

SECOND REGULAR SESSION

[CORRECTED]

# HOUSE BILL NO. 1787

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES THOMSON (Sponsor), CUNNINGHAM (145),  
HUNTER AND DAY (Co-sponsors).

Read 1st time January 23, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4604L.01I

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### AN ACT

To repeal sections 205.920, 291.010, 291.020, 291.030, 291.040, 291.050, 291.060, 291.070, 291.080, 291.120, 291.130, 292.010, 292.020, 292.030, 292.040, 292.050, 292.060, 292.070, 292.080, 292.090, 292.110, 292.120, 292.130, 292.140, 292.150, 292.160, 292.180, 292.190, 292.200, 292.210, 292.220, 292.230, 292.240, 292.250, 292.280, 292.290, 292.300, 292.310, 292.320, 292.330, 292.340, 292.350, 292.360, 292.370, 292.380, 292.390, 292.400, 292.410, 292.420, 292.430, 292.440, 292.450, 292.460, 292.470, 292.480, 292.490, 292.500, 292.510, 292.520, 292.530, 292.540, 292.560, 292.570, 292.600, 292.602, 292.604, 292.605, 292.606, 292.607, 292.610, 292.613, 292.615, 292.617, 292.623, 292.625, and 292.630, RSMo, relating to obsolete workplace safety and health statutes.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 205.920, 291.010, 291.020, 291.030, 291.040, 291.050, 291.060,  
2 291.070, 291.080, 291.120, 291.130, 292.010, 292.020, 292.030, 292.040, 292.050, 292.060,  
3 292.070, 292.080, 292.090, 292.110, 292.120, 292.130, 292.140, 292.150, 292.160, 292.180,  
4 292.190, 292.200, 292.210, 292.220, 292.230, 292.240, 292.250, 292.280, 292.290, 292.300,  
5 292.310, 292.320, 292.330, 292.340, 292.350, 292.360, 292.370, 292.380, 292.390, 292.400,  
6 292.410, 292.420, 292.430, 292.440, 292.450, 292.460, 292.470, 292.480, 292.490, 292.500,  
7 292.510, 292.520, 292.530, 292.540, 292.560, 292.570, 292.600, 292.602, 292.604, 292.605,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

8 292.606, 292.607, 292.610, 292.613, 292.615, 292.617, 292.623, 292.625, and 292.630, RSMo,  
9 are repealed as follows:

2 [205.920. The county superintendent of public welfare and his assistants  
3 may be deputized by the director of the inspection section of the department of  
4 labor and industrial relations, as his agent or agents, and when they are so  
5 deputized by the director, they shall have the same powers and authority as  
6 deputy industrial inspectors.]

2 [291.010. Before the director of the inspection section shall enter upon  
3 the duties of his office, he shall give a good and sufficient bond to the state of  
4 Missouri in the penal sum of twenty thousand dollars, to be approved by the  
5 attorney general as to form, and by the governor as to sufficiency, conditioned  
6 upon the faithful performance of the duties of his office, and that he will render  
7 an honest and accurate accounting of all funds which may come into his hands  
8 through the performance of his official duties, and said director shall be held  
9 liable on his official bond for any defalcations of any of his deputies, agents,  
10 assistants or other employees.]

2 [291.020. The principal office of the section shall be kept and maintained  
3 in Jefferson City, Missouri. In addition to the principal office in Jefferson City  
4 there shall be kept and maintained one branch office in the city of St. Louis,  
5 Missouri, and one branch office in Kansas City, Missouri, located in such  
6 quarters as may be designated by the director with the approval of the secretary  
7 of the labor and industrial relations commission of Missouri. Each of such  
8 branch offices shall be in charge of an assistant director of the inspection section  
9 and each such assistant director shall be empowered to do and perform in the  
10 name of the director any act which the director himself might perform, subject  
11 however to the supervision and approval of said director of the inspection  
12 section.]

2 [291.030. 1. Subject to the provisions of the merit system law, chapter  
3 36, RSMo, the director of the department of labor and industrial relations shall  
4 employ and prescribe the duties and powers of such persons as may be required  
5 and may make expenditures within the appropriation therefor as may be  
6 necessary to carry out the purposes of the law.

7 2. Any person employed by the inspection section more than six months  
8 prior to August 13, 1972, shall be admitted to the qualifying examination  
9 covering the position held by him and may be retained at the discretion of the  
10 director provided that he attains a passing grade in such examination. Any  
11 employee appointed within six months prior to August 13, 1972, and any  
12 employee appointed from and after August 13, 1972, shall be appointed subject  
13 to the merit system law.]

2 [291.040. The salaries and compensation of the subordinate officials and  
3 employees provided for in section 291.030, shall be paid in like manner and from  
4 the same source as the salary of the director of the inspection section, upon  
5 vouchers approved by the director. The salaries and compensation shall be as  
6 follows: Assistant director of the inspection section, not exceeding six thousand  
7 six hundred dollars per annum each; chief clerk, not exceeding six thousand six  
8 hundred dollars per annum; administrative secretary, not exceeding four thousand  
9 eight hundred dollars per annum; three special safety inspectors, not to exceed  
10 five thousand four hundred dollars per annum each; inspectors, not to exceed five  
11 thousand four hundred dollars per annum; secretary, not exceeding four thousand  
12 two hundred dollars per annum; and stenographer, not to exceed four thousand  
13 two hundred dollars per annum, except that the two stenographers who act as  
14 office managers in the two branches shall receive a salary not to exceed four  
15 thousand five hundred dollars per annum; statistician, not to exceed six thousand  
16 six hundred dollars per annum. Such compensation shall be paid the janitor as  
17 is fixed by the director, not to exceed the sum of two hundred dollars per month  
18 for the time employed.]

2 [291.050. The director of the inspection section, his deputies, inspectors  
3 and other assistants and appointees shall be entitled to their actual traveling  
4 expenses when traveling within the state of Missouri on necessary business of the  
5 inspection section, which said expenses shall be paid on itemized accounts,  
6 approved by the director as other sectional expenses are approved and paid.]

2 [291.060. 1. The director of the inspection section may divide the state  
3 into districts, assign one or more deputy inspectors to each district, and may, at  
4 his discretion, change or transfer them from one district to another.

5 2. It shall be the duty of the director, his assistants or deputy inspectors,  
6 to make not less than two inspections during each year of all factories,  
7 warehouses, office buildings, freight depots, machine shops, garages, laundries,  
8 tenement workshops, bakeshops, restaurants, bowling alleys, pool halls, theaters,  
9 concert halls, moving picture houses, or places of public amusement, and all  
10 other manufacturing, mechanical and mercantile establishments and workshops.  
11 The last inspection shall be completed on or before the first day of October of  
12 each year, and the director shall enforce all laws relating to the inspection of the  
13 establishments enumerated heretofore in this section, and prosecute all persons  
14 for violating the same. Any municipal ordinance relating to said establishments  
15 or their inspection shall be enforced by the director.

16 3. The director, his assistants and deputy inspectors, may administer  
17 oaths and take affidavits in matters concerning the enforcement of the various  
18 inspection laws relating to these establishments; provided, that the provisions of  
this section shall not apply to mercantile establishments that employ less than ten

19 persons that are located in towns and cities that have three thousand inhabitants  
20 or less.]

21

2 [291.070. The inspection section shall collect, assort and systematize  
3 statistical details and information relating to the commercial, industrial, social,  
4 educational and sanitary conditions of the laboring classes of the state and to the  
5 permanent prosperity of the productive industries of the state.]

6

2 [291.080. The director of the inspection section is hereby directed to  
3 collect any information he may deem necessary to carry out the objects of the  
4 department as set forth in section 291.070, and is hereby authorized to furnish  
5 suitable blanks to managers of public service corporations, county, city and  
6 township officers, and to the officers of prisons, penal and reformatory  
7 institutions, and it shall be the duty of all such managers and officers to furnish  
8 such information as the director may require and which may be in their  
9 possession with the least possible delay.]

10

2 [291.120. The labor and industrial relations commission of Missouri,  
3 with the assistance of the director of the inspection section of the department of  
4 labor and industrial relations shall, on or before the first day of February of each  
5 year, present a report in writing to the governor, which shall contain statistical  
6 details relating to the operation of the section under sections 196.270 to 196.305,  
7 and chapters 290, 292 and 421, RSMo, including such information as is  
8 contemplated by section 291.070.]

9

2 [291.130. 1. The owner, superintendent, manager or other person in  
3 charge of every establishment inspected as provided by law shall pay to the state  
4 director of revenue the following fee for each inspection made in accordance with  
5 the provisions of sections 196.270 to 196.305, and chapters 292 and 421, RSMo,  
6 or elsewhere authorized or required of said inspector by law to be made:

7 (1) For the inspection of every building or shop in which ten or less  
8 persons are employed or found at work, no charge shall be made;

9 (2) For the inspection of every building or shop in which more than ten  
10 and not exceeding fifteen persons are employed, the sum of three dollars;

11 (3) For the inspection of every building or shop in which more than  
12 fifteen and less than twenty-five persons are employed, the sum of four dollars;

13 (4) For the inspection of every building or shop in which more than  
14 twenty-five persons and less than fifty persons are employed, the sum of five  
15 dollars; and

16 (5) In every building or shop in which more than fifty persons are  
17 employed an additional fee of one dollar shall be charged and collected for every  
18 fifty additional persons employed, or any additional fraction thereof, and the fee  
herein provided for shall be due immediately upon completion of the inspection.

19           2. The owner, superintendent, manager or other person in charge of any  
20 establishment at the time of inspection shall furnish the inspector making the  
21 inspection a true statement of the number of persons employed in the  
22 establishment at the time of inspection, and any owner, superintendent, manager  
23 or other person in charge who fails or refuses to furnish such statement, or  
24 understates the number of persons employed in the establishment at the time of  
25 inspection, is guilty of a misdemeanor, and, upon conviction thereof, shall be  
26 fined not less than twenty-five dollars nor more than one hundred dollars for each  
27 offense.

28           3. Any person, firm or corporation, agent or manager, superintendent or  
29 foreman of any firm or corporation, whether acting for himself or for the firm or  
30 corporation, or by himself or through subagents or foreman, superintendent or  
31 manager, who refuses or attempts to prevent the admission of any inspector  
32 authorized by this chapter, upon or within the premises or building of any  
33 establishments or place which he is required by law to inspect at any reasonable  
34 business hour, or during working hours or in any manner interferes with the  
35 performance of the official duties of the inspector, or neglects or refuses to pay  
36 the inspection fee upon the completion of the inspection, is guilty of a  
37 misdemeanor, and, upon conviction thereof, shall be fined not less than  
38 twenty-five dollars nor more than one hundred dollars for each offense; except,  
39 that the owner or manager of any establishment inspected shall not be required  
40 to pay for more than two inspections between the first day of October of one year  
41 and thirtieth day of September of the next year, unless through noncompliance  
42 with the written orders of the inspector, additional inspections are necessary.]  
43

2           [292.010. Within one month after the occupancy of any factory,  
3 workshop or mill, the occupant shall notify the director in writing, of such  
4 occupancy.]

2           [292.020. The belting, shafting, machines, machinery, gearing and drums  
3 in all manufacturing, mechanical and other establishments in this state, when so  
4 placed as to be dangerous to persons employed therein or thereabout while  
5 engaged in their ordinary duties, shall be safely and securely guarded when  
6 possible; if not possible, then notice of its danger shall be conspicuously posted  
7 in such establishments. Whenever the director of the inspection section, or his  
8 assistant, or deputy, finds that guards have not been installed or notice of danger  
9 posted, as required by the provisions of this section, he shall at once, in writing,  
10 order the owner or owners, or the person or persons in charge of the machinery,  
11 plant, establishment, or place, to make the alterations, additions, or repairs  
12 necessary within ten days; and if the said alterations, additions or repairs be not  
13 made within ten days from the date of such order, then such failure to make such  
14 alterations shall be deemed a violation of sections 292.010 to 292.250, and in  
addition to the penalties herein prescribed for such violations, the director or his

15 assistant or deputy, shall be and is hereby empowered to, and he shall seal said  
16 defective appliance or appliances in such a manner as to render the same  
17 inoperative until said order of the director has been complied with.]  
18

2 [292.030. All power-driven circular saws must be provided with safety  
3 guards which raise and lower automatically for various thicknesses of material,  
4 and must also be provided with a kickback dog to prevent the board binding on  
5 the saw and flying back. Said appliances shall be subject to the approval of the  
6 director of the inspection section, his assistants or deputies.]

2 [292.040. No minor shall be required to clean any part of the mill,  
3 gearing or machinery while it is in motion in such establishment, nor shall any  
4 minor under the age of sixteen years be required to work between the fixed and  
5 traversing or the traversing parts of any machine while it is in motion by the  
6 action of steam, water, electricity or other mechanical power.]

2 [292.050. The openings of all hatchways, elevators and wellholes upon  
3 every floor of every manufacturing, mechanical or mercantile or public building  
4 in this state shall be protected by good and sufficient trapdoors or self-closing  
5 hatches or safety catches, or strong guard rails at least three feet high, and all due  
6 diligence shall be used to keep such trapdoors closed at all times, except when  
7 in actual use by the occupant of the building having the use and control of the  
8 same. Whenever the director of the inspection section, or one of his assistants  
9 or deputies, finds any violations of the foregoing requirement to guard hatchways,  
10 elevators and wellholes, he shall at once, in writing, notify the owner or owners  
11 thereof, or the person or persons in charge of said appliance or appliances, to  
12 make the necessary alterations, additions or repairs within ten days; and if said  
13 alterations, additions or repairs are not made within ten days from the date of  
14 such notice, the director or his assistant or deputy, shall seal such appliance or  
15 appliances in such a manner as to render the same inoperative until there has been  
16 compliance with the order of the director.]

2 [292.060. All manufacturing, mechanical, mercantile or other  
3 establishments in this state, of two or more stories in height, in which twenty or  
4 more persons are employed above the first floor thereof, shall be provided with  
5 at least one or more outside iron fire escapes. For every twenty persons  
6 employed on every floor above the second floor of such establishment, there shall  
7 be one rope or portable fire escape, and each story shall be amply supplied with  
8 means of extinguishing fire.]

2 [292.070. In all such establishments the main doors, both inside and  
3 outside, shall open outwardly, when the director, in writing, so directs; and no  
outside or inside door of any building wherein labor is employed shall be so

4 locked, bolted or otherwise fastened during the hours of labor as to prevent  
5 egress.]  
6

2 [292.080. No explosive or inflammable compound shall be used in any  
3 establishment in this state where labor is employed, in such place or manner as  
4 to obstruct or render hazardous the egress of operatives in case of fire.]

2 [292.090. All scaffolds or structures used in or for the erection, repairing  
3 or taking down of any kind of building shall be well and safely supported, and of  
4 sufficient width, and so secured as to insure the safety of persons working  
5 thereon, or passing under or about the same, against the falling therein, or the  
6 falling of such materials or articles as may be used, placed or deposited thereon.  
7 All persons engaged in the erection, repairing or taking down of any kind of  
8 building shall exercise due caution and care so as to prevent injury or accident to  
9 those at work or nearby.]

2 [292.110. All manufacturing, mechanical, mercantile and other  
3 establishments in this state shall be so ventilated as to render harmless all  
4 impurities, as near as may be.]

2 [292.120. Every person, firm or corporation using any polishing wheel  
3 or machine of any character which generates dust, smoke or poisonous gases in  
4 its operation, shall provide each and every such wheel or machine with a hood,  
5 which shall be connected with a blower or suction fan of sufficient power to carry  
6 off said dust, smoke and gases and prevent its inhalation by those employed about  
7 said wheel or machine; and any violation of this section is hereby declared to be  
8 a misdemeanor, and a person, firm or corporation so violating this section shall,  
9 upon conviction, be punished by a fine of not less than one hundred dollars nor  
10 more than five hundred dollars for each and every offense. It shall be the duty of  
11 the director of the inspection section and his assistants and deputies to see that  
12 this section is enforced and to prosecute any violations thereof.]

2 [292.130. In all establishments in this state wherein labor is employed,  
3 where any process is carried on by which dust or smoke is generated, the director  
4 of the inspection section and his assistants and deputies shall have the power and  
5 the authority to order that a fan or some other contrivance be put in to prevent the  
6 inhalation of such dust or smoke by employees.]

2 [292.140. Where, in the opinion of the director, any establishment  
3 wherein labor is employed is so overcrowded with employees as to endanger  
4 health or safety, the director of the inspection section, when supported in his  
5 opinion by the opinion of some reputable physician, shall be authorized and  
6 empowered to prohibit such overcrowding.]

2 [292.150. In every factory, workshop or other establishment in this state  
3 where girls or women are employed, where unclean work of any kind has to be  
4 performed, suitable places shall be provided for such girls or women to wash and  
5 dress.]

2 [292.160. Separate water closets shall be provided for the use of  
3 employees of either sex in manufacturing, mechanical, mercantile and other  
4 establishments in this state where persons of both sexes are employed.]

2 [292.180. Whenever the director of the inspection section or one of his  
3 assistants or deputies, finds that the heating, lighting, ventilation or sanitary  
4 arrangements of any establishment where labor is employed is such as to be  
5 dangerous to the health or safety of employees therein or thereat, or the means of  
6 egress, in case of fire or other disaster, are not sufficient, or that the building, or  
7 any part thereof, is unsafe, or that the belting, shafting, gearing, elevators, drums  
8 or other machinery are located so as to be dangerous to employees, and not  
9 sufficiently guarded, or that the vats, pans, ladles or structures filled with molten  
10 or hot liquid, or any furnace, be not sufficiently surrounded with proper  
11 safeguards, or the platforms, passageways and other arrangements around, in or  
12 about any railroad yard or switch be such as to probably lead to injury or accident  
13 to those employed in, around, or about any such establishment or place, shall at  
14 once, in writing, order the owner or owners, or the person or persons in charge  
15 of such establishment or place to make the alterations or additions necessary  
16 within ten days; and if such alterations or additions be not made within ten days  
17 from the date of such order, then such failure to make such alterations shall be  
18 deemed a violation of sections 292.010 to 292.250, and in addition to the  
19 penalties herein prescribed for such violations, the director, or his assistant or  
20 deputy, shall be and is hereby empowered to, and he shall seal said defective  
21 appliance or appliances in such manner as to render the same inoperative until  
22 said order of the inspector has been complied with.]

2 [292.190. All accidents in manufacturing, mechanical, mercantile or  
3 other establishments or places within this state where labor is employed which  
4 prevent the injured person or persons from returning to work within four days  
5 after the injury, or which result in death, shall be reported by the person in charge  
6 of such establishment or place to the director of the inspection section or to one  
7 of the assistant or deputy inspectors provided for by law, and also to the city or  
8 county physician, when there be such an officer, which notice may be given by  
9 mail.]

2 [292.200. It shall be unlawful and deemed a violation of sections 292.010  
3 to 292.250 for any person to break, remove, alter or otherwise render ineffective,  
or to aid or abet or cause the same to be done, any guards installed, or the seal of



4 any inspector affixed in accordance with the provisions of sections 292.010 to  
5 292.250.]

6  
7 [292.210. Any person or persons, firm or corporation, being the owner,  
8 agent, lessee or occupant of any manufacturing, mechanical, mercantile, or other  
9 establishment, business or calling in this state to which sections 292.010 to  
10 292.250 apply, or any employee therein or thereat, who shall violate, or aid or  
11 abet in violating, any of the provisions of sections 292.010 to 292.250, shall be  
12 deemed guilty of a misdemeanor, and, upon conviction in any court of competent  
13 jurisdiction in this state, be fined for the first offense not less than twenty-five  
dollars nor more than two hundred dollars, and for each subsequent offense, not  
less than one hundred dollars nor more than five hundred dollars, and, in default  
of payment of such fine and costs, shall be committed to the common jail of the  
county or city in which the offense was committed until such fine and costs are  
fully paid.]

2 [292.220. When any of the provisions of sections 292.010 to 292.250 are  
3 violated by a corporation, proceedings may be had against any of the officers or  
4 agents of such corporation who in any way participated in such violation by the  
5 corporation of which they are the officers or agents, and, upon conviction, such  
6 officers or agents shall be subject to the same penalty as in case of individuals so  
7 offending.]

2 [292.230. In case of an offense which is a violation of sections 292.010  
3 to 292.250 and of some other law of this state, then the director or assistant  
4 director may elect under which law he will prosecute; but where an offense is in  
5 violation of some other law of this state in relation to the protection of  
6 employees, but is not covered by sections 292.010 to 292.250, then it shall be the  
7 duty of the director or assistant director to prosecute for all such offenses under  
8 the law violated.]

2 [292.240. All fines collected for violation of sections 292.010 to 292.250  
3 shall be paid into the common school fund of the county in which the offense was  
4 committed.]

2 [292.250. It is hereby made the express duty of the prosecuting attorney  
3 of each county or city in this state to lend all possible aid in all prosecutions for  
4 violation of the provisions of sections 292.010 to 292.250.]

2 [292.280. The director of the inspection section is hereby required to at  
3 least twice a year thoroughly inspect each foundry in this state wherein four or  
4 more men are employed, and the said director shall have the power and authority  
by order to require the provision of section 292.260 to be carried out.]

2 [292.290. Any corporation, company or person failing to comply with an  
3 order made by the director of the inspection section to provide the facilities  
4 enumerated in section 292.260 shall be deemed guilty of a misdemeanor.]

2 [292.300. That every employer of labor in this state engaged in carrying  
3 on any work, trade or process which may produce any illness or disease peculiar  
4 to the work or process carried on, or which subjects the employee to the danger  
5 of illness or disease incident to such work, trade or process, to which employees  
6 are exposed, shall for the protection of all employees engaged in such work, trade  
7 or process, adopt and provide approved and effective devices, means or methods  
8 for the prevention of such industrial or occupational diseases as are incident to  
9 such work, trade or process.]

2 [292.310. The carrying on of any process, or manufacture, or labor in this  
3 state in which antimony, arsenic, brass, copper, lead, mercury, phosphorus, zinc,  
4 their alloys or salts or any poisonous chemicals, minerals, acids, fumes, vapors,  
5 gases, or other substances, are generated or used, employed or handled by the  
6 employees in harmful quantities, or under harmful conditions, or come in contact  
7 with in a harmful way, are hereby declared to be especially dangerous to the  
8 health of the employees.]

2 [292.320. Every employer in this state to which sections 292.300 to  
3 292.440 apply shall provide for and place at the disposal of the employees so  
4 engaged, and shall maintain in good condition without cost to the employees,  
5 working clothes to be kept and used exclusively by such employees while at work  
6 and all employees therein shall be required at all times while they are at work to  
7 use and wear such clothing; and in all processes of manufacture or labor referred  
8 to in this section which are productive of noxious or poisonous dusts, adequate  
9 and approved respirators shall be furnished and maintained by the employer in  
10 good condition and without cost to the employees, and such employees shall use  
11 such respirators at all times while engaged in any work productive of noxious or  
12 poisonous dusts.]

2 [292.330. Every employer engaged in carrying on any process or  
3 manufacture referred to in section 292.310 shall, as often as once every calendar  
4 month, cause all employees who come into direct contact with the poisonous  
5 agencies or injurious processes referred to in section 292.310, to be examined by  
6 a competent licensed and reputable physician for the purpose of ascertaining if  
7 there exists in any employee any industrial or occupational disease or illness or  
8 any disease or illness due or incident to the character of the work in which the  
9 employee is engaged.]

2 [292.340. It is hereby made the duty of any licensed physician who shall  
3 make a physical examination of any employee under the provisions of section  
4 292.330, to make within twenty-four hours a triplicate report thereof to the  
5 department of health and senior services of the state of Missouri upon blanks to  
6 be furnished by said department upon request, and if any such disease or illness  
7 is found, the physician shall so report, and if any such disease is found, the report  
8 shall state the name and address and business of such employer and the nature of  
9 the disease in precise and definite terms of all the diseases or illness with which  
10 the employee is afflicted and the probable extent and duration thereof, the name  
11 and business of employer, and the last place and length of employment; provided,  
12 that the failure of any such physician to receive blanks from the department of  
13 health and senior services for making such a report shall not excuse the physician  
14 from making the report as herein required. Any physician who shall fail to make  
15 a report as required by this section shall be deemed guilty of a misdemeanor and  
16 upon conviction shall be fined not less than fifty dollars, and in each case shall  
17 stand committed until such fine and costs are paid unless otherwise discharged  
18 by due process of law.]

2 [292.350. The director of the department of health and senior services  
3 shall, immediately upon receipt of any report from any physician in accordance  
4 with the provisions of section 292.340, transmit a copy thereof to the director of  
5 the inspection section, and a copy to the superintendent of the factory in which  
6 the employee is supposed to have contracted his ailment.]

2 [292.360. Every employer engaged in carrying on any process or  
3 manufacture or labor referred to in section 292.310, shall provide, separate and  
4 apart from the workshop in which such employees are engaged, a dressing room  
5 and lavatory for the use of such employees who are exposed to poisonous or  
6 injurious dusts, fumes and gases, and such lavatory shall be kept and maintained  
7 in a hygienic and sanitary manner and provided with a sufficient number of  
8 basins or spigots with adequate washing facilities, including hot and cold water,  
9 clean individual towels and soap, and sufficient shower baths, and the dressing  
10 room shall be furnished with compartment lockers, so that the ordinary street  
11 clothes of such employees shall be kept separate and apart from their working  
12 clothes. Male and female employees shall be provided for separately.]

2 [292.370. No employee shall take or be allowed to take any food or drink  
3 of any kind into any room or apartment in which any process or manufacture or  
4 labor referred to in section 292.310 is carried on, or in which poisonous  
5 substances or injurious or noxious fumes, dusts or gases are present as the result  
6 of such work or process being carried on in such room or apartment, and the  
7 employees shall not remain in any such room or apartment during the time  
allowed for meals, and suitable provision shall be made and maintained by the

8 employer for enabling the employees to take their meals elsewhere in such place  
9 of employment, and a sufficient number of sanitary drinking fountains containing  
10 wholesome drinking water, and providing ice for same, shall be provided and  
11 maintained for the use of the employees within reasonable access and without  
12 cost to them.]  
13

2 [292.380. All employers engaged in carrying on any process or  
3 manufacture or labor referred to in section 292.310, shall provide and maintain  
4 adequate devices for carrying off all poisonous or injurious fumes from any  
5 furnaces which may be employed in any such process or manufacture or labor,  
6 and shall also provide and maintain adequate and efficient facilities for carrying  
7 off all injurious dust, and the floors in any room or apartment where such work  
8 or process is carried on shall be kept and maintained in a smooth and hard  
9 condition, and no sweeping shall be permitted during working hours except  
10 where the floor in such workshop is dampened so as to prevent the raising of  
11 dust; and all ore, slag, dross and fume shall be kept in some room or apartment  
12 separate from the workrooms occupied by the employees, and all mixing and  
13 weighing of such ore, slag, dross or fume shall be done in such separate room or  
14 apartment, and all such material shall be dampened or covered before being  
15 handled or transported by employees.]

2 [292.390. When any flues or other apparatus are used in any such process  
3 or manufacture or labor referred to in section 292.310, and when such flues or  
4 other apparatus are being cleaned or emptied, the employer shall in every case  
5 provide and maintain a sufficient, adequate and efficient means or device, such  
6 as canvas bags or other approved device, or by dampening the dust, or some other  
7 efficient method for catching and collecting the dust and preventing it from  
8 unreasonably fouling or polluting the air in which the employees are obliged to  
9 work, and, wherever practicable, the dust occasioned in any process or  
10 manufacture referred to in section 292.310, and in any polishing or finishing  
11 therein, shall be dampened or wet down or covered, and every reasonable  
12 precaution shall be adopted by the employer to prevent the unnecessary creation  
13 or raising of dust, and all floors shall be washed or scrubbed at least once every  
14 working day; and such parts of the work or process as are especially dangerous  
15 to the employees, on account of poisonous fumes, dusts and gases, shall, where  
16 practicable, be carried on in separate rooms and under cover of some suitable and  
17 efficient device to remove the danger to the health of such employees as far as  
18 may be reasonably consistent with the manufacturing process, and the fixtures  
19 and tools employed in any such process or manufacture or labor, shall be  
20 thoroughly washed and cleaned at reasonable intervals.]

2 [292.400. All hoppers or chutes or similar devices used in the course of  
any process or manufacture referred to in section 292.310 shall be provided with

3 a hood or covering, and an adequate and efficient apparatus or other proper  
4 device for the purpose of drawing away from the employees, noxious, poisonous  
5 or injurious dusts, and preventing the employees from coming into unnecessary  
6 contact therewith; and all conveyances or receptacles used for the transportation  
7 about or the storage in any place where any such process or manufacture or labor  
8 referred to in section 292.310 is carried on, shall be properly covered or  
9 dampened in such a way as to protect the health of the employees, and no refuse  
10 of a dangerous character incident to the work or process carried on in any such  
11 place shall be allowed to remain accumulated on the floors thereof.]  
12

2 [292.410. It shall be the duty of the director of the inspection section to  
3 enforce the provisions of sections 292.300 to 292.440 and to prosecute all  
4 violations of the same before any associate circuit judge or any court of  
5 competent jurisdiction in this state, and for that purpose the director of the  
6 inspection section and his assistants are empowered to and shall visit and inspect,  
7 at least once a year, and at reasonable hours, and as often as practicable, all places  
8 of employment covered by the provisions of sections 292.300 to 292.440.]

2 [292.420. For the purpose of disseminating a general knowledge of the  
3 provisions of sections 292.300 to 292.440 and of the dangers to the health of  
4 employees in any work or process covered by the provisions of sections 292.300  
5 to 292.440, the employer shall post in a conspicuous place in every room or  
6 apartment in which any such work or process is carried on, appropriate notices  
7 of the known dangers to the health of any such employees arising from such work  
8 or process, and simple instructions as to any known means of avoiding, so far as  
9 possible, the injurious consequences thereof, and the director of the inspection  
10 section shall have prepared a notice covering the salient features of sections  
11 292.300 to 292.440, and furnish a reasonable number of copies thereof to  
12 employers in this state affected by the provisions of sections 292.300 to 292.440,  
13 which notice shall be posted by every such employer in a conspicuous place in  
14 every room or apartment in such place of employment. The notices required by  
15 this section shall be printed on cardboard of suitable character and the type used  
16 shall be such as to make them easily legible.]

2 [292.430. Any person, firm or corporation who shall, personally or  
3 through any agent violate any of the provisions of sections 292.300 to 292.440,  
4 or who fails or refuses to comply with any of its requirements, or who obstructs  
5 or interferes with any examination or investigation being made by the inspection  
6 section in accordance with the provisions of sections 292.300 to 292.440, or any  
7 employee who shall violate any of the provisions of sections 292.300 to 292.440,  
8 shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be  
punished by a fine of not less than twenty-five dollars or more than two hundred

9 dollars and in each case shall stand committed until such fine and costs are paid,  
10 unless otherwise discharged by due process of law.]  
11

2 [292.440. In sections 292.300 to 292.440, unless the context otherwise  
3 requires, "employer" includes persons, partnerships and corporations.]

2 [292.450. The provisions of sections 292.450 to 292.540 shall apply only  
3 to cities that now have or may hereafter have a population of fifty thousand or  
4 more inhabitants.]

2 [292.460. No outside ladder shall be used in connection with the  
3 construction, repairing, alteration, removal, or any work whatsoever on any  
4 building more than two stories in height, as a stairway.]

2 [292.470. All stairways used in connection with the construction,  
3 repairing, alteration, removal, or any work whatsoever, on any building more than  
4 two stories in height, shall be kept lighted at all times during their use and shall  
5 have a handrail running the entire length of said stairway.]

2 [292.480. That all scaffolds, hoists, stays, ladders, supports, or other  
3 mechanical contrivances, erected or constructed by any person, firm or  
4 corporation, in this state, for the use in the erection, repairing, alteration, painting,  
5 tuckpointing, removal or any work whatsoever of any house, building, bridge,  
6 viaduct, or other structure, shall be erected and constructed, in a safe, suitable and  
7 proper manner, and shall be so erected and constructed, placed and operated, as  
8 to give proper and adequate protection to the life and limb of any person or  
9 persons, employed or engaged thereof, or passing under or by the same, and in  
10 such manner as to prevent the falling of any material that may be used or  
11 deposited thereon. Scaffolding or staging, swung or suspended from an overhead  
12 support, more than twenty feet from the ground or floor, shall have where  
13 practicable a safety rail properly bolted, secured and braced rising at least  
14 thirty-four inches above the floor, or main portion of such scaffolding or staging,  
15 and extending along the entire length of the outside and ends thereof, and  
16 properly attached thereto, and such scaffolding or staging shall be so fastened as  
17 to prevent the same from swaying from the building or structure.]

2 [292.490. If in any house, building or structure in process of erection or  
3 construction in this state (except a private house, used exclusively as a private  
4 residence), the distance between the enclosing walls is more than twenty-four  
5 feet, in the clear, there shall be built, kept and maintained, proper intermediate  
6 supports for the joists, which supports shall be either brick walls, or iron or steel  
7 columns, beams, trusses, or girders, and the floors in all such houses, buildings,  
or structures, in process of erection and construction, shall be designed and

8 constructed in such manner as to be capable of bearing in all their parts, in  
9 addition to the weight of the floor construction, partitions and permanent fixtures,  
10 and mechanisms that may be set upon the same, a live load of fifty pounds for  
11 every square foot of surface in such floors, and it is hereby made the duty of the  
12 owner, lessee, builder or contractor or subcontractor of such house, building or  
13 structure, or the superintendent or agent of either, to see that all the provisions of  
14 this section are complied with.]  
15

2 [292.500. All contractors and owners when constructing buildings in  
3 cities, where the plans and specifications require the floors to be arched between  
4 the beams thereof or where the floors or filling in between the floors are fireproof  
5 material or brick work, shall complete the flooring or filling in as the building  
6 progresses, to not less than within three tiers or beams below that on which the  
7 iron work is being erected. If the plans and specifications of such buildings do  
8 not require filling in between the beams of floors with brick or fireproof material,  
9 all contractors for carpenter work in course of construction shall lay the under  
10 flooring thereof or a safe temporary floor on each story as the building progresses  
11 to not less than within two stories, or floors below the one to which such building  
12 has been erected. Where double floors are not to be used, such owner or  
13 contractor shall keep planks over the floor, two stories or floors below where the  
14 work is being performed. If the floor beams are of iron or steel the contractor for  
15 the iron or steel work of buildings in the course of construction or the owners of  
16 such buildings, shall thoroughly plank over the entire tier of iron or steel beams  
17 on which the structural iron or steel work is being erected, except such spaces as  
18 may be reasonably required for the proper construction of such iron or steel work  
19 and the raising and lowering of materials, to be used in the construction of such  
20 building, or such spaces as may be designated by the plans and specifications for  
21 stairways and elevator shafts.]

2 [292.510. If the elevating machines or hoisting apparatus are used within  
3 a building in the course of constructing for the purpose of lifting material to be  
4 used in such construction, the contractor or owner shall cause the shafts or  
5 openings on floor where material is loaded to be completely enclosed on all sides;  
6 except opening not over eight feet high and the width of the elevating machines  
7 for loading purposes. On the other floors the shafts and all other openings shall  
8 be enclosed or fenced in on all sides by a substantial barrier or railing at least  
9 three feet in height; provided, however, that nothing in sections 292.450 to  
10 292.540 shall apply to railroad corporations or companies who are using their  
11 own employees in the construction or repairing of any structure mentioned  
12 herein.]

2 [292.520. The chief officer in any city, town or village charged with the  
enforcement of local building laws, and the director of the inspection section are

3 hereby charged with enforcing the provisions of sections 292.450 to 292.540;  
4 provided, that in all cities in this state, where a local building commissioner is  
5 provided for by law, such officer shall be charged with the duty of enforcing the  
6 provisions of sections 292.450 to 292.540, and in case of his failure, neglect or  
7 refusal so to do, the director of the inspection section shall, pursuant to the terms  
8 of sections 292.450 to 292.540, enforce the provisions thereof.]  
9

2 [292.530. Any owner, contractor, subcontractor, foreman or other person,  
3 having charge of the erection, construction, repairing, alteration, removal, or  
4 painting of any building, bridge, viaduct or other structure within the provisions  
5 of sections 292.450 to 292.540, shall comply with all the terms thereof and any  
6 such owner, contractor, subcontractor, foreman or other person violating any of  
7 the provisions of sections 292.450 to 292.540 shall upon conviction thereof be  
8 fined not less than twenty-five dollars or more than five hundred dollars or  
9 imprisoned for not less than three months or more than six months, or both fined  
10 and imprisoned in the discretion of the court.]

2 [292.540. 1. Whenever it shall come to the notice of the director of the  
3 inspection section, or the local authority in any city, town or village in this state,  
4 charged with the duty of enforcing the building laws, that the scaffolding or the  
5 slings, hangers, blocks, pulleys, stays, braces, ladders, irons or ropes of any  
6 swinging or stationary scaffolding, platforms or other similar device, used in the  
7 construction, alteration, repairing, removing, cleaning or painting of buildings,  
8 bridges or viaducts, within this state are unsafe or liable to prove dangerous to the  
9 life or limb of any person the director of the inspection section, or such local  
10 authority or authorities shall immediately cause an inspection to be made of such  
11 scaffolding, platform or device, or the slings, hangers, blocks, pulleys, stays,  
12 braces, ladders, iron or other parts connected therewith.

13 2. If after examination such scaffolding, platform or device or any of  
14 such parts, is found to be dangerous to the life or limb of any person, the director  
15 of the inspection section, or such local authority shall at once notify the person  
16 responsible for its erection or maintenance, of such fact, and warn him against the  
17 use, maintenance or operation thereof, and prohibit the use thereof, and require  
18 the same to be altered, and reconstructed so as to avoid such danger. Such notice  
19 may be served personally upon the person responsible for its erection or  
20 maintenance or by conspicuously affixing it to the scaffolding, platform, or other  
21 such device, or the part thereof declared to be unsafe. After such notice has been  
22 so served or affixed, the person responsible thereof shall cease using and  
23 immediately remove such scaffolding, platform or other device, or part thereof,  
24 and alter or strengthen it in such manner as to render it safe.

25 3. The director of the inspection section, or any of his deputies, or such  
26 local authority, whose duty it is, under the terms of sections 292.450 to 292.540,  
to examine or test any scaffolding, platform or other similar device, or part



thereof, required to be erected and maintained by this section, shall have free access at all reasonable hours, to any building, or structures, or premises containing such scaffolding, platform or other similar device, or parts thereof, or where they may be in use.

4. All swinging and stationary scaffolding, platforms, and other devices shall be so constructed as to bear four times the maximum weight required to be depended therein, or placed thereon, when in use, and such swinging scaffolding, platform or other device, shall not be so overloaded or overcrowded as to render the same unsafe or dangerous.]

[292.560. No person, firm or corporation shall knowingly sell or expose for sale any of the articles mentioned herein when such articles were made in violation of sections 292.550 to 292.570; and the director of the inspection section, his deputy or any officer appointed to enforce the provisions of sections 292.550 to 292.570, who shall find any such articles made in violation of the provisions of sections 292.550 to 292.570, or who shall find that the articles herein mentioned are made under unclean or unhealthy conditions, shall conspicuously affix thereto a label containing the words "tenement made" or "made under unhealthy conditions", as the case may be, printed in plain letters on a tag not less than two inches in length, and it shall be unlawful to remove such tag except by the permission of the director of the inspection section or the officer under whose direction such label was affixed.]

[292.570. Any person, firm or corporation engaged in the manufacture or sale of the articles herein mentioned who shall violate or who shall fail to comply with the provisions of sections 292.550 to 292.570, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by a fine of not less than ten nor more than fifty dollars, or by imprisonment in the county jail for a period of not more than ten days, or by both such fine and imprisonment.]

[292.600. As used in sections 292.600 to 292.625, the following terms mean:

- (1) "Department", the state department of public safety;
- (2) "District or local emergency planning committee", a committee established by the Missouri emergency response commission and may include one or more counties or cities in Missouri;
- (3) "Employer", a person engaged in business and including the state and any political subdivision thereof;
- (4) "Hazardous substance", any substance which is:
  - (a) Listed in Title III, Emergency Planning and Community Right-to-Know, of the federal Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499; or

13 (b) A pesticide for which a registration has been canceled or suspended  
14 under the provisions of section 281.260, RSMo, or the federal Insecticide,  
15 Fungicide and Rodenticide Act of 1972, Public Law 92-516, as amended; or

16 (c) An extremely hazardous substance or hazardous chemical as defined  
17 in Title III, Emergency Planning and Community Right-to-Know, as enacted  
18 under the federal Superfund Amendments and Reauthorization Act of 1986,  
19 Public Law 99-499; and which an employer stores, uses or produces, but shall not  
20 include any substance which is a food or drug as defined in the federal Food,  
21 Drug and Cosmetic Act, 21 U.S.C., Section 321, et seq.; packaged for  
22 distribution to, and used by, the general public, including any product used by an  
23 employer in the same form, approximate amount, concentration, and manner as  
24 it is sold to the consumer; present in a physical state, volume, or concentration  
25 for which there is no valid and substantial evidence that a significant risk to  
26 human health may occur from exposure; used in a laboratory for experimentation,  
27 research, development or testing by or under the direct supervision of a  
28 technically qualified individual, provided that the toxic substance or mixture is  
29 not produced in the laboratory for commercial purposes;

30 (5) "Person", one or more individuals, partnerships, associations,  
31 corporations, business trusts, legal representatives or any organized group of  
32 persons.]  
33

2 [292.602. 1. The "Missouri Emergency Response Commission", herein  
3 to be known as the commission, is hereby established and is officially domiciled  
4 in the department of public safety. The commission shall be composed of the  
5 director of the department of economic development, or his designee; the director  
6 of the department of natural resources, or his designee; the director of the  
7 department of public safety, or his designee; the director of the department of  
8 health and senior services, or his designee; six members appointed by the  
9 governor with the advice and consent of the senate; one to represent transporters  
10 of hazardous materials; one to represent Missouri industry; one to represent local  
11 government; one chief fire officer from a recognized fire department or fire  
12 protection district; one police officer of the rank of captain or above from a  
13 recognized county or municipal police department; and one to represent the  
14 general public and four members of the general assembly, two of whom shall be  
15 appointed by the speaker of the house and two of whom shall be appointed by the  
16 president pro tem of the senate. All members of the commission shall represent  
17 the general interest of the public and shall, to the extent practicable, have  
18 technical expertise in the emergency response field. No more than three  
19 members appointed by the governor shall be of the same political party. The  
20 terms of office for the members appointed by the governor shall be four years and  
21 until their successors are selected and qualified, except that, of those first  
22 appointed, two shall have a term of three years, two shall have a term of two  
years and two will have a term of one year. There is no limitation on the number

23 of terms an appointed member may serve. The governor may appoint a member  
24 for the remaining portion of the unexpired term created by a vacancy. The  
25 governor may remove any appointed member for cause.

26 2. All members of the commission shall serve without compensation for  
27 their duties, but shall be reimbursed for necessary travel and other expenses  
28 incurred in the performance of their official duties.

29 3. The Missouri emergency response commission in conjunction with the  
30 department shall:

31 (1) Carry out those responsibilities designated under sections 292.600 to  
32 292.625 and implement sections 292.600 to 292.625 and the Emergency Planning  
33 and Community Right-to-Know Act of 1986, Public Law 99-499, as amended,  
34 and all rules and regulations promulgated pursuant thereto, herein to be known  
35 as the Federal Act;

36 (2) Designate local emergency planning districts to facilitate preparation  
37 and implementation of emergency plans, appoint members of a local emergency  
38 planning committee for each local emergency planning district, support and  
39 coordinate the activities of such committees, review the emergency plans  
40 submitted by local emergency planning committees, and make recommendations  
41 to the local emergency planning committees regarding those plans;

42 (3) Establish a single filing point for all reports and filings that are  
43 required to be submitted to the commission under the provisions of sections  
44 292.600 to 292.625 and the Federal Act;

45 (4) Accept, receive and administer grants or other funds or gifts from  
46 public and private agencies, including the federal government, for the purpose of  
47 carrying out the functions and responsibilities enumerated in sections 292.600 to  
48 292.625;

49 (5) Provide assistance to the local emergency planning committees for  
50 the purpose of carrying out the functions and responsibilities enumerated in  
51 sections 292.600 to 292.625 and the Federal Act by utilizing all available  
52 expertise both public and private, including, but not limited to, the departments  
53 of natural resources, public safety and health;

54 (6) Provide training to local emergency planning committees and other  
55 local officials to accomplish the purposes and objectives of the Federal Act and  
56 the provisions of sections 292.600 to 292.625. The department of public safety  
57 will coordinate the provisions of such training and periodically report to the  
58 commission on training activities;

59 (7) Enter into such agreements with other state agencies, local  
60 governments and other political subdivisions of the state, the federal government  
61 and other persons as is determined to be appropriate to implement the Federal  
62 Act and the provisions of sections 292.600 to 292.625;

63 (8) Allot funds as specified in section 292.604 to local emergency  
64 planning committees;

(9) Develop a data management system to store and retrieve information submitted under the provisions of sections 292.600 to 292.625 and the Federal Act. The commission and the department will provide assistance to local emergency planning committees and fire departments, fire protection districts, volunteer fire protection services and others to make this information readily available to them for planning and emergency response purposes.]

[292.604. 1. The duties and the responsibilities of the commission and department under sections 292.600 to 292.625 shall be funded by the chemical emergency preparedness fund and general revenue upon appropriation.

2. Such appropriations shall be distributed as follows:

(1) Sixty-five percent of the funds collected under subsection 2 of section 292.606 shall be provided to the local emergency planning committees for their responsibilities under sections 292.600 to 292.625 and the federal act as follows:

(a) Of the sixty-five percent provided in subdivision (1) of this subsection, one-third shall be equally distributed annually to each local emergency planning committee through the governing body of each county or a city not within a county or any city with a population greater than four hundred thousand and located in more than one county;

(b) Two-thirds shall be distributed to the local emergency planning committees through the county governing body or any city not within a county or any city with a population greater than four hundred thousand and located in more than one county, based on the number of facilities identified with hazardous chemicals as defined in section 311(e) of the federal act; and on the presence of highways, railroads, pipelines and other pertinent entities as the commission and the department may determine;

(c) When a local emergency planning district has been formed the moneys distributed under paragraphs (a) and (b) of this subdivision to any county governing body or any city not within a county or any city with a population greater than four hundred thousand, located in more than one county which is a part of a district shall immediately transfer such funds to the district committee;

(d) Funds provided to local emergency planning committees under this section shall be used for purposes specified by the commission and the department for carrying out the purposes of sections 292.600 to 292.625 and the federal act. Use of such funds for purposes other than those specified can result in refusal to provide additional funds to that jurisdiction. The commission and the department may recover, by appropriate legal means, any funds spent inconsistent with the grant or contract under which such funds were provided;

(2) Twenty-five percent of the funds collected under subsection 2 of section 292.606 shall be available to carry out the responsibilities of the commission and the department under sections 292.600 to 292.625 and the federal act;

(3) Ten percent of the funds collected under subsection 2 of section 292.606 shall be distributed to the division of fire safety in the department of public safety to be used for hazardous materials training courses to carry out the provisions of sections 292.600 to 292.625. Training programs provided under this subsection shall be reviewed by the commission.

3. Fees collected by the commission under section 292.606 shall be placed in the chemical emergency preparedness fund to carry out the responsibilities of the commission and the department under sections 292.600 to 292.625 and the federal act. 4. Private donations, federal grants, contracts, interest accruing to the fund, and other funds shall be administered by the department in conjunction with the commission for purposes of chemical emergency preparedness as specified in sections 292.600 to 292.625 and the federal act.]

[292.605. 1. Every employer shall provide information and reports regarding the properties and nature of the hazardous substances which he stores, uses or produces to the local fire protection service, the department and the local emergency planning committee. Requirements for information under this subsection may be satisfied by the employer through the submission of an annual Tier II form as defined in 40 CFR Part 370 or other alternative methods of reporting approved by the department. Submittal to the department of a Tier II form or any other alternative method of reporting approved by the department shall satisfy the reporting requirements to the Missouri emergency response commission as directed under Title III of the Superfund Amendments and Reauthorization Act of 1986.

2. In addition to the information required in subsection 1 of this section, employers shall permit on-site inspections, as required by Title III, Emergency Planning and Community Right-to-Know, of the federal Superfund Amendments of 1986, Public Law 99-499, by the local fire chief or his representative, upon request, for the purpose of planning fire protection and emergency response activities. In addition to an on-site inspection, the employer shall provide a material safety data sheet or information by written description or diagram, if requested by the local fire protection service or local emergency planning committee regarding the kind, location, approximate quantities, hazardous nature and method of containment of hazardous substances which the employer stores, uses or produces at the facility. In addition to the information required by this subsection, the employer shall provide the fire protection service or local emergency planning committee with relevant information, through on-site inspection or written description or diagram, on all other hazardous substances, as defined in section 260.500, RSMo, which the employer has knowledge are present at the facility in such form and quantity as to present a potential threat to public health and safety or the environment in the event of a fire or a release of the hazardous substance at the facility. For the purposes of this subsection,

relevant information required of the employer on hazardous substances shall include the kind, location, approximate quantities, properties, hazardous characteristics and such other related information as the fire protection service may require to respond effectively to an emergency at the facility. Information required of the employer by the department of natural resources on hazardous waste pursuant to sections 260.350 to 260.432, RSMo, which is made available or provided to the fire protection service shall satisfy the requirements for information on such substances under this subsection. Information required by this subsection shall be available to the general public, as required by Title III, Emergency Planning and Community Right-to-Know, of the federal Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499.

3. On the Tier II form every employer shall provide the department, the local emergency planning committee, and the local fire protection service in which jurisdiction the employer's facility is located with the name and current address and telephone number of at least two individuals familiar with the kind, location, nature and approximate quantities of hazardous substances present in the facility who may be contacted in the event of an emergency.

4. All information required from the employer under sections 292.600 to 292.625 shall be updated each March first or more frequently if conditions change which may affect the ability of the fire protection service to respond effectively to an emergency occurring at the facility.

5. All information provided by the employer to the fire protection service, the local emergency planning committee, and the department as required by subsection 1 of this section shall be available to the general public from the fire protection service, local emergency planning committee or the department upon request. Any request for information shall be in writing. All requests for information shall be available during normal business hours for inspection by any affected employer. The fire protection service, the department or the local emergency planning committee may charge a fee sufficient to cover the actual cost of providing any requested information.]

[292.606. 1. Fees shall be collected for a period of twenty years from August 28, 1992.

2. (1) Any employer required to report under subsection 1 of section 292.605, except local governments and family-owned farm operations, shall submit an annual fee to the commission of one hundred dollars along with the Tier II form. Owners or operators of petroleum retail facilities shall pay a fee of no more than fifty dollars for each such facility. Any person, firm or corporation selling, delivering or transporting petroleum or petroleum products and whose primary business deals with petroleum products or who is covered by the provisions of chapter 323, RSMo, if such person, firm or corporation is paying fees under the provisions of the federal hazardous materials transportation registration and fee assessment program, shall deduct such federal fees from

13 those fees owed to the state under the provisions of this subsection. If the federal  
14 fees exceed or are equal to what would otherwise be owed under this subsection,  
15 such employer shall not be liable for state fees under this subsection. In relation  
16 to petroleum products "primary business" shall mean that the person, firm or  
17 corporation shall earn more than fifty percent of hazardous chemical revenues  
18 from the sale, delivery or transport of petroleum products. For the purpose of  
19 calculating fees, all grades of gasoline are considered to be one product, all  
20 grades of heating oils, diesel fuels, kerosenes, naphthas, aviation turbine fuel, and  
21 all other heavy distillate products except for grades of gasoline, are considered  
22 to be one product, and all varieties of motor lubricating oil are considered to be  
23 one product. For the purposes of this section "facility" shall mean all buildings,  
24 equipment, structures and other stationary items that are located on a single site  
25 or on contiguous or adjacent sites and which are owned or operated by the same  
26 person. If more than three hazardous substances or mixtures are reported on the  
27 Tier II form, the employer shall submit an additional twenty-dollar fee for each  
28 hazardous substance or mixture. Fees collected under this subdivision shall be  
29 for each hazardous chemical on hand at any one time in excess of ten thousand  
30 pounds or for extremely hazardous substances on hand at any one time in excess  
31 of five hundred pounds or the threshold planning quantity, whichever is less, or  
32 for explosives or blasting agents on hand at any one time in excess of one  
33 hundred pounds. However, no employer shall pay more than ten thousand dollars  
34 per year in fees. Except moneys acquired through litigation shall not apply to this  
35 cap;

36 (2) Employers engaged in transporting hazardous materials by pipeline  
37 except local gas distribution companies regulated by the Missouri public service  
38 commission shall pay to the commission a fee of two hundred fifty dollars for  
39 each county in which they operate;

40 (3) Payment of fees is due each year by March first. A late fee of ten  
41 percent of the total owed, plus one percent per month of the total, may be  
42 assessed by the commission;

43 (4) If, on March first of each year, fees collected under this section and  
44 natural resources damages made available pursuant to section 640.235, RSMo,  
45 exceed one million dollars, any excess over one million dollars shall be  
46 proportionately credited to fees payable in the succeeding year by each employer  
47 who was required to pay a fee and who did pay a fee in the year in which the  
48 excess occurred. The limit of one million dollars contained herein shall be  
49 reviewed by the commission concurrent with the review of fees as required in  
50 subsection 1 of this section.

51 3. Local emergency planning committees receiving funds under section  
52 292.604 shall coordinate with the commission and the department in chemical  
53 emergency planning, training, preparedness, and response activities. Local  
54 emergency planning committees receiving funds under this section, section  
55 260.394, RSMo, sections 292.602, 292.604, 292.605, 292.615 and section

56 640.235, RSMo, shall provide to the commission an annual report of  
57 expenditures and activities.

58 4. Fees collected by the department and all funds provided to local  
59 emergency planning committees shall be used for chemical emergency  
60 preparedness purposes as outlined in sections 292.600 to 292.625 and the federal  
61 act, including contingency planning for chemical releases; exercising, evaluating,  
62 and distributing plans, providing training related to chemical emergency  
63 preparedness and prevention of chemical accidents; identifying facilities required  
64 to report; processing the information submitted by facilities and making it  
65 available to the public; receiving and handling emergency notifications of  
66 chemical releases; operating a local emergency planning committee; and  
67 providing public notice of chemical preparedness activities. Local emergency  
68 planning committees receiving funds under this section may combine such funds  
69 with other local emergency planning committees to further the purposes of  
70 sections 292.600 to 292.625, or the federal act.

71 5. The commission shall establish criteria and guidance on how funds  
72 received by local emergency planning committees may be used.]  
73

2 [292.607. 1. The "Chemical Emergency Preparedness Fund" is hereby  
3 established. Funds appropriated under section 292.604, private donations, federal  
4 grants, contracts, and other funds provided to the commission and the department  
5 for distribution as provided in section 292.604 shall be placed in the chemical  
6 emergency preparedness fund. Notwithstanding the provisions of section 33.080,  
7 RSMo, to the contrary, funds in the chemical emergency preparedness fund shall  
8 not revert to the general revenue fund. Interest accruing to the fund shall be part  
9 of the fund.

10 2. The chemical emergency preparedness fund shall, upon appropriation,  
11 be used to implement the provisions of sections 292.600 to 292.625.]

2 [292.610. 1. Trade secret claims by an employer shall be made to the  
3 department and subject to the same protection as and treated in a manner similar  
4 to and authorized by Title III, Emergency Planning and Community  
5 Right-to-Know, of the federal Superfund Amendments and Reauthorization Act  
6 of 1986, Public Law 99-499.

7 2. No officer, employee, or agent of any state or municipal department,  
8 agency, commission members, members and employees of district and local  
9 emergency planning committees, or authority shall disclose to anyone in any  
10 manner any record or portions thereof protected pursuant to the provisions of  
11 sections 292.600 to 292.625 and Title III, Emergency Response and Community  
12 Right-to-Know, of the federal Superfund Amendments and Reauthorization Act  
13 of 1986, Public Law 99-499, which are within his custody or knowledge for as  
14 long as such record or portions thereof shall be so exempted or until a final  
judicial denial of such exemption is rendered. Any person who violates any



provision of this section commits the crime of misuse of official information and may be punished as provided in section 576.050, RSMo.]

[292.613. The department shall have the authority to promulgate, after public hearing, rules and regulations to carry out the provisions of sections 292.600 to 292.625 and to meet the reporting requirements of Title III, Emergency Planning and Community Right-to-Know, of the federal Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]

[292.615. 1. The attorney general shall bring an action in circuit court against any employer knowingly and intentionally violating the provisions of sections 292.600 to 292.625. In any such action the circuit court shall have jurisdiction to restrain violations of the provisions of sections 292.600 to 292.625 and to levy appropriate penalties, including reasonable attorney's fees and costs, of not more than five thousand dollars per violation for each day of violation. Any civil penalty assessed for the violation of any of the provisions of sections 292.600 to 292.625 shall be payable to the general revenue fund.

2. The commission, local emergency planning committees or fire protection services may, on their own initiative or on behalf of any person, commence a civil action against an employer for failure to submit the required Tier II form after thirty days of such employer being notified by the commission that such employer is not in compliance. A local emergency planning committee or fire protection service commencing a civil action shall seek commission approval in advance of such action and cooperate with the commission and the department in the legal process. Any violations of section 260.394, RSMo, sections 292.602, 292.604, 292.605, 292.606, 292.615 and section 640.235, RSMo, shall constitute a class C misdemeanor.

3. Any employer, the department, or the Missouri emergency response commission may commence a civil action against a local emergency planning committee for failure to use fees collected under section 292.604 for the purposes specified in sections 292.600 to 292.625 or for use of fees collected under section 292.604 for purposes other than those specified in sections 292.600 to 292.625. The department and the commission may recover, by appropriate legal means, any funds spent inconsistent with the purposes specified in sections 292.600 to 292.625.

4. The Missouri emergency response commission may commence a civil action against a local emergency planning committee that fails to provide information as required in subsection 4 of section 292.606.

5. No person shall refuse entry or access for the purpose of investigating possible violations of sections 292.600 to 292.625 or the federal act by an

32 authorized representative of the department who presents appropriate credentials,  
33 nor obstruct or hamper the representative. A suitably restricted search warrant,  
34 upon showing of probable cause in writing and upon oath, may upon application  
35 be issued by any court of competent jurisdiction to any such representative for the  
36 purpose of enabling the representative to investigate or respond to possible  
37 violations of sections 292.600 to 292.625 or the federal act.]  
38

2 [292.617. 1. Owners and operators of facilities where one hundred  
3 pounds or more of explosives or blasting agents as defined in Title 49, Code of  
4 Federal Regulations, Part 173, Subpart C are temporarily stored shall file such  
5 reports as required under section 292.605 whenever such explosive materials are  
6 stored in a particular facility for more than fifteen days and each time such  
7 explosive materials are relocated to a new site for storage of more than fifteen  
8 days duration, except that when such explosive materials are stored in any facility  
9 for less than fifteen days such reports shall not be required and the facility owner  
10 or operator shall, within twenty-four hours of the arrival of such explosive  
11 materials at the facility, notify the local fire department in the jurisdiction where  
12 the facility is located that such explosive materials are temporarily stored in that  
13 facility and shall describe the contents and amount of the explosive materials  
14 stored therein. The provisions of this subsection concerning explosive materials  
15 shall apply to owners and operators of facilities where explosives are temporarily  
16 stored prior to use at that facility or location and shall not apply to storage by  
17 manufacturers and distributors prior to sale or to such material while in transit  
18 provided that the transporter is in compliance with the United States Department  
19 of Transportation regulation.

20 2. All facilities required to submit reports under sections 292.600 to  
21 292.625, except those facilities having an emergency response policy or facilities  
22 located in a fire protection district or municipality having a fire protection code,  
23 shall provide visible markings on the outside of buildings, rooms and containers  
24 where hazardous substances are present. These markings shall conform to the  
25 National Fire Protection Association Standard Number 704 or with other federal  
26 laws or regulations, or in the case of containers, may as an option comply with  
27 Safety and Health Administration Hazard Communication Rule, 29 CFR  
28 1910.1200(f). To avoid duplication of markings, marking requirements of the  
29 United States Department of Transportation shall satisfy the requirements in  
30 regard to motor vehicles, rolling stock and aircraft.]

2 [292.623. Members of the Missouri emergency response commission and  
3 members of local emergency planning committees appointed by the commission  
4 shall not be liable for damages incurred as a result of actions taken by them when  
5 acting in their capacities pursuant to sections 292.600 to 292.625, or the federal  
6 act. This protection from liability shall not apply for acts or omissions which  
result from intentional wrongdoing or gross negligence.]

[292.625. The department shall:

(1) Exercise general supervision of the administration and enforcement of sections 292.600 to 292.625 and all rules and regulations adopted or issued hereunder;

(2) Retain, employ, provide for and compensate, within appropriations available therefor, such personnel as may be necessary to carry out the provisions of sections 292.600 to 292.625;

(3) Budget and receive duly appropriated moneys for expenditures to carry out the provisions of sections 292.600 to 292.625;

(4) Accept, receive and administer grants or other funds or gifts from public and private agencies, including the federal government, for the purpose of carrying out the functions and responsibilities enumerated in sections 292.600 to 292.625. Funds received by the department pursuant to this section shall be deposited with the state treasurer and held and disbursed by him in accordance with the appropriations of the general assembly;

(5) Work with local emergency planning committees to accomplish the purposes and objectives of sections 292.600 to 292.625.]

[292.630. 1. At all construction projects at which twenty people or more are engaged in the performance of work, the primary employer or contractor at such project shall provide at least one portable toilet for each twenty people; except that, the provisions of this section shall not apply to any railroad company.

2. The provisions of this section shall be enforced by the department of labor and industrial relations through the division of labor standards. Upon a finding by a court of competent jurisdiction that a primary employer or contractor has willfully violated or omitted to comply with the requirements of this section, such person or persons shall be subject to penalty as provided by section 290.340, RSMo.]

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