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D.# 39653



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Opinion Committee

ADJUTANT GENERAL'S DEPARTMENT

Post Office Box 5218
Austin, Texas 78763-5218
512-465-5001

July 11, 1997

RQ-951

VIA FACSIMILE TRANSMISSION

Dan Morales
Attorney General of Texas
Supreme Court Building

Dear General Morales:

I request your opinion on whether the activities of the Texas National Guard are subject to the Hazard Communication Act (Texas Health and Safety Code, Chapter 502).

That Act applies only to "employers who are not required to comply with the OSHA standard" [Section 502.004(a)]. As is amply demonstrated by the enclosures, not only is the Texas National Guard in fact "required to comply with the OSHA standard," but in fact the Occupational Safety and Health Administration has exercised jurisdiction over our activities in the past.

Should these documents not address any questions you may have, we have many other papers which address additional aspects of our coverage under OSHA standards. For this or any other information, please contact my State Judge Advocate General, Colonel Jack L. Slayton, at 465-5057.

Thank you for your attention to this matter.

Daniel James, III
Brigadier General (TX),
Texas Air National Guard
Adjutant General

Enclosures