

044

PROPRIETARY CHEMICALS AND TRADE SECRETS

Where the formula, pattern, compilation, program, device, method, technique, process or composite of a chemical product is proprietary to the owner or operator, or service company and would if disclosed reveal methods or processes entitled to protection as trade secrets, such as a chemical, need not be disclosed to the Director or staff unless:

044.01 If necessary to respond to a spill or release of a trade secret product, the operator or service company must provide to the Director upon request a list of the chemical constituents contained in a trade secret product. The Director may request information be provided orally directly to a laboratory or other third party performing analysis for the Commission. Commission staff and any third parties receiving trade secret information on behalf of the Commission may be required to execute a nondisclosure agreement.

044.02 The operator or service company must provide the chemical constituents of a trade secret to a health professional who provides a written statement that knowledge of the chemical constituents of such product is needed for purposes of diagnosis or treatment of the individual being diagnosed or treated may have been exposed to the chemical concerned. The health professional may not use the information for purposes other than the health needs asserted in the statement of need and may be required to execute a nondisclosure agreement.

044.03 Where a health professional determines that a medical emergency exists and the chemical constituents of a trade secret product are necessary for emergency treatment, the operator or service company shall immediately disclose the chemical constituents to a product to that health professional upon verbal acknowledgement by the health professional that such information shall not be used for purposes other than health needs asserted and that the health professional shall otherwise maintain the information as confidential.

Statute 57-905(5)(b)

Statute: 57-905; 57-906; 57-907; 57-908; 57-919