



HAZARDOUS CHEMICALS RIGHT TO KNOW FACT SHEET

What is the Hazardous Chemicals Right to Know Act?

The [*Hazardous Chemicals Right to Know \(RTK\) Act*](#) is a N.C. general statute (NCGS), specifically N.C.G.S. Chapter 95, Article 18, that is intended for use by employers, employees, citizens and emergency responders to inform them of their rights and responsibilities regarding hazardous chemical storage.

What does the RTK Act require?

The RTK Act requires employers who manufacture, process, use, store, or produce hazardous chemicals to compile and maintain a hazardous substance list for each chemical stored in the facility and to provide this information to certain individuals automatically or upon written request.

Are there any exemptions?

Specific exemptions are provided 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 supervision of technically qualified persons, any farming operation that employs fewer than 10 employees, any distilled spirits, tobacco, untreated wood products, and medicines used in healthcare facilities and laboratories for patient care.

Are there specific chemical quantities that trigger the requirements of the RTK Act?

Chemicals in quantities of 55 gallons or 500 pounds, whichever is greater, are covered by the act.

What must the employer do?

The employer must prepare the hazardous chemical list for each work area or for the workplace as a whole and provide the list to the fire department for the jurisdiction where the facility is located. The employer must also retain the most current material safety data sheet (MSDS) provided to them and provide them to the fire chief, upon the fire chief's written request.

The RTK Act contains additional employer provisions for updating the list and chemical labeling and identification.

Does the fire chief have any authority under the RTK Act?

The fire chief or his representative is authorized to conduct on-site inspections to ensure the accuracy and usefulness of the chemical list and to preplan fire department activities in case of an emergency. The fire chief may request in writing that an employer prepare an emergency response plan for the facility that includes evacuation procedures, a list of emergency equipment available at the facility, and copies of other emergency response plans.

What information must be provided to the public?

Any person in North Carolina may request in writing a list of chemicals used or stored at the facility. The act contains additional provisions about public request for information.

Where can I find more information?

Please review our [Right to Know Subject Index](#) page.