

Part 2. Public Safety and Emergency Response Right to Know.

§ 95-191. Hazardous Substance List.

(a) All employers who manufacture, process, use, store, or produce hazardous chemicals, shall compile and maintain a Hazardous Substance List which shall contain all of the following information for each hazardous chemical stored in the facility in quantities of 55 gallons or 500 pounds, whichever is greater:

- (1) The chemical name or the common name used on the SDS or container label.
- (2) The maximum amount of the chemical stored at the facility at any time during a year, using the following ranges:
Class A, which includes quantities of less than 55 gallons or 500 pounds.
Class B, which includes quantities of between 55 gallons to 550 gallons, and quantities of between 500 pounds and 5,000 pounds.
Class C, which includes quantities of between 550 gallons and 5500 gallons, and quantities between 5,000 pounds and 50,000 pounds.
Class D, which includes quantities of greater than 5500 gallons or 50,000 pounds.
- (3) The area in the facility in which the hazardous chemical is normally stored and to what extent the chemical may be stored at altered temperature or pressure.

(b) The Hazardous Substance List shall be updated quarterly if necessary, but not less often than annually; however, if a chemical is deleted from, or added to, the Hazardous Substance List, or if the quantity changes sufficiently to cause the chemical to be in a different class as defined in subsection (a) of this section, the employer shall update the Hazardous Substance List to reflect those changes as soon as practicable, but in any event within 30 days of such change.

(b1) In lieu of the information required by subdivisions (a)(1) through (a)(3), employers may substitute the information specified in section 312(d)(2) of the Superfund Amendments and Reauthorization Act of 1986, P.L. 99-499.

(c) The Hazardous Substance List may be prepared for the facility as a whole, or for each area in a facility where hazardous chemicals are stored, at the option of the employer but shall include only chemicals used or stored in North Carolina. (1985, c. 775, s. 1; 1987, c. 489, s. 3; 2017-211, s. 14(e).)