

Special Session chapter 1, article 3, section 1, shall be reduced from aid payments in fiscal year 1984 by approximately \$7,600,000. The commissioner shall reduce aid payments authorized by the appropriations in articles 1 to 12 in accordance with section 10 of article 6.

Sec. 3. REDUCTIONS FOR REVENUE EQUITY.

Pursuant to section 7, of article 1, aid payments shall be reduced in fiscal year 1985 by approximately \$4,269,000.

Approved June 14, 1983

CHAPTER 315 — H.F.No. 210

An act relating to historical societies; fixing the maximum city or town expenditure for a county historical society; amending Minnesota Statutes 1982, section 138.053.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1982, section 138.053, is amended to read:

138.053 COUNTY HISTORICAL SOCIETY; TAX LEVY; CITIES OR TOWNS.

The governing body of any home rule charter or statutory city or town excepting cities of the first class may appropriate annually an amount from its general fund of not to exceed ~~one-third~~ of one mill of the assessed value of the taxable property in the city or town, ~~but not to exceed \$500~~, to be paid to the historical society of their respective county to be used for the promotion of historical work and to aid in defraying the expenses of carrying on the historical work in said county. No city or town may appropriate any funds for the benefit of any historical society unless such society shall be affiliated with and approved by the Minnesota historical society.

Approved June 14, 1983

CHAPTER 316 — H.F.No. 242

An act relating to labor; providing for occupational safety and health; defining "hazardous substance" and "harmful physical agent"; requiring manufacturers of hazardous substances or harmful physical agents to provide certain information; creating a right to refuse to work under conditions violating the state occupational safety and health act; creating a right to refuse to work with a hazardous substance or harmful physical agent

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under certain conditions; requiring employers using hazardous substances and harmful physical agents to provide employees with certain training and information; requiring that hazardous substances and harmful physical agents be labeled under certain circumstances; requiring training of hospital employees; prohibiting waiver of any employee rights under the state occupational safety and health act; clarifying relation of bargaining agreements to safety laws; providing protection for trade secrets; providing penalties; appropriating money; amending Minnesota Statutes 1982, sections 182.651, by adding subdivisions; 182.653, by adding subdivisions; 182.654, subdivision 7, and by adding subdivisions; 182.655, subdivisions 4, 10, 11, and by adding a subdivision; 182.658; 182.66, subdivision 1; 182.663, subdivision 3; 182.666, by adding a subdivision; and 182.668; proposing new law coded in Minnesota Statutes, chapter 182.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [182.65] [Subd. 1a.] **SHORT TITLE.**

This act shall be known as the "Employee Right to Know Act of 1983."

Sec. 2. Minnesota Statutes 1982, section 182.651, is amended by adding a subdivision to read:

Subd. 14. "Hazardous substance" means a chemical or substance, or mixture of chemicals and substances, which:

(a) is regulated by the federal Occupational Safety and Health Administration under title 29 of the Code of Federal Regulations part 1910, subpart Z; or

(b) is either toxic or highly toxic; an irritant; corrosive; a strong oxidizer; a strong sensitizer; combustible; either flammable or extremely flammable; dangerously reactive; pyrophoric or pressure-generating; compressed gas; carcinogen; teratogen; mutagen; reproductive toxic agent; or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance; or

(c) is determined by the commissioner as a part of the standard for the chemical or substance or mixture of chemicals and substances to present a significant risk to worker health and safety or imminent danger of death or serious physical harm to an employee as a result of foreseeable use, handling, accidental spill, exposure, or contamination.

In determining whether a chemical or substance is hazardous under clause (b) or clause (c), the commissioner shall, if appropriate, apply the criteria contained in the American National Standard Institute's American National Standard for the Precautionary Labeling of Hazardous Industrial Chemicals, Z129.1-1982, or any later revision of that standard. In addition the commissioner may consider the information contained in appendices which do not appear in the standard and any other available scientific evidence which substantially

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indicates a chemical or substance or mixture of chemicals and substances is hazardous.

Hazardous substance does not include a substance being developed or handled by a technically qualified individual in a research, medical research, medical diagnostic or medical educational laboratory or in a health care facility or in a clinic associated with the laboratory or health care facility, or in a pharmacy registered and licensed under chapter 151. This exemption applies only to technically qualified individuals and not to persons working in the same work area who are not technically qualified individuals.

Sec. 3. Minnesota Statutes 1982, section 182.651, is amended by adding a subdivision to read:

Subd. 15. "Harmful physical agent" means a physical agent determined by the commissioner as a part of the standard for that agent to present a significant risk to worker health or safety or imminent danger of death or serious physical harm to an employee. This definition includes but is not limited to radiation, whether ionizing or nonionizing.

Harmful physical agent does not include an agent being developed or utilized by a technically qualified individual in a research, medical research, medical diagnostic or medical educational laboratory or in a health care facility or in a clinic associated with the laboratory or health care facility, or in a pharmacy registered and licensed under chapter 151. The exemption in this clause does not include a physical agent utilized in a laboratory that primarily provides a quality control analysis for a manufacturing process. This exemption applies only to technically qualified individuals and not to persons working in the same work area who are not technically qualified individuals.

Sec. 4. Minnesota Statutes 1982, section 182.651, is amended by adding a subdivision to read:

Subd. 16. "Technically qualified individual" means a person who, because of professional or technical education, training or experience, understands, at the time of exposure, the health risks and the necessary safety precautions associated with each hazardous substance, harmful physical agent, infectious agent or mixture handled or utilized by the person.

The commissioner shall by rule adopt a standard which specifies the criteria to be considered in determining whether or not a person is a technically qualified individual.

Sec. 5. Minnesota Statutes 1982, section 182.651, is amended by adding a subdivision to read:

Subd. 17. For the purposes of chapter 182, the determination of what is a hazardous substance or harmful physical agent is part of the occupational safety and health standard concerning that substance or agent adopted under section

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182.655, subject only to the rulemaking procedure which the whole standard is subject to under section 182.655.

Sec. 6. Minnesota Statutes 1982, section 182.651, is amended by adding a subdivision to read:

Subd. 18. The following substances or mixtures are not hazardous substances if they are:

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

(b) consumer products packaged for distribution to, and used by, the general public, including any product used by an employer or the employer's employees in the same form, concentration, and manner as it is sold to consumers, and to the employer's knowledge, employee exposure is not significantly greater than the consumer exposure occurring during principal consumer use of the product;

(c) any article, including but not limited to, an item of equipment or hardware, which contains a hazardous substance, if the substance is present in a solid form which does not create a health hazard as a result of being handled by an employee;

(d) any hazardous substance that is bound and not released under normal conditions of work or in a reasonably foreseeable occurrence resulting from workplace operations;

(e) products sold or used in retail food sale establishments and all other retail trade establishments, exclusive of processing and repair work areas; or

(f) any waste material regulated pursuant to the federal Resource Conservation and Recovery Act, Public Law 94-580, but only with respect to any employer in a business which provides a service of collection, processing, or disposal of such waste.

The commissioner may, by inclusion in the standards adopted pursuant to section 182.655, determine whether any of the following may be excluded from the definitions of hazardous substance or harmful physical agent:

(a) waste products labeled pursuant to the Resource Conservation and Recovery Act;

(b) any substance received by an employee in a sealed package and subsequently sold or transferred in that package, if the seal remains intact while the substance is in the employer's workplace; or

(c) any substance, mixture, or product if present in a physical state, volume, or concentration for which there is no valid and substantial evidence that a significant risk to human health may occur from exposure.

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Sec. 7. Minnesota Statutes 1982, section 182.651, is amended by adding a subdivision to read:

Subd. 19. "Manufacturer" means anyone who produces, synthesizes, extracts, or otherwise makes, processes, blends, packages or repackages a hazardous substance or harmful physical agent. The term manufacturer also includes anyone who imports into this state or distributes within this state a hazardous substance or harmful physical agent. Manufacturer does not include anyone whose primary business concerning the hazardous substance or harmful physical agent is in retail sales to the public.

Sec. 8. Minnesota Statutes 1982, section 182.653, is amended by adding a subdivision to read:

Subd. 4a. An employer who is a manufacturer of a hazardous substance or a harmful physical agent or a mixture of substances or agents shall provide an employer who purchases the substance or agent with the information necessary for the purchasing employer to comply with section 9 or 10. The information shall be provided at the time of purchase and shall be current, accurate, and complete for each substance, agent or mixture.

For a mixture of hazardous substances, the manufacturer may provide the information required by this section on the entire product mixture, instead of on each hazardous substance in it, if all of the following conditions are met: hazard test information exists on the mixture itself or adequate information exists to form a valid judgment of the hazardous proportions of the mixture itself and the manufacturer indicates that the conclusions drawn are from some source other than direct testing on the mixture; information on the mixture will be as effective in protecting employee health as information on the ingredients; and the hazardous substances in the mixture are identified together, with the information on the mixture.

Sec. 9. Minnesota Statutes 1982, section 182.653, is amended by adding a subdivision to read:

Subd. 4b. Prior to an employee's initial assignment to a workplace where the employee may be routinely exposed to a hazardous substance or harmful physical agent, the employer shall provide training concerning the hazardous substance or harmful physical agent. The employer shall provide additional instruction whenever the employee may be routinely exposed to any additional hazardous substance or harmful physical agent. The term "routinely exposed" includes the exposure of an employee to a hazardous substance when assigned to work in an area where a hazardous substance has been spilled.

For each hazardous substance to which the employee may be routinely exposed, the employer's training program shall include:

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(a) the name or names of the substance including any generic or chemical name, trade name, and commonly used name;

(b) the level, if any and if known, at which exposure to the substance has been determined to be safe according to standards adopted by the commissioner, or, if no standard has been adopted, according to guidelines established by competent professional groups including but not limited to the American Industrial Hygiene Association, the American Conference of Governmental Industrial Hygienists, the Center for Disease Control, the Bureau of Radiological Health, and the American National Standards Institute;

(c) the known acute and chronic effects of exposure at hazardous levels;

(d) the known symptoms of the effects;

(e) any potential for flammability, explosion, or reactivity of the substance;

(f) appropriate emergency treatment;

(g) the known proper conditions for safe use of and exposure to the substance;

(h) procedures for cleanup of leaks and spills;

(i) the name, phone number and address of the manufacturer of the hazardous substance; and

(j) a written copy of all of the above information which shall be readily accessible in the area or areas in which the hazardous substance is used or handled.

Employees who have been routinely exposed to a hazardous substance prior to the effective date of this act and who continue to be routinely exposed to that hazardous substance after the effective date of this act, shall be trained with respect to that hazardous substance within six months of the effective date of this act.

Training to update the information required to be provided under this subdivision shall be repeated at intervals no greater than one year.

Every employer shall maintain current information for training under this subdivision or for information requests by employees under section 16.

This subdivision does not apply to any employer engaged in a farming operation.

This subdivision does not apply to any small business.

Sec. 10. Minnesota Statutes 1982, section 182.653, is amended by adding a subdivision to read:

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Subd. 4c. For each harmful physical agent to which an employee may be routinely exposed, the employer's training program shall include the information required by the standard for that physical agent as determined by the commissioner, including but not limited to:

(a) the name or names of the physical agent including any commonly used synonym;

(b) the level, if any and if known, at which exposure to the physical agent has been determined to be safe according to standards adopted by the commissioner, or, if no standard has been adopted, according to guidelines established by competent professional groups including but not limited to the American Conference of Governmental Industrial Hygienists, the Center for Disease Control, the Bureau of Radiological Health, and the American National Standards Institute;

(c) the known acute and chronic effects of exposure at hazardous levels;

(d) the known symptoms of the effects;

(e) appropriate emergency treatment;

(f) the known proper conditions for safe use of and exposure to the physical agent;

(g) the name, phone number and address, if appropriate, of the manufacturer of the harmful physical agent; and

(h) a written copy of all of the above information which shall be readily accessible in the area or areas in which the harmful physical agent is present and where the employee may be exposed to the agent through use, handling or otherwise.

Employees who have been routinely exposed to a harmful physical agent prior to the effective date of this act and who continue to be routinely exposed to that harmful physical agent after the effective date of this act, shall be trained with respect to that harmful physical agent within six months of the effective date of this act.

Training to update the information required to be provided under this subdivision shall be repeated at intervals no greater than one year.

Every employer shall maintain current information for training under this subdivision or for information requests by employees under section 16.

This subdivision does not apply to any employer engaged in a farming operation.

Sec. 11. Minnesota Statutes 1982, section 182.653, is amended by adding a subdivision to read:

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Subd. 4d. Each employer who is in the business of providing a service of collection, processing, or disposal of waste regulated pursuant to the federal Resource Conservation and Recovery Act, Public Law 94-580, shall provide employees who are routinely exposed to this waste a general safety training program approved by the commissioner. This training program shall be appropriate for the seriousness of the safety hazards commonly encountered by the employees and shall include: training concerning the general safety hazards involved in the collection, processing, or disposal of the waste; proper safety procedures to avoid the deleterious effects of these hazards; and common symptoms of the deleterious effects. Training shall be provided to employees within 60 days of the commissioner's approval of the training program, or, if the employee is employed after this 60-day period, prior to the employees' initial assignment where they will be routinely exposed to waste. The employer's safety training program shall be submitted to the commissioner for approval within two months of the effective date of this act. Refresher courses reviewing the information of the training program shall be given to employees at intervals no greater than one year.

Sec. 12. Minnesota Statutes 1982, section 182.653, is amended by adding a subdivision to read:

Subd. 4e. Each employer who is engaged in a farming operation and employs more than ten employees or maintains a temporary labor camp shall comply with a training program, developed by the commissioner, concerning the hazardous substances and harmful physical agents to which the employees are routinely exposed. The commissioner shall develop this training program in consultation with experts in agricultural work environment hazards and an advisory task force appointed by the commissioner, consisting of three representatives of agricultural employers and three representatives of agricultural employees. The program shall be designed to fulfill the same purposes as training under subdivisions 4b and 4c of this section, but take into account factors unique to farming operations. These factors shall include but not be limited to the fact that many agricultural employees' primary language is Spanish and the fact that many chemicals used by agricultural employers are labeled under the Federal Insecticide, Fungicide, and Rodenticide Act. The commissioner shall complete implementation of this program within 1-1/2 years after the effective date of this act.

Every employer shall have the right to request that their employees sign statements that they have received appropriate training under this subdivision, once such training has been completed.

Sec. 13. Minnesota Statutes 1982, section 182.653, is amended by adding a subdivision to read:

Subd. 4f. Each employer who operates a hospital or clinic shall provide training according to a program developed by the commissioner by rule with approval of the commissioner of health to its employees who are routinely

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exposed to an infectious agent. The training shall include the information required by the rule for that agent as developed by the commissioner and shall include, if known, names of infectious agents to which the employee is routinely exposed, proper techniques for the employee to avoid self-contamination, and symptoms and effects of contamination. Training shall be provided upon the initial assignment of the employee to a job where that person will be routinely exposed to an infectious agent. Existing inservice, hospital licensure or certification programs which the commissioner determines substantially comply with the rules adopted pursuant to this subdivision may be certified by the commissioner to satisfy all or a part of the rules. "Infectious agent" means a communicable bacterium, virus, or fungus determined by the commissioner by rule, with approval of the commissioner of health, which according to documented medical or scientific evidence causes substantial acute or chronic illness or permanent disability as a foreseeable and direct result of any routine exposure to the infectious agent. Infectious agent does not include an agent in or on the body of a patient before diagnosis.

Infectious agent does not include an agent being developed or regularly utilized by a technically qualified individual in a research, medical research, medical diagnostic or medical educational laboratory or in a health care facility or in a clinic associated with a laboratory or health care facility, or in a pharmacy registered and licensed under chapter 151. The exemption in this clause does not include an infectious agent utilized in a laboratory that primarily provides a quality control analysis for a manufacturing process.

Employees who have been routinely exposed to an infectious agent prior to the effective date of this act and who continue to be routinely exposed to that infectious agent after the effective date of this act, shall be trained with respect to that infectious agent within six months of the effective date of this act.

Training to update the information required to be provided under this subdivision shall be repeated at intervals no greater than one year.

Sec. 14. Minnesota Statutes 1982, section 182.653, is amended by adding a subdivision to read:

Subd. 4g. Every employer shall have the right to request that their employees sign statements that they have received appropriate training under this subdivision, once training has been completed.

Sec. 15. Minnesota Statutes 1982, section 182.654, subdivision 7, is amended to read:

Subd. 7. Any An employee who has been exposed or is being exposed to toxic materials hazardous substances or harmful physical agents in concentrations or at levels in excess of that provided for by any an applicable standard shall be provided by his the employer with the opportunities provided in section 182.655, subdivision 40 10a.

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Sec. 16. Minnesota Statutes 1982, section 182.654, is amended by adding a subdivision to read:

Subd. 10. An employee, except an employee employed in a farming operation with ten or fewer employees and no temporary labor camp, or the designated representative of the employee has the right to request and receive from the employer, within a reasonable period of time, access to information the employer is required to provide the employee under section 9, 10, 11 or 12. For the purposes of this subdivision and section 27, subdivision 5, "designated representative" means a labor organization, as defined in section 179.01, subdivision 6, that represents employees under a valid collective bargaining agreement, or another employee whom an employee or former employee has authorized, in writing, to exercise the employee's rights under chapter 182.

Every employee employed in a farming operation with ten or fewer employees and no temporary labor camp, and any agricultural employee association or union representing that employee, shall have the right, upon request, to receive from their employer, within a reasonable period of time, any information on a label that is required by any federal or state health and safety law to be on the container of any substance or chemical to which the employee is routinely exposed.

Sec. 17. Minnesota Statutes 1982, section 182.654, is amended by adding a subdivision to read:

Subd. 11. An employee acting in good faith has the right to refuse to work under conditions which the employee reasonably believes present an imminent danger of death or serious physical harm to the employee.

A reasonable belief of imminent danger of death or serious physical harm includes but is not limited to a reasonable belief of the employee that the employee has been assigned to work with a hazardous substance, harmful physical agent or infectious agent under conditions which are inconsistent with the training or information provided by the employer pursuant to section 9, clauses (g) or (h), section 10, clause (f), section 11, section 12, section 13, or section 16.

An employer may not discriminate against an employee for a good faith refusal to perform assigned tasks if the employee has requested that the employer correct the hazardous conditions but the conditions remain uncorrected.

An employee who has refused in good faith to perform assigned tasks and who has not been reassigned to other tasks by the employer shall, in addition to retaining a right to continued employment, receive pay for the tasks which would have been performed if (1) the employee requests the commissioner to inspect and determine the nature of the hazardous condition, and (2) the commissioner determines that the employee, by performing the assigned tasks, would have been placed in imminent danger of death or serious physical harm; or (3) the

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employee requests the commissioner to inspect and determine if a hazardous condition exists, and (4) the commissioner determines that the employer has failed to provide the training required under section 9, 10, 11, 12 or 13 prior to the employee's initial assignment to a workplace where the employee may be routinely exposed to a hazardous substance or harmful physical agent and the employer has failed to provide the information required under section 9, 10, 11, 12 or 13 after a request pursuant to section 16 within a reasonable period of time, but not to exceed 24 hours, of the request.

Sec. 18. Minnesota Statutes 1982, section 182.655, subdivision 4, is amended to read:

Subd. 4. The commissioner, in ~~promulgating~~ adopting standards dealing with ~~toxic materials~~ hazardous substances or harmful physical agents under this section, shall set the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if ~~such the~~ the employee has regular exposure to the hazard dealt with by ~~such the~~ the standard for the period of ~~his the~~ the employee's working life. Development of standards under this subdivision shall be based upon research, demonstrations, experiments, and ~~such~~ other information as may be appropriate. In addition to the attainment of the highest degree of health and safety protection for the employee, other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws. Whenever practicable, the standard ~~promulgated~~ adopted shall be expressed in the terms of objective criteria and of the performance desired.

Sec. 19. Minnesota Statutes 1982, section 182.655, subdivision 10, is amended to read:

Subd. 10. Any standard ~~promulgated~~ adopted under this section shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that employees are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure. ~~Where appropriate, such standards shall also prescribe suitable protective equipment, if feasible engineering and administrative methods of protection alone do not provide adequate protection, and this equipment shall be made available by or at the cost of the employer. Such standards shall provide for monitoring or measuring employee exposure at such locations and intervals and in such manner as may be necessary and appropriate for the protection of employees. In addition, where appropriate, any such standard shall prescribe the type and frequency of medical examinations or other tests which shall be made available by the employer, or at his cost, to employees exposed to such hazards in order to most effectively determine whether the health of such employees is adversely affected by such exposure. The results of such~~

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examinations or tests shall be furnished only to the commissioner and, at the request of the employee, to his physician.

In the case of containers containing a hazardous substance or a harmful physical agent, a label is required as an appropriate form of warning in providing substantially the same information as required under sections 9, 10 or 12. A label may be a coded reference to an appropriate and accessible data sheet containing the information required under sections 9, 10 or 12. When appropriate, a current data sheet may be affixed to or posted in accessible close proximity to a container containing a hazardous substance or a harmful physical agent in satisfaction of standards adopted for labels under this chapter. Containers may be labeled pursuant to federal or state labeling requirements that the commissioner certifies as satisfying the labeling standards adopted under this chapter.

Sec. 20. Minnesota Statutes 1982, section 182.655, is amended by adding a subdivision to read:

Subd. 10a. Where appropriate, standards shall prescribe suitable protective equipment, if feasible engineering and administrative methods of protection alone do not provide adequate protection, and this equipment shall be made available by or at the cost of the employer. The standards shall also provide for monitoring or measuring employee exposure at the locations and intervals and in the manner as may be necessary and appropriate for the protection of employees. Where appropriate, a standard shall prescribe the type and frequency of medical examinations or other tests which shall be made available by the employer, or at the employer's cost, to employees exposed to hazards in order to most effectively determine whether the health of those employees is adversely affected by the exposure. The results of these examinations or tests shall be furnished only to the commissioner, the employee's physician, at the request of the employee, and the employer with notice to the employee.

Sec. 21. Minnesota Statutes 1982, section 182.655, subdivision 11, is amended to read:

Subd. 11. The commissioner shall ~~provide for~~ adopt an emergency temporary standard to take immediate effect upon publication if ~~he~~ the commissioner determines:

(a) That employees are exposed to grave or imminent danger from exposure to hazardous substances or harmful physical agents ~~determined to be toxic or physically harmful or from new or other hazards~~; and

(b) That ~~such~~ the emergency standard is necessary to protect employees from ~~such~~ the danger. ~~Such~~ The standard shall be effective until superseded by a standard ~~promulgated~~ adopted in accordance with the procedures prescribed in subdivision 2.

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Upon publication of ~~such~~ the standard or standards, which interested persons may receive upon request and payment of fees, the commissioner shall commence a proceeding in accordance with subdivision 2 and the standard as published shall also serve as a proposed rule for the proceeding; the commissioner shall ~~promulgate~~ adopt a standard under this section no later than six months after the publication of the emergency standard.

Sec. 22. [182.6575] WAIVER PROHIBITED.

No employer may request or require any employee to waive any rights under this chapter or under occupational safety and health standards adopted pursuant to this chapter.

Sec. 23. Minnesota Statutes 1982, section 182.658, is amended to read:

182.658 POSTING REQUIREMENTS.

The commissioner shall issue regulations requiring that employers, through posting of notices or other appropriate means, keep their employees informed of their protections and obligations under Laws 1973, Chapter 732 ~~chapter 182~~ including the provisions of applicable standards.

Sec. 24. Minnesota Statutes 1982, section 182.66, subdivision 1, is amended to read:

Subdivision 1. ~~If, upon~~ After an inspection or investigation, ~~if~~ the commissioner believes that an employer has violated a requirement of section 182.653, subdivisions 2 to 4, or any standard, rule, ~~regulation~~ or order ~~prescribed~~ adopted pursuant to Laws 1973, Chapter 732, he this chapter, the commissioner shall, with reasonable promptness and in no event later than six months following the inspection, issue a written citation to the employer by certified mail ~~a written citation~~. ~~The citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the act, standard, rule, regulation or order alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the violation.~~

Sec. 25. Minnesota Statutes 1982, section 182.663, subdivision 3, is amended to read:

Subd. 3. The commissioner shall ~~issue regulations~~ adopt rules requiring employers to maintain accurate records of employee exposures to ~~potentially toxic materials~~ hazardous substances or harmful physical agents which are required to be monitored under Laws 1973, Chapter 732 this chapter. ~~Such regulations~~ The rules shall provide employees or their representatives with an opportunity to have access to the records thereof. ~~Such regulations~~ The rules shall provide employees or their representatives with an opportunity to observe ~~such the~~ monitoring or measuring and to have access to the records ~~thereto~~ and reports of the monitoring and measuring. In order to carry out the provisions of this section, ~~such regulations~~ the rules may include provisions requiring employers to conduct

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periodic inspections. ~~Each~~ An employer shall promptly notify ~~any~~ an employee who has been or is being exposed to ~~toxic materials~~ hazardous substances or harmful physical agents in concentrations or at levels which exceed those prescribed by an applicable occupational safety and health standard ~~promulgated~~ adopted under ~~Laws 1973, Chapter 732~~ chapter 182, and shall inform any employee who is being thus exposed of the corrective action being taken.

Sec. 26. Minnesota Statutes 1982, section 182.666, is amended by adding a subdivision to read:

Subd. 5a. Any employer who knowingly violates section 22 shall be assessed a fine of up to \$1,000 for each violation. The employer shall also be liable to each aggrieved employee for civil punitive damages of \$200.

Sec. 27. Minnesota Statutes 1982, section 182.668, is amended to read:

182.668 PROTECTION OF TRADE SECRETS.

Subdivision 1. REGISTRATION. Subject to the restrictions on the withholding of information pursuant to 8 MCAR section 1.7001, a manufacturer or employer who believes that all or a part of the information required under sections 8, 9, 10, 12 or 13 or requested under section 16 is a trade secret as defined in section 325C.01, subdivision 5, may register the information with the commissioner as trade secret information.

Subd. 2. CLASSIFICATION OF DATA. Information that has been registered pursuant to subdivision 1 shall be classified as nonpublic or private data as defined in section 13.02, subdivisions 9 and 12.

All other information reported to or otherwise obtained by the commissioner or ~~his~~ a representative in connection with any inspection or proceeding under ~~Laws 1973, chapter 732~~ 182 which contains or which might reveal a trade secret shall be ~~considered confidential except that such~~ classified as nonpublic or private data as defined in section 13.02, subdivisions 9 and 12. Information classified as nonpublic or private may be disclosed to other officers or employees concerned with carrying out ~~Laws 1973, chapter 732~~ 182 or when relevant in any proceeding under ~~Laws 1973, this chapter 732~~ or when otherwise required in order to comply with federal law or regulation but only to the extent required by the federal law or regulation.

Subd. 3. DETERMINATION BY COMMISSIONER. On the request of a manufacturer, employer, employee or employee representative, the commissioner shall determine whether information registered pursuant to subdivision 1 or otherwise reported to or obtained by the commissioner is a trade secret as defined in section 325C.01, subdivision 5. In making a determination the commissioner shall also determine whether the information should in any event be disclosed in order to properly protect the health and safety of employees.

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An employer or manufacturer that disagrees with a determination under this subdivision may pursue its remedies as provided in chapter 325C or other relevant law.

Subd. 4. ORDERS. The commissioner shall issue such orders as may be appropriate to protect the confidentiality classification of trade secrets by allowing and may, upon at the request of an employer any authorized representative of employees, in inspections of trade secrets areas or in discussions involving trade secrets, allow an authorized representative of employees to be replaced by an employee authorized by the employer; by permitting. The commissioner may also allow the employer to screen out trade secret details where photographs are deemed essential to the investigation; and by allowing the employer to restrict samples to be taken where trade secrets might be exposed.

Subd. 5. RESTRICTIONS ON DISCLOSURE. Information provided to an employee or designated representative pursuant to sections 8, 9, 10, 12, or 16 which has been determined by the commissioner to be a trade secret shall not be disclosed to anyone except as required for medical treatment or as otherwise required in chapter 182. An employee, designated representative or other person who knowingly discloses information in violation of this subdivision or any person knowingly receiving the information is subject to the provisions of section 609.52 relating to the theft of trade secrets and to the civil liabilities provided by chapter 325C or other relevant law.

Sec. 28. [182.675] RELATIONSHIP TO COLLECTIVE BARGAINING.

Although not required, an employee or employer may seek to resolve any dispute arising under this chapter through resolution procedures provided by any applicable labor agreement or, if there is no applicable provision of a labor agreement, through a dispute resolution procedure to be developed by the commissioner. The employee is not deemed to have waived or lost any substantive or procedural rights under this chapter due to resort to the resolution methods and may pursue all legal remedies under this chapter without any prejudice due to the results of these resolution methods. The commissioner may adopt temporary rules to develop a dispute resolution procedure. Nothing in this chapter is deemed to prevent the creation of additional rights or remedies for employees pursuant to a labor agreement or personnel rule.

Sec. 29. INSTRUCTION TO REVISOR.

Whenever the phrase "Laws 1973, Chapter 732" or a like phrase appears in Minnesota Statutes, chapter 182, the revisor of statutes shall substitute the phrase "this chapter" or "chapter 182."

Sec. 30. APPROPRIATION.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

The sum of \$100,000 is appropriated from the general fund to the commissioner of labor and industry to administer the Employee Right to Know Act, to be available for the fiscal year ending June 30 in the years indicated. Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

<u>1984</u>	<u>1985</u>
<u>\$50,000</u>	<u>\$50,000</u>

The department of labor and industry is directed to seek federal match from the occupational safety and health administration.

The approved complement of the department of labor and industry is increased by two positions.

Sec. 31. EFFECTIVE DATE.

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 30 are effective January 1, 1984. Section 17 is effective July 1, 1984. Section 29 is effective on the day following final enactment.

Approved June 14, 1983

CHAPTER 317 — H.F.No. 253

An act relating to the operation of state government; clarifying certain provisions regarding the term and duties of the legislative auditor; amending Minnesota Statutes 1982, sections 3.97, subdivision 4; 3.972; and 462A.22, subdivision 10.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1982, section 3.97, subdivision 4, is amended to read:

Subd. 4. Until the expiration of his term the incumbent public examiner upon the effective date of this section shall continue in the legislative branch but as the legislative auditor. Thereafter, the commission shall appoint a legislative auditor. The legislative auditor is the executive secretary of the commission. After the expiration of the term of the incumbent public examiner the legislative auditor shall serve at the pleasure of the commission until May 1, 1977. Thereafter, The legislative auditor shall be appointed by the commission for a six year term. He shall serve in the unclassified service. He shall not at any time while in office hold any other public office. The legislative auditor appointed on

Changes or additions are indicated by underline, deletions by ~~strikeout~~.