

Summary of the Hazardous Chemicals Right to Know Act:

- ◆ The purposes of the act are:
 - To ensure that firefighters have all the information they may need to respond to chemical emergencies,
 - To ensure that citizens have access to sufficient information to make informed judgments about the hazards in their communities.
- ◆ Under the act, each employer is required to provide a written hazardous substance list to the fire chief of the fire department having jurisdiction over the facility.
- ◆ Any person in North Carolina may request in writing from the employer a list of chemicals used or stored at the facility. The request must include the name and address of the person making the request and a statement of the purpose for the request.



The act ensures fire-fighters have data on chemical inventory in case of emergency.

- ◆ All employers, both private and state or local government, that store 55 gallons or 500 pounds or more of any hazardous chemical must comply with the act.
- ◆ Employers must compile and maintain a hazardous substance list and MSDS for every chemical on the list. Containers of hazardous chemicals must be clearly labeled.
- ◆ Employers must retain the most current MSDS provided to them.

- ◆ Employers must provide the fire chief, upon written request, a copy of the MSDS for any chemical on the hazardous substance list.



All employers covered by the act must comply with its provisions.

- ◆ Employers must ensure that:
 - Existing labels on incoming containers of hazardous chemicals are not removed or defaced,
 - All containers of hazardous substances are clearly designated as hazardous.

The hazardous substance list may be prepared for each work area or for the workplace as a whole. The list must be updated within 30 days whenever a chemical is added or deleted from the list or whenever the quantity stored changes enough for it to be placed in a different class on the list. The entire list must be updated quarterly if necessary but not less than annually. The Tier II form, created by the Superfund Amendments and Reauthorization Act (SARA) of 1986, may be substituted for the list.



The act protects workers from discharge and discrimination for assisting the commissioner or fire chief.

Complaints about noncompliance with the law are to be filed with the commissioner of labor. Employers cannot fire, discipline in any manner or otherwise discriminate against an employee who has assisted the commissioner of labor or NCDOL employee or the fire chief or fire



Representatives of the commissioner have the right to investigate complaints.

department employee conducting an inspection under the act or who has testified or is about to testify in a proceeding.



The fire chief must make information from the hazardous substance list and emergency response plan available to personnel responsible for emergency response.

Employers covered by the act must provide the fire chief of the department having jurisdiction over the facility the name and telephone number of someone to contact in case of an emergency. The fire chief, or a representative, is authorized by the act to conduct on-site inspections of the chemicals on the list to ensure the accuracy and usefulness of the list and to preplan fire department activities in case of an emergency.

Upon written request of the fire chief, an employer must prepare an emergency response plan for the facility that includes facility evacuation procedures, a list of emergency equipment available at the facility, and copies of other emergency response plans.



The act requires employers to provide emergency response plan to the fire chief.



RIGHT TO KNOW ACT

N.C. General Statutes
Chapter 95, Article 18



Cherie Berry
Commissioner of Labor

www.nclabor.com

The Hazardous Chemicals Right to Know Act

The N.C. General Assembly enacted the Hazardous Chemicals Right to Know Act (NCGS 95-173, Article 18) in 1985. The act requires all employers who manufacture, process, use, store or produce hazardous chemicals to compile and maintain a hazardous substance list containing information on each chemical stored in the facility in quantities of 55 gallons or 500 pounds, whichever is greater. The employer must provide the list to the fire department for the jurisdiction where the facility is located. Under the act, the commissioner of labor has the authority to inspect and investigate complaints of violations.

This brochure provides a brief summary of the act. The complete act is available on the NCDOL Web site (www.nclabor.com) under the Publications tab. Scroll down to Hazardous Materials Reporting, Emergency Reporting and Community Right to Know Act (NCGS 95-173, Article 18). People without Internet access may call 1-800-625-2267 to request a copy of the act.

Chemical Hazards—Thousands of hazardous chemicals are in use in North Carolina's workplaces every day. These chemicals are essential to the production of the goods and services that American consumers enjoy. Hazardous chemicals, properly handled, do not pose a threat to the public at large. When accidents happen, however, the public can be endangered.

Hazardous Substance List—The hazardous substance list must contain 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 material safety data sheet (MSDS) or container.

- (2) The maximum amount of the chemical stored at the facility at any time during a year, using the following ranges:

<u>Class</u>	<u>Gallons</u>	<u>Pounds</u>
A	Less than 55	Less than 500
B	55-550	500-5,000
C	550-5,500	5,000-50,000
D	Greater than 5,500	Greater than 50,000

- (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.

Fire chiefs can use information from the hazardous substance list for preplanning emergency response, police, medical or fire activities. They must not otherwise distribute or disclose (or allow the disclosure of) information not available to the public under the act.

Exemptions—The Right to Know Act provides specific exemptions for employers transporting chemicals into or through the state; chemicals stored for personal use; retail food sales establishments; food additives that are covered by the Federal Food, Drug, and Cosmetic Act; laboratories under the supervision of a technically qualified person; any farming operation that employs 10 or fewer full-time employees; any distilled spirits, tobacco and untreated wood products; and medicines used in health care facilities and laboratories for patient care.

Enforcement—Duly designated representatives of the commissioner investigate complaints. Following an investigation, the commissioner will make appropriate findings. Either the employer or complainant may, within 14 days of the issuance of the commissioner's findings, request an administrative hearing pursuant to Chapter 150B of the General Statutes. The commissioner will hold a hearing within 30 days. If the commissioner finds that a violation has been committed, the employer will be

ordered to comply within 14 days following receipt of written notification. Employers not complying within 14 days following receipt of written notification will be subject to civil penalties of not more than \$1,000 per violation. If you would like to report a violation of the Right to Know Act, call the OSH Complaint Desk at 1-800-625-2267 or the Right to Know coordinator at (919) 807-2846. To file a complaint online go to www.nclabor.com and click Contact Us at the top bar, then scroll down to Online OSH Complaint Form.

Occupational Safety and Health Sources of Information

To reach any division of the N.C. Department of Labor, call 1-800-625-2267 or visit the NCDOL Web site at www.nclabor.com.

Division of Occupational Safety and Health

Mailing Address:
1101 Mail Service Center
Raleigh, NC 27699-1101
Office Location: 111 Hillsborough St.
(Old Revenue Building, 3rd Floor)
Phone: (919) 807-2900
Fax: (919) 807-2856

For information concerning education, training and interpretations of occupational safety and health standards, contact:

Education, Training and Technical Assistance

Office Location: 111 Hillsborough St.
(Old Revenue Building, 4th Floor)
Phone: (919) 807-2875
Fax: (919) 807-2876

For information concerning consultative services and safety awards programs, contact:

Consultative Services

Office Location: 111 Hillsborough St.
(Old Revenue Building, 3rd Floor)
Phone: (919) 807-2899
Fax: (919) 807-2902

For information concerning migrant housing inspections and other related activities, contact:

Agricultural Safety and Health Bureau

Office Location: 111 Hillsborough St.
(Old Revenue Building, 2nd Floor)
Phone: (919) 807-2923
Fax: (919) 807-2924

For information concerning occupational safety and health compliance, contact:

Safety and Health Compliance Field Offices

Raleigh Field Office
313 Chapanoke Road, Suite 10
Raleigh, NC 27603
Phone: (919) 779-8570
Fax: (919) 779-8559

Asheville Field Office
204 Charlotte Highway, Suite B
Asheville, NC 28803
Phone: (828) 299-8232
Fax: (828) 299-8266

Charlotte Field Office
901 Blairhill Road, Suite 200
Charlotte, NC 28217-1578
Phone: Safety (704) 665-4341
Fax: (704) 665-4342

Winston-Salem Field Office
4964 University Pkwy., Suite 202
Winston-Salem, NC 27106
Phone: (336) 776-4420
Fax: (336) 776-3989

Wilmington Field Office
1200 North 23rd St., Suite 205
Wilmington, NC 28405-1824
Phone: (910) 251-2678
Fax: (910) 251-2654

For statistical information contact:

Planning, Statistics and Information Management

Office Location: 111 Hillsborough St.
(Old Revenue Building, 2nd Floor)
Phone: (919) 807-2950
Fax: (919) 807-2951