

## 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 SDS for every chemical on the list. Containers of hazardous chemicals must be clearly labeled.
- ◆ Employers must retain the most current SDS provided to them.

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



*Ensure existing labels on incoming hazardous chemical containers are not removed or defaced.*

- ◆ 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.

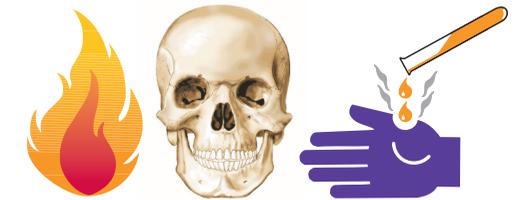
Upon written request of the fire chief, an employer must prepare an emergency response plan for the facility that includes facility evacuation procedures, a list of emergency equipment available at the facility, and copies of other emergency response plans.



*The fire chief may require employers to prepare an emergency response plan.*



# HAZARDOUS CHEMICALS



## Right to Know Act

*N.C. General Statutes  
Chapter 95, Article 18*



**Cherie Berry**  
Commissioner of Labor

[www.labor.nc.gov](http://www.labor.nc.gov)



## 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 website: [www.labor.nc.gov/laws-and-administrative-rules](http://www.labor.nc.gov/laws-and-administrative-rules).

**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 safety data sheet (SDS) 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>
<b>A</b>	Less than 55	Less than 500
<b>B</b>	55-550	500-5,000
<b>C</b>	550-5,500	5,000-50,000
<b>D</b>	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. To file a complaint online, go to [www.labor.nc.gov](http://www.labor.nc.gov), 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.labor.nc.gov](http://www.labor.nc.gov).

#### Occupational Safety and Health Division

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, recognition programs and interpretations of occupational safety and health standards, contact:

#### Education, Training and Technical Assistance Bureau

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

For information concerning consultative services, contact:

#### Consultative Services Bureau

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 District Offices

*Raleigh District Office*  
3801 Lake Boone Trail, Suite 300  
Raleigh, NC 27607  
Phone: 919-779-8570  
Fax: 919-779-8511

*Asheville District Office*  
204 Charlotte Highway, Suite B  
Asheville, NC 28803-8681  
Phone: 828-299-8232  
Fax: 828-299-8266

*Charlotte District Office*  
901 Blairhill Road, Suite 200  
Charlotte, NC 28217-1578  
Phone: 704-665-4341  
Fax: 704-665-4342

*Winston-Salem District Office*  
4964 University Pkwy., Suite 202  
Winston-Salem, NC 27106-2800  
Phone: 336-776-4420  
Fax: 336-776-4422

*Wilmington District Office*  
1200 N. 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 Bureau

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