

875—130.4(89B) Burden of proof and criteria.

130.4(1) *Trade secrets.* The employer-applicant shall have the burden of proof in showing that the information claimed exempted qualifies as a trade secret.

a. The commissioner may take official notice that similar information of the employer-applicant has been deemed a trade secret for the purpose of 29 CFR 1910.1200, and may summarily grant the exemption based on the official notice.

b. The criteria for determining a trade secret under this chapter shall be identical to that under 29 CFR 1910.1200.

130.4(2) *Relevance of public health and safety/damage to employer.* The employer-applicant shall have the burden of proof in showing that the information is not relevant to public health and safety or that the release of the information would damage the employer. Notification in writing by the employer is not, in and of itself, sufficient to allow the employer to obtain the exemption.

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