) of Rule 0800-01-09-.01 Purpose and Scope is amended by deleting current text and replacing with "Any food, food additive, color additive, drug or cosmetic as such terms are defined in the federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or distilled spirits, wines or malt beverages as such terms are defined in the federal Alcohol Administration Act (27 U.S.C. 201 et seq.);"

Existing Rule:

- (c) ~~Retail food sale establishments and all other retail trade establishments, exclusive of processing, maintenance and repair areas;~~

Proposed Amended Rule:

- (c) Any food, food additive, color additive, drug or cosmetic as such terms are defined in the federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or distilled spirits, wines or malt beverages as such terms are defined in the federal Alcohol Administration Act (27 U.S.C. 201 et seq.);

Authority: T.C.A. §§ 4-3-1411 and 50-3-201

Chapter 0800-01-09-.01

Paragraph (2)(d) of Rule 0800-01-09-.01 Purpose and Scope is amended by deleting current text and replacing with "A laboratory under the direct supervision or guidelines of a technically qualified individual; provided, that:

1. Labels on containers of incoming chemicals shall not be removed or defaced;

2. SDS received shall be maintained and made accessible to employees and students;
3. The provisions of Rules 0800-1-9-.07 and 0800-1-9-.10 are met; and
4. The laboratory is not used primarily to produce hazardous chemicals in bulk for commercial purposes."

Existing Rule:

- (d) ~~A workplace where a hazardous chemical is received in a sealed package and is subsequently sold or transferred in that package if the seal remains intact while the chemical is in the workplace and if the chemical does not remain in the workplace more than fourteen (14) calendar days except that the provisions of Rule 0800-1-9-.07 and Rule 0800-1-9-.10 shall apply except as stated therein;~~

Proposed Amended Rule:

- (d) A laboratory under the direct supervision or guidelines of a technically qualified individual; provided, that:
1. Labels on containers of incoming chemicals shall not be removed or defaced;
  2. SDS received shall be maintained and made accessible to employees and students;
  3. The provisions of Rules 0800-1-9-.07 and 0800-1-9-.10 are met; and
  4. The laboratory is not used primarily to produce hazardous chemicals in bulk for commercial purposes.

Authority: T.C.A. §§ 4-3-1411 and 50-3-201

Chapter 0800-01-09-.01

Paragraph (2)(e) of Rule 0800-01-09-.01 Purpose and Scope is amended by deleting current text and replacing with "The workplace of an agricultural employer or employer group if the Commissioner of Agriculture certifies to the Commissioner of Labor and Workforce Development that the chemicals are covered by other federal or state laws or regulations."

Existing Rule:

- (e) ~~Any food, food additive, color additive, drug or cosmetic as such terms are defined in the federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or distilled spirits, wines or malt beverages as such terms are defined in the federal Alcohol Administration Act (27 U.S.C. 201 et seq.);~~

Proposed Amended Rule:

- (e) The workplace of an agricultural employer or employer group if the Commissioner of Agriculture certifies to the Commissioner of Labor and Workforce Development that the chemicals are covered by other federal or state laws or regulations.

Authority: T.C.A. §§ 4-3-1411 and 50-3-201

Chapter 0800-01-09-.01

Paragraph (2)(f) of Rule 0800-01-09-.01 Purpose and Scope is deleted.

Existing Rule:

- (f) A laboratory under the direct supervision or guidelines of a technically qualified individual; provided, that:
1. Labels on containers of incoming chemicals shall not be removed or defaced;
  2. MSDS received shall be maintained and made accessible to employees and students;
  3. The provisions of Rules 0800-1-9-.07 and 0800-1-9-.10 are met; and
  4. The laboratory is not used primarily to produce hazardous chemicals in bulk for commercial purposes.

Proposed Amended Rule:

*DELETED*

Authority: T.C.A. §§ 4-3-1411 and 50-3-201

Chapter 0800-01-09-.01

Paragraph (2)(g) of Rule 0800-01-09-.01 Purpose and Scope is deleted

Existing Rule:

- (g) The workplace of an agricultural employer or employer group if the Commissioner of Agriculture certifies to the Commissioner of Labor and Workforce Development that the chemicals are covered by other federal or state laws or regulations.

Proposed Amended Rule:

*DELETED*

Authority: T.C.A. §§ 4-3-1411 and 50-3-201

Chapter 0800-01-09

Rule 0800-01-09-.02 Amended

Chapter 0800-01-.09-.02

Paragraph (10) of Rule 0800-1-9-.02 Definitions is amended by deleting current text and replacing with ““Workplace” means any workplace as defined in 29 CFR 1910.1200(c) that is located within the fire chief’s actual jurisdiction or that is located in a jurisdiction to which the fire chief responds pursuant to a mutual aid pact.”

Existing Rule:

- (10) ~~“Workplace chemical list (WCL)” means the list of hazardous chemicals developed pursuant to Rule 0800-1-9-11 of this chapter.~~

Proposed Amended Rule:

- (10) “Workplace” means any workplace as defined in 29 CFR 1910.1200(c) that is located within the fire chief’s actual jurisdiction or that is located in a jurisdiction to which the fire chief responds pursuant to a mutual aid pact.

Authority: T.C.A. §§ 4-3-1411 and 50-3-201

Chapter 0800-01-.09-.02

Paragraph (11) of Rule 0800-1-9-.02 Definitions is amended by deleting current text and replacing with ““Workplace chemical list (WCL)” means the list of hazardous chemicals developed pursuant to Rule 0800-1-9-11 of this chapter.”

Existing Rule:

- (11) ~~“Worksite” means a geographical location where construction operations are conducted containing one (1) or more work areas. A building under construction shall be termed a “worksite” until all construction work is completed and it is occupied. At that time, the terms “establishment” or “workplace” shall be applied. A “worksite” may cover a significantly greater area than an “establishment” or “workplace” such as in highway construction.~~

Proposed Amended Rule:

- (11) “Workplace chemical list (WCL)” means the list of hazardous chemicals developed pursuant to Rule 0800-1-9-11 of this chapter.

Authority: T.C.A. §§ 4-3-1411 and 50-3-201

Chapter 0800-01-.09-.02

Rule 0800-1-9-.02 is edited to add Paragraph (12)

Proposed Amended Rule:

- (12) “Worksite” means a geographical location where construction operations are conducted containing one (1) or more work areas. A building under construction shall be termed a “worksite” until all construction work is completed and it is

occupied. At that time, the terms "establishment" or "workplace" shall be applied. A "worksite" may cover a significantly greater area than an "establishment" or "workplace" such as in highway construction.

Authority: T.C.A. §§ 4-3-1411 and 50-3-201

Chapter 0800-01-09

Rule 0800-01-09-.03 Amended

Rule 0800-1-9-.03 Notice is amended by deleting current text and changing rule title to "Reserved"

Existing Rule:

~~0800-1-9-.03 NOTICE. Each nonmanufacturing employer shall post and keep posted a notice as required by Rule 0800-1-4-.03(1), to be furnished by the Department of Labor and Workforce Development, informing employees of their rights and protections provided.~~

Proposed Amended Rule:

0800-1-9-.03 RESERVED

Authority: T.C.A. §§ 4-3-1411 and 50-3-201

Chapter 0800-01-09

Rule 0800-01-09-.04 Amended

Rule 0800-1-9-.04 Hazardous Chemical List is amended by deleting current text and changing rule title to "Reserved"

Existing Rule:

~~0800-1-9-.04 HAZARDOUS CHEMICAL LIST. The Commissioner shall maintain a list of hazardous chemicals as required by T.C.A. §50-3-2006. No manufacturing or nonmanufacturing employer shall be relieved of any duty, responsibility or liability under the Hazardous Chemical Right to Know Act, 29 CFR 1910.1200, or the rules of this chapter relative to any hazardous chemical which is not included on such list.~~

Proposed Amended Rule:

0800-1-9-.04 RESERVED

Authority: T.C.A. §§ 4-3-1411 and 50-3-201

Chapter 0800-01-09  
Rule 0800-01-09-.05 Amended

Rule 0800-1-9-.05 Material Safety Data Sheet(s) is amended by deleting current text and changing rule title to "Reserved"

Existing Rule:

~~0800-1-9-.05 MATERIAL SAFETY DATA SHEET(S).~~

~~(1) Employers are required to comply with 29 CFR 1910.1200(g) MSDS as well as the following:~~

~~(a) If an MSDS has not been provided by the chemical manufacturer or distributor for chemicals on the WCL (see Rule 0800-1-9-.11) at the time the chemicals are received at the workplace, the nonmanufacturing employer shall request one in writing from the chemical manufacturer or distributor within five (5) business days. Records of such requests shall be maintained for a period of three (3) years following the year in which the request was made.~~

~~(b) If an MSDS for a hazardous chemical is not readily available, upon request, as required by 29 CFR 1910.1200(g), an employee or an individual to whom such employee has given written authorization or a recognized or certified collective bargaining agent for the employees of the workplace involved may submit a written request for the MSDS to the employer. Such employer shall furnish a copy of the MSDS to the requestor within three (3) business days of receipt of the request.~~

~~(c) If the requested MSDS is not in the employer's possession, the employer shall, within three (3) business days of receipt of the request, demonstrate to the requestor that an effort has been made to obtain the MSDS from the supplier, manufacturer, the Department of Labor and Workforce Development, or other source.~~

~~(d) If, at the end of a two (2) week period [fourteen (14) calendar days from the date the request for the MSDS was received by the employer], the employer is still unable to obtain the requested MSDS, the employee shall not be required to work with the hazardous chemical for which the MSDS was requested until the MSDS is furnished, unless the employer can demonstrate to the employee or his/her representative that the MSDS will be forthcoming by a date specified by the employer or that the information cannot be obtained through no fault of the employer.~~

~~(e) If, on the date specified by the employer, the MSDS is still unavailable, the employee shall not be required to work with the hazardous chemical for which the MSDS is still unavailable.~~

~~(f) In accordance with Rule 0800-1-9-.08, the employee shall not be penalized for this action. Reassignment of an employee to other work, at equal pay and benefits, shall not be considered a penalty under this paragraph.~~

Proposed Amended Rule:

0800-1-9-.05 RESERVED  
Authority: T.C.A. §§ 4-3-1411 and 50-3-201

Chapter 0800-01-09

Rule 0800-01-09-.07 Amended

Rule 0800-1-9-.07 Hazardous Chemical Education and Training is amended by adding “, pursuant to 29 CFR 1910.1200”

Existing Rule:

0800-1-9-.07 HAZARDOUS CHEMICAL EDUCATION AND TRAINING. Employers shall provide employees with information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new hazard is introduced into their work area. Refresher training shall be provided at least annually thereafter.

Proposed Amended Rule:

0800-1-9-.07 HAZARDOUS CHEMICAL EDUCATION AND TRAINING. Employers shall provide employees with information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new hazard is introduced into their work area, pursuant to 29 CFR 1910.1200. Refresher training shall be provided at least annually thereafter.

Authority: T.C.A. §§ 4-3-1411 and 50-3-201

Chapter 0800-01-09-.07

Paragraph (1) of 0800-1-9-.07 Hazardous Chemical Education and Training is deleted and reserved for future use by insertion of the text, “Reserved”

Proposed Amended Rule:

(1) RESERVED

Authority: T.C.A. §§ 4-3-1411 and 50-3-201

Chapter 0800-01-09-.07

Paragraph (2) of 0800-1-9-.07 Hazardous Chemical Education and Training is deleted and reserved for future use by insertion of the text, “Reserved”

Proposed Amended Rule:

(2) RESERVED

Authority: T.C.A. §§ 4-3-1411 and 50-3-201

Chapter 0800-01-09-.07

Paragraph (3) of 0800-1-9-.07 Hazardous Chemical Education and Training is deleted and reserved for future use by insertion of the text, “Reserved”

Proposed Amended Rule:

(3) RESERVED

Authority: T.C.A. §§ 4-3-1411 and 50-3-201

Chapter 0800-01-09

Rule 0800-01-09-.08 Amended

Rule 0800-1-9-.08 Prohibition of Discharge or Discrimination is amended by deleting current text and changing rule title to "Reserved"

Existing Rule:

~~0800-1-9-.08 PROHIBITION OF DISCHARGE OR DISCRIMINATION.~~

~~(1) No employer shall discharge, cause to be discharged, otherwise discipline, or in any manner discriminate against an employee because the employee has taken or performed one or more of the actions or exercised rights, explicit or implicit, set forth in T.C.A. §§50-3-2001 through 50-3-2019, either on such employee's own behalf or on behalf of others.~~

~~(2) Any employee who believes he or she has been discharged or discriminated against contrary to the provision of paragraph (1) of this rule and/or T.C.A. §50-3-2012(b) may, within thirty (30) days following discharge or discriminatory action by the employer, file a complaint with the Commissioner alleging such unlawful discharge or discrimination.~~

Proposed Amended Rule:

0800-1-9-.08 RESERVED

Authority: T.C.A. §§ 4-3-1411 and 50-3-201

Chapter 0800-01-09

Rule 0800-01-09-.09 Amended

Rule 0800-1-9-.09 Trade Secrets is amended by deleting current text and changing rule title to "Reserved"

Existing Rule:

- (1) ~~An employer or distributor who believes that all or any part of the information required on an MSDS, WCL, or furnished to the fire chief having jurisdiction is a trade secret as defined by 29 CFR 1910.1200 may withhold the information provided that they meet the requirements of 29 CFR 1910.1200(i), and:
  - (a) ~~All relevant hazard information on any trade secret chemical is provided to the fire chief having jurisdiction and/or appropriate emergency response department;~~
  - (b) ~~The WCL provided to the fire chief having jurisdiction indicates that the specific chemical identity is being withheld as a trade secret.~~~~
  
- (2) ~~If the chemical manufacturer, importer, distributor or employer denies an emergency request for disclosure of a specific chemical identity, the treating physician or nurse shall inform the Commissioner of such denial as soon as possible and shall, at the same time, justify the emergency need for the request. If a bona fide need and emergency situation is determined to exist, the Commissioner shall immediately contact the chemical manufacturer, importer, distributor or employer who denied the emergency request and attempt to obtain the information needed by the treating physician or nurse. If such attempt is not successful, the Commissioner shall immediately initiate the following actions:
  - (a) ~~Determine if the information needed by the treating physician's or nurse's emergency request is readily available from resource information or data maintained by the Division of Occupational Safety and Health and, if so, provide it to the treating physician or nurse.~~
  - (b) ~~Initiate action for injunctive relief pursuant to T.C.A. §§50-3-2016(c) and 50-3-401(a) in order to obtain the information and, if successful, provide it to the treating physician or nurse.~~~~
  
- (3) ~~The Commissioner and his agents shall protect from disclosure any or all information coming into his possession under the provisions of this rule when such information is marked by the chemical manufacturer, importer, distributor or employer as confidential or trade secret and shall return all information as marked to the employer at the conclusion of his determination. Such information shall not be disclosed during any administrative or judicial proceeding. Administrative hearings held shall not be open to public observation pursuant to Tennessee Code Annotated, Title 8, Chapter 44, and any judicial proceedings relative to such information shall be held in camera. Any information which is marked confidential shall not be considered a "public record" pursuant to Tennessee Code Annotated, Title 10, Chapter 7. Violations of the provisions of this rule shall be prosecuted under the provisions of T.C.A. §50-3-504.~~

Proposed Amended Rule:

0800-1-9-.09 RESERVED

Authority: T.C.A. §§ 4-3-1411 and 50-3-201

Chapter 0800-01-09

Rule 0800-01-09-.11 Amended

Paragraph (1)(c) of 0800-1-9-.11 Workplace Chemical List is amended by deleting current text and replacing with "Employer's primary North American Industry Classification System (NAICS) Code;"

Existing Rule:

- (c) Employer's primary ~~Standard Industrial Classification (SIC) Code;~~

Proposed Amended Rule:

- (c) Employer's primary North American Industry Classification System (NAICS) Code;

Authority: T.C.A. §§ 4-3-1411 and 50-3-201

Paragraph (1)(f) of 0800-1-9-.11 Workplace Chemical List is amended by deleting current text and replacing with "The product identifier referenced on the appropriate SDS; and"

Existing Rule:

- (f) ~~The chemical name or common name used on the MSDS and/or the container label;~~

Proposed Rule:

- (f) The product identifier referenced on the appropriate SDS; and

Authority: T.C.A. §§ 4-3-1411 and 50-3-201

Paragraph (1)(g) of 0800-1-9-.11 Workplace Chemical List is amended by deleting the current text and replacing with "The work area or workplace in which the hazardous chemical is normally used, stored, or generated. A separate WCL may be compiled for separate or distinct work areas or workplaces within an establishment."

Existing Rule:

- (g) ~~The chemical abstracts service number for each hazardous chemical listed if such number is known or included on the MSDS; and~~

Proposed Amended Rule:

- (g) The work area or workplace in which the hazardous chemical is normally used, stored, or generated. A separate WCL may be compiled for separate or distinct work areas or workplaces within an establishment.

Authority: T.C.A. §§ 4-3-1411 and 50-3-201

Paragraph (1)(h) of 0800-1-9-.11 Workplace Chemical List is amended by deleting the current text, so as amended, paragraph (1)(h) will be deleted.

Existing Rule:

- (h) ~~The work area or workplace in which the hazardous chemical is normally used, stored, or generated. A separate WCL may be compiled for separate or distinct work areas or workplaces within an establishment.~~

Proposed Amended Rule:

- (h) ~~DELETED~~

Authority: T.C.A. §§ 4-3-1411 and 50-3-201

Paragraph (4) of 0800-1-9-.11 Workplace Chemical List is amended by deleting current text and inserting "Reserved"

Existing Rule:

- (4) Hazard Determination. Except for chemical manufacturers and importers, employers are not required to evaluate chemicals listed on the WCL unless they choose not to rely on the evaluation performed by the chemical manufacturer or importer for those hazardous chemicals not generated in the workplace. For all hazardous chemicals generated in the workplace, however, and for those on which the employer does not rely on the evaluation performed by the chemical manufacturer or importer, the employer shall make a hazard determination in accordance with 29 CFR 1910.1200(d).

Proposed Amended Rule:

- (4) RESERVED

Authority: T.C.A. §§ 4-3-1411 and 50-3-201

Paragraph (5)(a) of 0800-1-9-.11 Workplace Chemical List is amended by deleting "of twenty five cents (\$0.25) per page" and inserting "established in accordance with the directives published by the Office of Open Records counsel":

Existing Rule:

- (a) A copy of each WCL filed with the Department of Labor and Workforce Development shall be available for inspection by the public during regular office hours at any area office of the Division of Occupational Safety and Health. Copies shall be made available upon payment, by check or money order payable to "Treasurer, State of Tennessee," of a copying fee of twenty five cents (\$0.25) per page.

Proposed Amended Rule:

- (a) A copy of each WCL filed with the Department of Labor and Workforce Development shall be available for inspection by the public during regular office hours at any area office of the Division of Occupational Safety and Health. Copies shall be made available upon payment, by check or money order payable to "Treasurer, State of Tennessee," of a copying fee established in accordance with the directives published by the Office of Open Records counsel.

Authority: T.C.A. §§ 4-3-1411 and 50-3-201

Paragraph (5)(b) of 0800-1-9-.11 Workplace Chemical List is amended by deleting "of twenty five cents (\$0.25) per page" and inserting "established in accordance with the directives published by the Office of Open Records counsel"

Existing Rule:

- (b) Copies of any WCL may be obtained from the Division of Occupational Safety and Health upon written request and payment, by check or money order payable to "Treasurer, State of Tennessee," of a copying fee ~~of twenty five cents (\$0.25) per page plus postage~~. The Department of Labor and Workforce Development shall provide such list within ten (10) business days of receipt of the written request.

Proposed Amended Rule:

- (b) Copies of any WCL may be obtained from the Division of Occupational Safety and Health upon written request and payment, by check or money order payable to "Treasurer, State of Tennessee," of a copying fee established in accordance with the directives published by the Office of Open Records counsel. The Department of Labor and Workforce Development shall provide such list within ten (10) business days of receipt of the written request.

Authority: T.C.A. §§ 4-3-1411 and 50-3-201

Chapter 0800-01-09

Rule 0800-01-09-.12 Amended

Paragraph (1) of 0800-1-9-.12 Recordkeeping and Reporting is amended by deleting current text and replacing with "Training records shall be maintained for the period an employee is employed plus five years."

Existing Rule:

- (1) ~~MSDS concerning the identity of a hazardous chemical shall be retained as long as the employer uses or stores the chemical. As long as some record of the identity of the hazardous chemical, where it was used; and when it was used, is retained for at least thirty (30) years (e.g., WCL), an MSDS need not be retained after termination of its use or storage. If no other record is maintained, the MSDS shall be retained for thirty (30) years.~~

Proposed Amended Rule:

- (1) Training records shall be maintained for the period an employee is employed plus five years.

Authority: T.C.A. §§ 4-3-1411 and 50-3-201

Paragraph (2) of 0800-1-9-.12 Recordkeeping and Reporting is amended by deleting current text and replacing with "Correspondence relating to exemptions from Rule 0800-1-9-.10 shall be maintained as long as the exemption is in effect plus one (1) year."

Existing Rule:

- (2) ~~Training records shall be maintained for the period an employee is employed plus five (5) years.~~

Proposed Amended Rule:

- (2) Correspondence relating to exemptions from Rule 0800-1-9-.10 shall be maintained as long as the exemption is in effect plus one (1) year.

Authority: T.C.A. §§ 4-3-1411 and 50-3-201

Paragraph (3) of 0800-1-9-.12 Recordkeeping and Reporting is amended by deleting current text and replacing with "Employers shall maintain copies of WCL for thirty (30) years following the effective period of the WCL. If the employer generating a WCL ceases to operate a business in the State of Tennessee, copies of all WCL shall be sent to the Commissioner, Attention: Division of Occupational Safety and Health, within ninety (90) days following cessation of business. The WCL shall then be maintained by the Department of Labor and Workforce Development for the required thirty (30) years."

Existing Rule:

- (3) ~~Correspondence relating to trade secrets (see Rule 0800-1-9-.09) shall be maintained for five (5) years after the date of the last item relating to the claim or issue.~~

Proposed Amended Rule:

- (3) Employers shall maintain copies of WCL for thirty (30) years following the effective period of the WCL. If the employer generating a WCL ceases to operate a business in the State of Tennessee, copies of all WCL shall be sent to the Commissioner, Attention: Division of Occupational Safety and Health, within ninety (90) days following cessation of business. The WCL shall then be maintained by the Department of Labor and Workforce Development for the required thirty (30) years.

Authority: T.C.A. §§ 4-3-1411 and 50-3-201

Paragraph (4) of 0800-1-9-.12 Recordkeeping and Reporting is deleted

Existing Rule:

- (4) ~~Correspondence relating to exemptions from Rule 0800-1-9-.10 shall be maintained as long as the exemption is in effect plus one (1) year.~~

Proposed Amended Rule:

- (4) *DELETED*

Authority: T.C.A. §§ 4-3-1411 and 50-3-201

Paragraph (5) of 0800-1-9-.12 Recordkeeping and Reporting is deleted

Existing Rule:

- (5) ~~Employers shall maintain copies of WCL for thirty (30) years following the effective period of the WCL. If the employer generating a WCL ceases to operate a business in the State of Tennessee, copies of all WCL shall be sent to the Commissioner, Attention: Division of Occupational Safety and Health, within ninety (90) days following cessation of business. The WCL shall then be maintained by the Department of Labor and Workforce Development for the required thirty (30) years.~~

Proposed Amended Rule:

- (5) *DELETED*

Authority: T.C.A. §§ 4-3-1411 and 50-3-201

Chapter 0800-01-09

Rule 0800-01-09-.13 Amended

Paragraph (1) of 0800-1-9-.13 Public Information is amended by deleting current text and replacing with "Upon written request and payment of a copying fee and postage, the public may obtain the following:

- (a) Workplace Chemical Lists (see Rule 0800-1-9-.11).
- (b) Hazardous Chemical Right to Know Law.
- (c) Hazard Communication Standard, 29 CFR 1910.1200 or 1926.59."

Existing Rule:

- (1) ~~Upon written request, the public may obtain a copy of the "Notice" required by Rule 0800-1-9-.03.~~

Proposed Amended Rule:

- (1) Upon written request and payment of a copying fee and postage, the public may obtain the following:
  - (a) Workplace Chemical Lists (see Rule 0800-1-9-.11).
  - (b) Hazardous Chemical Right to Know Law.
  - (c) Hazard Communication Standard, 29 CFR 1910.1200 or 1926.59.

Authority: T.C.A. §§ 4-3-1411 and 50-3-201

Paragraph (2) of 0800-1-9-.13 Public Information is deleted

Existing Rule:

- (2) Upon written request and payment of a copying fee and postage, the public may also obtain the following:
  - (a) Hazardous Chemical Lists (see Rule 0800-1-9-.04).
  - (b) Hazardous Chemical Right to Know Law.
  - (c) Hazard Communication Standard, 29 CFR 1910.1200 or 1926.59.
  - (d) Generic MSDS.
  - (e) MSDS on specific chemicals manufactured by specific manufacturers. The chemical and/or trade name, and manufacturer's name and address must be included in the request. Sixty (60) days shall be allowed to fill the request.

Proposed Amended Rule:

- (2) *DELETED*

Chapter 0800-01-09

Rule 0800-01-09-.14 Amended

Rule 0800-1-9-.14 Notice is amended by deleting current text and changing rule title to "Reserved"

Existing Rule:

~~0800-1-9-.14 CONTRACTORS AND SUBCONTRACTORS.~~

~~(1) In addition to other requirements of this chapter, contractors and subcontractors who introduce hazardous chemicals into the workplace shall provide all other parties to the contract an MSDS for each such chemical five (5) working days prior to its introduction.~~

~~(2) Contractors and subcontractors who introduce hazardous chemicals into the workplace shall not be held responsible for compliance with the requirements of Rule 0800-1-9-.07 for employees of other contractors or subcontractors at the workplace. Provision of education and training for employees of other contractors or subcontractors may be required by the contract but each contractor or subcontractor shall be held responsible for education and training of only their own employees.~~

~~(3) Contractors and subcontractors may comply with the requirements of Rule 0800-1-9-.11 by maintaining one (1) master WCL appropriate for all workplaces where they are performing work providing that the workplace location required by subparagraph (b) of paragraph (1) of that rule is provided on that master list.~~

Proposed Amended Rule:

0800-1-9-.14 RESERVED

Authority: T.C.A. §§ 4-3-1411 and 50-3-201