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1985 DEC -4 PM 1:00

SECRETARY OF STATE



[PROPOSED]

WEST VIRGINIA LEGISLATIVE RULES  
DIRECTOR OF HEALTH

Hazardous Material Treatment Information Repository  
Chapter 16-3A  
Series 53  
1986

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Chapter 16-3A  
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Subject: Hazardous Material Treatment Information Repository

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Section 1. General

1.1. Scope - This rule establishes the requirements for assembling and updating a list of hazardous materials in West Virginia including information on the immediate medical effects of exposure to such materials, the appropriate emergency medical treatment of persons exposed to such materials and the most effective methods of distributing this information to medical emergency personnel.

1.2. Authority - This rule is issued under the authority of Chapter 16, Article 3A, Section 2 of the West Virginia Code and is related to Chapter 16, Article 3A, Section 1, et seq.

1.3. Filing Date -

1.4. Effective Date -

Section 2. Application and Enforcement

2.1. Application - This rule shall apply to all manufacturers as defined in Section 3.4 of this rule, any medical group or person, or any academic institution or person.

2.2. Enforcement - The enforcement of this rule is vested with the director of the West Virginia department of health.

Section 3. Definitions

3.1. Hazardous Materials List - The list of chemical substances determined by the director to be potentially hazardous to health. The list will be a

compilation of hazardous chemicals from several sources including: (1) the existing list prepared by the commissioner of labor pursuant to Section 18, Article 3, Chapter 21 of the code, (2) any list, publication, regulation, report, guideline or other compilation of the occupational health and safety administration of the United States department of labor, (3) any list, publication, regulation, report, guideline or other compilation of the national institute for occupational safety and health, (4) any list, publication, regulation, report, guideline or other compilation of the national fire protection association, (5) any list, publication, regulation, report, guideline or other compilation of the United States environmental protection agency, (6) the hazardous substances list developed by the department of health pursuant to the Community Right to Know Act Chapter 16, Article 31, Section 4a of the Code, or (7) any other source considered by the director to be reliable. The list may include materials not in routine use in this state.

3.2. Director - The director of the West Virginia department of health or his or her lawful designee.

3.3. Medical and Emergency Personnel - Emergency medical personnel as defined in Chapter 16, Article 4C, Section 3 of the Code of West Virginia, and any physician, osteopathic physician, registered nurse or licensed practical nurse who provides emergency care to patients.

3.4. Manufacturers - Any industry, agency, firm, corporation or individual involved in the use, production, storage or transportation of hazardous materials in this state.

Section 4. Program for Assembling and Updating Hazardous Materials List

4.1. Requests for Information from Manufacturers

4.1.1. Upon receipt of a request from the director for information related to the use, storage, production or transportation of materials listed on the hazardous materials list, the manufacturer or his designee, any medical group or person, or any academic institution or person, shall provide information related to the frequency of use, the frequency of exposure or over-exposure of persons to the materials, the known harmful effects of such material and the recommended medical treatment of persons exposed to such materials in such format as required by the director for each material used, produced, transported or stored by the manufacturer, unless good cause be shown to the satisfaction of the director why such request is unreasonable because of the potential breach of a trade secret. The information shall be requested by certified mail and shall be provided to the director within thirty days of the receipt of the request.

4.1.2. In cases where a chemical substance of known or suspected hazard is used, manufactured, stored or transported by any manufacturer and not included on the hazardous material list, the manufacturer shall prepare a special reporting form as provided by the director and the director shall, at his or her discretion, add the substance to the hazardous materials list.

#### 4.2. Updating Hazardous Materials List

4.2.1. The director shall revise the hazardous materials list on an annual basis to reflect additions or deletions to such list based upon information as provided by manufacturers or other responsible sources.

4.2.2. The director may authorize the use of any recognized publication which includes a comprehensive listing of hazardous materials and the emergency medical treatment recommended for exposure to such materials as meeting the intent of this rule in full or in part.

Section 5. Program for Distribution of Information to Medical and Emergency Personnel

5.1. The director may authorize the distribution of recognized publications which provide information related to the hazards of materials and the medical treatment of exposed individuals.

5.2. The director may publish and make available handbooks, guidelines or other information materials which include a listing of hazardous materials used, manufactured, stored or transported in West Virginia for the purpose of disseminating such information to emergency and medical personnel.

Section 6. Repository for Information

6.1. The director may utilize the West Virginia poison information center as the central repository for the information and medical care practices necessary for treatment of persons exposed to substances identified in the hazardous materials list.

6.2. The director shall maintain a file of the chemical name of those materials found to be hazardous and produced, stored, used or transported by West Virginia firms, industries or individuals.

Section 7. Penalties - Any person, or corporation, that violates the provisions of this section shall be subject to a civil penalty of not less than one hundred dollars nor more than one thousand dollars for each violation. When the director believes that a violation has occurred he may request the attorney general or the prosecuting attorney of the county where the violation occurred to file a civil action for civil penalties, or for injunctive or other relief, or both penalties and injunctive or other relief.

Section 8. Administrative Due Process - Those persons adversely affected by the enforcement of this rule desiring a contested case hearing to determine any

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rights, duties, interests or privileges shall do so in a manner prescribed in Rules of Procedure for Contested Case Hearings and Declaratory Rulings, West Virginia Board of Health Procedural Rules, Chapter 16-1, Series 1, 1983.

Section 9. Severability - The provisions of this rule as declared to be severable. If any provisions of this rule shall be held invalid, the remaining provisions of this rule shall remain in effect.

FISCAL NOTE FOR PROPOSED RULES

FILED

Rule Title: Hazardous Materials Treatment Information Repository

Type of Rule:  Legislative  Interpretive  Procedural

Agency Department of Health Address 1800 Washington St., E.,  
Charleston, WV 25305

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$ 52,250	\$ 288,000	\$ 280,000
Personal Services			25,000	66,000	70,000
Current Expense			18,250	192,000	200,000
Repairs and Alterations					
Equipment			9,000	30,000	10,000
Other					

2. Explanation of above estimates.

Three additional personnel required to collect, collate, record and enter data into computer system.

Funds needed for preparation and printing hazardous materials list and treatment protocols.

Office equipment and computer enhancement needed.

3. Objectives of these rules:

To establish a central repository of information necessary to provide health personnel with current data for treatment and management of persons exposed to hazardous materials.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None

B. Economic Impact on Political Subdivisions; Specific Industries;  
Specific groups of citizens.

None

C. Economic Impact on Citizens/Public at Large.

None

Date 11/27/85

Signature of Agency Head or Authorized Representative

David K. Heydinger, W.D.

Arch A. Moore, Jr.  
Governor



David K. Heydinger, M.D.  
Director

# State of West Virginia

DEPARTMENT OF HEALTH  
CHARLESTON 25305

## NOTICE OF PUBLIC HEARING

AGENCY: Health Department

RULE TYPE: Legislative

RULE TITLE: Hazardous Material Treatment Information Repository

1985 DEC -4 PM 1:00  
 FILED  
 DEPARTMENT OF HEALTH

A public hearing on the above proposed rule will be held at 1:00 p.m. on January 3, 1986 in the Conference Room, P & G Building, 2019 Washington Street, East, Charleston, West Virginia 25305.

Comments Are Limited to: Oral \_\_\_\_\_ Written  X  Both \_\_\_\_\_

This rule establishes the requirements for assembling and updating a list of hazardous materials in West Virginia including information on the immediate medical effects of exposure to such materials, the appropriate emergency medical treatment of persons exposed to such materials and the most effective methods of distributing this information to medical emergency personnel.

Comments may be mailed to: Regulatory Services Division, West Virginia Department of Health, 1800 Washington Street, East, Charleston, West Virginia 25305.

Comments may be delivered in person at the hearing or to: Room 7, Second Floor, P & G Building, 2019 Washington Street, East, Charleston, West Virginia not later than 4:30 p.m., January 3, 1986.

The issues to be heard shall be limited to the proposed amendments.

To obtain copies: Write the Regulatory Services Division at the above address or call at (304) 348-3223 or contact the Administrative Law Division, Office of the Secretary of State, Capitol Complex, Charleston, West Virginia, 25305, telephone (304) 345-4000.

David K. Heydinger, M.D.  
Director of Health