

**§312.30 Commonly known or reasonably ascertainable information about the property.**

(a) Throughout the inquiries, persons to whom this part is applicable per §312.1(b) and environmental professionals conducting the inquiry must take into account commonly known or reasonably ascertainable information within the local community about the subject property and consider such information when seeking to identify conditions indicative of releases or threatened releases, as set forth in §312.1(c), at the subject property.

(b) Commonly known information may include information obtained by the person to whom this part applies in §312.1(b) or by the environmental professional about releases or threatened releases at the subject property that is incidental to the information obtained during the inquiry of the environmental professional.

(c) To the extent necessary to achieve the objectives and performance factors of §312.20(e) and (f), persons to whom this part is applicable per §312.1(b) and the environmental professional must gather information from varied sources whose input either individually or taken together may provide commonly known or reasonably ascertainable information about the subject property; the environmental professional may refer to one or more of the following sources of information:

(1) Current owners or occupants of neighboring properties or properties adjacent to the subject property;

(2) Local and state government officials who may have knowledge of, or information related to, the subject property;

(3) Others with knowledge of the subject property; and

(4) Other sources of information (e.g., newspapers, Web sites, community organizations, local libraries and historical societies).

**§312.31 The degree of obviousness of the presence or likely presence of contamination at the property, and the ability to detect the contamination by appropriate investigation.**

(a) Persons to whom this part is applicable per §312.1(b) and environmental professionals conducting an in-

quiry of a property on behalf of such persons must take into account the information collected under §312.23 through 312.30 in considering the degree of obviousness of the presence of releases or threatened releases at the subject property.

(b) Persons to whom this part is applicable per §312.1(b) and environmental professionals conducting an inquiry of a property on behalf of such persons must take into account the information collected under §312.23 through 312.30 in considering the ability to detect contamination by appropriate investigation. The inquiry of the environmental professional should include an opinion regarding additional appropriate investigation, if any.

**PART 350—TRADE SECRECY CLAIMS FOR EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW INFORMATION; AND TRADE SECRET DISCLOSURES TO HEALTH PROFESSIONALS**

**Subpart A—Trade Secrecy Claims**

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APPENDIX A TO SUBPART A—RESTATEMENT OF TORTS SECTION 757, COMMENT B

**Subpart B—Disclosure of Trade Secret Information to Health Professionals**

350.40 Disclosure to health professionals.

AUTHORITY: 42 U.S.C. 11042, 11043 and 11048 Pub. L. 99-499, 100 Stat. 1747.

SOURCE: 53 FR 28801, July 29, 1988, unless otherwise noted.

**Subpart A—Trade Secrecy Claims**

**§ 350.1 Definitions.**

*Administrator* and *General Counsel* mean the EPA officers or employees occupying the positions so titled.

*Business confidentiality* or *confidential business information* includes the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its right in the information. The definition is meant to encompass any concept which authorizes a Federal agency to withhold business information under 5 U.S.C. 552(b)(4), as well as any concept which requires EPA to withhold information from the public for the benefit of a business under 18 U.S.C. 1905.

*Chief Executive Officer of the tribe* means the person who is recognized by the Bureau of Indian Affairs as the chief elected administrative officer of the tribe.

*Claimant* means a person submitting a claim of trade secrecy to EPA in connection with a chemical otherwise required to be disclosed in a report or other filing made under Title III.

*Commission* means the emergency response commission for the State in which the facility is located except where the facility is located in Indian Country, in which case, *commission* means the emergency response commission for the tribe under whose jurisdiction the facility is located. In the absence of an emergency response commission, the Governor and the chief executive officer, respectively, shall be the commission. Where there is a cooperative agreement between a State and a Tribe, the commission shall be the entity identified in the agreement.

*Facility* means all buildings, equipment, structure, and other stationary items that are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with, such person). *Facility* shall include man-made structures as well as all natural structures in which chemicals are purposefully placed or removed through human means such that it functions as a containment structure for human use. For purposes of emergency release notification, the term includes motor vehicles, rolling stock, and aircraft.

*Indian Country* means *Indian country* as defined in 18 U.S.C. 1151. That section defines Indian country as:

(a) All land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

(b) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State; and

(c) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

*Indian tribe* means those tribes federally recognized by the Secretary of the Interior.

*Local emergency planning committee* or *committee* means the local emergency planning committee appointed by the emergency response commission.

*Petitioner* is any person who submits a petition under this regulation requesting disclosure of a chemical identity claimed as trade secret.

*Sanitized* means a version of a document from which information claimed as trade secret or confidential has been omitted or withheld.

*Senior management official* means an official with management responsibility for the person or persons completing the report, or the manager of environmental programs for the facility or establishments, or for the corporation owning or operating the facility or establishments responsible for

certifying similar reports under other environmental regulatory requirements.

*Specific chemical identity* means the chemical name, Chemical Abstracts Service (CAS) Registry Number, or any other information that reveals the precise chemical designation of the substance. Where the trade name is reported in lieu of the specific chemical identity, the trade name will be treated as the specific chemical identity for purposes of this part.

*State* means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession over which the United States has jurisdiction and Indian Country.

*Submitter* means a person filing a required report or making a claim of trade secrecy to EPA under sections 303 (d)(2) and (d)(3), 311, 312, and 313 of Title III.

*Substantiation* means the written answers submitted to EPA by a submitter to the specific questions set forth in this regulation in support of a claim that chemical identity is a trade secret.

*Title III* means Title III of the Superfund Amendments and Reauthorization Act of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986.

*Trade secrecy claim* is a submittal under sections 303 (d)(2) or (d)(3), 311, 312 or 313 of Title III in which a chemical identity is claimed as trade secret, and is accompanied by a substantiation in support of the claim of trade secrecy for chemical identity.

*Trade secret* means any confidential formula, pattern, process, device, information or compilation of information that is used in a submitter's business, and that gives the submitter an opportunity to obtain an advantage over competitors who do not know or use it. EPA intends to be guided by the Restatement of Torts, Section 757, Comment b.

*Unsanitized* means a version of a document from which information claimed as trade secret or confidential has not been withheld or omitted.

*Working day* is any day on which Federal government offices are open for normal business. Saturdays, Sundays, and official Federal holidays are not working days; all other days are.

[53 FR 28801, July 29, 1988, as amended at 55 FR 30644, July 26, 1990]

**§350.3 Applicability of subpart; priority where provisions conflict; interaction with 40 CFR part 2.**

(a) *Applicability of subpart.* Sections 350.1 through 350.27 establish rules governing assertion of trade secrecy claims for chemical identity information collected under the authority of sections 303 (d)(2) and (d)(3), 311, 312 and 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986, and for trade secrecy or business confidentiality claims for information submitted in a substantiation under sections 303 (d)(2) and (d)(3), 311, 312, and 313 of Title III. This subpart also establishes rules governing petitions from the public requesting the disclosure of chemical identity claimed as trade secret, and determinations by EPA of whether this information is entitled to trade secret treatment. Claims for confidentiality of the location of a hazardous chemical under section 312(d)(2)(F) of Title III are not subject to the requirements of this subpart.

(b) *Priority where provisions conflict.* Where information subject to the requirements of this subpart is also collected under another statutory authority, the confidentiality provisions of that authority shall be used to claim that information as trade secret or confidential when submitting it to EPA under that statutory authority.

(c) *Interaction with 40 CFR part 2, EPA's Freedom of Information Act procedures.* (1) No trade secrecy or business confidentiality claims other than those allowed in this subpart are permitted for information collected under sections 303 (d)(2) and (d)(3), 311, 312 and 313 of Title III.

(2) Except as provided in §350.25 of this subpart, request for access to chemical identities withheld as trade secret under this regulation is solely through this regulation and procedures hereunder, not through EPA's Freedom

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of Information Act procedures set forth at 40 CFR part 2.

(3) Request for access to information other than chemical identity submitted to EPA under this regulation is through EPA's Freedom of Information Act regulations at 40 CFR part 2.

### § 350.5 Assertion of claims of trade secrecy.

(a) A claim of trade secrecy may be made only for the specific chemical identity of an extremely hazardous substance under sections 303 (d)(2) and (d)(3), a hazardous chemical under sections 311 and 312, and a toxic chemical under section 313.

(b) Method of asserting claims of trade secrecy for information submitted under sections 303 (d)(2) and (d)(3).

(1) In submitting information to the local emergency planning committee under sections 303 (d)(2) or (d)(3), the submitter may claim as trade secret the specific chemical identity of any chemical subject to reporting under section 303.

(2) To make a claim, the submitter shall submit to EPA the following:

(i) A copy of the information which is being submitted under sections 303 (d)(2) or (d)(3) to the local emergency planning committee, with the chemical identity or identities claimed trade secret deleted, and the generic class or category of the chemical identity or identities inserted in its place. The method of choosing generic class or category is set forth in paragraph (f) of this section.

(ii) A sanitized and unsanitized substantiation in accordance with §350.7 for each chemical identity claimed as trade secret.

(3) If the submitter wishes to claim information in the substantiation as trade secret or business confidential, it shall do so in accordance with §350.7(d).

(4) Section 303 claims shall be sent to the address specified in §350.16 of this regulation.

(c) Method of asserting claims of trade secrecy for information submitted under section 311.

(1) Submitters may claim as trade secret the specific chemical identity of any chemical subject to reporting under section 311 on the material safe-

ty data sheet or chemical list under section 311.

(2) To assert a claim for a chemical identity on a material safety data sheet under section 311, the submitter shall submit to EPA the following:

(i) One copy of the material safety data sheet which is being submitted to the State emergency response commission, the local emergency planning committee and the local fire department, which shall make it available to the public. In place of the specific chemical identity claimed as trade secret, the generic class or category of the chemical claimed as trade secret shall be inserted. The method of choosing generic class or category is set forth in paragraph (f) of this section.

(ii) A sanitized and unsanitized substantiation in accordance with §350.7 for every chemical identity claimed as trade secret.

(3) To assert a claim for a chemical identity on a list under section 311, the submitter shall submit to EPA the following:

(i) An unsanitized copy of the chemical list under section 311. The submitter shall clearly indicate the specific chemical identity claimed as trade secret, and shall label it "*Trade Secret.*" The generic class or category of the chemical claimed as trade secret shall be inserted directly below the claimed chemical identity. The method of choosing generic class or category is set forth in paragraph (f) of this section.

(ii) A sanitized copy of the chemical list under section 311. This copy shall be identical to the document in paragraph (c)(3)(i) of this section except that the submitter shall delete the chemical identity claimed as trade secret, leaving in place the generic class or category of the chemical claimed as trade secret. This copy shall be sent by the submitter to the State emergency response commission, the local emergency planning committee and the local fire department, which shall make it available to the public.

(iii) A sanitized and unsanitized substantiation in accordance with §350.7 for every chemical identity claimed as trade secret.

(4) If the submitter wishes to claim information in the substantiation as

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trade secret or business confidential, it shall do so in accordance with § 350.7(d).

(5) Section 311 claims shall be sent to the address specified in § 350.16 of this regulation.

(d) Method of asserting claims of trade secrecy for information submitted under section 312.

(1) Submitters may claim as trade secret the specific chemical identity of any chemical subject to reporting under section 312.

(2) To assert a claim the submitter shall submit to EPA the following:

(i) An unsanitized copy of the Tier II emergency and hazardous chemical inventory form under section 312. (The Tier I emergency and hazardous chemical inventory form does not require the reporting of specific chemical identity and therefore no trade secrecy claims may be made with respect to that form.) The submitter shall clearly indicate the specific chemical identity claimed as trade secret by checking the box marked "trade secret" next to the claimed chemical identity.

(ii) A sanitized copy of the Tier II emergency and hazardous chemical inventory form. This copy shall be identical to the document in paragraph (d)(2)(i) of this section except that the submitter shall delete the chemical identity or identities claimed as trade secret and include instead the generic class or category of the chemical claimed as trade secret. The method of choosing generic class or category is set forth in paragraph (f) of this section. The sanitized copy shall be sent by the submitter to the State emergency response commission, local emergency planning committee or the local fire department, whichever entity requested the information.

(iii) A sanitized and unsanitized substantiation in accordance with § 350.7 for every chemical identity claimed as trade secret.

(3) If the submitter wishes to claim information in the substantiation as trade secret or business confidential, it shall do so in accordance with § 350.7(d).

(4) Section 312 claims shall be sent to the address specified in § 350.16 of this regulation.

(e) Method of asserting claims of trade secrecy for information submitted under section 313.

(1) Submitters may claim as trade secret the specific chemical identity of any chemical subject to reporting under section 313.

(2) To make a claim, the submitter shall submit to EPA the following:

(i) An unsanitized copy of the toxic release inventory form under section 313 with the information claimed as trade secret clearly identified. To do this, the submitter shall check the box on the form indicating that the chemical identity is being claimed as trade secret. The submitter shall enter the generic class or category that is structurally descriptive of the chemical, as specified in paragraph (f) of this section.

(ii) A sanitized copy of the toxic release inventory form. This copy shall be identical to the document in paragraph (e)(2)(i) of this section except that the submitter shall delete the chemical identity claimed as trade secret. This copy shall also be submitted to the State official or officials designated to receive this information.

(iii) A sanitized and unsanitized substantiation in accordance with § 350.7 for every chemical identity claimed as trade secret.

(3) If the submitter wishes to claim information in the substantiation as trade secret or business confidential, it shall do so in accordance with § 350.7(d).

(4) Section 313 claims shall be sent to the address specified in § 350.16 of this regulation.

(f) Method of choosing generic class or category for sections 303, 311, 312 and 313. A facility owner or operator claiming chemical identity as trade secret should choose a generic class or category for the chemical that is structurally descriptive of the chemical.

(g) If a specific chemical identity is submitted under Title III to EPA, or to a State emergency response commission, designated State agency, local emergency planning committee or local fire department, without asserting a trade secrecy claim, the chemical identity shall be considered to have been voluntarily disclosed, and non-trade secret.

(h) A submitter making a trade secrecy claim under this section shall submit to entities other than EPA (e.g., a designated State agency, local

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emergency planning committee and local fire department) only the sanitized or public copy of the submission and substantiation.

### § 350.7 Substantiating claims of trade secrecy.

(a) Claims of trade secrecy must be substantiated by providing a specific answer including, where applicable, specific facts, to each of the following questions with the submission to which the trade secrecy claim pertains. Submitters must answer these questions on the form entitled “Substantiation to Accompany Claims of Trade Secrecy” in § 350.27 of this subpart.

(1) Describe the specific measures you have taken to safeguard the confidentiality of the chemical identity claimed as trade secret, and indicate whether these measures will continue in the future.

(2) Have you disclosed the information claimed as trade secret to any other person (other than a member of a local emergency planning committee, officer or employee of the United States or a State or local government, or your employee) who is not bound by a confidentiality agreement to refrain from disclosing this trade secret information to others?

(3) List all local, State, and Federal government entities to which you have disclosed the specific chemical identity. For each, indicate whether you asserted a confidentiality claim for the chemical identity and whether the government entity denied that claim.

(4) In order to show the validity of a trade secrecy claim, you must identify your specific use of the chemical claimed as trade secret and explain why it is a secret of interest to competitors. Therefore:

(i) Describe the specific use of the chemical claimed as trade secret, identifying the product or process in which it is used. (If you use the chemical other than as a component of a product or in a manufacturing process, identify the activity where the chemical is used.)

(ii) Has your company or facility identity been linked to the specific chemical identity claimed as trade secret in a patent, or in publications or other information sources available to

the public or your competitors (of which you are aware)? If so, explain why this knowledge does not eliminate the justification for trade secrecy.

(iii) If this use of the chemical claimed as trade secret is unknown outside your company, explain how your competitors could deduce this use from disclosure of the chemical identity together with other information on the Title III submittal form.

(iv) Explain why your use of the chemical claimed as trade secret would be valuable information to your competitors.

(5) Indicate the nature of the harm to your competitive position that would likely result from disclosure of the specific chemical identity, and indicate why such harm would be substantial.

(6)(i) To what extent is the chemical claimed as trade secret available to the public or your competitors in products, articles, or environmental releases?

(ii) Describe the factors which influence the cost of determining the identity of the chemical claimed as trade secret by chemical analysis of the product, article, or waste which contains the chemical (e.g., whether the chemical is in pure form or is mixed with other substances).

(b) The answers to the substantiation questions listed in paragraph (a) of this section are to be submitted on the form in § 350.27 of this subpart, and included with a submitter’s trade secret claim.

(c) An owner, operator or senior official with management responsibility shall sign the certification at the end of the form contained in § 350.27. The certification in both the sanitized and unsanitized versions of the substantiation must bear an original signature.

(d) *Claims of confidentiality in the substantiation.* (1) The submitter may claim as confidential any trade secret or confidential business information contained in the substantiation. Such claims for material in the substantiation are not limited to claims of trade secrecy for specific chemical identity, but may also include claims of confidentiality for any confidential business information. To claim this material as confidential, the submitter shall clearly designate those portions of the substantiation to be claimed as

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confidential by marking those portions "Confidential," or "Trade Secret." Information not so marked will be treated as public and may be disclosed without notice to the submitter.

(2) An owner, operator, or senior official with management responsibility shall sign the certification stating that those portions of the substantiation claimed as confidential would, if disclosed, reveal the chemical identity being claimed as a trade secret, or would reveal other confidential business or trade secret information. This certification is combined on the substantiation form in §350.27 with the certification described in paragraph (c) of this section.

(3) The submitter shall submit to EPA two copies of the substantiation, one of which shall be the unsanitized version, and the other shall be the sanitized version.

(i) The unsanitized copy shall contain all of the information claimed as trade secret or business confidential, marked as indicated in paragraph (d)(1) of this section.

(ii) The second copy shall be identical to the unsanitized substantiation except that it will be a sanitized version, in which all of the information claimed as trade secret or confidential shall be deleted. If any of the information claimed as trade secret in the substantiation is the chemical identity which is the subject of the substantiation, the submitter shall include the appropriate generic class or category of the chemical claimed as trade secret. This sanitized copy shall be submitted to the State emergency response commission, a designated State agency, the local emergency planning committee and the local fire department, as appropriate, and made publicly available.

(e) *Supplemental information.* (1) EPA may request supplemental information from the submitter in support of its trade secret claim, pursuant to §350.11(a)(1). EPA may specify the kind of information to be submitted, or the submitter may submit any additional detailed information which further supports the truth of the information previously supplied to EPA in its initial substantiation, under this section.

(2) The submitter may claim as confidential any trade secret or confiden-

tial business information contained in the supplemental information. To claim this material as confidential, the submitter shall clearly designate those portions of the supplemental information to be claimed as confidential by marking those portions "Confidential," or "Trade Secret." Information not so marked will be treated as public and may be disclosed without notice to the submitter.

(3) If portions of the supplementary information are claimed confidential, an owner, operator, or senior official with management responsibility of the submitter shall certify that those portions of the supplemental information claimed as confidential would, if disclosed, reveal the chemical identity being claimed as confidential or would reveal other confidential business or trade secret information.

(4) If supplemental information is requested by EPA and the submitter claims portions of it as trade secret or confidential, then the submitter shall submit to EPA two copies of the supplemental information, an unsanitized and a sanitized version.

(i) The unsanitized version shall contain all of the information claimed as trade secret or business confidential, marked as indicated above in paragraph (e)(2) of this section.

(ii) The second copy shall be identical to the unsanitized substantiation except that it will be a sanitized version, in which all of the information claimed as trade secret or confidential shall be deleted. If any of the information claimed as trade secret in the supplemental information is the chemical identity which is the subject of the substantiation, the submitter shall include the appropriate generic class or category of the chemical claimed as trade secret.

### § 350.9 Initial action by EPA.

(a) When a claim of trade secrecy, made in accordance with §350.5 of this part, is received by EPA, that information is treated as confidential until a contrary determination is made.

(b) A determination as to the validity of a trade secrecy claim shall be initiated upon receipt by EPA of a petition under §350.15 or may be initiated at

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any time by EPA if EPA desires to determine whether chemical identity information claimed as trade secret is entitled to trade secret treatment, even though no request for release of the information has been received.

(c) If EPA initiates a determination as to the validity of a trade secrecy claim, the procedures set forth in §§ 350.11, 350.15, and 350.17 shall be followed in making the determination.

(d) When EPA receives a petition requesting disclosure of trade secret chemical identity or if EPA decides to initiate a determination of the validity of a trade secrecy claim for chemical identity, EPA shall first make a determination that the chemical identity claimed as trade secret is not the subject of a prior trade secret determination by EPA concerning the same submitter and facility, or if it is, that the prior determination upheld the submitter's claim of trade secrecy for that chemical identity at that facility.

(1) If EPA determines that the chemical identity claimed as trade secret is not the subject of a prior trade secret determination by EPA concerning the same submitter and the same facility, or if it is, that the prior determination upheld the submitter's claim of trade secrecy, then EPA shall review the submitter's claim according to § 350.11.

(2) If such a prior determination held that the submitter's claim for that chemical identity is invalid, and such determination was not challenged by appeal to the General Counsel, or by review in the District Court, or, if challenged, was upheld, EPA shall notify the submitter by certified mail (return receipt requested) that the chemical identity claimed as trade secret is the subject of a prior, final Agency determination concerning the same facility in which it was held that such a claim was invalid. In this notification EPA shall include notice of intent to disclose chemical identity within 10 days pursuant to § 350.18(c) of this subpart. EPA shall also notify the petitioner by regular mail of the action taken pursuant to this section.

### § 350.11 Review of claim.

(a) *Determination of sufficiency.* When EPA receives a petition submitted pursuant to § 350.15, or if EPA initiates a

determination of the validity of a trade secrecy claim for chemical identity, and EPA has made a determination, as required in paragraph (d)(1) of § 350.9, then EPA shall determine whether the submitter has presented sufficient support for its claim of trade secrecy in its substantiation. EPA must make such a determination within 30 days of receipt of a petition. A claim of trade secrecy for chemical identity will be considered sufficient if, assuming all of the information presented in the substantiation is true, this supporting information could support a valid claim of trade secrecy. A claim is sufficient if it meets the criteria set forth in § 350.13.

(1) *Sufficient claim.* If the claim meets the criteria of sufficiency set forth in § 350.13, EPA shall notify the submitter in writing, by certified mail (return receipt requested), that it has 30 days from the date of receipt of the notice to submit supplemental information in writing in accordance with § 350.7(e), to support the truth of the facts asserted in the substantiation. EPA will not accept any supplemental information, in response to this notice, submitted after the 30 day period has expired. The notice required by this section shall include the address to which supplemental information must be sent. The notice may specifically request supplemental information in particular areas relating to the submitter's claim. The notice must also inform the submitter of his right to claim any trade secret or confidential business information as confidential, and shall include a reference to § 350.7(e) of this regulation as the source for the proper procedure for claiming trade secrecy for trade secret or confidential business information submitted in the supplemental information requested by EPA.

(2) *Insufficient claim.* If the claim does not meet the criteria of sufficiency set forth in § 350.13, EPA shall notify the submitter in writing of this fact by certified mail (return receipt requested). Upon receipt of this notice, the submitter may either file an appeal of the matter to the General Counsel under paragraph (a)(2)(i) of this section, or, for good cause shown, submit additional material in support of its claim

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of trade secrecy to EPA under paragraph (a)(2)(ii) of this section. The notice required by this section shall include the reasons for EPA's decision that the submitter's claim is insufficient, and shall inform the submitter of its rights within 30 days of receiving notice to file an appeal with EPA's General Counsel or to amend its original substantiation for good cause shown. The notice shall include the address of the General Counsel, and the address of the office to which an amendment for good cause shown should be sent. The notice shall also include a reference to §350.11(a)(2)(i)-(iv) of this subpart as the source on the proper procedures for filing an appeal or for amending the original substantiation.

(i) *Appeal.* The submitter may file an appeal of a determination of insufficiency with the General Counsel within 30 days of receipt of the notice of insufficiency, in accordance with the procedures set forth in §350.17.

(ii) *Good Cause.* In lieu of an appeal to the General Counsel, the submitter may send additional material in support of its trade secrecy claim, for good cause shown, within 30 days of receipt of the notice of insufficiency. To do so, the submitter shall notify EPA by letter of its contentions as to good cause, and shall include in that letter the additional supporting material.

(iii) Good cause is limited to one or more of the following reasons:

(A) The submitter was not aware of the facts underlying the additional information at the time the substantiation was submitted, and could not reasonably have known the facts at that time; or

(B) EPA regulations and other EPA guidance did not call for such information at the time the substantiation was submitted; or

(C) The submitter had made a good faith effort to submit a complete substantiation, but failed to do so due to an inadvertent omission or clerical error.

(iv) If EPA determines that the submitter has met the standard for good cause, then EPA shall decide, pursuant to paragraph (a) of this section, whether the submitter's claim meets the

Agency's standards of sufficiency set forth in §350.13.

(A) If after receipt of additional material for good cause, EPA decides the claim is sufficient, EPA will determine whether the claim presents a valid claim of trade secrecy according to the procedures set forth in paragraph (b) of this section.

(B) If after receipt of additional material for good cause, EPA decides the claim is insufficient, EPA will notify the submitter by certified mail (return receipt requested) and the submitter may seek review in U.S. District Court within 30 days of receipt of the notice. The notice required by this paragraph shall include EPA's reasons for its determination, and shall inform the submitter of its right to seek review in U.S. District Court within 30 days of receipt of the notice. The petitioner shall be notified of EPA's decision by regular mail.

(v) If EPA determines that the submitter has not met the standard for good cause, then EPA shall notify the submitter by certified mail (return receipt requested). The submitter may seek review of EPA's decision in U.S. District Court within 30 days of receipt of the notice. The notice required in this paragraph shall include EPA's reasons for its determination, and shall inform the submitter of its right to seek review in U.S. District Court within 30 days of receipt of the notice. The petitioner shall be notified of EPA's decision by regular mail.

(b) Determination of trade secrecy. Once a claim has been determined to be sufficient under paragraph (a) of this section, EPA must decide whether the claim is entitled to trade secrecy.

(1) If EPA determines that the information submitted in support of the trade secrecy claim is true and that the chemical identity is a trade secret, the petitioner shall be notified by certified mail (return receipt requested) of EPA's determination and may bring an action in U.S. District Court within 30 days of receipt of such notice. The notice required in this paragraph shall include the reasons why EPA has determined that the chemical identity is a trade secret and shall inform the petitioner of its right to seek review in U.S. District Court within 30 days of

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receipt of the notice. The submitter shall be notified of EPA's decision by regular mail.

(2) If EPA decides that the information submitted in support of the trade secrecy claim is not true and that the chemical identity is not a trade secret:

(i) The submitter shall be notified by certified mail (return receipt requested) of EPA's determination and may appeal to the General Counsel within 30 days of receipt of such notice, in accordance with the procedures set forth in §350.17. The notice required by this paragraph shall include the reasons why EPA has determined that the chemical identity is not a trade secret and shall inform the submitter of its appeal rights to EPA's General Counsel. The notice shall include the address to which an appeal should be sent and the procedure for filing an appeal, as set forth in §350.17(a) of this subpart. The petitioner shall be notified of EPA's decision by regular mail.

(ii) The General Counsel shall notify the submitter by certified mail (return receipt requested) of its decision on appeal pursuant to the requirements in §350.17. The notice required by this paragraph shall include the reasons for EPA's determination. If the General Counsel affirms the decision that the chemical identity is not a trade secret, then the submitter shall have 30 days from the date it receives notice of the General Counsel's decision to bring an action in U.S. District Court. If the General Counsel decides that the chemical identity is a trade secret, then EPA shall follow the procedure set forth in paragraph (b)(1) of this section.

**§ 350.13 Sufficiency of assertions.**

(a) A substantiation submitted under §350.7 will be determined to be insufficient to support a claim of trade secrecy unless the answers to the questions in the substantiation submitted under §350.7 support all of the following conclusions. This substantiation must include, where applicable, specific facts.

(1) The submitter has not disclosed the information to any other person, other than a member of a local emergency planning committee, an officer or employee of the United States or a State or local government, an em-

ployee of such person, or a person who is bound by a confidentiality agreement, and such person has taken reasonable measures to protect the confidentiality of such information and intends to continue to take such measures. To support this conclusion, the facts asserted must show all of the following:

(i) The submitter has taken reasonable measures to prevent unauthorized disclosure of the specific chemical identity and will continue to take such measures.

(ii) The submitter has not disclosed the specific chemical identity to any person who is not bound by an agreement to refrain from disclosing the information.

(iii) The submitter has not previously disclosed the specific chemical identity to a local, State, or Federal government entity without asserting a confidentiality claim.

(2) The information is not required to be disclosed, or otherwise made available, to the public under any other Federal or State law.

(3) Disclosure of the information is likely to cause substantial harm to the competitive position of such person. To support this conclusion, the facts asserted must show all of the following:

(i) *Either:* (A) Competitors do not know or the submitter is not aware that competitors know that the chemical whose identity is being claimed trade secret can be used in the fashion that the submitter uses it, and competitors cannot easily duplicate the specific use of this chemical through their own research and development activities; or

(B) Competitors are not aware or the submitter does not know whether competitors are aware that the submitter is using this chemical in this fashion.

(ii) The fact that the submitter manufactures, imports or otherwise uses this chemical in a particular fashion is not contained in any publication or other information source (of which the submitter is aware) available to competitors or the public.

(iii) The non-confidential version of the submission under this title does not contain sufficient information to enable competitors to determine the

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specific chemical identity withheld therefrom.

(iv) The information referred to in paragraph (a)(3)(i)(A) of this section, is of value to competitors.

(v) Competitors are likely to use this information to the economic detriment of the submitter and are not precluded from doing so by a United States patent.

(vi) The resulting harm to submitter's competitive position would be substantial.

(4) The chemical identity is not readily discoverable through reverse engineering. To support this conclusion, the facts asserted must show that competitors cannot readily discover the specific chemical identity by analysis of the submitter's products or environmental releases.

(b) The sufficiency of the trade secrecy claim shall be decided entirely upon the information submitted under § 350.7, or § 350.11(a)(2)(ii).

### **§ 350.15 Public petitions requesting disclosure of chemical identity claimed as trade secret.**

(a) The public may request the disclosure of chemical identity claimed as trade secret by submitting a written petition to the address specified in § 350.16.

(b) The petition shall include:

(1) The name, address, and telephone number of the petitioner;

(2) The name and address of the company claiming the chemical identity as trade secret; and

(3) A copy of the submission in which the submitter claimed chemical identity as trade secret, with a specific indication as to which chemical identity the petitioner seeks disclosed.

(c) EPA shall acknowledge, by letter to the petitioner, the receipt of the petition.

(d) Incomplete petitions. If the information contained in the petition is not sufficient to allow EPA to identify which chemical identity the petitioner is seeking to have released, EPA shall notify the petitioner that the petition cannot be further processed until additional information is furnished. EPA will make every reasonable effort to assist a petitioner in providing sufficient information for EPA to identify

the chemical identity the petitioner is seeking to have released.

(e) EPA shall make a determination on a petition requesting disclosure, in accordance with § 350.11 and § 350.17, within nine months of receipt of such petition.

### **§ 350.16 Address to send trade secrecy claims and petitions requesting disclosure.**

The address and location to send all claims of trade secrecy under sections 303(d)(2) and (d)(3), 311, 312, and 313 of Title III and all public petitions requesting disclosure of chemical identities claimed as trade secret are posted on the following EPA Program Web sites, <http://www.epa.gov/ceppo> and <http://www.epa.gov/tri>. Any subsequent changes to the address and location will be announced in FEDERAL REGISTER Notices as these changes occur. Also, the changes will be posted on these Web sites. Submitters may also contact the Emergency Planning and Community Right-to-Know Hotline at (800) 424-9346 or (703) 412-9810, TDD (800) 553-7672, <http://www.epa.gov/epaoswer/hotline/> to obtain this information.

[68 FR 64724, Nov. 14, 2003]

### **§ 350.17 Appeals.**

(a) *Procedure for filing appeal.* A submitter may appeal an EPA determination under § 350.11(a)(2)(i) or (b)(2)(i), by filing an appeal with the General Counsel. The appeal shall be addressed to: The Office of General Counsel, U.S. Environmental Protection Agency, Mailcode 2310A, 1200 Pennsylvania Avenue, NW., Washington DC 20460.

The appeal shall contain the following:

(1) A letter requesting review of the appealed decision; and

(2) A copy of the letter containing EPA's decision upon which appeal is requested.

(b) Appeal of determination of insufficient claim.

(1) Where a submitter appeals a determination by EPA under § 350.11(a)(2)(i) that the trade secrecy claim presents insufficient support for a finding of trade secrecy, the General Counsel shall make one of the following determinations:

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(i) The trade secrecy claim at issue meets the standards of sufficiency set forth in §350.13; or

(ii) The trade secrecy claim at issue does not meet the standards of sufficiency set forth in §350.13.

(2) If the General Counsel reverses the decision made by the EPA office handling the claim, the claim shall be processed according to §350.11(a)(1). The General Counsel shall notify the submitter of the determination on appeal in writing, by certified mail (return receipt requested). The appeal determination shall include the date the appeal was received by the General Counsel, a statement of the decision appealed from, a statement of the decision on appeal and the reasons for such decision.

(3) If the General Counsel upholds the determination of insufficiency made by the EPA office handling the claim, the submitter may seek review in U.S. District Court within 30 days after receipt of notice of the General Counsel's determination. The General Counsel shall notify the submitter of its determination on appeal in writing, by certified mail (return receipt requested). The appeal determination shall include the date the appeal was received by the General Counsel, a statement of the decision appealed from, a statement of the decision on appeal and the reasons for such decision, and a statement of the submitter's right to seek review in U.S. District Court within 30 days of receipt of such notice. The petitioner shall be notified by regular mail.

(c) *Appeal of determination of no trade secret.* (1) If a submitter appeals from a determination by EPA under §350.11(b)(2) that the specific chemical identity at issue is not a trade secret, the General Counsel shall make one of the following determinations:

(i) The assertions supporting the claim of trade secrecy are true and the chemical identity is a trade secret; or

(ii) The assertions supporting the claim of trade secrecy are not true and the chemical identity is not a trade secret.

(2) If the General Counsel reverses the decision made by the EPA office handling the claim, the General Counsel shall notify the submitter of its determination on appeal in writing, by

certified mail (return receipt requested). The appeal determination shall include the date the appeal was received by the General Counsel, a statement of the decision appealed from, a statement of the decision on appeal and the reasons for such decision. The General Counsel shall send the petitioner the notice required in §350.11(b)(1).

(3) If the General Counsel upholds the decision of the EPA office which made the trade secret determination, the submitter may seek review in U.S. District Court within 30 days of receipt of notice of the General Counsel's decision. The General Counsel shall notify the submitter of the determination on appeal in writing, by certified mail (return receipt requested). The notice shall include the date the appeal was received by the General Counsel, a statement of the decision appealed from, the basis for the appeal determination, that it constitutes final Agency action concerning the chemical identity trade secrecy claim, and that such final Agency action may be subject to review in U.S. District Court within 30 days of receipt of such notice. The General Counsel shall notify the petitioner by regular mail.

[53 FR 28801, July 29, 1988, as amended at 68 FR 64724, Nov. 14, 2003]

**§350.18 Release of chemical identity determined to be non-trade secret; notice of intent to release chemical identity.**

(a) Where a submitter fails to seek review within U.S. District Court within 20 days of receiving notice of a determination of the General Counsel under §350.17(b)(3) of this subpart that the trade secrecy claim is insufficient, or under §350.17(c)(3) of this subpart that chemical identity claimed as trade secret is not entitled to trade secret protection, EPA may furnish notice of intent to disclose the chemical identity claimed as trade secret within 10 days by furnishing the submitter with the notice set forth in paragraph (d) of this section by certified mail (return receipt requested).

(b) Where a submitter fails to seek review within U.S. District Court within 20 days of receiving notice of an EPA determination under

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§ 350.11(a)(2)(iv)(B), or § 350.11(a)(2)(v) of this regulation, or fails to pursue appeal to the General Counsel within 20 days after being notified of its right to do so under § 350.11(a)(2)(i) or § 350.11(b)(2)(i), EPA may furnish notice of intent to disclose the chemical identity claimed as trade secret within 10 days by furnishing the submitter with the notice set forth in paragraph (d) of this section by certified mail (return receipt requested).

(c) Where EPA, upon initial review under § 350.9(d), determines that the chemical identity claimed as trade secret in a submittal submitted pursuant to this part is the subject of a prior final Agency determination concerning a claim of trade secrecy for the same chemical identity for the same facility, in which such claim was held invalid, EPA shall furnish notice of intent to disclose chemical identity within 10 days by furnishing the submitter with the notice set forth in paragraph (d) of this section by certified mail (return receipt requested).

(d) EPA shall furnish notice of its intent to release chemical identity claimed as trade secret by sending the following notification to submitters, under the circumstances set forth in paragraphs (a), (b), and (c) of this section. The notice shall state that EPA will make the chemical identity available to the petitioner and the public on the tenth working day after the date of the submitter's receipt of written notice (or on such later date as the Office of General Counsel may establish), unless the Office of General Counsel has first been notified of the submitter's commencement of an action in Federal court to obtain judicial review of the determination at issue, and to obtain preliminary injunctive relief against disclosure, or, where applicable, as described in paragraph (b) of this section, of commencement of an appeal to the General Counsel. The notice shall further state that if Federal court action is timely commenced, EPA may nonetheless make the information available to the petitioner and the public (in the absence of an order by the court to the contrary), once the court has denied a motion for a preliminary injunction in the action or has otherwise upheld the EPA determination, or, that if Federal

court action or appeal to the General Counsel is timely commenced, EPA may nonetheless make the information available to the petitioner and the public whenever it appears to the General Counsel, after reasonable notice to the submitter, that the submitter is not taking appropriate measures to obtain a speedy resolution of the action.

### § 350.19 Provision of information to States.

(a) Any State may request access to trade secrecy claims, substantiations, supplemental substantiations, and additional information submitted to EPA. EPA shall release this information, even if claimed confidential, to any State requesting access if:

- (1) The request is in writing;
- (2) The request is from the Governor of the State; and
- (3) The State agrees to safeguard the information with procedures equivalent to those which EPA uses to safeguard the information.

(b) The Governor of a State which receives access to trade secret information under this section may disclose such information only to State employees.

### § 350.21 Adverse health effects.

The Governor or State emergency response commission shall identify the adverse health effects associated with each of the chemicals claimed as trade secret and shall make this information available to the public. The material safety data sheets submitted to the State emergency response commissions may be used for this purpose.

### § 350.23 Disclosure to authorized representatives.

(a) Under section 322(f) of the Act, EPA possesses the authority to disclose to any authorized representative of the United States any information to which this section applies, notwithstanding the fact that the information might otherwise be entitled to trade secret or confidential treatment under this part. Such authority may be exercised only in accordance with paragraph (b) of this section.

(b)(1) A person under contract or subcontract to EPA or a grantee who performs work for EPA in connection with

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Title III or regulations which implement Title III may be considered an authorized representative of the United States for purposes of this § 350.23. Subject to the limitations in this § 350.23(b), information to which this section applies may be disclosed to such a person if the EPA program office managing the contract, subcontract, or grant first determines in writing that such disclosure is necessary in order that the contractor, subcontractor or grantee may carry out the work required by the contract, subcontract or grant.

(2) No information shall be disclosed under this § 350.23(b) unless this contract, subcontract, or grant in question provides:

(i) That the contractor, subcontractor or the grantee and the contractor's, subcontractor's, or grantee's employees shall use the information only for the purpose of carrying out the work required by the contract, subcontract, or grant, and shall refrain from disclosing the information to anyone other than EPA without the prior written approval of each affected submitter or of an EPA legal office, and shall return to EPA all copies of the information (and any abstracts or extracts therefrom) upon request by the EPA program office, whenever the information is no longer required by the contractor, subcontractor or grantee for the performance of the work required under the contract, subcontract or grant, or upon completion of the contract, subcontract or grant;

(ii) That the contractor, subcontractor or grantee shall obtain a written agreement to honor such terms of the contract or subcontract from each of the contractor's, subcontractor's or grantee's employees who will have access to the information, before such employee is allowed such access; and

(iii) That the contractor, subcontractor or grantee acknowledges and agrees that the contract, subcontract or grant provisions concerning the use and disclosure of confidential business information are included for the benefit of, and shall be enforceable by,

both EPA and any covered facility having an interest in information concerning it supplied to the contractor, subcontractor or grantee by EPA under the contract or subcontract or grant.

(3) No information shall be disclosed under this § 350.23(b) until each affected submitter has been furnished notice of the contemplated disclosure by the EPA program office and has been afforded a period found reasonable by that office (not less than 5 working days) to submit its comments. Such notice shall include a description of the information to be disclosed, the identity of the contractor, subcontractor or grantee, the contract, subcontract or grant number, if any, and the purposes to be served by the disclosure. This notice may be published in the FEDERAL REGISTER or may be sent to individual submitters.

(4) The EPA program office shall prepare a record of disclosures under this § 350.23(b). The EPA program office shall maintain the record of disclosure and the determination of necessity prepared under paragraph (b)(1) of this section for a period of not less than 36 months after the date of the disclosure.

### **§ 350.25 Disclosure in special circumstances.**

Other disclosure of specific chemical identity may be made in accordance with 40 CFR 2.209.

### **§ 350.27 Substantiation form to accompany claims of trade secrecy, instructions to substantiation form.**

(a) The substantiation form to accompany claims of trade secrecy must be completed and submitted as required in § 350.7(a). The form is posted on the Chemical Emergency Preparedness and Prevention Office Web site, <http://www.epa.gov/ceppo> and the Toxics Release Inventory Program Division Web site, <http://www.epa.gov/tri>. Submitters may also contact the National Service Center for Environmental Publications (NSCEP) at (800) 490-9198 or (513) 489-8190 to obtain the form.

(b) Substantiation form to accompany claims of trade secrecy.

United States Environmental Protection Agency Washington, DC 20460	<b>Substantiation To Accompany Claims of Trade Secrecy                  Under the Emergency Planning and                  Community Right-To-Know Act of 1986</b>	Form Approved OMB No. 2050-0078 Approval expires 10-31-90
<b>Paperwork Reduction Act Notice</b> Public reporting burden for this collection of information is estimated to vary from 27.7 hours to 33.2 hours per response, with an average of 28.8 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.		
<b>Part 1. Substantiation Category</b>		
1.1 Title III Reporting Section (check only one)		
<input type="checkbox"/> 303	<input type="checkbox"/> 311	<input type="checkbox"/> 312
<input type="checkbox"/> 313		
1.2 Reporting Year 19 _____		
1.3 Indicate Whether This Form Is (check only one)		
1.3a. <input type="checkbox"/> <b>Sanitized</b> (answer 1.3.1a below)	1.3b. <input type="checkbox"/> <b>Unsanitized</b> (answer 1.3.1b. and 1.3.2b. below)	
1.3.1a. Generic Class or Category	1.3.1b. CAS Number [ ] [ ] [ ] [ ] [ ] [ ] - [ ] [ ] - [ ]	
	1.3.2b. Specific Chemical Identity	
<b>Part 2. Facility Identification Information</b>		
2.1 Name		
2.2 Street Address		
2.3 City, State, and ZIP Code		
2.4 Dun and Bradstreet Number		
[ ] [ ] [ ] - [ ] [ ] [ ] - [ ] [ ] [ ]		

**Part 3. Responses to Substantiation Questions**

3.1 Describe the specific measures you have taken to safeguard the confidentiality of the chemical identity claimed as trade secret, and indicate whether these measures will continue in the future.

3.2 Have you disclosed the information claimed as trade secret to any other person (other than a member of a local emergency planning committee, officer or employee of the United States or a State or local government, or your employee) who is not bound by a confidentiality agreement to refrain from disclosing this trade secret information to others?

Yes  No

3.3 List all local, State, and Federal government entities to which you have disclosed the specific chemical identity. For each, indicate whether you asserted a confidentiality claim for the chemical identity and whether the government entity denied that claim.

Government Entity	Confidentiality Claim Asserted		Confidentiality Claim Denied	
	Yes	No	Yes	No

3.4 In order to show the validity of a trade secrecy claim, you must identify your specific use of the chemical claimed as trade secret and explain why it is a secret of interest to competitors. Therefore:

(i) Describe the specific use of the chemical claimed as trade secret, identifying the product or process in which it is used. (If you use the chemical other than as a component of a product or in a manufacturing process, identify the activity where the chemical is used.)

(ii) Has your company or facility identity been linked to the specific chemical identity claimed as trade secret in a patent, or in publications or other information sources available to the public or your competitors (of which you are aware)?

Yes

No

If so, explain why this knowledge does not eliminate the justification for trade secrecy.

(iii) If this use of the chemical claimed as trade secret is unknown outside your company, explain how your competitors could deduce this use from disclosure of the chemical identity together with other information on the Title III submittal form.

3.4 (iv) Explain why your use of the chemical claimed as trade secret would be valuable information to your competitors.

3.5 Indicate the nature of the harm to your competitive position that would likely result from disclosure of the specific chemical identity, and indicate why such harm would be substantial.

3.6 (i) To what extent is the chemical claimed as trade secret available to the public or your competitors in products, articles, or environmental releases?

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3.6 (ii) Describe the factors which influence the cost of determining the identity of the chemical claimed as trade secret by chemical analysis of the product, article, or waste which contains the chemical (e.g., whether the chemical is in pure form or is mixed with other substances).

**Part 4. Certification (Read and sign after completing all sections)**

I certify under penalty of law that I have personally examined the information submitted in this and all attached documents. Based on my inquiry of those individuals responsible for obtaining the information, I certify that the submitted information is true, accurate, and complete, and that those portions of the substantiation claimed as confidential would, if disclosed, reveal the chemical identity being claimed as a trade secret, or would reveal other confidential business or trade secret information. I acknowledge that I may be asked by the Environmental Protection Agency to provide further detailed factual substantiation relating to this claim of trade secrecy, and certify to the best of my knowledge and belief that such information is available. I understand that if it is determined by the Administrator of EPA that this trade secret claim is frivolous, EPA may assess a penalty of up to \$25,000 per claim.

I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

4.1 Name and official title of owner or operator or senior management official

4.2 Signature (All signatures must be original)

4.3 Date Signed

INSTRUCTIONS FOR COMPLETING THE EPA  
TRADE SECRET SUBSTANTIATION FORM*General Information*

EPA requires that the information requested in a trade secret substantiation be completed using this substantiation form in order to ensure that all facility and chemical identifier information, substantiation questions, and certification statements are completed. Submitter-devised forms will not be accepted. Incomplete substantiations will in all likelihood be found insufficient to support the claim, and the claim will be denied. *Moreover, the statute provides that a submitter who fails to provide information required will be subject to a \$10,000 fine.* For the submitter's own protection, therefore, the EPA form must be used and completed in its entirety.

The statute for section 322 establishes a two-phase process in which the submitter must do the following:

1. At the time a report is submitted, the submitter must present a complete set of assertions that (if true) would be sufficient to justify the claim of trade secrecy; and
2. If the claim is reviewed by EPA, the submitter will be asked to provide additional factual information sufficient to establish the truthfulness of the assertions made at the time the claim was made.

In making its assertions of trade secrecy, a submitter should provide, where applicable, descriptive factual statements. Conclusory statements of compliance (such as positive or negative restatements of the questions) may not provide EPA with enough information to make a determination and may be found insufficient to support a claim.

## WHAT MAY BE WITHHELD

Only the specific chemical identity required to be disclosed in sections 303, 311, 312, and 313 submissions may be claimed trade secret on the Title III submittal itself. (Other trade secret or confidential business information included in answer to a question on the substantiation may be claimed trade secret or confidential, as described below.)

Location information claimed as confidential under section 312(d)(2)(F) should *not* be sent to EPA; this should only be sent to the SERC, LEPC, and the fire department, as requested.

## Sanitized and Unsanitized Copies

You must submit this form to EPA in sanitized and unsanitized versions, along with the sanitized and unsanitized copies of the submittal that gives rise to this trade secrecy claim (except for the section 303 submittal, and for MSDSs under section 311). The *unsanitized* version of this form contains specific chemical identity and CAS number and may contain other trade secret or confidential business information, which should be clearly labeled as such. Failure to claim other information trade secret or confidential will make that information publicly available. In the *sanitized* version of this form, the specific chemical identity and CAS number must be replaced with the chemical's generic class or category and any other trade secret or confidential business information should be deleted. *You should also send sanitized copies of the submittal and this form to relevant State and local authorities.*

Each question on this form must be answered. *Submitters are encouraged to answer in the space provided.* If you need more space to answer a particular question, please use additional sheets. If you use additional sheets, be sure to include the number (and if applicable, the subpart) of the question being answered and write your facility's Dun and Bradstreet Number on the lower right-hand corner of each sheet.

## When the Forms Must be Submitted

The sanitized and unsanitized report forms and trade secret substantiations must be submitted to EPA by the normal reporting deadline for that section (e.g., section 313 submissions for any calendar year must be submitted on or before July 1 of the following year).

Where To Send the Trade Secrecy  
Claim

The address to send all trade secrecy claims is posted on the following EPA Program Web sites, <http://www.epa.gov/>

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*ceppo* and <http://www.epa.gov/tri>. This information can also be obtained by contacting the Emergency Planning and Community Right-to-Know Hotline at (800) 424-9346 or (703) 412-9810, TDD (800) 553-7672, <http://www.epa.gov/epaoswer/hotline/>.

### Packaging of Claim(s)

A completed section 322 claim package must include four items, packaged in the following order:

1. An unsanitized trade secret substantiation form.
2. A sanitized trade secret substantiation form.
3. An unsanitized 312 or 313 report (it is not necessary to create an unsanitized section 303 submittal or MSDS for submission under section 311).
4. A sanitized (public) section 303, 311, 312, or 313 or report.

It is important to securely fasten together (binder clip or rubber band) each of the reporting forms and substantiations for the particular chemical being claimed trade secret. This process will make it clear that a claim is physically complete when submitted. When submitters submit claims for more than one chemical, EPA requests that the four parts associated with each chemical be assembled as a set and each set for different chemicals be kept separate within the package sent to EPA. Following these guidelines permits the Agency to make the appropriate determinations of trade secrecy, and to make public only those portions of each submittal required to be disclosed.

### How to Obtain Forms and Other Information

Additional copies of the Trade Secret Substantiation Form may be obtained by writing to: Emergency Planning and Community Right-to-Know Program, U.S. Environmental Protection Agency, WH-562A, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

### Instructions for Completing Specific Sections of the Form

#### Part 1. Substantiation Category

**1.1 Title III Reporting Section.** Check the box corresponding to the section for which this particular claim of trade secrecy is being made. Checking off more than one box for a claim is not permitted.

**1.2 Reporting Year.** Enter the year to which the reported information applies, not the year in which you are submitting the report.

**1.3a Sanitized.** If this copy of the submission is the "public" or sanitized version, check this box and complete 1.3.1a, which asks for generic class or category. Do not complete the information required in the unsanitized box (1.3b.).

**1.3.1a Generic Class or Category.** You must complete this if you are claiming the specific chemical identity as a trade secret and have marked the box in 1.3a. The generic chemical name must be structurally descriptive of the chemical.

**1.3b Unsanitized.** Check the box if this version of the form contains the specific chemical identity or any other trade secret or confidential business information.

**1.3.1b CAS Number.** You must enter the Chemical Abstract Service (CAS) registry number that appears in the appropriate section of the rule for the chemical being reported. Use leading place holding zeros. If you are reporting a chemical category (e.g., copper compounds), enter N/A in the CAS number space.

**1.3.2b Specific Chemical Identity.** Enter the name of the chemical or chemical category as it is listed in the appropriate section of the reporting rule.

#### Part 2. Facility Identification Information

**2.1-2.3 Facility Name and Location.** You must enter the name of your facility (plant site name or appropriate facility designation), street address, city, State and ZIP Code in the space provided. You may not use a post office box number for this location.

**2.4 Dun and Bradstreet Number.** You must enter the number assigned by Dun and Bradstreet for your facility or

each establishment within your facility. If the establishment does not have a D & B number, enter N/A in the boxes reserved for those numbers. Use leading place holding zeros.

### Part 3. Responses to Substantiation Questions

The six questions posed in this form are based on the four statutory criteria found in section 322(b) of Title III. The information you submit in response to these questions is the basis for EPA's initial determination as to whether the substantiation is sufficient to support a claim of trade secrecy. EPA has indicated in §350.13 of the final rule the specific criteria that it regards as the legal basis for evaluating whether the answers you have provided are sufficient to warrant protection of the chemical identity. You are urged to review those criteria before preparing answers to the questions on the form.

### Part 4. Certification

An *original* signature is required for each trade secret substantiation submitted to EPA, both sanitized and unsanitized. It indicates the submitter is certifying that the particular substantiation provided to EPA is complete, true, and accurate, and that it is intended to support the specific trade secret claim being made. Noncompliance with this certification requirement may jeopardize the trade secret claim.

**4.1 Name and Official Title.** Print or type the name and title of the person who signs the statement at 4.2.

**4.2 Signature.** This certification must be signed by the owner or operator, or a senior official with management responsibility for the person (or persons) completing the form. An *original* signature is required for each trade secret substantiation submitted to EPA, both sanitized and unsanitized. Since the certification applies to all information supplied on the forms, it should be signed only after the substantiation has been completed.

**4.3 Date.** Enter the date when the certification was signed.

[53 FR 28801, July 29, 1988, as amended at 68 FR 64724, Nov. 14, 2003]

### APPENDIX A TO SUBPART A OF PART 350—RESTATEMENT OF TORTS SECTION 757, COMMENT B

b. Definition of trade secret. A trade secret may consist of any formula, pattern, device or compilation of information which is used in one's business, and which gives him an opportunity to obtain an advantage over competitors who do not know or use it. It may be a formula for a chemical compound, a process of manufacturing, treating or preserving materials, a pattern for a machine or other device, or a list of customers. It differs from other secret information in a business (see section 759) in that it is not simply information as to single or ephemeral events in the conduct of the business, as, for example, the amount or other terms of a secret bid for a contract or the salary of certain employees, or the security investments made or contemplated, or the date fixed for the announcement of a new policy or for bringing out a new model or the like. A trade secret is a process or device for continuous use in the operation of the business. Generally it relates to the production of goods, as, for example, a machine or formula for the production of an article. It may, however, relate to the sale of goods or to other operations in the business, such as a code for determining discounts, rebates or other concessions in a price list or catalogue, or a list of specialized customers, or a method of bookkeeping or other office management.

Secrecy. The subject matter of a trade secret must be secret. Matters of public knowledge or of general knowledge in an industry cannot be appropriated by one as his secret. Matters which are completely disclosed by the goods which one markets cannot be his secret. Substantially, a trade secret is known only in the particular business in which it is used. It is not requisite that only the proprietor of the business know it. He may, without losing his protection, communicate it to employees involved in its use. He may likewise communicate it to others pledged to secrecy. Others may also know of it independently, as, for example, when they have discovered the process or formula by independent invention and are keeping it secret. Nevertheless, a substantial element of secrecy must exist, so that, except by the use of improper means, there would be difficulty in acquiring the information. An exact definition of a trade secret is not possible. Some factors to be considered in determining whether given information is one's trade secret are: (1) The extent to which the information is known outside of his business; (2) the extent to which it is known by employees and others involved in his business; (3) the extent of measures taken by him to guard the secrecy of the information; (4) the value of the information to him and to his competitors; (5) the amount of effort or

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money expended by him in developing the information; (6) the ease or difficulty with which the information could be properly acquired or duplicated by others.

Novelty and prior art. A trade secret may be a device or process which is patentable; but it need not be that. It may be a device or process which is clearly anticipated in the prior art or one which is merely a mechanical improvement that a good mechanic can make. Novelty and invention are not requisite for a trade secret as they are for patentability. These requirements are essential to patentability because a patent protects against unlicensed use of the patented device or process even by one who discovers it properly through independent research. The patent monopoly is a reward to the inventor. But such is not the case with a trade secret. Its protection is not based on a policy of rewarding or otherwise encouraging the development of secret processes or devices. The protection is merely against breach of faith and reprehensible means of learning another's secret. For this limited protection it is not appropriate to require also the kind of novelty and invention which is a requisite of patentability. The nature of the secret is, however, an important factor in determining the kind of relief that is appropriate against one who is subject to liability under the rule stated in this section. Thus, if the secret consists of a device or process which is a novel invention, one who acquires the secret wrongfully is ordinarily enjoined from further use of it and is required to account for the profits derived from his past use. If, on the other hand, the secret consists of mechanical improvements that a good mechanic can make without resort to the secret, the wrongdoer's liability may be limited to damages, and an injunction against future use of the improvements made with the aid of the secret may be inappropriate.

### Subpart B—Disclosure of Trade Secret Information to Health Professionals

#### § 350.40 Disclosure to health professionals.

(a) *Definitions. Medical emergency* means any unforeseen condition which a health professional would judge to require urgent and unscheduled medical attention. Such a condition is one which results in sudden and/or serious symptom(s) constituting a threat to a person's physical or psychological well-being and which requires immediate medical attention to prevent possible deterioration, disability, or death.

(b) The specific chemical identity, including the chemical name of a haz-

ardous chemical, extremely hazardous substance, or a toxic chemical, is made available to health professionals, in accordance with the applicable provisions of this section.

(c) *Diagnosis or Treatment by Health Professionals in Non-Emergency Situations.* (1) An owner or operator of a facility which is subject to the requirements of sections 311, 312, and 313, shall, upon request, provide the specific chemical identity, if known, of a hazardous chemical, extremely hazardous substance, or a toxic chemical to a health professional if:

(i) The request is in writing;

(ii) The request describes why the health professional has a reasonable basis to suspect that:

(A) The specific chemical identity is needed for purposes of diagnosis or treatment of an individual,

(B) The individual or individuals being diagnosed or treated have been exposed to the chemical concerned, and

(C) Knowledge of the specific chemical identity of such chemical will assist in diagnosis or treatment.

(iii) The request contains a confidentiality agreement which includes:

(A) A description of the procedures to be used to maintain the confidentiality of the disclosed information; and

(B) A statement by the health professional that he will not use the information for any purpose other than the health needs asserted in the statement of need authorized in paragraph (c)(1)(ii) of this section and will not release the information under any circumstances, except as authorized by the terms of the confidentiality agreement or by the owner or operator of the facility providing such information.

(iv) The request includes a certification signed by the health professional stating that the information contained in the statement of need is true.

(2) Following receipt of a written request, the facility owner or operator to whom such request is made shall provide the requested information to the health professional promptly.

(d) *Preventive Measures and Treatment by Local Health Professionals.* (1) An owner or operator of a facility subject to the requirements of sections 311, 312,

or 313 shall provide the specific chemical identity, if known, of a hazardous chemical, an extremely hazardous substance, or a toxic chemical to any health professional (such as a physician, toxicologist, epidemiologist, or nurse) if:

(i) The requester is a local government employee or a person under contract with the local government;

(ii) The request is in writing;

(iii) The request describes with reasonable detail one or more of the following health needs for the information:

(A) To assess exposure of persons living in a local community to the hazards of the chemical concerned.

(B) To conduct or assess sampling to determine exposure levels of various population groups.

(C) To conduct periodic medical surveillance of exposed population groups.

(D) To provide medical treatment to exposed individuals or population groups.

(E) To conduct studies to determine the health effects of exposure.

(F) To conduct studies to aid in the identification of chemicals that may reasonably be anticipated to cause an observed health effect.

(iv) The request contains a confidentiality agreement which includes:

(A) A description of the procedures to be used to maintain the confidentiality of the disclosed information; and

(B) A statement by the health professional that he will not use the information for any purpose other than the health needs asserted in the statement of need authorized in paragraph (d)(1)(iii) of this section and will not release the information under any circumstances except as may otherwise be authorized by the terms of such agreement or by the owner or operator of the facility person providing such information.

(v) The request includes a certification signed by the health professional stating that the information contained in the statement of need is true.

(2) Following receipt of a written request, the facility owner or operator to whom such request is made shall promptly provide the requested information to the local health professional.

(e) *Medical Emergency.* (1) An owner or operator of a facility which is subject to the requirements of sections 311, 312, or 313 must provide a copy of a material safety data sheet, an inventory form, or a toxic chemical release form, including the specific chemical identity, if known, of a hazardous chemical, extremely hazardous substance, or a toxic chemical, to any treating physician or nurse who requests such information if the treating physician or nurse determines that:

(i) A medical emergency exists as to the individual or individuals being diagnosed or treated;

(ii) The specific chemical identity of the chemical concerned is necessary for or will assist in emergency or first-aid diagnosis or treatment; and,

(iii) The individual or individuals being diagnosed or treated have been exposed to the chemical concerned.

(2) Owners or operators of facilities must provide the specific chemical identity to the requesting treating physician or nurse immediately following the request, without requiring a written statement of need or a confidentiality agreement in advance.

(3) The owner or operator may require a written statement of need and a written confidentiality agreement as soon as circumstances permit. The written statement of need shall describe in reasonable detail the factors set forth in paragraph (e)(1) of this section. The written confidentiality agreement shall be in accordance with paragraphs (c)(1)(iii) and (f) of this section.

(f) *Confidentiality Agreement.* (1) The confidentiality agreement authorized in paragraphs (c)(1)(iii), (d)(1)(iv) and (e)(3) of this section:

(i) May restrict the use of the information to the health purposes indicated in the written statement of need;

(ii) May provide for appropriate legal remedies in the event of a breach of the agreement; and

(iii) May not include requirements for the posting of a penalty bond.

(g) Nothing in this regulation is meant to preclude the parties from pursuing any non-contractual remedies to the extent permitted by law, or from pursuing the enforcement remedy provided in section 325(e) of Title III.

(h) The health professional receiving the trade secret information may disclose it to EPA only under the following circumstances: The health professional must believe that such disclosure is necessary in order to learn from the Agency additional information about the chemical necessary to assist him in carrying out the responsibilities set forth in paragraphs (c), (d), and (e) of this section. Such information comprises facts regarding adverse health and environmental effects.

## PART 355—EMERGENCY PLANNING AND NOTIFICATION

### Subpart A—General Information

Sec.

- 355.1 What is the purpose of this part?  
 355.2 Who do “you,” “I,” and “your” refer to in this part?  
 355.3 Which section contains the definitions of the keywords used in this part?

### Subpart B—Emergency Planning

WHO MUST COMPLY

- 355.10 Must my facility comply with the emergency planning requirements of this subpart?  
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- 355.20 If this subpart applies to my facility, what information must I provide, who must I submit it to, and when is it due?  
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- 355.30 What facilities must comply with the emergency release notification requirements of this subpart?  
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 355.33 What release quantities of EHSs and CERCLA hazardous substances trigger the emergency release notification requirements of this subpart?

HOW TO COMPLY

- 355.40 What information must I provide?  
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 355.42 To whom must I submit the information?  
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### Subpart D—Additional Provisions

- 355.60 What is the relationship between the emergency release notification requirements of this part and the release notification requirements of CERCLA?  
 355.61 How are keywords in this part defined?

APPENDIX A TO PART 355—THE LIST OF EXTREMELY HAZARDOUS SUBSTANCES AND THEIR THRESHOLD PLANNING QUANTITIES (ALPHABETICAL ORDER)

APPENDIX B TO PART 355—THE LIST OF EXTREMELY HAZARDOUS SUBSTANCES AND THEIR THRESHOLD PLANNING QUANTITIES (CAS NUMBER ORDER)

AUTHORITY: Sections 302, 303, 304, 325, 327, 328, and 329 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (42 U.S.C. 11002, 11003, 11004, 11045, 11047, 11048, and 11049).

SOURCE: 73 FR 65462, Nov. 3, 2008, unless otherwise noted.

### Subpart A—General Information

#### § 355.1 What is the purpose of this part?

(a) This part (40 CFR part 355) establishes requirements for a facility to provide information necessary for developing and implementing State and local chemical emergency response plans, and requirements for emergency notification of chemical releases. This part also lists Extremely Hazardous

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Substances (EHSs) and Threshold Planning Quantities (TPQs) in Appendices A and B, which are used in determining if you are subject to these requirements.

(b) This part is written in a special format to make it easier to understand the regulatory requirements. Like other Environmental Protection Agency (EPA) regulations, this part establishes enforceable legal requirements. Information considered non-binding guidance under EPCRA is indicated in this regulation by the word “note” and a smaller typeface. Such notes are provided for information purposes only and are not considered legally binding under this part.

### § 355.2 Who do “you,” “I,” and “your” refer to in this part?

Throughout this part, “you,” “I,” and “your” refer to the owner or operator of a facility.

### § 355.3 Which section contains the definitions of the key words used in this part?

The definitions of key words used in this part are in § 355.61. It is important to read the definitions for these key words because the definition explains the word’s specific meaning associated with the regulations in this part.

## Subpart B—Emergency Planning

### WHO MUST COMPLY

### § 355.10 Must my facility comply with the emergency planning requirements of this subpart?

You must comply with the emergency planning requirements in this subpart if your facility meets either of the following two conditions:

(a) Any extremely hazardous substance (EHS) is present at your facility in an amount equal to or greater than its threshold planning quantity (TPQ), or

(b) Your facility has been designated for emergency planning purposes, after public notice and opportunity for comment, by one of the following three entities:

(1) The State Emergency Response Commission (SERC).

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(2) The Governor of the State in which your facility is located.

(3) The Chief Executive Officer of the Tribe for the Indian Tribe under whose jurisdiction your facility is located.

### § 355.11 To what substances do the emergency planning requirements of this subpart apply?

The emergency planning requirements of this subpart apply to any EHS listed in Appendices A and B of this part. Additionally, if a facility is designated for emergency planning purposes, as provided in § 355.10(b), substances that are not EHSs at this facility may become subject to the emergency planning requirements.

### § 355.12 What quantities of extremely hazardous substances trigger emergency planning requirements?

Any EHS present at your facility in an amount equal to or greater than its TPQ triggers the emergency planning requirements of this subpart. The TPQs are listed in Appendices A and B of this part in the column labeled “threshold planning quantity.”

### § 355.13 How do I calculate the quantity of an extremely hazardous substance present in mixtures?

If an EHS is present in a mixture in a particular container, determine the quantity (in pounds) of the EHS in that container by multiplying the concentration of the EHS (in weight percent) by the weight (in pounds) of the mixture in the container. If the concentration of an EHS is less than or equal to one percent in the mixture, you do not have to count that EHS. Here is an example calculation:

*Example:* You have 150 pounds of a mixture that contains 20 weight percent of a certain EHS. The quantity of EHS present in the mixture is:

$$\begin{aligned} \text{EHS (in pounds)} &= (\text{weight percent of EHS}) \times (\text{weight of mixture}) \\ &= (20 \text{ percent}) \times (150 \text{ pound mixture}) \\ &= (0.20) \times (150) \\ \text{EHS (in pounds)} &= 30 \text{ pounds} \end{aligned}$$

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### **§ 355.14 Do I have to aggregate extremely hazardous substances to determine the total quantity present?**

You must aggregate (*i.e.*, add together) the amounts of each EHS at your facility to determine if a TPQ is present. This means that, for a particular EHS, you must determine the total amount present at any one time at your facility by adding together the quantity of pure EHS and the quantity contained in all mixtures, regardless of location, number of containers, or method of storage. You do not have to count an EHS in a mixture if the concentration of that EHS is less than or equal to one percent.

### **§ 355.15 Which threshold planning quantity do I use for an extremely hazardous substance present at my facility in solid form?**

EHSs that are in solid form are subject to one of two different TPQs (for example, TPQs may be listed as 500/10,000 pounds), both of which are listed in Appendices A and B of this part. Here is how to determine which of the two listed TPQs you must use for an EHS present at your facility in solid form:

(a) Use the lower TPQ from Appendices A and B of this part if the solid:

(1) Is in powdered form and has a particle size less than 100 microns;

(2) Is in solution;

(3) Is in molten form; or

(4) Meets the criteria for a National Fire Protection Association (NFPA) rating of 2, 3 or 4 for reactivity.

Note to paragraph (a): Use the instructions in § 355.16 to calculate the quantity present for the categories of solids listed in paragraphs (a)(1), (2) and (3) of this section.

(b) If the solid does not meet one of the criteria in paragraph (a) of this section, then the TPQ is 10,000 pounds.

### **§ 355.16 How do I determine the quantity of extremely hazardous substances present for certain forms of solids?**

For the three forms of solids that are listed in § 355.15(a)(1) through (3), use these instructions to determine the quantity of extremely hazardous substance present:

(a) *Solid in powdered form with a particle size less than 100 microns.* Multiply the weight percent of solid with a particle size less than 100 microns in a particular container by the total weight of solid in the container.

(b) *Solid in solution.* Multiply the weight percent of the non-reactive solid in solution in a particular container by the total weight of solution in that container. Then multiply by 0.2.

NOTE TO PARAGRAPH (B): This reduction in quantity must not be used to determine the amount present at one-time at a facility for reporting under 40 CFR 370.10.

(c) *Solid in molten form.* Multiply the weight of the non-reactive solid in molten form by 0.3.

NOTE TO PARAGRAPH (C): This reduction in quantity must not be used to determine the amount present at one-time at a facility for reporting under 40 CFR 370.10.

[73 FR 65462, Nov. 3, 2008, as amended at 77 FR 16688, Mar. 22, 2012]

#### HOW TO COMPLY

### **§ 355.20 If this subpart applies to my facility, what information must I provide, who must I submit it to, and when is it due?**

Use this table to determine the information you must provide, who to provide it to, and when:

What types of emergency planning notification are required?	What information must I provide?	To whom must I provide the information?	When must I provide the information?
(a) Emergency planning notification.	You must provide notice that your facility is subject to the emergency planning requirements of this subpart.	To the SERC and the LEPC ..	Within 60 days after your facility first becomes subject to the requirements of this subpart. If no LEPC exists for your facility at the time you are required to provide emergency planning notification, then you should report to the LEPC within 30 days after an LEPC is established for the emergency planning district in which your facility is located.
(b) Facility emergency coordinator.	You must designate a facility representative who will participate in the local emergency planning process as a facility emergency response coordinator. You must provide notice of this facility representative.	To the LEPC (or the SERC if there is no LEPC, or the Governor if there is no SERC).	Within 60 days after your facility first becomes subject to the requirements of this subpart. If no LEPC exists when you first report, then provide an additional report to the LEPC within 30 days after such LEPC is established for the emergency planning district in which your facility is located.
(c) Changes relevant to emergency planning.	You must provide notice of any changes occurring at your facility that may be relevant to emergency planning.	To the LEPC .....	Within 30 days after the changes have occurred.
(d) Requested information .....	You must provide any information necessary for developing or implementing the local emergency plan if the LEPC requests it.	To the LEPC .....	Promptly. Note: The LEPC may specify a time frame for this information.

**§ 355.21 In what format should the information be submitted?**

EPA does not require any specific format. EPA recommends that you submit the information described in § 355.20 in writing in order to insure appropriate documentation. The SERC or LEPC may request that this information be submitted in a specific format.

**Subpart C—Emergency Release Notification**

WHO MUST COMPLY

**§ 355.30 What facilities must comply with the emergency release notification requirements of this subpart?**

You must comply with the emergency release notification requirements in this subpart if both of these two conditions are met:

- (a) You produce, use, or store a hazardous chemical at your facility; and
- (b) You release a reportable quantity (RQ) of any EHS or of a hazardous sub-

stance as defined by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA Hazardous Substance) at your facility. Certain releases are exempted from these requirements. Exempted releases are listed in § 355.31.

Note to paragraph (b): In addition to the emergency release notification requirements of this subpart, releases of CERCLA hazardous substances are subject to the notification requirements under CERCLA. This is explained further in subpart D of this part.

**§ 355.31 What types of releases are exempt from the emergency release notification requirements of this subpart?**

You do not have to provide emergency release notification under this subpart for any of the following six types of releases of EHSs or CERCLA hazardous substances that occur at your facility:

- (a) Any release that results in exposure to persons solely within the boundaries of your facility.

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(b) Any release that is a federally permitted release as defined in section 101(10) of CERCLA.

(c) Any release of a pesticide product that is exempt from reporting under section 103(e) of CERCLA.

(d) Any release that does not meet the definition of release under section 101(22) of CERCLA and is therefore exempt from CERCLA section 103(a) reporting.

(e) Any radionuclide release that occurs:

(1) Naturally in soil from land holdings such as parks, golf courses, or other large tracts of land.

(2) Naturally from land disturbance activities, including farming, construction, and land disturbance incidental to extraction during mining activities, except that which occurs at uranium, phosphate, tin, zircon, hafnium, vanadium, monazite, and rare earth mines. Land disturbance incidental to extraction includes: Land clearing; overburden removal and stockpiling; excavating, handling, transporting, and storing ores and other raw (not beneficiated or processed) materials; and replacing in mined-out areas coal ash, earthen materials from farming or construction, or overburden or other raw materials generated from the exempted mining activities.

(3) From the dumping and transportation of coal and coal ash (including fly ash, bottom ash, and boiler slags), including the dumping and land spreading operations that occur during coal ash uses.

(4) From piles of coal and coal ash, including fly ash, bottom ash, and boiler slags.

(f) Any release less than 1,000 pounds per 24 hours of nitrogen oxide or nitrogen dioxide to the air which is the result of combustion and combustion related activities.

(g) Any release to the air of a hazardous substance from animal waste at farms that stable or confine fewer than the numbers of animal specified in any of the following categories.

(1) 700 mature dairy cows, whether milked or dry.

(2) 1,000 veal calves.

(3) 1,000 cattle other than mature dairy cows or veal calves. Cattle in-

cludes but is not limited to heifers, steers, bulls and cow/calf pairs.

(4) 2,500 swine each weighing 55 pounds or more.

(5) 10,000 swine each weighing less than 55 pounds.

(6) 500 horses.

(7) 10,000 sheep or lambs.

(8) 55,000 turkeys.

(9) 30,000 laying hens or broilers, if the farm uses a liquid manure handling system.

(10) 125,000 chickens (other than laying hens), if the farm uses other than liquid manure handling system.

(11) 82,000 laying hens, if the farm uses other than a liquid manure handling system.

(12) 30,000 ducks (if the farm uses other than a liquid manure handling system).

(13) 5,000 ducks (if the farm uses a liquid manure handling system).

(h) Any release to the air of a hazardous substance from animal waste at farms from animals that are not stabled or otherwise confined.

[73 FR 65462, Nov. 3, 2008, as amended at 73 FR 76960, Dec. 18, 2008]

### **§ 355.32 Which emergency release notification requirements apply to continuous releases?**

If the release of an EHS or CERCLA hazardous substance is continuous and stable in quantity and rate at your facility as defined in 40 CFR 302.8(b), then the release qualifies for reduced reporting requirements under this subpart. Under these reduced reporting requirements, you do not need to provide the notifications required under § 355.40. However, in addition to the notifications required under 40 CFR 302.8, you must make all of the following notifications to the community emergency coordinator for the LEPC for any area likely to be affected by the release and to the SERC of any State likely to be affected by the release:

(a) Initial notifications as specified in 40 CFR 302.8 (d) and (e).

(b) Notification of a “statistically significant increase,” defined in 40 CFR 302.8(b) as any increase above the upper bound of the reported normal range.

(c) Notification of a “new release” as specified in 40 CFR 302.8(g)(1).

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(d) Notification of a change in the normal range of the release as specified under 40 CFR 302.8(g)(2).

### **§ 355.33 What release quantities of EHSs and CERCLA hazardous substances trigger the emergency release notification requirements of this subpart?**

The release of a reportable quantity (RQ) of an EHS or CERCLA hazardous substance within any 24-hour period triggers the emergency release notification requirements. RQs for EHSs are listed in Appendices A and B of this part in the column labeled "reportable quantity." RQs for CERCLA hazardous substances are listed in Table 302.4 of 40 CFR 302.4 in the column labeled "final RQ."

#### HOW TO COMPLY

### **§ 355.40 What information must I provide?**

You must make two separate notifications to comply with the emergency release notification requirements of this subpart: an immediate notification, and as soon as practicable thereafter a written follow-up emergency notification (or notifications, as more information becomes available).

(a) *Immediate notification.* The notice required under this section shall include as much of the following information known at the time. However, the retrieval of this information should not cause a delay in the notification on the emergency response.

(1) The chemical name or identity of any substance involved in the release.

(2) Indicate whether the substance is an EHS.

(3) Provide an estimate of the quantity of any such substance that was released into the environment.

(4) State the time and duration of the release.

(5) The medium or media into which the release occurred.

(6) Any known or anticipated acute or chronic health risks associated with the emergency and, where appropriate, advice regarding medical attention necessary for exposed individuals.

(7) Proper precautions to take as a result of the release, including evacuation (unless such information is readily available to the community emer-

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gency coordinator pursuant to the emergency plan).

(8) The name and telephone number of the individual (or individuals) to be contacted for further information.

(b) *Written follow-up emergency notification.* Except for releases that occur during transportation or from storage incident to transportation, you must provide a written follow-up emergency notice (or notices, as more information becomes available), as soon as practicable after the release. In the written follow-up emergency notice, you must provide and update the information required in the immediate notification and include additional information with respect to all of the following:

(1) Actions taken to respond and contain the release.

(2) Any known or anticipated acute or chronic health risks associated with the release.

(3) Where appropriate, advice regarding medical attention necessary for exposed individuals.

(c) You are not required to submit a written follow-up notification for a release that occurred during transportation or from storage incident to transportation. See § 355.42(b) for requirements for reporting such releases.

### **§ 355.41 In what format should the information be submitted?**

The immediate notification, described in § 355.40(a), should be oral. The follow-up emergency notification, described in § 355.40(b), shall be in writing. EPA does not specify a particular format for the written follow-up emergency notification.

Note: The LEPC may request a specific format for this information.

### **§ 355.42 To whom must I submit the information?**

(a) You must provide the immediate emergency release notification information and the written follow-up notification to:

(1) The community emergency coordinator for the LEPC of any area likely to be affected by the release (if there is no LEPC, notify the relevant local emergency response personnel); and

(2) The SERC of any State likely to be affected by the release.

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(b) For a release that occurs during transportation or from storage incident to transportation, you may meet the requirements of this subpart by notifying the 911 operator (or in the absence of a 911 emergency telephone number, the operator) of the immediate notification information listed in §355.40(a). You are not required under this subpart to submit a written follow-up notification, as described in §355.40(b), for such a release.

**§ 355.43 When must I submit the information?**

(a) You must provide the required emergency release notification information described under §355.40(a), immediately.

(b) You must provide the written follow-up emergency notice (or notices, as more information becomes available)

described under §355.40(b), as soon as practicable after the release.

**Subpart D—Additional Provisions**

**§ 355.60 What is the relationship between the emergency release notification requirements of this part and the release notification requirements of CERCLA?**

The emergency release notification requirements of this part are in addition to the release notification requirements of CERCLA. If you have a release of a CERCLA hazardous substance, you must comply with the emergency release notification requirements of this part and the release notification requirements of CERCLA section 103, codified at 40 CFR part 302. Use this table to determine which emergency release notification requirements apply to your release:

If a reportable quantity of a substance is released within a 24-hour period at your facility	And if the release is reportable under EPCRA Section 304, you must	And if the release is reportable under CERCLA Section 103, you must
(a) And the substance is on BOTH the list of EHSs (Appendices A and B of this part) AND the list of CERCLA Hazardous Substances (40 CFR 302.4).	Notify the LEPC and the SERC in accordance with §§ 355.40 through 355.43 of this part (except for a release during transportation or from storage incident to transportation; see § 355.42(b)).	Comply with the release notification requirements of CERCLA section 103 and its implementing regulations (40 CFR part 302). Call the NRC at 800-424-8802.
(b) And the substance is on the list of CERCLA Hazardous Substances (40 CFR 302.4) and not on the list of EHSs (Appendices A and B of this part).	Notify the LEPC and the SERC, in accordance with §§ 355.40 through 355.43 of this part (except for a release during transportation or from storage incident to transportation; see in § 355.42(b)).	Comply with the release notification requirements of CERCLA section 103 and its implementing regulations (40 CFR part 302). Call the NRC at 800-424-8802.
(c) And the substance is on the list of EHSs (Appendices A and B of this part) and not the list of CERCLA Hazardous Substances (40 CFR 302.4).	Notify the LEPC and the SERC in accordance with §§ 355.40 through 355.43 of this part (except for a release during transportation or from storage incident to transportation; see § 355.42(b)).	

**Note:** This table only applies to reportable releases, not to exempt releases.

**§ 355.61 How are key words in this part defined?**

*Animal waste* means manure (feces, urine, and other excrement produced by livestock), digestive emissions, and urea. The definition includes animal waste when mixed or commingled with bedding, compost, feed, soil and other typical materials found with animal waste.

*CERCLA* means the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended.

*CERCLA hazardous substance* means a substance defined in section 101(14) of CERCLA and listed in Table 302.4 of 40 CFR 302.4.

*Chief Executive Officer of the Tribe* means the person who is recognized by the Bureau of Indian Affairs as the chief elected administrative officer of the Tribe.

*Environment* includes water, air, and land and the interrelationship that exists among and between water, air, and land and all living things.

*EPCRA* means the Emergency Planning and Community Right-To-Know Act of 1986.

*Extremely hazardous substance (EHS)* means a substance listed in Appendices A and B of this part.

*Facility* means all buildings, equipment, structures, and other stationary items that are located on a single site or on contiguous or adjacent sites and that are owned or operated by the same person (or by any person that controls, is controlled by, or under common control with, such person). *Facility* includes manmade structures, as well as all natural structures in which chemicals are purposefully placed or removed through human means such that it functions as a containment structure for human use. For purposes of emergency release notification, the term includes motor vehicles, rolling stock, and aircraft.

*Farm* means a facility on a tract of land devoted to the production of crops or raising of animals, including fish, which produced and sold, or normally would have produced and sold, \$1,000 or more of agricultural products during a year.

*Hazardous chemical* means any hazardous chemical as defined under 29 CFR 1910.1200(c), except that this term does not include:

(1) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.

(2) Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.

(3) Any substance to the extent it is used:

(i) For personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public. Present in the same form and concentration as a product packaged for distribution and use by the general public means a substance packaged in a similar manner and present in the same concentration as the substance when packaged for use by the general public, whether or not it is intended for distribution to the general public or used for the same purpose as when it is packaged for use by the general public;

(ii) In a research laboratory or hospital or other medical facility under the direct supervision of a technically qualified individual; or

(iii) In routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

*Indian Country* means Indian country defined in 18 U.S.C. 1151 as:

(1) All land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;

(2) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State; and

(3) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

*Indian Tribe or Tribe* means those Tribes federally recognized by the Secretary of the Interior.

*LEPC* means the Local Emergency Planning Committee appointed by the State Emergency Response Commission.

*Medium or media* means the environment (*i.e.*, air, water, land).

*Mixture* means, for the purposes of 40 CFR part 355, a heterogeneous association of substances where the various individual substances retain their identities and can usually be separated by mechanical means. This definition includes, for the purposes of 40 CFR part 355, solutions but does not include alloys or amalgams.

*Non-reactive solid* means any substance listed in Appendix A or B of this part with two threshold planning quantity values, the higher TPQ being 10,000 pounds.

*Person* means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or interstate body.

*Reactive solid* means any extremely hazardous substance denoted with "a" in the "Notes" column in Appendix A or B of this part.

*Release* means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles) of any hazardous chemical, EHS, or CERCLA hazardous substance.

*Reportable quantity* means, for any CERCLA hazardous substance, the quantity established in Table 302.4 of 40 CFR 302.4, for such substance. For any EHS, reportable quantity means the quantity established in Appendices A and B of this part for such substance. Unless and until superseded by regulations establishing a reportable quantity for newly listed EHSs or CERCLA hazardous substances, a weight of 1 pound shall be the reportable quantity.

*SERC* means the State Emergency Response Commission for the State in which the facility is located except where the facility is located in Indian Country, in which case, SERC means the Emergency Response Commission for the Tribe under whose jurisdiction

the facility is located. In the absence of a SERC for a State or Indian Tribe, the Governor or the chief executive officer of the tribe, respectively, shall be the SERC. Where there is a cooperative agreement between a State and a Tribe, the SERC shall be the entity identified in the agreement.

*Solution* means any aqueous or organic solutions, slurries, viscous solutions, suspensions, emulsions, or pastes.

*State* means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, any other territory or possession over which the United States has jurisdiction and Indian Country.

*Threshold planning quantity* means, for a substance listed in Appendices A and B of this part, the quantity listed in the column "threshold planning quantity" for that substance.

[73 FR 65462, Nov. 3, 2008, as amended at 73 FR 76960, Dec. 18, 2008; 77 FR 16688, Mar. 22, 2012]

APPENDIX A TO PART 355—THE LIST OF EXTREMELY HAZARDOUS SUBSTANCES AND THEIR THRESHOLD PLANNING QUANTITIES

[Alphabetical Order]

CAS No.	Chemical name	Notes	Reportable quantity * (pounds)	Threshold planning quantity (pounds)
75-86-5	Acetone Cyanohydrin		10	1,000
1752-30-3	Acetone Thiosemicarbazide		1,000	1,000/10,000
107-02-8	Acrolein		1	500
79-06-1	Acrylamide	f	5,000	1,000/10,000
107-13-1	Acrylonitrile	f	100	10,000
814-68-6	Acrylyl Chloride	d	100	100
111-69-3	Adiponitrile	f	1,000	1,000
116-06-3	Aldicarb	b	1	100/10,000
309-00-2	Aldrin		1	500/10,000
107-18-6	Allyl Alcohol		100	1,000
107-11-9	Allylamine		500	500
20859-73-8	Aluminum Phosphide	a	100	500
54-62-6	Aminopterin		500	500/10,000
78-53-5	Amiton		500	500
3734-97-2	Amiton Oxalate		100	100/10,000
7664-41-7	Ammonia	f	100	500
300-62-9	Amphetamine		1,000	1,000
62-53-3	Aniline	f	5,000	1,000
88-05-1	Aniline, 2,4,6-Trimethyl-		500	500
7783-70-2	Antimony Pentafluoride		500	500
1397-94-0	Antimycin A	b	1,000	1,000/10,000
86-88-4	ANTU		100	500/10,000
1303-28-2	Arsenic Pentoxide		1	100/10,000
1327-53-3	Arsenous Oxide	d	1	100/10,000
7784-34-1	Arsenous Trichloride		1	500
7784-42-1	Arsine		100	100
2642-71-9	Azinphos-Ethyl		100	100/10,000
86-50-0	Azinphos-Methyl		1	10/10,000
98-87-3	Benzal Chloride		5,000	500

[Alphabetical Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
98-16-8	Benzenamine, 3-(Trifluoromethyl)-		500	500
100-14-1	Benzene, 1-(Chloromethyl)-4-Nitro-		500	500/10,000
98-05-5	Benzeneearsonic Acid		10	10/10,000
3615-21-2	Benzimidazole, 4,5-Dichloro-2-(Trifluoromethyl)-	c	500	500/10,000
98-07-7	Benzotrichloride		10	100
100-44-7	Benzyl Chloride		100	500
140-29-4	Benzyl Cyanide	d	500	500
15271-41-7	Bicyclo[2.2.1]Heptane-2-Carbonitrile, 5-Chloro-6-(((Methylamino)Carbonyl)Oxy)Imino-, (1s-(1-alpha,2-beta,4-alpha,5-alpha,6E))-		500	500/10,000
534-07-6	Bis(Chloromethyl) Ketone		10	10/10,000
4044-65-9	Bitoscanate		500	500/10,000
10294-34-5	Boron Trichloride		500	500
7637-07-2	Boron Trifluoride		500	500
353-42-4	Boron Trifluoride Compound With Methyl Ether (1:1)		1,000	1,000
28772-56-7	Bromadiolone		100	100/10,000
7726-95-6	Bromine	f	500	500
1306-19-0	Cadmium Oxide		100	100/10,000
2223-93-0	Cadmium Stearate	b	1,000	1,000/10,000
7778-44-1	Calcium Arsenate		1	500/10,000
8001-35-2	Camphchlor		1	500/10,000
56-25-7	Cantharidin		100	100/10,000
51-83-2	Carbachol Chloride		500	500/10,000
26419-73-8	Carbamic Acid, Methyl-, O-(((2,4-Dimethyl-1,3-Dithiolan-2-yl)Methylene)Amino)-		100	100/10,000
1563-66-2	Carbofuran		10	10/10,000
75-15-0	Carbon Disulfide	f	100	10,000
786-19-6	Carbophenothion		500	500
57-74-9	Chlordane		1	1,000
470-90-6	Chlorfenvinfos		500	500
7782-50-5	Chlorine		10	100
24934-91-6	Chlormephos		500	500
999-81-5	Chlormequat Chloride	d	100	100/10,000
79-11-8	Chloroacetic Acid		100	100/10,000
107-07-3	Chloroethanol		500	500
627-11-2	Chloroethyl Chloroformate		1,000	1,000
67-66-3	Chloroform	f	10	10,000
542-88-1	Chloromethyl Ether	d	10	100
107-30-2	Chloromethyl Methyl Ether	b	10	100
3691-35-8	Chlorophacinone		100	100/10,000
1982-47-4	Chloroxuron		500	500/10,000
21923-23-9	Chlorthiophos	d	500	500
10025-73-7	Chromic Chloride		1	1/10,000
62207-76-5	Cobalt, ((2,2'-(1,2-Ethanediylybis (Nitrilomethylidyne)) Bis(6-Fluorophenolato))(2-)-N,N',O,O')-		100	100/10,000
10210-68-1	Cobalt Carbonyl	d	10	10/10,000
64-86-8	Colchicine	d	10	10/10,000
56-72-4	Coumaphos		10	100/10,000
5836-29-3	Coumatetralyl		500	500/10,000
95-48-7	Cresol, o-		100	1,000/10,000
535-89-7	Crimidine		100	100/10,000
4170-30-3	Crotonaldehyde		100	1,000
123-73-9	Crotonaldehyde, (E)-		100	1,000
506-68-3	Cyanogen Bromide		1,000	500/10,000
506-78-5	Cyanogen Iodide		1,000	1,000/10,000
2636-26-2	Cyanophos		1,000	1,000
675-14-9	Cyanuric Fluoride		100	100
66-81-9	Cycloheximide		100	100/10,000
108-91-8	Cyclohexylamine	f	10,000	10,000
17702-41-9	Decaborane(14)		500	500/10,000
8065-48-3	Demeton		500	500
919-86-8	Demeton-S-Methyl		500	500
10311-84-9	Dialifor		100	100/10,000
19287-45-7	Diborane		100	100
111-44-4	Dichloroethyl ether		10	10,000
149-74-6	Dichloromethylphenylsilane		1,000	1,000
62-73-7	Dichlorvos		10	1,000
141-66-2	Dicrotophos		100	100
1464-53-5	Diepoxybutane		10	500
814-49-3	Diethyl Chlorophosphate	d	500	500
71-63-6	Digitoxin	b	100	100/10,000

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[Alphabetical Order]

CAS No.	Chemical name	Notes	Reportable quantity * (pounds)	Threshold planning quantity (pounds)
2238-07-5	Diglycidyl Ether		1,000	1,000
20830-75-5	Digoxin	d	10	10/10,000
115-26-4	Dimetox		500	500
60-51-5	Dimethoate		10	500/10,000
2524-03-0	Dimethyl Phosphorochloridothioate		500	500
77-78-1	Dimethyl sulfate		100	500
75-78-5	Dimethyldichlorosilane	d	500	500
57-14-7	Dimethylhydrazine		10	1,000
99-98-9	Dimethyl-p-Phenylenediamine		10	10/10,000
644-64-4	Dimetilan		1	500/10,000
534-52-1	Dinitrocresol		10	10/10,000
88-85-7	Dinoseb		1,000	100/10,000
1420-07-1	Dinoterb		500	500/10,000
78-34-2	Dioxathion		500	500
82-66-6	Diphacinone		10	10/10,000
152-16-9	Diphosphoramidate, Octamethyl-		100	100
298-04-4	Disulfoton		1	500
514-73-8	Dithiazanine iodide		500	500/10,000
541-53-7	Dithiobiuret		100	100/10,000
316-42-7	Emetine, Dihydrochloride	d	1	1/10,000
115-29-7	Endosulfan		1	10/10,000
2778-04-3	Endothion		500	500/10,000
72-20-8	Endrin		1	500/10,000
106-89-8	Epichlorohydrin	f	100	1,000
2104-64-5	EPN		100	100/10,000
50-14-6	Ergocalciferol	b	1,000	1,000/10,000
379-79-3	Ergotamine Tartrate		500	500/10,000
1622-32-8	Ethanesulfonyl Chloride, 2-Chloro-		500	500
10140-87-1	Ethanol, 1,2-Dichloro-, Acetate		1,000	1,000
563-12-2	Ethion		10	1,000
13194-48-4	Ethoprophos		1,000	1,000
538-07-8	Ethylbis(2-Chloroethyl)Amine	d	500	500
371-62-0	Ethylene Fluorohydrin	b, d	10	10
75-21-8	Ethylene Oxide	f	10	1,000
107-15-3	Ethylenediamine		5,000	10,000
151-56-4	Ethyleneimine		1	500
542-90-5	Ethylthiocyanate		10,000	10,000
22224-92-6	Fenamiphos		10	10/10,000
115-90-2	Fensulfthion	d	500	500
4301-50-2	Fluonitil		100	100/10,000
7782-41-4	Fluorine	e	10	500
640-19-7	Fluoroacetamide		100	100/10,000
144-49-0	Fluoroacetic Acid		10	10/10,000
359-06-8	Fluoroacetyl Chloride	b	10	10
51-21-8	Fluorouracil		500	500/10,000
944-22-9	Fonofos		500	500
50-00-0	Formaldehyde	f	100	500
107-16-4	Formaldehyde Cyanohydrin	d	1,000	1,000
23422-53-9	Formetanate Hydrochloride	d	100	500/10,000
2540-82-1	Formothion		100	100
17702-57-7	Formparanate		100	100/10,000
21548-32-3	Fosthietan		500	500
3878-19-1	Fuberidazole		100	100/10,000
110-00-9	Furan		100	500
13450-90-3	Gallium Trichloride		500	500/10,000
77-47-4	Hexachlorocyclopentadiene	d	10	100
4835-11-4	Hexamethylenediamine, N,N'-Dibutyl-		500	500
302-01-2	Hydrazine		1	1,000
74-90-8	Hydrocyanic Acid		10	100
7647-01-0	Hydrogen Chloride (gas only)	f	5,000	500
7664-39-3	Hydrogen Fluoride		100	100
7722-84-1	Hydrogen Peroxide (Conc > 52%)	f	1,000	1,000
7783-07-5	Hydrogen Selenide		10	10
7783-06-4	Hydrogen Sulfide	f	100	500
123-31-9	Hydroquinone	f	100	500/10,000
13463-40-6	Iron, Pentacarbonyl-		100	100
297-78-9	Isobenzan		100	100/10,000
78-82-0	Isobutyronitrile	d	1,000	1,000
102-36-3	Isocyanic Acid, 3,4-Dichlorophenyl Ester		500	500/10,000
465-73-6	Isodrin		1	100/10,000
55-91-4	Isolfluorphate	b	100	100

[Alphabetical Order]

CAS No.	Chemical name	Notes	Reportable quantity * (pounds)	Threshold planning quantity (pounds)
4098-71-9	Isophorone Diisocyanate	g	500	500
108-23-6	Isopropyl Chloroformate		1,000	1,000
119-38-0	Isopropylmethyl-pyrazolyl Dimethylcarbamate		100	500
78-97-7	Lactonitrile		1,000	1,000
21609-90-5	Leptophos		500	500/10,000
541-25-3	Lewisite	b, d	10	10
58-89-9	Lindane		1	1,000/10,000
7580-67-8	Lithium Hydride	a	100	100
109-77-3	Malononitrile		1,000	500/10,000
12108-13-3	Manganese, Tricarbonyl Methylcyclopentadienyl	d	100	100
51-75-2	Mechlorethamine	b	10	10
950-10-7	Mephosfolan		500	500
1600-27-7	Mercuric Acetate		500	500/10,000
7487-94-7	Mercuric Chloride		500	500/10,000
21908-53-2	Mercuric Oxide		500	500/10,000
10476-95-6	Methacrolein Diacetate		1,000	1,000
760-93-0	Methacrylic Anhydride		500	500
126-98-7	Methacrylonitrile	d	1,000	500
920-46-7	Methacryloyl Chloride		100	100
30674-80-7	Methacryloyloxyethyl Isocyanate	d	100	100
10265-92-6	Methamidophos		100	100/10,000
558-25-8	Methanesulfonyl Fluoride		1,000	1,000
950-37-8	Methidathion		500	500/10,000
2032-65-7	Methiocarb		10	500/10,000
16752-77-5	Methomyl	d	100	500/10,000
151-38-2	Methoxyethylmercuric Acetate		500	500/10,000
80-63-7	Methyl 2-Chloroacrylate		500	500
74-83-9	Methyl Bromide	f	1,000	1,000
79-22-1	Methyl Chloroformate	d	1,000	500
60-34-4	Methyl Hydrazine		10	500
624-83-9	Methyl Isocyanate		10	500
556-61-6	Methyl Isothiocyanate	a	500	500
74-93-1	Methyl Mercaptan	f	100	500
3735-23-7	Methyl Phenkapton		500	500
676-97-1	Methyl Phosphonic Dichloride	a	100	100
556-64-9	Methyl Thiocyanate		10,000	10,000
78-94-4	Methyl Vinyl Ketone		10	10
502-39-6	Methylmercuric Dicyanamide		500	500/10,000
75-79-6	Methyltrichlorosilane	d	500	500
1129-41-5	Metolcarb		1,000	100/10,000
7786-34-7	Mevinphos		10	500
315-18-4	Mexacarbate	d	1,000	500/10,000
50-07-7	Mitomycin C		10	500/10,000
6923-22-4	Monocrotophos		10	10/10,000
2763-96-4	Muscimol		1,000	500/10,000
505-60-2	Mustard Gas	d	500	500
13463-39-3	Nickel Carbonyl		10	1
54-11-5	Nicotine	b	100	100
65-30-5	Nicotine Sulfate		100	100/10,000
7697-37-2	Nitric Acid		1,000	1,000
10102-43-9	Nitric Oxide	b	10	100
98-95-3	Nitrobenzene	f	1,000	10,000
1122-60-7	Nitrocyclohexane		500	500
10102-44-0	Nitrogen Dioxide		10	100
62-75-9	Nitrosodimethylamine	d	10	1,000
991-42-4	Norbormide		100	100/10,000
	Organorhodium Complex (PMN-82-147)		10	10/10,000
630-60-4	Ouabain	b	100	100/10,000
23135-22-0	Oxamyl		100	100/10,000
78-71-7	Oxetane, 3,3-Bis(Chloromethyl)-		500	500
2497-07-6	Oxydisulfoton	d	500	500
10028-15-6	Ozone		100	100
1910-42-5	Paraquat Dichloride		10	10/10,000
2074-50-2	Paraquat Methosulfate		10	10/10,000
56-38-2	Parathion	b	10	100
298-00-0	Parathion-Methyl	b	100	100/10,000
12002-03-8	Paris Green		1	500/10,000
19624-22-7	Pentaborane		500	500
2570-26-5	Pentadecylamine		100	100/10,000
79-21-0	Peracetic Acid		500	500
594-42-3	Perchloromethylmercaptan		100	500

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[Alphabetical Order]

CAS No.	Chemical name	Notes	Reportable quantity * (pounds)	Threshold planning quantity (pounds)
108-95-2	Phenol		1,000	500/10,000
4418-66-0	Phenol, 2,2'-Thiobis(4-Chloro-6-Methyl)-		100	100/10,000
64-00-6	Phenol, 3-(1-Methylethyl)-, Methylcarbamate		10	500/10,000
58-36-6	Phenoxarsine, 10,10'-Oxydi-		500	500/10,000
696-28-6	Phenyl Dichloroarsine	d	1	500
59-88-1	Phenylhydrazine Hydrochloride		1,000	1,000/10,000
62-38-4	Phenylmercury Acetate		100	500/10,000
2097-19-0	Phenylsilatrane	d	100	100/10,000
103-85-5	Phenylthiourea		100	100/10,000
298-02-2	Phorate		10	10
4104-14-7	Phosacetim		100	100/10,000
947-02-4	Phosfolan		100	100/10,000
75-44-5	Phosgene	f	10	10
13171-21-6	Phosphamidon		100	100
7803-51-2	Phosphine		100	500
2703-13-1	Phosphonothioic Acid, Methyl-, O-Ethyl O-(4-(Methylthio) Phenyl) Ester.		500	500
50782-69-9	Phosphonothioic Acid, Methyl-, S-(2-(Bis(1Methylethyl)Amino)Ethyl) O-Ethyl Ester.		100	100
2665-30-7	Phosphonothioic Acid, Methyl-, O-(4-Nitrophenyl) O-Phenyl Ester.		500	500
3254-63-5	Phosphoric Acid, Dimethyl 4-(Methylthio)Phenyl Ester.		500	500
2587-90-8	Phosphorothioic Acid, O,O-Dimethyl-S-(2-Methylthio) Ethyl Ester.	b, c	500	500
7723-14-0	Phosphorus	a, d	1	100
10025-87-3	Phosphorus Oxychloride		1,000	500
10026-13-8	Phosphorus Pentachloride	a	500	500
7719-12-2	Phosphorus Trichloride		1,000	1,000
57-47-6	Physostigmine		100	100/10,000
57-64-7	Physostigmine, Salicylate (1:1)		100	100/10,000
124-87-8	Picrotoxin		500	500/10,000
110-89-4	Piperidine		1,000	1,000
23505-41-1	Pirimifos-Ethyl		1,000	1,000
10124-50-2	Potassium Arsenite		1	500/10,000
151-50-8	Potassium Cyanide	a	10	100
506-61-6	Potassium Silver Cyanide	a	1	500
2631-37-0	Promecarb	d	1,000	500/10,000
106-96-7	Propargyl Bromide		10	10
57-57-8	Propiolactone, Beta-		10	500
107-12-0	Propionitrile		10	500
542-76-7	Propionitrile, 3-Chloro-		1,000	1,000
70-69-9	Propiophenone, 4-Amino-	c	100	100/10,000
109-61-5	Propyl Chloroformate		500	500
75-56-9	Propylene Oxide	f	100	10,000
75-55-8	Propyleneimine		1	10,000
2275-18-5	Prothoate		100	100/10,000
129-00-0	Pyrene	b	5,000	1,000/10,000
140-76-1	Pyridine, 2-Methyl-5-Vinyl-		500	500
504-24-5	Pyridine, 4-Amino-	d	1,000	500/10,000
1124-33-0	Pyridine, 4-Nitro-,l-Oxide		500	500/10,000
53558-25-1	Pyriminil	d	100	100/10,000
14167-18-1	Salcomine		500	500/10,000
107-44-8	Sarin	d	10	10
7783-00-8	Selenious Acid		10	1,000/10,000
7791-23-3	Selenium Oxychloride		500	500
563-41-7	Semicarbazide Hydrochloride		1,000	1,000/10,000
3037-72-7	Silane, (4-Aminobutyl)Diethoxymethyl-		1,000	1,000
7631-89-2	Sodium Arsenate		1	1,000/10,000
7784-46-5	Sodium Arsenite		1	500/10,000
26628-22-8	Sodium Azide (Na(N <sub>3</sub> ))	a	1,000	500
124-65-2	Sodium Cacodylate		100	100/10,000
143-33-9	Sodium Cyanide (Na(CN))	a	10	100
62-74-8	Sodium Fluoroacetate		10	10/10,000
13410-01-0	Sodium Selenate		100	100/10,000
10102-18-8	Sodium Selenite	d	100	100/10,000
10102-20-2	Sodium Tellurite		500	500/10,000
900-95-8	Stannane, Acetoxytriphenyl-	c	500	500/10,000
57-24-9	Strychnine	b	10	100/10,000
60-41-3	Strychnine Sulfate		10	100/10,000
3689-24-5	Sulfotep		100	500

[Alphabetical Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
3569-57-1	Sulfoxide, 3-Chloropropyl Octyl		500	500
7446-09-5	Sulfur Dioxide	f	500	500
7783-60-0	Sulfur Tetrafluoride		100	100
7446-11-9	Sulfur Trioxide	a	100	100
7664-93-9	Sulfuric Acid		1,000	1,000
77-81-6	Tabun	b, d	10	10
7783-80-4	Tellurium Hexafluoride	e	100	100
107-49-3	TEPP		10	100
13071-79-9	Terbufos	d	100	100
78-00-2	Tetraethyllead	b	10	100
597-64-8	Tetraethyltin	b	100	100
75-74-1	Tetramethyllead	b, f	100	100
509-14-8	Tetranitromethane		10	500
10031-59-1	Thallium Sulfate	d	100	100/10,000
6533-73-9	Thallos Carbonate	b, d	100	100/10,000
7791-12-0	Thallos Chloride	b, d	100	100/10,000
2757-18-8	Thallos Malonate	b, d	100	100/10,000
7446-18-6	Thallos Sulfate		100	100/10,000
2231-57-4	Thiocarbazide		1,000	1,000/10,000
39196-18-4	Thiofanox		100	100/10,000
297-97-2	Thionazin		100	500
108-98-5	Thiophenol		100	500
79-19-6	Thiosemicarbazide		100	100/10,000
5344-82-1	Thiourea, (2-Chlorophenyl)-		100	100/10,000
614-78-8	Thiourea, (2-Methylphenyl)-		500	500/10,000
7550-45-0	Titanium Tetrachloride		1,000	100
584-84-9	Toluene 2,4-Diisocyanate		100	500
91-08-7	Toluene 2,6-Diisocyanate		100	100
110-57-6	Trans-1,4-Dichlorobutene		500	500
1031-47-6	Triamphos		500	500/10,000
24017-47-8	Triazofos		500	500
76-02-8	Trichloroacetyl Chloride		500	500
115-21-9	Trichloroethylsilane	d	500	500
327-98-0	Trichloronate	e	500	500
98-13-5	Trichlorophenylsilane	d	500	500
1558-25-4	Trichloro(Chloromethyl)Silane		100	100
27137-85-5	Trichloro(Dichlorophenyl) Silane		500	500
998-30-1	Triethoxysilane		500	500
75-77-4	Trimethylchlorosilane		1,000	1,000
824-11-3	Trimethylolpropane Phosphite	d	100	100/10,000
1066-45-1	Trimethyltin Chloride		500	500/10,000
639-58-7	Triphenyltin Chloride		500	500/10,000
555-77-1	Tris(2-Chloroethyl)Amine	d	100	100
2001-95-8	Valinomycin	b	1,000	1,000/10,000
1314-62-1	Vanadium Pentoxide		1,000	100/10,000
108-05-4	Vinyl Acetate Monomer	f	5,000	1,000
81-81-2	Warfarin		100	500/10,000
129-06-6	Warfarin Sodium	d	100	100/10,000
28347-13-9	Xylylene Dichloride		100	100/10,000
58270-08-9	Zinc, Dichloro(4,4-Dimethyl-5(((Methylamino)Carbonyl)Oxy)Imino)Pentanenitrile-, (T-4)-.		100	100/10,000
1314-84-7	Zinc Phosphide	a	100	500

\* Only the statutory or final RQ is shown. For more information, see 40 CFR 355.61.

Notes:

- This material is a reactive solid. The TPQ does not default to 10,000 pounds for non-powder, non-molten, non-solution form.
- The calculated TPQ changed after technical review as described in a technical support document for the final rule, April 22, 1987.
- Chemicals added by final rule, April 22, 1987.
- Revised TPQ based on new or re-evaluated toxicity data, April 22, 1987.
- The TPQ was revised due to calculation error, April 22, 1987.
- Chemicals on the original list that do not meet toxicity criteria but because of their acute lethality, high production volume and known risk are considered chemicals of concern ("Other chemicals"), November 17, 1986 and February 15, 1990.
- The TPQ was recalculated (September 8, 2003) since it was mistakenly calculated in the April 22, 1987 final rule under the wrong assumption that this chemical is a reactive solid, when in fact it is a liquid. RQ for this chemical was adjusted on September 11, 2006.

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APPENDIX B TO PART 355—THE LIST OF EXTREMELY HAZARDOUS SUBSTANCES AND THEIR THRESHOLD PLANNING QUANTITIES  
[CAS Number Order]

CAS No.	Chemical name	Notes	Reportable quantity * (pounds)	Threshold planning quantity (pounds)
0	Organorhodium Complex (PMN-82-147)		10	10/10,000
50-00-0	Formaldehyde	f	100	500
50-07-7	Mitomycin C		10	500/10,000
50-14-6	Ergocalciferol	b	1,000	1,000/10,000
51-21-8	Fluorouracil		500	500/10,000
51-75-2	Mechlorethamine	b	10	10
51-83-2	Carbachol Chloride		500	500/10,000
54-11-5	Nicotine	b	100	100
54-62-6	Aminopterin		500	500/10,000
55-91-4	Isofluorphate	b	100	100
56-25-7	Cantharidin		100	100/10,000
56-38-2	Parathion	b	10	100
56-72-4	Coumaphos		10	100/10,000
57-14-7	Dimethylhydrazine		10	1,000
57-24-9	Strychnine	b	10	100/10,000
57-47-6	Physostigmine		100	100/10,000
57-57-8	Propiolactone, Beta-		10	500
57-64-7	Physostigmine, Salicylate (1:1)		100	100/10,000
57-74-9	Chlordane		1	1,000
58-36-6	Phenoxarsine, 10,10'-Oxydi-		500	500/10,000
58-89-9	Lindane		1	1,000/10,000
59-88-1	Phenylhydrazine Hydrochloride		1,000	1,000/10,000
60-34-4	Methyl Hydrazine		10	500
60-41-3	Strychnine sulfate		10	100/10,000
60-51-5	Dimethoate		10	500/10,000
62-38-4	Phenylmercury Acetate		100	500/10,000
62-53-3	Aniline	f	5,000	1,000
62-73-7	Dichlorvos		10	1,000
62-74-8	Sodium Fluoroacetate		10	10/10,000
62-75-9	Nitrosodimethylamine	d	10	1,000
64-00-6	Phenol, 3-(1-Methylethyl)-, Methylcarbamate		10	500/10,000
64-86-8	Colchicine	d	10	10/10,000
65-30-5	Nicotine sulfate		100	100/10,000
66-81-9	Cycloheximide		100	100/10,000
67-66-3	Chloroform	f	10	10,000
70-69-9	Propiophenone, 4-Amino-	c	100	100/10,000
71-63-6	Digitoxin	b	100	100/10,000
72-20-8	Endrin		1	500/10,000
74-83-9	Methyl Bromide	f	1,000	1,000
74-90-8	Hydrocyanic Acid		10	100
74-93-1	Methyl Mercaptan	f	100	500
75-15-0	Carbon Disulfide	f	100	10,000
75-21-8	Ethylene Oxide	f	10	1,000
75-44-5	Phosgene	f	10	10
75-55-8	Propyleneimine		1	10,000
75-56-9	Propylene Oxide	f	100	10,000
75-74-1	Tetramethyllead	b, f	100	100
75-77-4	Trimethylchlorosilane		1,000	1,000
75-78-5	Dimethyldichlorosilane	d	500	500
75-79-6	Methyltrichlorosilane	d	500	500
75-86-5	Acetone Cyanohydrin		10	1,000
76-02-8	Trichloroacetyl Chloride		500	500
77-47-4	Hexachlorocyclopentadiene	d	10	100
77-78-1	Dimethyl Sulfate		100	500
77-81-6	Tabun	b, d	10	10
78-00-2	Tetraethyllead	b	10	100
78-34-2	Dioxathion		500	500
78-53-5	Amiton		500	500
78-71-7	Oxetane, 3,3-Bis(Chloromethyl)-		500	500
78-82-0	Isobutyronitrile	d	1,000	1,000
78-94-4	Methyl Vinyl Ketone		10	10
78-97-7	Lactonitrile		1,000	1,000
79-06-1	Acrylamide	f	5,000	1,000/10,000
79-11-8	Chloroacetic Acid		100	100/10,000
79-19-6	Thiosemicarbazide		100	100/10,000
79-21-0	Peracetic Acid		500	500
79-22-1	Methyl Chloroformate	d	1,000	500
80-63-7	Methyl 2-Chloroacrylate		500	500

[CAS Number Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
81-81-2	Warfarin		100	500/10,000
82-66-6	Diphacinone		10	10/10,000
86-50-0	Azinphos-Methyl		1	10/10,000
86-88-4	ANTU		100	500/10,000
88-05-1	Aniline, 2,4,6-Trimethyl-		500	500
88-85-7	Dinoseb		1,000	100/10,000
91-08-7	Toluene 2,6-Diisocyanate		100	100
95-48-7	Cresol, o-		100	1,000/10,000
98-05-5	Benzenearsonic Acid		10	10/10,000
98-07-7	Benzotrifluoride		10	100
98-13-5	Trichlorophenylsilane	d	500	500
98-16-8	Benzenamine, 3-(Trifluoromethyl)-		500	500
98-87-3	Benzal Chloride		5,000	500
98-95-3	Nitrobenzene	f	1,000	10,000
99-98-9	Dimethyl-p-Phenylenediamine		10	10/10,000
100-14-1	Benzene, 1-(Chloromethyl)-4-Nitro-		500	500/10,000
100-44-7	Benzyl Chloride		100	500
102-36-3	Isocyanic Acid, 3,4-Dichlorophenyl Ester		500	500/10,000
103-85-5	Phenylthiourea		100	100/10,000
106-89-8	Epichlorohydrin	f	100	1,000
106-96-7	Propargyl Bromide		10	10
107-02-8	Acrolein		1	500
107-07-3	Chloroethanol		500	500
107-11-9	Allylamine		500	500
107-12-0	Propionitrile		10	500
107-13-1	Acrylonitrile	f	100	10,000
107-15-3	Ethylenediamine		5,000	10,000
107-16-4	Formaldehyde Cyanohydrin	d	1,000	1,000
107-18-6	Allyl Alcohol		100	1,000
107-30-2	Chloromethyl Methyl Ether	b	10	100
107-44-8	Sarin	d	10	10
107-49-3	TEPP		10	100
108-05-4	Vinyl Acetate Monomer	f	5,000	1,000
108-23-6	Isopropyl Chloroformate		1,000	1,000
108-91-8	Cyclohexylamine	f	10,000	10,000
108-95-2	Phenol		1,000	500/10,000
108-98-5	Thiophenol		100	500
109-61-5	Propyl Chloroformate		500	500
109-77-3	Malononitrile		1,000	500/10,000
110-00-9	Furan		100	500
110-57-6	Trans-1,4-Dichlorobutene		500	500
110-89-4	Piperidine		1,000	1,000
111-44-4	Dichloroethyl Ether		10	10,000
111-69-3	Adiponitrile	f	1,000	1,000
115-21-9	Trichloroethylsilane	d	500	500
115-26-4	Dimetox		500	500
115-29-7	Endosulfan		1	10/10,000
115-90-2	Fensulfuthion	d	500	500
116-06-3	Aldicarb	b	1	100/10,000
119-38-0	Isopropylmethyl-pyrazolyl Dimethylcarbamate		100	500
123-31-9	Hydroquinone	f	100	500/10,000
123-73-9	Crotonaldehyde, (E)-		100	1,000
124-65-2	Sodium Cacodylate		100	100/10,000
124-87-8	Picrotoxin		500	500/10,000
126-98-7	Methacrylonitrile	d	1,000	500
129-00-0	Pyrene	b	5,000	1,000/10,000
129-06-6	Warfarin Sodium	d	100	100/10,000
140-29-4	Benzyl Cyanide	d	500	500
140-76-1	Pyridine, 2-Methyl-5-Vinyl-		500	500
141-66-2	Dicrotophos		100	100
143-33-9	Sodium Cyanide (Na(CN))	a	10	100
144-49-0	Fluoroacetic Acid		10	10/10,000
149-74-6	Dichloromethylphenylsilane		1,000	1,000
151-38-2	Methoxyethylmercuric Acetate		500	500/10,000
151-50-8	Potassium Cyanide	a	10	100
151-56-4	Ethyleneimine		1	500
152-16-9	Diphosphoramidate, Octamethyl-		100	100
297-78-9	Isobenzan		100	100/10,000
297-97-2	Thionazin		100	500
298-00-0	Parathion-Methyl	b	100	100/10,000
298-02-2	Phorate		10	10

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[CAS Number Order]

CAS No.	Chemical name	Notes	Reportable quantity * (pounds)	Threshold planning quantity (pounds)
298-04-4	Disulfoton		1	500
300-62-9	Amphetamine		1,000	1,000
302-01-2	Hydrazine		1	1,000
309-00-2	Aldrin		1	500/10,000
315-18-4	Mexacarbate		1,000	500/10,000
316-42-7	Emetine, Dihydrochloride	d	1	1/10,000
327-98-0	Trichloronate	e	500	500
353-42-4	Boron Trifluoride Compound With Methyl Ether (1:1)		1,000	1,000
359-06-8	Fluoroacetyl Chloride	b	10	10
371-62-0	Ethylene Fluorohydrin	b, d	10	10
379-79-3	Ergotamine Tartrate		500	500/10,000
465-73-6	Isodrin		1	100/10,000
470-90-6	Chlorfenvinfos		500	500
502-39-6	Methylmercuric Dicyanamide		500	500/10,000
504-24-5	Pyridine, 4-Amino-	d	1,000	500/10,000
505-60-2	Mustard Gas	d	500	500
506-61-6	Potassium Silver Cyanide	a	1	500
506-68-3	Cyanogen Bromide		1,000	500/10,000
506-78-5	Cyanogen Iodide		1,000	1,000/10,000
509-14-8	Tetranitromethane		10	500
514-73-8	Dithiazanine Iodide		500	500/10,000
534-07-6	Bis(Chloromethyl) Ketone		10	10/10,000
534-52-1	Dinitrocresol		10	10/10,000
535-89-7	Crimidine		100	100/10,000
538-07-8	Ethylbis(2-Chloroethyl)Amine	d	500	500
541-25-3	Lewisite	b, d	10	10
541-53-7	Dithiobiuret		100	100/10,000
542-76-7	Propionitrile, 3-Chloro-		1,000	1,000
542-88-1	Chloromethyl Ether	d	10	100
542-90-5	Ethylthiocyanate		10,000	10,000
555-77-1	Tris(2-Chloroethyl)Amine	d	100	100
556-61-6	Methyl Isothiocyanate	a	500	500
556-64-9	Methyl Thiocyanate		10,000	10,000
558-25-8	Methanesulfonyl Fluoride		1,000	1,000
563-12-2	Ethion		10	1,000
563-41-7	Semicarbazide Hydrochloride		1,000	1,000/10,000
584-84-9	Toluene 2,4-Diisocyanate		100	500
594-42-3	Perchloromethylmercaptan		100	500
597-64-8	Tetraethyltin	b	100	100
614-78-8	Thiourea, (2-Methylphenyl)-		500	500/10,000
624-83-9	Methyl Isocyanate		10	500
627-11-2	Chloroethyl Chloroformate		1,000	1,000
630-60-4	Quabain	b	100	100/10,000
639-58-7	Triphenyltin Chloride		500	500/10,000
640-19-7	Fluoroacetamide		100	100/10,000
644-64-4	Dimetilan		1	500/10,000
675-14-9	Cyanuric Fluoride		100	100
676-97-1	Methyl Phosphonic Dichloride	a	100	100
696-28-6	Phenyl Dichloroarsine	d	1	500
760-93-0	Methacrylic Anhydride		500	500
786-19-6	Carbophenothion		500	500
814-49-3	Diethyl Chlorophosphate	d	500	500
814-68-6	Acrylyl Chloride	d	100	100
824-11-3	Trimethylolpropane Phosphite	d	100	100/10,000
900-95-8	Stannane, Acetoxytriphenyl-	c	500	500/10,000
919-86-8	Demeton-S-Methyl		500	500
920-46-7	Methacryloyl Chloride		100	100
944-22-9	Fonofos		500	500
947-02-4	Phosfolan		100	100/10,000
950-10-7	Mephosfolan		500	500
950-37-8	Methidathion		500	500/10,000
991-42-4	Norbormide		100	100/10,000
998-30-1	Triethoxysilane		500	500
999-81-5	Chlormequat Chloride	d	100	100/10,000
1031-47-6	Triamiphos		500	500/10,000
1066-45-1	Trimethyltin Chloride		500	500/10,000
1122-60-7	Nitrocyclohexane		500	500
1124-33-0	Pyridine, 4-Nitro-,1-Oxide		500	500/10,000
1129-41-5	Metolcarb		1,000	100/10,000
1303-28-2	Arsenic Pentoxide		1	100/10,000
1306-19-0	Cadmium Oxide		100	100/10,000

[CAS Number Order]

CAS No.	Chemical name	Notes	Reportable quantity * (pounds)	Threshold planning quantity (pounds)
1314-62-1	Vanadium Pentoxide		1,000	100/10,000
1314-84-7	Zinc Phosphide	a	100	500
1327-53-3	Arsenous Oxide	d	1	100/10,000
1397-94-0	Antimycin A	b	1,000	1,000/10,000
1420-07-1	Dinoterb		500	500/10,000
1464-53-5	Diepoxybutane		10	500
1558-25-4	Trichloro(Chloromethyl)Silane		100	100
1563-66-2	Carbofuran		10	10/10,000
1600-27-7	Mercuric Acetate		500	500/10,000
1622-32-8	Ethanesulfonyl Chloride, 2-Chloro-		500	500
1752-30-3	Acetone Thiosemicarbazide		1,000	1,000/10,000
1910-42-5	Paraquat Dichloride		10	10/10,000
1982-47-4	Chloroxuron		500	500/10,000
2001-95-8	Valinomycin	b	1,000	1,000/10,000
2032-65-7	Methiocarb		10	500/10,000
2074-50-2	Paraquat Methosulfate		10	10/10,000
2097-19-0	Phenylsilatrane	d	100	100/10,000
2104-64-5	EPN		100	100/10,000
2223-93-0	Cadmium Stearate	b	1,000	1,000/10,000
2231-57-4	Thiocarbazine		1,000	1,000/10,000
2238-07-5	Diglycidyl Ether		1,000	1,000
2275-18-5	Prothoate		100	100/10,000
2497-07-6	Oxydisulfoton	d	500	500
2524-03-0	Dimethyl Phosphorochloridothioate		500	500
2540-82-1	Formothion		100	100
2570-26-5	Pentadecylamine		100	100/10,000
2587-90-8	Phosphorothioic Acid, O,O-Dimethyl-S-(2-Methylthio) Ethyl Ester.	b, c	500	500
2631-37-0	Promecarb	d	1,000	500/10,000
2636-26-2	Cyanophos		1,000	1,000
2642-71-9	Azinphos-Ethyl		100	100/10,000
2665-30-7	Phosphonothioic Acid, Methyl-, O-(4-Nitrophenyl) O-Phenyl Ester.		500	500
2703-13-1	Phosphonothioic Acid, Methyl-, O-Ethyl O-(4-(Methylthio)Phenyl) Ester.		500	500
2757-18-8	Thallos Malonate	b, d	100	100/10,000
2763-96-4	Muscimol		1,000	500/10,000
2778-04-3	Endothion		500	500/10,000
3037-72-7	Silane, (4-Aminobutyl)Diethoxymethyl-		1,000	1,000
3254-63-5	Phosphoric Acid, Dimethyl 4-(Methylthio)Phenyl Ester.		500	500
3569-57-1	Sulfoxide, 3-Chloropropyl Octyl		500	500
3615-21-2	Benzimidazole, 4,5-Dichloro-2-(Trifluoromethyl)-	c	500	500/10,000
3689-24-5	Sulfotep		100	500
3691-35-8	Chlorophacinone		100	100/10,000
3734-97-2	Amiton Oxalate		100	100/10,000
3735-23-7	Methyl Phenkapton		500	500
3878-19-1	Fuberidazole		100	100/10,000
4044-65-9	Bitoscanate		500	500/10,000
4098-71-9	Isophorone Diisocyanate	g	500	500
4104-14-7	Phosacetim		100	100/10,000
4170-30-3	Crotonaldehyde		100	1,000
4301-50-2	Fluenetil		100	100/10,000
4418-66-0	Phenol, 2,2'-Thiobis(4-Chloro-6-Methyl)-		100	100/10,000
4835-11-4	Hexamethylenediamine, N,N'-Dibutyl-		500	500
5344-82-1	Thiourea, (2-Chlorophenyl)-		100	100/10,000
5836-29-3	Coumatetralyl		500	500/10,000
6533-73-9	Thallos Carbonate	b, d	100	100/10,000
6923-22-4	Monocrotophos		10	10/10,000
7446-09-5	Sulfur Dioxide	f	500	500
7446-11-9	Sulfur Trioxide	a	100	100
7446-18-6	Thallos Sulfate		100	100/10,000
7487-94-7	Mercuric Chloride		500	500/10,000
7550-45-0	Titanium Tetrachloride		1,000	100
7580-67-8	Lithium Hydride	a	100	100
7631-89-2	Sodium Arsenate		1	1,000/10,000
7637-07-2	Boron Trifluoride		500	500
7647-01-0	Hydrogen Chloride (gas only)	f	5,000	500
7664-39-3	Hydrogen Fluoride		100	100
7664-41-7	Ammonia	f	100	500
7664-93-9	Sulfuric Acid		1,000	1,000

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[CAS Number Order]

CAS No.	Chemical name	Notes	Reportable quantity * (pounds)	Threshold planning quantity (pounds)
7697-37-2	Nitric Acid		1,000	1,000
7719-12-2	Phosphorus Trichloride		1,000	1,000
7722-84-1	Hydrogen Peroxide (Conc >52%)	f	1,000	1,000
7723-14-0	Phosphorus	a, d	1	100
7726-95-6	Bromine	f	500	500
7778-44-1	Calcium Arsenate		1	500/10,000
7782-41-4	Fluorine	e	10	500
7782-50-5	Chlorine		10	100
7783-00-8	Selenious Acid		10	1,000/10,000
7783-06-4	Hydrogen Sulfide	f	100	500
7783-07-5	Hydrogen Selenide		10	10
7783-60-0	Sulfur Tetrafluoride		100	100
7783-70-2	Antimony Pentafluoride		500	500
7783-80-4	Tellurium Hexafluoride	e	100	100
7784-34-1	Arsenic Trichloride		1	500
7784-42-1	Arsine		100	100
7784-46-5	Sodium Arsenite		1	500/10,000
7786-34-7	Mevinphos		10	500
7791-12-0	Thallos Chloride	b, d	100	100/10,000
7791-23-3	Selenium Oxychloride		500	500
7803-51-2	Phosphine		100	500
8001-35-2	Camphochlor		1	500/10,000
8065-48-3	Demeton		500	500
10025-73-7	Chromic Chloride		1	1/10,000
10025-87-3	Phosphorus Oxychloride		1,000	500
10026-13-8	Phosphorus Pentachloride	a	500	500
10028-15-6	Ozone		100	100
10031-59-1	Thallium Sulfate	d	100	100/10,000
10102-18-8	Sodium Selenite	d	100	100/10,000
10102-20-2	Sodium Tellurite		500	500/10,000
10102-43-9	Nitric Oxide	b	10	100
10102-44-0	Nitrogen Dioxide		10	100
10124-50-2	Potassium Arsenite		1	500/10,000
10140-87-1	Ethanol, 1,2-Dichloro-, Acetate		1,000	1,000
10210-68-1	Cobalt Carbonyl	d	10	10/10,000
10265-92-6	Methamidophos		100	100/10,000
10294-34-5	Boron Trichloride		500	500
10311-84-9	Dialifor		100	100/10,000
10476-95-6	Methacrolein Diacetate		1,000	1,000
12002-03-8	Paris Green		1	500/10,000
12108-13-3	Manganese, Tricarbonyl Methylcyclopentadienyl	d	100	100
13071-79-9	Terbufosh	d	100	100
13171-21-6	Phosphamidon		100	100
13194-48-4	Ethoprophos		1,000	1,000
13410-01-0	Sodium Selenate		100	100/10,000
13450-90-3	Gallium Trichloride		500	500/10,000
13463-39-3	Nickel Carbonyl		10	1
13463-40-6	Iron, Pentacarbonyl-		100	100
14167-18-1	Salcomine		500	500/10,000
15271-41-7	Bicyclo[2.2.1]Heptane-2-Carbonitrile, 5-Chloro-6-(((Methylamino)Carbonyl)Oxy)Imino-, (1s-(1-alpha,2-beta,4-alpha,5-alpha,6E))-		500	500/10,000
16752-77-5	Methomyl	d	100	500/10,000
17702-41-9	Decaborane(14)		500	500/10,000
17702-57-7	Formparanate		100	100/10,000
19287-45-7	Diborane		100	100
19624-22-7	Pentaborane		500	500
20830-75-5	Digoxin	d	10	10/10,000
20859-73-8	Aluminum Phosphide	a	100	500
21548-32-3	Fosthietan		500	500
21609-90-5	Leptophos		500	500/10,000
21908-53-2	Mercuric Oxide		500	500/10,000
21923-23-9	Chlorthiophos	d	500	500
22224-92-6	Fenamiphos		10	10/10,000
23135-22-0	Oxamyl		100	100/10,000
23422-53-9	Formetanate Hydrochloride	d	100	500/10,000
23505-41-1	Pirimifos-Ethyl		1,000	1,000
24017-47-8	Triazofos		500	500
24934-91-6	Chlormephos		500	500
26419-73-8	Carbamic Acid, Methyl-, O-(((2,4-Dimethyl-1, 3-Dithiolan-2-yl)(Methylene)Amino)-		100	100/10,000

[CAS Number Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
26628-22-8 .....	Sodium Azide (Na <sub>3</sub> N <sub>3</sub> ) .....	a .....	1,000	500
27137-85-5 .....	Trichloro(Dichlorophenyl)Silane .....	.....	500	500
28347-13-9 .....	Xylylene Dichloride .....	.....	100	100/10,000
28772-56-7 .....	Bromadiolone .....	.....	100	100/10,000
30674-80-7 .....	Methacryloyloxyethyl Isocyanate .....	.....	100	100
39196-18-4 .....	Thiofanox .....	.....	100	100/10,000
50782-69-9 .....	Phosphonothioic Acid, Methyl-, S-(2-(Bis(1-Methylethyl)Amino)Ethyl) O-Ethyl Ester.	.....	100	100
53558-25-1 .....	Pyriminil .....	d .....	100	100/10,000
58270-08-9 .....	Zinc, Dichloro(4,4-Dimethyl-5(((Methylamino) Carbonyl)Oxy)Imino)Pentanenitrile-, (T-4)-.	.....	100	100/10,000
62207-76-5 .....	Cobalt, ((2,2'-(1,2-Ethanediylybis (Nitrilomethylidene)) Bis(6-Fluorophenolato)) (2-)-N,N',O,O')-.	.....	100	100/10,000

\* Only the statutory or final RQ is shown. For more information, see 40 CFR 355.61.

**Notes:**

- a. This material is a reactive solid. The TPQ does not default to 10,000 pounds for non-powder, non-molten, non-solution form.
- b. The calculated TPQ changed after technical review as described in a technical support document for the final rule, April 22, 1987.
- c. Chemicals added by final rule, April 22, 1987.
- d. Revised TPQ based on new or re-evaluated toxicity data, April 22, 1987.
- e. The TPQ was revised due to calculation error, April 22, 1987.
- f. Chemicals on the original list that do not meet toxicity criteria but because of their acute lethality, high production volume and known risk are considered chemicals of concern ("Other chemicals"). (November 17, 1986, and February 15, 1990.)
- g. The TPQ was recalculated (September 8, 2003) since it was mistakenly calculated in the April 22, 1987, final rule under the wrong assumption that this chemical is a reactive solid, when in fact it is a liquid. RQ for this chemical was adjusted on September 11, 2006.

## PART 370—HAZARDOUS CHEMICAL REPORTING: COMMUNITY RIGHT-TO-KNOW

### Subpart A—General Information

Sec.

- 370.1 What is the purpose of this part?
- 370.2 Who do "you," "I," and "your" refer to in this part?
- 370.3 Which section contains the definitions of the key words used in this part?

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#### HOW TO COMPLY WITH MSDS REPORTING

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- 370.41 What is Tier I inventory information?
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- 370.43 What codes are used to report Tier I and Tier II inventory information?
- 370.44 To whom must I submit the inventory information?
- 370.45 When must I submit the inventory information?

### Subpart D—Community Access to Information

- 370.60 How does a person obtain MSDS information about a specific facility?
- 370.61 How does a person obtain inventory information about a specific facility?
- 370.62 What information may a State or local official request from a facility?
- 370.63 What responsibilities do the SERC and the LEPC have to make requested information available?
- 370.64 What information can I claim as trade secret or confidential?
- 370.65 Must I allow the local fire department to inspect my facility and must I provide specific location information about hazardous chemicals at my facility?
- 370.66 How are key words in this part defined?

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§ 370.10

AUTHORITY: Sections 302, 311, 312, 322, 324, 325, 327, 328, and 329 of the Emergency Planning and Community Right-To-Know Act of 1986 (EPCRA) (Pub. L. 99-499, 100 Stat. 1613, 42 U.S.C. 11002, 11021, 11022, 11042, 11044, 11045, 11047, 11048, and 11049).

SOURCE: 73 FR 65478, Nov. 3, 2008, unless otherwise noted.

### Subpart A—General Information

#### § 370.1 What is the purpose of this part?

(a) This part (40 CFR part 370) establishes reporting requirements for providing the public with important information on the hazardous chemicals in their communities. Reporting raises community awareness of chemical hazards and aids in the development of State and local emergency response plans. The reporting requirements established under this part consist of Material Safety Data Sheet (MSDS) reporting and inventory reporting.

(b) This part is written in a special format to make it easier to understand the regulatory requirements. Like other Environmental Protection Agency (EPA) regulations, this part establishes enforceable legal requirements. Information considered non-binding guidance under EPCRA is indicated in this regulation by the word “note” and a smaller typeface. Such notes are provided for information purposes only and are not considered legally binding under this part.

#### § 370.2 Who do “you,” “I,” and “your” refer to in this part?

Throughout this part, “you,” “I,” and “your” refer to the owner or operator of a facility.

#### § 370.3 Which section contains the definitions of the key words used in this part?

The definitions of key words used in this part are in § 370.66. It is important to read the definitions for key words because the definition explains the word’s specific meaning in the regulations in this part.

### Subpart B—Who Must Comply

#### § 370.10 Who must comply with the hazardous chemical reporting requirements of this part?

(a) You must comply with the reporting requirements of this part if the Occupational Safety and Health Administration’s (OSHA) Hazard Communication Standard (HCS) require your facility to prepare or have available a Material Safety Data Sheet (MSDS) for a hazardous chemical and if either of the following conditions is met:

(1) A hazardous chemical that is an Extremely Hazardous Substance (EHS) is present at your facility at any one time in an amount equal to or greater than 500 pounds (227 kg—approximately 55 gallons) or the Threshold Planning Quantity (TPQ), whichever is lower. EHSs and their TPQs are listed in Appendices A and B of 40 CFR part 355.

(2) A hazardous chemical that is not an EHS is present at your facility at any one time in an amount equal to or greater than the threshold level for that hazardous chemical. Threshold levels for such hazardous chemicals are:

(i) For any hazardous chemical that does not meet the criteria in paragraph (a)(2)(ii) or (iii) of this section, the threshold level is 10,000 pounds (or 4,540 kg).

(ii) For gasoline at a retail gas station (For purposes of this part, retail gas station means a retail facility engaged in selling gasoline and/or diesel fuel principally to the public, for motor vehicle use on land.), the threshold level is 75,000 gallons (approximately 283,900 liters) (all grades combined). This threshold is only applicable for gasoline that was in tank(s) entirely underground and was in compliance at all times during the preceding calendar year with all applicable Underground Storage Tank (UST) requirements at 40 CFR part 280 or requirements of the state UST program approved by the Agency under 40 CFR part 281.

(iii) For diesel fuel at a retail gas station (For purposes of this part, retail gas station means a retail facility engaged in selling gasoline and/or diesel fuel principally to the public, for

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motor vehicle use on land.), the threshold level is 100,000 gallons (approximately 378,500 liters) (all grades combined). This threshold is only applicable for diesel fuel that was in tank(s) entirely underground and was in compliance at all times during the preceding calendar year with all applicable Underground Storage Tank (UST) requirements at 40 CFR part 280 or requirements of the state UST program approved by the Agency under 40 CFR part 281.

(b) The threshold level for responding to the following requests is zero.

(1) If your LEPC requests that you submit an MSDS for a hazardous chemical for which you have not submitted an MSDS to your LEPC; or

(2) If your LEPC, SERC, or the fire department with jurisdiction over your facility requests that you submit Tier II information.

## § 370.11 [Reserved]

### § 370.12 What hazardous chemicals must I report under this part?

(a) You must report any hazardous chemical for which you are required to prepare or have available an MSDS under OSHA HCS that is present at your facility equal to or above the applicable threshold specified in § 370.10. (Specific exemptions from reporting are in § 370.13.)

(b) The EPA has not issued a list of hazardous chemicals subject to reporting under this part. A substance is a hazardous chemical if it is required to have an MSDS and meets the definition of hazardous chemical under the OSHA regulations found at 29 CFR 1910.1200(c).

### § 370.13 What substances are exempt from these reporting requirements?

You do not have to report substances for which you are not required to have

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an MSDS under the OSHA regulations, or that are excluded from the definition of hazardous chemical under EPCRA section 311(e). Each of the following substances are excluded under EPCRA section 311(e):

(a) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.

(b) Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.

(c) Any substance to the extent it is used:

(1) For personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public. Present in the same form and concentration as a product packaged for distribution and use by the general public means a substance packaged in a similar manner and present in the same concentration as the substance when packaged for use by the general public, whether or not it is intended for distribution to the general public or used for the same purpose as when it is packaged for use by the general public;

(2) In a research laboratory or hospital or other medical facility under the direct supervision of a technically qualified individual; or

(3) In routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

### § 370.14 How do I report mixtures containing hazardous chemicals?

(a) For a mixture containing a hazardous chemical, use the following table to determine if a reporting threshold is equaled or exceeded, and to determine how to report:

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If your mixture contains a hazardous chemical	To determine if the threshold level for that hazardous chemical is equaled or exceeded you must	If the threshold level for that hazardous chemical is exceeded then you must
(1) That is an EHS .....	Determine the total quantity of the EHS present throughout your facility at any one time, by adding together the quantity present as a component in all mixtures and all other quantities of the EHS (you must include the quantity present in a mixture even if you are also counting the quantity of that particular mixture toward the threshold level for that mixture).	Report the EHS component—submit an MSDS for the EHS (or include the EHS on the list of chemicals submitted in lieu of the MSDSs), as provided under § 370.30, and submit Tier I (or Tier II) information for the EHS, as provided under § 370.40 or report the mixture itself—submit an MSDS for the mixture (or include the mixture on the list of chemicals submitted in lieu of the MSDSs), as provided under § 370.30, and submit Tier I (or Tier II) information for the mixture, as provided under § 370.40. If you report the mixture itself, then provide the total quantity of that mixture.
(2) That is not an EHS ....	Determine either: The total quantity of the hazardous chemical present throughout your facility at any one time by adding together the quantity present as a component in all mixtures and all other quantities of the hazardous chemical (you must include the quantity present in a mixture even if you are also applying that particular mixture as a whole toward the threshold level for that mixture) or the total quantity of that mixture present throughout your facility at any one time.	Report the non-EHS hazardous chemical component—submit an MSDS for the non-EHS hazardous chemical (or include the non-EHS on the list of chemicals submitted in lieu of the MSDSs), as provided under § 370.30, and submit Tier I (or Tier II) information for the non-EHS hazardous chemical as provided under § 370.40 or report the mixture itself—submit an MSDS for the mixture (or include the mixture on the list of chemicals submitted in lieu of MSDSs), as provided under § 370.30, and submit Tier I (or Tier II) information for the mixture, as provided under § 370.40. If you report the mixture itself, then provide the total quantity of that mixture.

(b) For each specific mixture, the reporting option used must be consistent for both MSDS and inventory reporting, unless it is not possible to do so. This means that if you report on a specific mixture as a whole for MSDS reporting, you must report on that mixture as a whole for inventory reporting too (unless it is not possible). MSDS reporting and inventory reporting are discussed in detail in subpart C of this part.

(c) To determine the quantity of an EHS or a non-EHS hazardous chemical component present in a mixture, multiply the concentration of the hazardous chemical component (in weight percent) by the weight of the mixture (in pounds). You do not have to count a hazardous chemical present in a mixture if the concentration is less than or equal to 1%, or less than or equal to 0.1% for a carcinogenic chemical.

**Subpart C—Reporting Requirements**

**§ 370.20 What are the reporting requirements of this part?**

The reporting requirements of this part consist of MSDS reporting and in-

ventory reporting. If you are the owner or operator of a facility subject to the reporting requirements of this part then you must comply with both types of reporting requirements. MSDS reporting requirements are addressed in §§ 370.30 through 370.33. Inventory reporting requirements are addressed in §§ 370.40 through 370.45.

**HOW TO COMPLY WITH MSDS REPORTING**

**§ 370.30 What information must I provide and what format must I use?**

(a) You must report the hazardous chemicals present at your facility that meet or exceed the applicable threshold levels (threshold levels are in § 1A370.10) by either:

(1) Submitting an MSDS for each hazardous chemical present at your facility that meet or exceed its applicable threshold level; or

(2) Submitting a list of all hazardous chemicals present at your facility at or above the applicable threshold levels. The hazardous chemicals on your list must be grouped by Hazard Category as defined under § 370.66. The list must contain the chemical or common name

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of each hazardous chemical as provided on the MSDS.

(b) Within 30 days of a request by the LEPC (as provided in §370.10(b)), you must also submit an MSDS for any hazardous chemical present at your facility for which you have not submitted an MSDS.

### § 370.31 Do I have to update the information?

MSDS reporting stated in §370.30 is a one-time requirement. However, you must update the information in all of the following ways:

(a) Submit a revised MSDS after you discover significant new information concerning a hazardous chemical for which an MSDS was submitted.

(b) Submit an MSDS, or a list as described in §370.30(a), for any new hazardous chemical for which you become subject to these reporting requirements.

(c) Submit, as requested by the LEPC, an MSDS for any hazardous chemical present at your facility which you have not already submitted, as provided in §370.30(b).

### § 370.32 To whom must I submit the information?

(a) You must submit an MSDS or list, as provided in §370.30(a), to the LEPC, the SERC, and the fire department with jurisdiction over your facility.

(b) You must submit an MSDS requested by the LEPC, as provided in §370.30(b), to the LEPC.

### § 370.33 When must I submit the information?

(a) You must submit an MSDS or a list, as provided in §370.30(a), for a hazardous chemical subject to the reporting requirements of this part by October 17, 1987, or within 3 months after you first become subject to the reporting requirements of this part (as provided in §§ 370.30 and 370.31(b)).

(b) You must submit a revised MSDS, as provided in §370.31(a), within 3 months after discovering significant new information about a hazardous chemical for which an MSDS was submitted.

(c) You must submit an MSDS requested by the LEPC, as provided in

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§§ 370.30(b) and 370.31(c), within 30 days of receiving the request.

#### HOW TO COMPLY WITH INVENTORY REPORTING

### § 370.40 What information must I provide and what format must I use?

(a) If you are required to comply with the hazardous chemical reporting requirements of this part, then by March 1 every year you must submit inventory information regarding any hazardous chemical present at your facility at any time during the previous calendar year in an amount equal to or in excess of its threshold level. Threshold levels are provided in §370.10.

(b) Tier I information is the minimum information that you must report to be in compliance with the inventory reporting requirements of this part as described in §370.41. You may choose to report the Tier II information described in §370.42 for any hazardous chemical at your facility. You must submit Tier II information to the SERC, LEPC, or fire department having jurisdiction over your facility if they request it. EPA publishes Tier I and Tier II Inventory Forms that provide uniform formats for reporting the Tier I and Tier II information. You may use a State or local format for reporting inventory information if the State or local format contains at least the Tier I information described in §370.41. EPA's Tier I and Tier II forms are available at <http://www.epa.gov/emergencies>.

NOTE TO PARAGRAPH (b): Some States require Tier II information annually under State law.

(c) You should contact the SERC to determine that State's requirements for inventory reporting formats, procedures, and to obtain inventory forms.

### § 370.41 What is Tier I inventory information?

Tier I information provides State and local officials and the public with information on the general types and locations of hazardous chemicals present at your facility during the previous calendar year. The Tier I information is the minimum information that you must provide to be in compliance with the inventory reporting requirements

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of this part. If you are reporting Tier I information, you must report aggregate information on hazardous chemicals by hazard categories. There are two health hazard categories and three physical hazard categories for purposes of reporting under this part. These five hazard categories are defined in 40 CFR 370.66. Tier I information includes all of the following:

(a) Certification. The owner or operator or the officially designated representative of the owner or operator must certify that all information included in the Tier I submission is true, accurate, and complete as follows: "I certify under penalty of law that I have personally examined and am familiar with the information and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete." This certification shall be accompanied by your full name, official title, signature, date signed, and total number of pages in the submission including all attachments. All other pages must also contain your signature or signature stamp, the date you signed the certification, and the total number of pages in the submission.

(b) The calendar year for the reporting period.

(c) The complete name (and company identifier where appropriate) and address of your facility. Include the full street address or state road, the city, county, State and zip code.

(d) The North American Industry Classification System (NAICS) code for your facility.

(e) The Dun & Bradstreet number of your facility.

(f) The owner's or operator's full name, mailing address, and phone number.

(g) Emergency contact. The name, title, and phone number(s) of at least one local individual or office that can act as a referral if emergency responders need assistance in responding to a chemical accident at your facility. You must provide an emergency phone number where such emergency information will be available 24 hours a day, every day.

(h) An indication whether the information being reported is identical to that submitted the previous year.

(i) An estimate (in ranges) of the maximum amount of hazardous chemicals in each hazard category present at your facility at any time during the preceding calendar year. You must use codes that correspond to different ranges. The range codes are in §370.43.

(j) An estimate (in ranges) of the average daily amount of hazardous chemicals in each hazard category present at your facility during the preceding calendar year. You must use codes that correspond to different ranges. The range codes are in §370.43.

(k) The maximum number of days that any single hazardous chemical within each hazard category was present at your facility during the reporting period.

(l) The general location of hazardous chemicals in each hazard category within your facility. For each hazard type, list the locations of all applicable chemicals. As an alternative, you may choose to submit a site plan and list the site coordinates to indicate the locations of the chemicals.

### §370.42 What is Tier II inventory information?

Tier II information provides State and local officials and the public with specific information on amounts and locations of hazardous chemicals present at your facility during the previous calendar year. If you are reporting Tier II information, you must include:

(a) Certification. The owner or operator or the officially designated representative of the owner or operator must certify that all information included in the Tier II submission is true, accurate, and complete as follows: "I certify under penalty of law that I have personally examined and am familiar with the information and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete." This certification must be accompanied by your full name, official title, original

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signature, date signed, and total number of pages in the submission including all Confidential and Non-Confidential Information Sheets and all attachments. All other pages must also contain your signature or signature stamp, the date you signed the certification, and the total number of pages in the submission.

(b) The calendar year for the reporting period.

(c) The complete name (and company identifier where appropriate) and address of your facility. Include the full street address or state road, the city, county, State and zip code.

(d) The North American Industry Classification System (NAICS) code for your facility.

(e) The Dun & Bradstreet number of your facility.

(f) The owner's or operator's full name, mailing address, and phone number.

(g) Emergency contact. The name, title, and phone number(s) of at least one local individual or office that can act as a referral if emergency responders need assistance in responding to a chemical accident at your facility. You must provide an emergency phone number where such emergency information will be available 24 hours a day, every day.

(h) An indication whether the information being reported is identical to that submitted the previous year.

(i) For each hazardous chemical that you are required to report, you must:

(1) Provide the chemical name or the common name of the chemical as provided on the Material Safety Data Sheet and its Chemical Abstract Service (CAS) registry number. If you are withholding the name in accordance with trade secret criteria, you must provide the generic class or category that is structurally descriptive of the chemical and indicate that the name is withheld because of trade secrecy. Trade secret criteria are addressed in §370.64(a).

(2) Indicate whether the chemical is: pure or mixture; solid, liquid, or gas; and whether the chemical is or contains an EHS.

(3) If the chemical is a mixture containing an EHS, provide the chemical name of each EHS in the mixture.

(4) Indicate which hazard categories apply to the chemical. The five hazard categories are defined in §370.66.

(5) Provide an estimate (in ranges) of the maximum amount of the hazardous chemical present at your facility on any single day during the preceding calendar year. You must use codes that correspond to different ranges. The range codes are in §370.43.

(6) Provide an estimate (in ranges) of the average daily amount of the hazardous chemical present at your facility during the preceding calendar year. You must use codes that correspond to different ranges. The range codes are in §370.43.

(7) The maximum number of days that the hazardous chemical was present at your facility during the preceding calendar year.

(8)(i) Provide a brief description of the precise location of the hazardous chemical at your facility. You may also attach one of the following with your Tier II inventory form.

(A) *A site plan* with site coordinates indicated for buildings, lots, areas, etc. throughout your facility.

(B) *A list of site coordinate abbreviations* that correspond to buildings, lots, areas, etc. throughout your facility.

(C) *A description of dikes and other safeguard measures* for storage locations throughout your facility.

(ii) Under EPCRA section 324, you may choose to withhold from disclosure to the public the location information for a specific chemical. If you choose to withhold the location information from disclosure to the public, you must clearly indicate that the information is "confidential." You must provide the confidential location information on a separate sheet from the other Tier II information (which will be disclosed to the public), and attach the Confidential Location Information Sheet to the other Tier II information. Indicate any attachments you are including.

(9) Provide a brief description of the manner of storage of the hazardous chemical, including container type, temperature and pressure for each location listed. You must use codes that correspond to different storage types and temperature and pressure conditions. The storage codes are in §370.43.

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If the specific location for which you are reporting storage conditions is a "confidential" location, then you must report the storage conditions on a separate Confidential Location Information Sheet.

[73 FR 65478, Nov. 3, 2008, as amended at 74 FR 13125, Mar. 26, 2009]

**§ 370.43 What codes are used to report Tier I and Tier II inventory information?**

(a) *Weight range codes.* Except as provided in paragraph (d) of this section, you must use the following codes to report the maximum amount and average daily amount when reporting Tier I or Tier II information:

Range codes	Weight range in pounds	
	From	To
01 .....	0 .....	99
02 .....	100 .....	999
03 .....	1,000 .....	9,999
04 .....	10,000 .....	99,999
05 .....	100,000 .....	999,999
06 .....	1,000,000 .....	9,999,999
07 .....	10,000,000 .....	49,999,999
08 .....	50,000,000 .....	99,999,999
09 .....	100,000,000 .....	499,999,999
10 .....	500,000,000 .....	999,999,999
11 .....	1 billion .....	More than 1 billion.

Note to paragraph (a): To convert gas or liquid volume to weight in pounds, multiply by an appropriate density factor.

(b) *Storage type codes.* Except as provided in paragraph (d) of this section, you must use the following codes to report storage types when you are reporting Tier II information:

Codes	Types of storage
A .....	Above ground tank.
B .....	Below ground tank.
C .....	Tank inside building.
D .....	Steel drum.
E .....	Plastic or non-metallic drum.
F .....	Can.
G .....	Carboy.
H .....	Silo.
I .....	Fiber drum.
J .....	Bag.
K .....	Box.
L .....	Cylinder.
M .....	Glass bottles or jugs.
N .....	Plastic bottles or jugs.
O .....	Tote bin.
P .....	Tank wagon.
Q .....	Rail car.
R .....	Other.

(c) *Storage condition codes.* Except as provided in paragraph (d) of this section, you must use the following codes to report storage conditions when you are reporting Tier II information:

Codes	Storage conditions
<i>Pressure conditions</i>	
1 .....	Ambient pressure.
2 .....	Greater than ambient pressure.
3 .....	Less than ambient pressure.

Codes	Storage conditions
<i>Temperature conditions</i>	
4 .....	Ambient temperature.
5 .....	Greater than ambient temperature.
6 .....	Less than ambient temperature but not cryogenic.
7 .....	Cryogenic conditions.

(d) Your SERC or LEPC may provide other range codes for reporting maximum amounts and average daily amounts, or may require reporting of specific amounts. You may use your SERC's or LEPC's range codes (or specific amounts) provided the ranges are not broader than the ranges in paragraph (a) of this section. Your SERC or LEPC may also provide other codes for storage types or conditions. You may use those codes provided your SERC's or LEPC's storage types and conditions codes specify the same or more detailed information as the codes in paragraphs (b) and (c) of this section.

**§ 370.44 To whom must I submit the inventory information?**

You must submit the required inventory information to your SERC, LEPC, and fire department with jurisdiction over your facility.

**§ 370.45 When must I submit the inventory information?**

(a) You must submit the required inventory information on or before March 1 (beginning in 1988 or beginning after your facility first becomes subject to this part), and on or before by March 1 of each year afterwards. Your submission must contain the required inventory information on hazardous chemicals present at your facility during the preceding calendar year at or above the threshold levels. Threshold levels are in § 370.10. The minimum required inventory information under EPCRA section 312 is Tier I information. Tier I information requirements are described in § 370.41.

(b) You must submit Tier II information within 30 days of the receipt of a request from the SERC, LEPC, or the fire department having jurisdiction over your facility, as provided in § 370.10(b). Tier II information requirements are described in § 370.42.

**Subpart D—Community Access to Information**

**§ 370.60 How does a person obtain MSDS information about a specific facility?**

Any person may obtain an MSDS for a specific facility by writing to the LEPC and asking for it.

(a) If the LEPC has the MSDS, it must provide it to the person making the request.

(b) If the LEPC does not have the MSDS, it must request the MSDS from the facility's owner or operator.

**§ 370.61 How does a person obtain inventory information about a specific facility?**

(a) Any person may request Tier II information for a specific facility by writing to the SERC or the LEPC and asking for such information.

(1) If the SERC or LEPC has the Tier II information, the SERC or LEPC must provide it to the person making the request.

(2) If the SERC or LEPC does not have the Tier II information, it must request it from the facility owner or operator in either of the following cases:

(i) The person making the request is a State or local official acting in his or her official capacity.

(ii) The request is for hazardous chemicals in amounts greater than 10,000 pounds stored at the facility at any time during the previous calendar year.

(3) If the SERC or LEPC does not have the Tier II information, it may request it from the facility owner or operator when neither condition in paragraph (a)(2) of this section is met, but the person's request includes a general statement of need.

(b) A SERC or LEPC must respond to a request for Tier II information under this section within 45 days of receiving such a request.

**§ 370.62 What information may a State or local official request from a facility?**

The LEPC may ask a facility owner or operator to submit an MSDS for a hazardous chemical present at the facility. The SERC, LEPC, or fire department having jurisdiction over a facility may ask a facility owner or operator to submit Tier II information. The owner or operator must provide the MSDS (unless the owner or operator has already submitted an MSDS to the LEPC for that hazardous chemical) or Tier II information within 30 days of receipt of such request.

**§ 370.63 What responsibilities do the SERC and the LEPC have to make request information available?**

Under this subpart, the SERC or LEPC must make the following information (except for confidential location information discussed in § 370.64(b)) available if a person requests it:

(a) All information obtained from an owner or operator in response to a request under this subpart.

(b) Any requested Tier II information or MSDS otherwise in possession of the SERC or the LEPC.

**§ 370.64 What information can I claim as trade secret or confidential?**

(a) *Trade secrets.* You may be able to withhold the name of a specific chemical when submitting MSDS reporting or inventory reporting information if

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that chemical name is claimed as a trade secret. The requirements for withholding trade secret information are set forth in EPCRA section 322 and implemented in 40 CFR part 350. If you are withholding the name of a specific chemical as a trade secret in accordance with trade secrecy requirements, you must report the generic class or category that is structurally descriptive of the chemical along with all other required information. You must also submit the withheld information to EPA and must adequately substantiate your claim. A Form for substantiating trade secret claims is available at the Agency Web site at <http://www.epa.gov/emergencies>.

(b) *Confidential location information.* You may request that the SERC or the LEPC not disclose to the public the location of any specific chemical required to be submitted in Tier II information. If you make such a request, the SERC or LEPC must not disclose the location of the specific chemical. If you use the Tier II Form to report your inventory information, you can choose to report confidential location information for a specific chemical on the Confidential Location Information Sheet, which must be attached to the other Tier II information you are reporting. Although you may request that location information with respect to a specific chemical be withheld from the public, you may not withhold this information from the SERC, the LEPC, or the local fire department. The Confidential Location Information Sheet is available on the Agency Web site at <http://www.epa.gov/emergencies>.

### **§ 370.65 Must I allow the local fire department to inspect my facility and must I provide specific location information about hazardous chemicals at my facility?**

If you are the owner or operator of a facility that has submitted inventory information under this part, you must comply with the following two requirements upon request by the fire department with jurisdiction over your facility:

- (a) You must allow the fire department to conduct an on-site inspection of your facility; and
- (b) You must provide the fire department with information about the spe-

cific locations of hazardous chemicals at your facility.

### **§ 370.66 How are key words in this part defined?**

*Chief Executive Officer of the Tribe* means the person who is recognized by the Bureau of Indian Affairs as the chief elected administrative officer of the Tribe.

*Environment* includes water, air, and land and the interrelationship that exists among and between water, air, and land and all living things.

*EPCRA* means the Emergency Planning and Community Right-To-Know Act of 1986.

*Extremely hazardous substance (EHS)* means a substance listed in appendices A and B of 40 CFR part 355.

*Facility* means all buildings, equipment, structures, and other stationary items that are located on a single site or on contiguous or adjacent sites and that are owned or operated by the same person (or by any person that controls, is controlled by, or under common control with, such person).

*Facility* includes manmade structures, as well as all natural structures in which chemicals are purposefully placed or removed through human means such that it functions as a containment structure for human use.

*Hazard category* means any of the following:

- (1) Immediate (acute) health hazard, including highly toxic, toxic, irritant, sensitizer, corrosive, (as defined under 29 CFR 1910.1200) and other hazardous chemicals that cause an adverse effect to a target organ and which effect usually occurs rapidly as a result of short-term exposure and is of short duration;
- (2) Delayed (chronic) health hazard, including carcinogens (as defined under 29 CFR 1910.1200) and other hazardous chemicals that cause an adverse effect to a target organ and which effect generally occurs as a result of long-term exposure and is of long duration;
- (3) Fire hazard, including flammable, combustible liquid, pyrophoric, and oxidizer (as defined under 29 CFR 1910.1200);
- (4) Sudden release of pressure, including explosive and compressed gas (as defined under 29 CFR 1910.1200); and

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(5) Reactive, including unstable reactive, organic peroxide, and water reactive (as defined under 29 CFR 1910.1200).

*Hazardous chemical* means any hazardous chemical as defined under 29 CFR 1910.1200(c), except that such term does not include:

(1) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.

(2) Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.

(3) Any substance to the extent it is used:

(i) For personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public. Present in the same form and concentration as a product packaged for distribution and use by the general public means a substance packaged in a similar manner and present in the same concentration as the substance when packaged for use by the general public, whether or not it is intended for distribution to the general public or used for the same purpose as when it is packaged for use by the general public;

(ii) In a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual; or

(iii) In routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

*Indian Country* means Indian country as defined in 18 U.S.C. 1151 as:

(1) All land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

(2) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State; and

(3) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

*Indian Tribe or Tribe* means those Tribes federally recognized by the Secretary of the Interior.

*Inventory form* means the uniform Tier I and Tier II emergency and hazardous chemical inventory forms published by EPA. These forms can be used for reporting inventory information, as described in 40 CFR 370.40 through 370.45.

*LEPC* means the Local Emergency Planning Committee appointed by the State Emergency Response Commission.

*Material Safety Data Sheet or MSDS* means the sheet required to be developed under 29 CFR 1910.1200(g).

*Mixture* means mixture as defined under the Occupational Safety and Health Administration's Hazard Communication Standard in 29 CFR 1910.1200(c).

*OSHA* means the U.S. Occupational Safety and Health Administration.

*Person* means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or interstate body.

*SERC* means the State Emergency Response Commission for the State in which the facility is located except when the facility is located in Indian Country, in which case, SERC means the Emergency Response Commission for the Tribe under whose jurisdiction the facility is located. In the absence of a SERC for a State or an Indian Tribe, the Governor or the chief executive officer of the tribe, respectively, shall be the SERC. Where there is a cooperative agreement between a State and a Tribe, the SERC shall be the entity identified in the agreement.

*State* means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, any other territory or possession over which the United States has jurisdiction and Indian Country.

*Threshold planning quantity (TPQ)* means, for a substance listed in Appendices A and B of 40 CFR part 355, the quantity listed in the column "threshold planning quantity" for that substance.

**PART 372—TOXIC CHEMICAL RELEASE REPORTING: COMMUNITY RIGHT-TO-KNOW**

**Subpart A—General Provisions**

Sec.

- 372.1 Scope and purpose.
- 372.3 Definitions.
- 372.5 Persons subject to this part.
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**Subpart B—Reporting Requirements**

- 372.20 Process for modifying covered chemicals and facilities.
- 372.22 Covered facilities for toxic chemical release reporting.
- 372.23 SIC and NAICS codes to which this Part applies.
- 372.25 Thresholds for reporting.
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- 372.28 Lower thresholds for chemicals of special concern.
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- 372.38 Exemptions.

**Subpart C—Supplier Notification Requirements**

- 372.45 Notification about toxic chemicals.

**Subpart D—Specific Toxic Chemical Listings**

- 372.65 Chemicals and chemical categories to which this part applies.

**Subpart E—Forms and Instructions**

- 372.85 Toxic chemical release reporting form and instructions.
- 372.95 Alternate threshold certification and instructions.

AUTHORITY: 42 U.S.C. 11023 and 11048.

SOURCE: 53 FR 4525, Feb. 16, 1988, unless otherwise noted.

**Subpart A—General Provisions**

**§ 372.1 Scope and purpose.**

This part sets forth requirements for the submission of information relating to the release of toxic chemicals under section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986. The information collected under this part is intended to inform the general public and the communities surrounding covered facilities about releases of toxic chemicals, to

assist research, to aid in the development of regulations, guidelines, and standards, and for other purposes. This part also sets forth requirements for suppliers to notify persons to whom they distribute mixtures or trade name products containing toxic chemicals that they contain such chemicals.

**§ 372.3 Definitions.**

Terms defined in sections 313(b)(1)(c) and 329 of Title III and not explicitly defined herein are used with the meaning given in Title III. For the purpose of this part:

*Acts* means Title III.

*Article* means a manufactured item: (1) Which is formed to a specific shape or design during manufacture; (2) which has end use functions dependent in whole or in part upon its shape or design during end use; and (3) which does not release a toxic chemical under normal conditions of processing or use of that item at the facility or establishments.

*Beneficiation* means the preparation of ores to regulate the size (including crushing and grinding) of the product, to remove unwanted constituents, or to improve the quality, purity, or grade of a desired product.

*Boiler* means an enclosed device using controlled flame combustion and having the following characteristics:

(1)(i) The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and

(ii) The unit's combustion chamber and primary energy recovery sections(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery section(s) (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery section(s) are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber

and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream), and fluidized bed combustion units; and

(iii) While in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

(iv) The unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps); or

(2) The unit is one which the Regional Administrator has determined, on a case-by-case basis, to be a boiler, after considering the standards in § 260.32 of this chapter.

*Coal extraction* means the physical removal or exposure of ore, coal, minerals, waste rock, or overburden prior to beneficiation, and encompasses all extraction-related activities prior to beneficiation. Extraction does not include beneficiation (including coal preparation), mineral processing, in situ leaching or any further activities.

*Customs territory of the United States* means the 50 States, the District of Columbia, and Puerto Rico.

*Disposal* means any underground injection, placement in landfills/surface impoundments, land treatment, or other intentional land disposal.

*EPA* means the United States Environmental Protection Agency.

*Establishment* means an economic unit, generally at a single physical location, where business is conducted or where services or industrial operations are performed.

*Facility* means all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with such person). A

facility may contain more than one establishment.

*Full-time employee* means 2,000 hours per year of full-time equivalent employment. A facility would calculate the number of full-time employees by totaling the hours worked during the calendar year by all employees, including contract employees, and dividing that total by 2,000 hours.

*Import* means to cause a chemical to be imported into the customs territory of the United States. For purposes of this definition, to cause means to intend that the chemical be imported and to control the identity of the imported chemical and the amount to be imported.

*Indian Country* means *Indian country* as defined in 18 U.S.C. 1151. That section defines Indian country as:

(a) All land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

(b) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State; and

(c) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

*Indian tribe* means those tribes federally recognized by the Secretary of the Interior.

*Industrial furnace* means any of the following enclosed devices that are integral components of manufacturing processes and that use thermal treatment to accomplish recovery of materials or energy:

(1) Cement kilns.

(2) Lime kilns.

(3) Aggregate kilns.

(4) Phosphate kilns.

(5) Coke ovens.

(6) Blast furnaces.

(7) Smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machine, roasters, and foundry furnaces).

(8) Titanium dioxide chloride process oxidation reactors.

(9) Methane reforming furnaces.

(10) Pulping liquor recovery furnaces.

(11) Combustion devices used in the recovery of sulfur values from spent sulfuric acid.

(12) Halogen acid furnaces (HAFs) for the production of acid from halogenated hazardous waste generated by chemical production facilities where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least 3%, the acid product is used in a manufacturing process, and, except for hazardous waste burned as fuel, hazardous waste fed to the furnace has a minimum halogen content of 20% as-generated.

(13) Such other devices as the Administrator may, after notice and comment, add to this list on the basis of one or more of the following factors:

(i) The design and use of the device primarily to accomplish recovery of material products;

(ii) The use of the device to burn or reduce raw materials to make a material product;

(iii) The use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;

(iv) The use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;

(v) The use of the device in common industrial practice to produce a material product; and

(vi) Other factors, as appropriate.

*Manufacture* means to produce, prepare, import, or compound a toxic chemical. Manufacture also applies to a toxic chemical that is produced coincidentally during the manufacture, processing, use, or disposal of another chemical or mixture of chemicals, including a toxic chemical that is separated from that other chemical or mixture of chemicals as a byproduct, and a toxic chemical that remains in that other chemical or mixture of chemicals as an impurity.

*Mixture* means any combination of two or more chemicals, if the combination is not, in whole or in part, the result of a chemical reaction. However, if the combination was produced by a

chemical reaction but could have been produced without a chemical reaction, it is also treated as a mixture. A mixture also includes any combination which consists of a chemical and associated impurities.

*Otherwise use* means any use of a toxic chemical, including a toxic chemical contained in a mixture or other trade name product or waste, that is not covered by the terms "manufacture" or "process." Otherwise use of a toxic chemical does not include disposal, stabilization (without subsequent distribution in commerce), or treatment for destruction unless:

(1) The toxic chemical that was disposed, stabilized, or treated for destruction was received from off-site for the purposes of further waste management; or

(2) The toxic chemical that was disposed, stabilized, or treated for destruction was manufactured as a result of waste management activities on materials received from off-site for the purposes of further waste management activities. Relabeling or redistributing of the toxic chemical where no repackaging of the toxic chemical occurs does not constitute otherwise use or processing of the toxic chemical.

*Overburden* means the unconsolidated material that overlies a deposit of useful materials or ores. It does not include any portion of ore or waste rock.

*Previously classified* means properly classified, according to § 372.22(b) under a given Standard Industrial Classification (SIC) code, as identified in the Standard Industrial Classification Manual, 1987, Executive Office of the President, Office of Management and Budget.

*Process* means the preparation of a toxic chemical, after its manufacture, for distribution in commerce:

(1) In the same form or physical state as, or in a different form or physical state from, that in which it was received by the person so preparing such substance, or

(2) As part of an article containing the toxic chemical. Process also applies to the processing of a toxic chemical contained in a mixture or trade name product.

*RCRA approved test method* includes Test Method 9095 (Paint Filter Liquids

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Test) in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” EPA Publication No. SW-846, Third Edition, September 1986, as amended by Update I, November 15, 1992.

*Release* means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles) of any toxic chemical.

*Senior management official* means an official with management responsibility for the person or persons completing the report, or the manager of environmental programs for the facility or establishments, or for the corporation owning or operating the facility or establishments responsible for certifying similar reports under other environmental regulatory requirements.

*State* means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other territory or possession over which the United States has jurisdiction.

*Title III* means Title III of the Superfund Amendments and Reauthorization Act of 1986, also titled the Emergency Planning and Community Right-To-Know Act of 1986.

*Toxic chemical* means a chemical or chemical category listed in § 372.65.

*Trade name product* means a chemical or mixture of chemicals that is distributed to other persons and that incorporates a toxic chemical component that is not identified by the applicable chemical name or Chemical Abstracts Service Registry number listed in § 372.65.

*Treatment for destruction* means the destruction of a toxic chemical in waste such that the substance is no longer the toxic chemical subject to reporting under EPCRA section 313. Treatment for destruction does not include the destruction of a toxic chemical in waste where the toxic chemical has a heat value greater than 5,000 British thermal units and is combusted

in any device that is an industrial furnace or boiler.

*Tribal Chairperson or equivalent elected official* means the person who is recognized by the Bureau of Indian Affairs as the chief elected administrative officer of the Tribe.

*Waste stabilization* means any physical or chemical process used to either reduce the mobility of hazardous constituents in a hazardous waste or eliminate free liquid as determined by a RCRA approved test method for evaluating solid waste as defined in this section. A waste stabilization process includes mixing the hazardous waste with binders or other materials, and curing the resulting hazardous waste and binder mixture. Other synonymous terms used to refer to this process are “stabilization,” “waste fixation,” or “waste solidification.”

[53 FR 4525, Feb. 16, 1988, as amended at 55 FR 30656, July 26, 1990; 62 FR 23891, May 1, 1997; 71 FR 32474, June 6, 2006; 73 FR 76960, Dec. 18, 2008; 77 FR 23418, Apr. 19, 2012]

### § 372.5 Persons subject to this part.

Owners and operators of facilities described in §§ 372.22 and 372.45 are subject to the requirements of this part. If the owner and operator of a facility are different persons, only one need report under § 372.30 or provide a notice under § 372.45 for each toxic chemical in a mixture or trade name product distributed from the facility. However, if no report is submitted or notice provided, EPA will hold both the owner and the operator liable under section 325(c) of Title III, except as provided in §§ 372.38(e) and 372.45(g).

[53 FR 4525, Feb. 16, 1988, as amended at 73 FR 32470, June 9, 2008]

### § 372.10 Recordkeeping.

(a) Each person subject to the reporting requirements of this part must retain the following records for a period of 3 years from the date of the submission of a report under § 372.30:

(1) A copy of each report submitted by the person under § 372.30.

(2) All supporting materials and documentation used by the person to make the compliance determination that the facility or establishments is a covered facility under § 372.22 or § 372.45.

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(3) Documentation supporting the report submitted under § 372.30 including:

(i) Documentation supporting any determination that a claimed allowable exemption under § 372.38 applies.

(ii) Data supporting the determination of whether a threshold under § 372.25 applies for each toxic chemical.

(iii) Documentation supporting the calculations of the quantity of each toxic chemical released to the environment or transferred to an off-site location.

(iv) Documentation supporting the use indications and quantity on site reporting for each toxic chemical, including dates of manufacturing, processing, or use.

(v) Documentation supporting the basis of estimate used in developing any release or off-site transfer estimates for each toxic chemical.

(vi) Receipts or manifests associated with the transfer of each toxic chemical in waste to off-site locations.

(vii) Documentation supporting reported waste treatment methods, estimates of treatment efficiencies, ranges of influent concentration to such treatment, the sequential nature of treatment steps, if applicable, and the actual operating data, if applicable, to support the waste treatment efficiency estimate for each toxic chemical.

(b) Each person subject to the notification requirements of this part must retain the following records for a period of 3 years from the date of the submission of a notification under § 372.45.

(1) All supporting materials and documentation used by the person to determine whether a notice is required under § 372.45.

(2) All supporting materials and documentation used in developing each required notice under § 372.45 and a copy of each notice.

(c) Records retained under this section must be maintained at the facility to which the report applies or from which a notification was provided. Such records must be readily available for purposes of inspection by EPA.

(d) Each owner or operator who determines that the owner operator may apply the alternate threshold as specified under § 372.27(a) must retain the following records for a period of 3 years from the date of the submission of the

certification statement as required under § 372.27(b):

(1) A copy of each certification statement submitted by the person under § 372.27(b).

(2) All supporting materials and documentation used by the person to make the compliance determination that the facility or establishment is eligible to apply the alternate threshold as specified in § 372.27.

(3) Documentation supporting the certification statement submitted under § 372.27(b) including:

(i) Data supporting the determination of whether the alternate threshold specified under § 372.27(a) applies for each toxic chemical.

(ii) Documentation supporting the calculation of annual reportable amount, as defined in § 372.27(a), for each toxic chemical, including documentation supporting the calculations and the calculations of each data element combined for the annual reportable amount.

(iii) Receipts or manifests associated with the transfer of each chemical in waste to off-site locations.

[53 FR 4525, Feb. 16, 1988, as amended at 59 FR 61501, Nov. 30, 1994; 71 FR 76944, Dec. 22, 2006; 74 FR 19005, Apr. 27, 2009]

### § 372.18 Compliance and enforcement.

Violators of the requirements of this part shall be liable for a civil penalty in an amount not to exceed \$25,000 each day for each violation as provided in section 325(c) of Title III.

## Subpart B—Reporting Requirements

### § 372.20 Process for modifying covered chemicals and facilities.

(a) Request to add a facility to the TRI list of covered facilities.

(b) The Administrator, on his own motion or at the request of a Governor of a State (with regard to facilities located in that State) or a Tribal Chairperson or equivalent elected official (with regard to facilities located in the Indian country of that Tribe), may apply the requirements of section 313 of Title III to the owners and operators of any particular facility that manufactures, processes, or otherwise uses a toxic chemical listed under subsection

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(c) of section 313 of Title III if the Administrator determines that such action is warranted on the basis of toxicity of the toxic chemical, proximity to other facilities that release the toxic chemical or to population centers, the history of releases of such chemical at such facility, or such other factors as the Administrator deems appropriate.

(c) Petition to add or delete a chemical from TRI list of covered chemicals.

(d) *In general.* (1) Any person may petition the Administrator to add or delete a chemical to or from the list described in subsection (c) of section 313 of Title III on the basis of the criteria in subparagraph (A) or (B) of subsection (d)(2) and (d)(3) of section 313 of Title III. Within 180 days after receipt of a petition, the Administrator shall take one of the following actions:

(i) Initiate a rulemaking to add or delete the chemical to or from the list, in accordance with subsection (d)(2) or (d)(3) of section 313 of Title III.

(ii) Publish an explanation of why the petition is denied.

(2) *State and Tribal petitions.* A State Governor, or a Tribal Chairperson or equivalent elected official, may petition the Administrator to add or delete a chemical to or from the list described in subsection (c) of section 313 of Title III on the basis of the criteria in subparagraph (A), (B), or (C) of subsection (d)(2) of section 313 of Title III. In the case of such a petition from a State Governor, or a Tribal Chairperson or equivalent elected official, to delete a chemical, the petition shall be treated in the same manner as a petition received under paragraph (d)(1) of this section. In the case of such a petition from a State Governor, or a Tribal Chairperson or equivalent elected official, to add a chemical, the chemical will be added to the list within 180 days after receipt of the petition, unless the Administrator:

(i) Initiates a rulemaking to add the chemical to the list, in accordance with subsection (d)(2) of section 313 of Title III, or

(ii) Publishes an explanation of why the Administrator believes the petition does not meet the requirement of sub-

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section (d)(2) of section 313 of Title III for adding a chemical to the list.

[77 FR 23418, Apr. 19, 2012]

### § 372.22 Covered facilities for toxic chemical release reporting.

A facility that meets all of the following criteria for a calendar year is a covered facility for that calendar year and must report under § 372.30.

(a) The facility has 10 or more full-time employees.

(b) The facility is in a Standard Industrial Classification (SIC) (as in effect on January 1, 1987) major group or industry code listed in § 372.23(a), for which the corresponding North American Industry Classification System (NAICS) (as in effect on January 1, 2007, for reporting year 2008 and thereafter) subsector and industry codes are listed in § 372.23(b) and (c) by virtue of the fact that it meets one of the following criteria:

(1) The facility is an establishment with a primary SIC major group or industry code listed in § 372.23(a), or a primary NAICS subsector or industry code listed in § 372.23(b) or § 372.23(c).

(2) The facility is a multi-establishment complex where all establishments have primary SIC major group or industry codes listed in § 372.23(a), or primary NAICS subsector or industry codes listed in § 372.23(b) or § 372.23(c).

(3) The facility is a multi-establishment complex in which one of the following is true:

(i) The sum of the value of services provided and/or products shipped and/or produced from those establishments that have primary SIC major group or industry codes listed in § 372.23(a), or primary NAICS subsector or industry codes listed in § 372.23(b) or § 372.23(c) is greater than 50 percent of the total value of all services provided and/or products shipped from and/or produced by all establishments at the facility.

(ii) One establishment having a primary SIC major group or industry code listed in § 372.23(a), or a primary NAICS subsector or industry code listed in § 372.23(b) or § 372.23(c) contributes more in terms of value of services provided and/or products shipped from and/or produced at the facility than any other establishment within the facility.

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(c) The facility manufactured (including imported), processed, or otherwise used a toxic chemical in excess of an applicable threshold quantity of that chemical set forth in §372.25, §372.27, or §372.28.

[53 FR 4525, Feb. 16, 1988, as amended at 59 FR 61501, Nov. 30, 1994; 62 FR 23892, May 1, 1997; 64 FR 58750, Oct. 29, 1999; 71 FR 32474, June 6, 2006; 73 FR 32470, June 9, 2008]

**§ 372.23 SIC and NAICS codes to which this Part applies.**

The requirements of this part apply to facilities in the following SIC and

NAICS codes. This section contains three listings. Paragraph (a) of this section lists the SIC codes to which this part applies. Paragraph (b) of this section lists the NAICS codes that correspond to SIC codes 20 through 39 to which this part applies. Paragraph (c) of this section lists the NAICS codes that correspond to SIC codes other than SIC codes 20 through 39 to which this part applies.

(a) SIC codes.

Major group or industry code	Exceptions and/or limitations
10 .....	Except 1011, 1081, and 1094.
12 .....	Except 1241.
20 through 39	
4911, 4931, 4939 .....	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
4953 .....	Limited to facilities regulated under the Resource Conservation and Recovery Act, 42 U.S.C. 6921, et seq.
5169	
5171	
7389 .....	Limited to facilities primarily engaged in solvent recovery services on a contract or fee basis.

(b) NAICS codes that correspond to SIC codes 20 through 39.

Subsector code or industry code	Exceptions and/or limitations
113310 Logging.	
311 Food Manufacturing .....	<p>Except 311119—Exception is limited to facilities primarily engaged in Custom Grain Grinding for Animal Feed (previously classified under SIC 0723, Crop Preparation Services for Market, Except Cotton Ginning);</p> <p>Except 311330—Exception is limited to facilities primarily engaged in the retail sale of candy, nuts, popcorn and other confections not for immediate consumption made on the premises (previously classified under SIC 5441, Candy, Nut, and Confectionery Stores);</p> <p>Except 311340—Exception is limited to facilities primarily engaged in the retail sale of candy, nuts, popcorn and other confections not for immediate consumption made on the premises (previously classified under SIC 5441, Candy, Nut, and Confectionery Stores);</p> <p>Except 311811—Retail Bakeries (previously classified under SIC 5461, Retail Bakeries);</p> <p>Except 311611—Exception is limited to facilities primarily engaged in Custom Slaughtering for individuals (previously classified under SIC 0751, Livestock Services, Except Veterinary, Slaughtering, custom: for individuals);</p> <p>Except 311612—Exception is limited to facilities primarily engaged in the cutting up and resale of purchased fresh carcasses for the trade (including boxed beef), and in the wholesale distribution of fresh, cured, and processed (but not canned) meats and lard (previously classified under SIC 5147, Meats and Meat Products);</p>
312 Beverage and Tobacco Product Manufacturing.	<p>Except 312112—Exception is limited to facilities primarily engaged in bottling mineral or spring water (previously classified under SIC 5149, Groceries and Related Products, NEC);</p> <p>Except 312229—Exception is limited to facilities primarily engaged in providing Tobacco Sheeting Services (previously classified under SIC 7389, Business Services, NEC);</p>
313 Textile Mills .....	<p>Except 313311—Exception is limited to facilities primarily engaged in converting broadwoven piece goods and broadwoven textiles, (previously classified under SIC 5131, Piece Goods Notions, and Other Dry Goods, broadwoven and non-broadwoven piece good converters), and facilities primarily engaged in sponging fabric for tailors and dressmakers (previously classified under SIC 7389, Business Services, NEC (Sponging fabric for tailors and dressmakers));</p> <p>Except 313312—Exception is limited to facilities primarily engaged in converting narrow woven Textiles, and narrow woven piece goods, (previously classified under SIC 5131, Piece Goods Notions, and Other Dry Goods, converters, except broadwoven fabric);</p>

Subsector code or industry code	Exceptions and/or limitations
314 Textile Product Mills .....	<p>Except 314121—Exception is limited to facilities primarily engaged in making Custom drapery for retail sale (previously classified under SIC 5714, Drapery, Curtain, and Upholstery Stores);</p> <p>Except 314129—Exception is limited to facilities primarily engaged in making Custom slipcovers for retail sale (previously classified under SIC 5714, Drapery, Curtain, and Upholstery Stores);</p> <p>Except 314999—Exception is limited to facilities primarily engaged in Binding carpets and rugs for the trade, Carpet cutting and binding, and Embroidering on textile products (except apparel) for the trade (previously classified under SIC 7389, Business Services Not Elsewhere Classified, Embroidering of advertising on shirts and Rug binding for the trade);</p>
315 Apparel Manufacturing .....	<p>Except 315222—Exception is limited to custom tailors primarily engaged in making and selling men's and boys' suits, cut and sewn from purchased fabric (previously classified under SIC 5699, Miscellaneous Apparel and Accessory Stores (custom tailors));</p> <p>Except 315223—Exception is limited to custom tailors primarily engaged in making and selling men's and boys' dress shirts, cut and sewn from purchased fabric (previously classified under SIC 5699, Miscellaneous Apparel and Accessory Stores (custom tailors));</p> <p>Except 315233—Exception is limited to custom tailors primarily engaged in making and selling bridal dresses or gowns, or women's, misses' and girls' dresses cut and sewn from purchased fabric (except apparel contractors)(custom dress-makers) (previously classified under SIC Code 5699, Miscellaneous Apparel and Accessory Stores);</p>
316 Leather and Allied Product Manufacturing.	
321 Wood Product Manufacturing.	
322 Paper Manufacturing.	
323 Printing and Related Support Activities.	<p>Except 323114—Exception is limited to facilities primarily engaged in reproducing text, drawings, plans, maps, or other copy, by blueprinting, photocopying, mimeographing, or other methods of duplication other than printing or microfilming (<i>i.e.</i>, instant printing) (previously classified under SIC 7334, Photocopying and Duplicating Services, (instant printing));</p>
324 Petroleum and Coal Products Manufacturing.	
325 Chemical Manufacturing .....	<p>Except 325998—Exception is limited to facilities primarily engaged in Aerosol can filling on a job order or contract basis (previously classified under SIC 7389, Business Services, NEC (aerosol packaging));</p>
326 Plastics and Rubber Products Manufacturing.	<p>Except 326212—Tire Retreading, (previously classified under SIC 7534, Tire Retreading and Repair Shops (rebuilding));</p>
327 Nonmetallic Mineral Product Manufacturing.	<p>Except 327112—Exception is limited to facilities primarily engaged in manufacturing and selling pottery on site (previously classified under SIC 5719, Miscellaneous Homefurnishing Stores);</p>
331 Primary Metal Manufacturing.	
332 Fabricated Metal Product Manufacturing.	
333 Machinery Manufacturing.	
334 Computer and Electronic Product Manufacturing.	<p>Except 334611—Software Reproducing (previously classified under SIC 7372, Pre-packaged Software, (reproduction of software));</p> <p>Except 334612—Exception is limited to facilities primarily engaged in mass reproducing pre-recorded Video cassettes, and mass reproducing Video tape or disk (previously classified under SIC 7819, Services Allied to Motion Picture Production (reproduction of Video));</p>
335 Electrical Equipment, Appliance, and Component Manufacturing.	<p>Except 335312—Exception is limited to facilities primarily engaged in armature re-winding on a factory basis (previously classified under SIC 7694 (Armature Rewinding Shops (remanufacturing)));</p>
336 Transportation Equipment Manufacturing.	
337 Furniture and Related Product Manufacturing.	<p>Except 337110—Exception is limited to facilities primarily engaged in the retail sale of household furniture and that manufacture custom wood kitchen cabinets and counter tops (previously classified under SIC 5712, Furniture Stores (custom wood cabinets));</p> <p>Except 337121—Exception is limited to facilities primarily engaged in the retail sale of household furniture and that manufacture custom made upholstered household furniture (previously classified under SIC 5712, Furniture Stores (upholstered, custom made furniture));</p> <p>Except 337122—Exception is limited to facilities primarily engaged in the retail sale of household furniture and that manufacture nonupholstered, household type, custom wood furniture (previously classified under SIC 5712, Furniture Stores (custom made wood nonupholstered household furniture except cabinets));</p>
339 Miscellaneous Manufacturing .....	<p>Except 339113—Exception is limited to facilities primarily engaged in manufacturing orthopedic devices to prescription in a retail environment (previously classified under SIC 5999, Miscellaneous Retail Stores, NEC);</p>

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Subsector code or industry code	Exceptions and/or limitations
	Except 339115—Exception is limited to lens grinding facilities that are primarily engaged in the retail sale of eyeglasses and contact lenses to prescription for individuals (previously classified under SIC 5995, Optical Goods Stores (optical laboratories grinding of lenses to prescription));
111998 All Other Miscellaneous Crop Farming.	Except 339116—Dental Laboratories (previously classified under SIC 8072, Dental Laboratories); Limited to facilities primarily engaged in reducing maple sap to maple syrup (previously classified under SIC 2099, Food Preparations, NEC, Reducing Maple Sap to Maple Syrup);
211112 Natural Gas Liquid Extraction .....	Limited to facilities that recover sulfur from natural gas (previously classified under SIC 2819, Industrial Inorganic chemicals, NEC (recovering sulfur from natural gas));
212324 Kaolin and Ball Clay Mining .....	Limited to facilities operating without a mine or quarry and that are primarily engaged in beneficiating kaolin and clay (previously classified under SIC 3295, Minerals and Earths, Ground or Otherwise Treated (grinding, washing, separating, etc. of minerals in SIC 1455));
212325 Mining .....	Limited to facilities operating without a mine or quarry and that are primarily engaged in beneficiating clay and ceramic and refractory minerals (previously classified under SIC 3295, Minerals and Earths, Ground or Otherwise Treated (grinding, washing, separating, etc. of minerals in SIC 1459));
212393 Other Chemical and Fertilizer Mineral Mining.	Limited to facilities operating without a mine or quarry and that are primarily engaged in beneficiating chemical or fertilizer mineral raw materials (previously classified under SIC 3295, Minerals and Earths, Ground or Otherwise Treated (grinding, washing, separating, etc. of minerals in SIC 1479));
212399 All Other Nonmetallic Mineral Mining.	Limited to facilities operating without a mine or quarry and that are primarily engaged in beneficiating nonmetallic minerals (previously classified under SIC 3295, Minerals and Earths, Ground or Otherwise Treated (grinding, washing, separating, etc. of minerals in SIC 1499));
488390 Other Support Activities for Water Transportation.	Limited to facilities that are primarily engaged in providing routine repair and maintenance of ships and boats from floating drydocks (previously classified under SIC 3731, Shipbuilding and Repairing (floating drydocks not associated with a shipyard));
511110 Newspaper Publishers. 511120 Periodical Publishers. 511130 Book Publishers. 511140 Directory and Mailing List Publishers.	
511191 Greeting Card Publishers. 511199 All Other Publishers.	Except facilities that are primarily engaged in furnishing services for direct mail advertising including Address list compilers, Address list publishers, Address list publishers and printing combined, Address list publishing, Business directory publishers, Catalog of collections publishers, Catalog of collections publishers and printing combined, Mailing list compilers, Directory compilers, and Mailing list compiling services (previously classified under SIC 7331, Direct Mail Advertising Services (mailing list compilers));
512220 Integrated Record Production/Distribution. 512230 Music Publishers .....	Except facilities primarily engaged in Music copyright authorizing use, Music copyright buying and licensing, and Music publishers working on their own account (previously classified under SIC 8999, Services, NEC (music publishing));
519130 Internet Publishing and Broadcasting and Web Search Portals.	Limited to facilities primarily engaged in Internet newspaper publishing (previously classified under SIC 2711, Newspapers: Publishing, or Publishing and Printing), Internet periodical publishing (previously classified under SIC 2721, Periodicals: Publishing, or Publishing and Printing), Internet book publishing (previously classified under SIC 2731, Books: Publishing, or Publishing and Printing), Miscellaneous Internet publishing (previously classified under SIC 2741, Miscellaneous Publishing), Internet greeting card publishers (previously classified under SIC 2771, Greeting Cards); Except for facilities primarily engaged in web search portals;
541712 Research and Development in the Physical, Engineering, and Life Sciences (except Biotechnology).	Limited to facilities that are primarily engaged in Guided missile and space vehicle engine research and development (previously classified under SIC 3764, Guided Missile and Space Vehicle Propulsion Units and Propulsion Unit Parts), and in Guided missile and space vehicle parts (except engines) research and development (previously classified under SIC 3769, Guided Missile and Space Vehicle Parts and Auxiliary Equipment, Not Elsewhere Classified);
811490 Other Personal and Household Goods Repair and Maintenance.	Limited to facilities that are primarily engaged in repairing and servicing pleasure and sail boats without retailing new boats (previously classified under SIC 3732, Boat Building and Repairing (pleasure boat building));

(c) NAICS codes that correspond to SIC codes other than SIC codes 20 through 39.

Subsector or industry code	Exceptions and/or limitations
212111 Bituminous Coal and Lignite Surface Mining.	
212112 Bituminous Coal and Underground Mining.	
212113 Anthracite Mining.	
212221 Gold Ore Mining.	
212222 Silver Ore Mining.	
212231 Lead Ore and Zinc Ore Mining.	
212234 Copper Ore and Nickel Ore Mining.	
212299 Other Metal Ore Mining.	
221111 Hydroelectric Power Generation	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221112 Fossil Fuel Electric Power Generation.	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221113 Nuclear Electric Power Generation.	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221119 Other Electric Power Generation	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221121 Electric Bulk Power Transmission and Control.	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221122 Electric Power Distribution .....	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221330 Steam and Air Conditioning Supply.	Limited to facilities engaged in providing combinations of electric, gas, and other services, not elsewhere classified (N.E.C.) (previously classified under SIC 4939, Combination Utility Services Not Elsewhere Classified.)
424690 Other Chemical and Allied Products Merchant Wholesalers..	
424710 Petroleum Bulk Stations and Terminals.	
425110 Business to Business Electronic Markets.	Limited to facilities previously classified in SIC 5169, Chemicals and Allied Products, Not Elsewhere Classified.
425120 Wholesale Trade Agents and Brokers.	Limited to facilities previously classified in SIC 5169, Chemicals and Allied Products, Not Elsewhere Classified.
562112 Hazardous Waste Collection .....	Limited to facilities primarily engaged in solvent recovery services on a contract or fee basis (previously classified under SIC 7389, Business Services, NEC).
562211 Hazardous Waste Treatment and Disposal.	Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 <i>et seq.</i>
562212 Solid Waste Landfill .....	Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 <i>et seq.</i>
562213 Solid Waste Combustors and Incinerators.	Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 <i>et seq.</i>
562219 Other Nonhazardous Waste Treatment and Disposal.	Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 <i>et seq.</i>
562920 Materials Recovery Facilities .....	Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 <i>et seq.</i>

[71 FR 32474, June 6, 2006, as amended at 73 FR 32470, June 9, 2008]

**§ 372.25 Thresholds for reporting.**

Except as provided in §§ 372.27 and 372.28, the threshold amounts for purposes of reporting under § 372.30 for toxic chemicals are as follows:

(a) With respect to a toxic chemical manufactured (including imported) or processed at a facility during the following calendar years:

1987—75,000 pounds of the chemical manufactured or processed for the year.

1988—50,000 pounds of the chemical manufactured or processed for the year.

1989 and thereafter—25,000 pounds of the chemical manufactured or processed for the year.

(b) With respect to a chemical otherwise used at a facility, 10,000 pounds of the chemical used for the applicable calendar year.

(c) With respect to activities involving a toxic chemical at a facility, when more than one threshold applies to the activities, the owner or operator of the facility must report if it exceeds any applicable threshold and must report on all activities at the facility involving the chemical, except as provided in § 372.38.

(d) When a facility manufactures, processes, or otherwise uses more than one member of a chemical category

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listed in §372.65(c), the owner or operator of the facility must report if it exceeds any applicable threshold for the total volume of all the members of the category involved in the applicable activity. Any such report must cover all activities at the facility involving members of the category.

(e) A facility may process or otherwise use a toxic chemical in a recycle/reuse operation. To determine whether the facility has processed or used more than an applicable threshold of the chemical, the owner or operator of the facility shall count the amount of the chemical added to the recycle/reuse operation during the calendar year. In particular, if the facility starts up such an operation during a calendar year, or in the event that the contents of the whole recycle/reuse operation are replaced in a calendar year, the owner or operator of the facility shall also count the amount of the chemical placed into the system at these times.

(f) A toxic chemical may be listed in §372.65 with the notation that only persons who manufacture the chemical, or manufacture it by a certain method, are required to report. In that case, only owners or operators of facilities that manufacture that chemical as described in §372.65 in excess of the threshold applicable to such manufacture in §372.25, §372.27, or §372.28 are required to report. In completing the reporting form, the owner or operator is only required to account for the quantity of the chemical so manufactured and releases associated with such manufacturing, but not releases associated with subsequent processing or use of the chemical at that facility. Owners and operators of facilities that solely process or use such a chemical are not required to report for that chemical.

(g) A toxic chemical may be listed in §372.65 with the notation that it is in a specific form (e.g., fume or dust, solution, or friable) or of a specific color (e.g., yellow or white). In that case, only owners or operators of facilities that manufacture, process, or use that chemical in the form or of the color, specified in §372.65 in excess of the threshold applicable to such activity in §372.25, §372.27, or §372.28 are required to report. In completing the reporting form, the owner or operator is only re-

quired to account for the quantity of the chemical manufactured, processed, or used in the form or color specified in §372.65 and for releases associated with the chemical in that form or color. Owners or operators of facilities that solely manufacture, process, or use such a chemical in a form or color other than those specified by §372.65 are not required to report for that chemical.

(h) Metal compound categories are listed in §372.65(c). For purposes of determining whether any of the thresholds specified in §372.25, §372.27, or §372.28 are met for metal compound category, the owner or operator of a facility must make the threshold determination based on the total amount of all members of the metal compound category manufactured, processed, or used at the facility. In completing the release portion of the reporting form for releases of the metal compounds, the owner or operator is only required to account for the weight of the parent metal released. Any contribution to the mass of the release attributable to other portions of each compound in the category is excluded.

[53 FR 4525, Feb. 16, 1988, as amended at 59 FR 61502, Nov. 30, 1994; 64 FR 58750, Oct. 29, 1999]

### **§372.27 Alternate threshold and certification.**

(a) Except as provided in paragraph (e) of this section, with respect to the manufacture, process, or otherwise use of a toxic chemical, the owner or operator of a facility may apply an alternate threshold of 1 million pounds per year to that chemical if the owner or operator calculates that the facility would have an annual reportable amount of that toxic chemical not exceeding 500 pounds for the combined total quantities released at the facility, disposed within the facility, treated at the facility (as represented by amounts destroyed or converted by treatment processes), recovered at the facility as a result of recycle operations, combusted for the purpose of energy recovery at the facility, and amounts transferred from the facility to off-site locations for the purpose of recycle, energy recovery, treatment,

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and/or disposal. These volumes correspond to the sum of amounts reportable for data elements on EPA Form R (EPA Form 9350-1; Rev. 12/4/93) as Part II column B or sections 8.1 (quantity released), 8.2 (quantity used for energy recovery on-site), 8.3 (quantity used for energy recovery off-site), 8.4 (quantity recycled on-site), 8.5 (quantity recycled off-site), 8.6 (quantity treated on-site), and 8.7 (quantity treated off-site).

(b) If an owner or operator of a facility determines that the owner or operator may apply the alternate reporting threshold specified in paragraph (a) of this section for a specific toxic chemical, the owner or operator is not required to submit a report for that chemical under § 372.30, but must submit a certification statement that contains the information required in § 372.95. The owner or operator of the facility must also keep records as specified in § 372.10(d).

(c) Threshold determination provisions of § 372.25 and exemptions pertaining to threshold determinations in § 372.38 are applicable to the determination of whether the alternate threshold has been met.

(d) Each certification statement under this section for activities involv-

ing a toxic chemical that occurred during a calendar year at a facility must be submitted to EPA and to the State in which the facility is located on or before July 1 of the next year. If the covered facility is located in Indian country, the facility shall submit the certification statement as described above to EPA and to the official designated by the Tribal Chairperson or equivalent elected official of the relevant Indian Tribe, instead of to the State.

(e) The provisions of this section do not apply to any chemicals listed in § 372.28.

[59 FR 61502, Nov. 30, 1994, as amended at 64 FR 58750, Oct. 29, 1999; 71 FR 76944, Dec. 22, 2006; 74 FR 19005, Apr. 27, 2009; 77 FR 23418, Apr. 19, 2012]

**§ 372.28 Lower thresholds for chemicals of special concern.**

(a) Notwithstanding § 372.25 or § 372.27, for the toxic chemicals set forth in this section, the threshold amounts for manufacturing (including importing), processing, and otherwise using such toxic chemicals are as set forth in this section.

(1) Chemical listing in alphabetic order.

Chemical name	CAS No.	Reporting threshold
Aldrin .....	00309-00-2	100
Benzo(g,h,i)perylene .....	00191-24-2	10
Chlordane .....	00057-74-9	10
Heptachlor .....	00076-44-8	10
Hexachlorobenzene .....	00118-74-1	10
Isodrin .....	00465-73-6	10
Lead (this lower threshold does not apply to lead when contained in a stainless steel, brass or bronze alloy)	7439-92-1 .....	100
Mercury .....	07439-97-6	10
Methoxychlor .....	00072-43-5	100
Octachlorostyrene .....	29082-74-4	10
Pendimethalin .....	40487-42-1	100
Pentachlorobenzene .....	00608-93-5	10
Polychlorinated biphenyl (PCBs) .....	01336-36-3	10
Tetrabromobisphenol A .....	00079-94-7	100
Toxaphene .....	08001-35-2	10
Trifluralin .....	01582-09-8	100

(2) Chemical categories in alphabetic order.

Category name	Reporting threshold
Dioxin and dioxin-like compounds (Manufacturing; and the processing or otherwise use of dioxin and dioxin-like compounds if the dioxin and dioxin-like compounds are present as contaminants in a chemical and if they were created during the manufacturing of that chemical) (This category includes only those chemicals listed below).	0.1 grams
67562-39-4 1,2,3,4,6,7,8-Heptachlorodibenzofuran	
55673-89-7 1,2,3,4,7,8,9-Heptachlorodibenzofuran	
70648-26-9 1,2,3,4,7,8-Hexachlorodibenzofuran	
57117-44-9 1,2,3,6,7,8-Hexachlorodibenzofuran	

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Category name	Reporting threshold
72918-21-9 1,2,3,7,8,9-Hexachlorodibenzofuran	100
60851-34-5 2,3,4,6,7,8-Hexachlorodibenzofuran	
39227-28-6 1,2,3,4,7,8-Hexachlorodibenzo- <i>p</i> -dioxin	
57653-85-7 1,2,3,6,7,8-Hexachlorodibenzo- <i>p</i> -dioxin	
19408-74-3 1,2,3,7,8,9-Hexachlorodibenzo- <i>p</i> -dioxin	
35822-46-9 1,2,3,4,6,7,8-Heptachlorodibenzo- <i>p</i> -dioxin	
Lead Compounds	
39001-02-0 1,2,3,4,6,7,8,9-Octachlorodibenzofuran	
03268-87-9 1,2,3,4,6,7,8,9-Octachlorodibenzo- <i>p</i> -dioxin	
57117-41-6 1,2,3,7,8-Pentachlorodibenzofuran	
57117-31-4 2,3,4,7,8-Pentachlorodibenzofuran	
40321-76-4 1,2,3,7,8-Pentachlorodibenzo- <i>p</i> -dioxin	
51207-31-9 2,3,7,8-Tetrachlorodibenzofuran	
01746-01-6 2,3,7,8-Tetrachlorodibenzo- <i>p</i> -dioxin	
Mercury compounds	
Polycyclic aromatic compounds (PACs) (This category includes only those chemicals listed below).	100
00056-55-3 Benz(a)anthracene	
00205-99-2 Benzo(b)fluoranthene	
00205-82-3 Benzo(j)fluoranthene	
00207-08-9 Benzo(k)fluoranthene	
00206-44-0 Benzo(l,k)fluorene	
00189-55-9 Benzo(r,s,t)pentaphene	
00218-01-9 Benzo(a)phenanthrene	
00050-32-8 Benzo(a)pyrene	
00226-36-8 Dibenz(a,h)acridine	
00224-42-0 Dibenz(a,j)acridine	
00053-70-3 Dibenzo(a,h)anthracene	
00194-59-2 7H-Dibenzo(c,g)carbazole	
05385-75-1 Dibenzo(a,e)fluoranthene	
00192-65-4 Dibenzo(a,e)pyrene	
00189-64-0 Dibenzo(a,h)pyrene	
00191-30-0 Dibenzo(a,l)pyrene	
00057-97-6 7,12-Dimethylbenz(a)anthracene	
42397-64-8 1,6-Dinitropyrene	
42397-65-9 1,8-Dinitropyrene	
00193-39-5 Indeno[1,2,3-cd]pyrene	
00056-49-5 3-Methylcholanthrene	
03697-24-3 5-Methylchrysene	
07496-02-8 6-Nitrochrysene	
05522-43-0 1-Nitropyrene	
57835-92-4 4-Nitropyrene	

(b) The threshold determination provisions under § 372.25(c) through (h) and the exemptions under § 372.38(b) through (h) are applicable to the toxic chemicals listed in paragraph (a) of this section.

[64 FR 58750, Oct. 29, 1999, as amended at 66 FR 4527, Jan. 17, 2001; 75 FR 72733, Nov. 26, 2010]

**§ 372.30 Reporting requirements and schedule for reporting.**

(a) For each toxic chemical known by the owner or operator to be manufactured (including imported), processed, or otherwise used in excess of an applicable threshold quantity in § 372.25, § 372.27, or § 372.28 at its covered facility described in § 372.22 for a calendar year, the owner or operator must submit to EPA and to the State in which the fa-

cility is located a completed EPA Form R (EPA Form 9350-1), EPA Form A (EPA Form 9350-2), and, for the dioxin and dioxin-like compounds category, EPA Form R Schedule 1 (EPA Form 9350-3) in accordance with the instructions referred to in subpart E of this part. If the covered facility is located in Indian country, the facility shall submit (to the extent applicable) a completed EPA Form R, Form A, and Form R Schedule 1 as described above to EPA and to the official designated by the Tribal Chairperson or equivalent elected official of the relevant Indian Tribe, instead of to the State.

(b)(1) The owner or operator of a covered facility is required to report as described in paragraph (a) of this section on a toxic chemical that the owner or

operator knows is present as a component of a mixture or trade name product which the owner or operator receives from another person, if that chemical is imported, processed, or otherwise used by the owner or operator in excess of an applicable threshold quantity in §372.25, §372.27, or §372.28 at the facility as part of that mixture or trade name product.

(2) The owner or operator knows that a toxic chemical is present as a component of a mixture or trade name product (i) if the owner or operator knows or has been told the chemical identity or Chemical Abstracts Service Registry Number of the chemical and the identity or Number corresponds to an identity or Number in §372.65, or (ii) if the owner or operator has been told by the supplier of the mixture or trade name product that the mixture or trade name product contains a toxic chemical subject to section 313 of the Act or this part.

(3) To determine whether a toxic chemical which is a component of a mixture or trade name product has been imported, processed, or otherwise used in excess of an applicable threshold in §372.25, §372.27, or §372.28 at the facility, the owner or operator shall consider only the portion of the mixture or trade name product that consists of the toxic chemical and that is imported, processed, or otherwise used at the facility, together with any other amounts of the same toxic chemical that the owner or operator manufactures, imports, processes, or otherwise uses at the facility as follows:

(i) If the owner or operator knows the specific chemical identity of the toxic chemical and the specific concentration at which it is present in the mixture or trade name product, the owner or operator shall determine the weight of the chemical imported, processed, or otherwise used as part of the mixture or trade name product at the facility and shall combine that with the weight of the toxic chemical manufactured (including imported), processed, or otherwise used at the facility other than as part of the mixture or trade name product. After combining these amounts, if the owner or operator determines that the toxic chemical was manufactured, processed, or otherwise

used in excess of an applicable threshold in §372.25, §372.27, or §372.28, the owner or operator shall report the specific chemical identity and all releases of the toxic chemical on EPA Form R in accordance with the instructions referred to in subpart E of this part.

(ii) If the owner or operator knows the specific chemical identity of the toxic chemical and does not know the specific concentration at which the chemical is present in the mixture or trade name product, but has been told the upper bound concentration of the chemical in the mixture or trade name product, the owner or operator shall assume that the toxic chemical is present in the mixture or trade name product at the upper bound concentration, shall determine whether the chemical has been manufactured, processed, or otherwise used at the facility in excess of an applicable threshold as provided in paragraph (b)(3)(i) of this section, and shall report as provided in paragraph (b)(3)(i) of this section.

(iii) If the owner or operator knows the specific chemical identity of the toxic chemical, does not know the specific concentration at which the chemical is present in the mixture or trade name product, has not been told the upper bound concentration of the chemical in the mixture or trade name product, and has not otherwise developed information on the composition of the chemical in the mixture or trade name product, then the owner or operator is not required to factor that chemical in that mixture or trade name product into threshold and release calculations for that chemical.

(iv) If the owner or operator has been told that a mixture or trade name product contains a toxic chemical, does not know the specific chemical identity of the chemical and knows the specific concentration at which it is present in the mixture or trade name product, the owner or operator shall determine the weight of the chemical imported, processed, or otherwise used as part of the mixture or trade name product at the facility. Since the owner or operator does not know the specific identity of the toxic chemical, the owner or operator shall make the threshold determination only for the weight of the toxic chemical in the

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mixture or trade name product. If the owner or operator determines that the toxic chemical was imported, processed, or otherwise used as part of the mixture or trade name product in excess of an applicable threshold in § 372.25, § 372.27, or § 372.28, the owner or operator shall report the generic chemical name of the toxic chemical, or a trade name if the generic chemical name is not known, and all releases of the toxic chemical on EPA Form R in accordance with the instructions referred to in subpart E of this part.

(v) If the owner or operator has been told that a mixture or trade name product contains a toxic chemical, does not know the specific chemical identity of the chemical, and does not know the specific concentration at which the chemical is present in the mixture or trade name product, but has been told the upper bound concentration of the chemical in the mixture or trade name product, the owner or operator shall assume that the toxic chemical is present in the mixture or trade name product at the upper bound concentration, shall determine whether the chemical has been imported, processed, or otherwise used at the facility in excess of an applicable threshold as provided in paragraph (b)(3)(iv) of this section, and shall report as provided in paragraph (b)(3)(iv) of this section.

(vi) If the owner or operator has been told that a mixture or trade name product contains a toxic chemical, does not know the specific chemical identity of the chemical, does not know the specific concentration at which the chemical is present in the mixture or trade name product, including information they have themselves developed, and has not been told the upper bound concentration of the chemical in the mixture or trade name product, the owner or operator is not required to report with respect to that toxic chemical.

(c) A covered facility may consist of more than one establishment. The owner or operator of such a facility at which a toxic chemical was manufactured (including imported), processed, or otherwise used in excess of an applicable threshold may submit a separate Form R for each establishment or for each group of establishments within

the facility to report the activities involving the toxic chemical at each establishment or group of establishments, provided that activities involving that toxic chemical at all the establishments within the covered facility are reported. If each establishment or group of establishments files separate reports then for all other chemicals subject to reporting at that facility they must also submit separate reports. However, an establishment or group of establishments does not have to submit a report for a chemical that is not manufactured (including imported), processed, otherwise used, or released at that establishment or group of establishments.

(d) Each report under this section for activities involving a toxic chemical that occurred during a calendar year at a covered facility must be submitted on or before July 1 of the next year. The first such report for calendar year 1987 activities must be submitted on or before July 1, 1988.

[53 FR 4525, Feb. 16, 1988; 53 FR 12748, Apr. 18, 1988, as amended at 56 FR 29185, June 26, 1991; 64 FR 58751, Oct. 29, 1999; 72 FR 26553, May 10, 2007; 77 FR 23418, Apr. 19, 2012]

### § 372.38 Exemptions.

(a) *De minimis concentrations of a toxic chemical in a mixture.* If a toxic chemical is present in a mixture of chemicals at a covered facility and the toxic chemical is in a concentration in the mixture which is below 1 percent of the mixture, or 0.1 percent of the mixture in the case of a toxic chemical which is a carcinogen as defined in 29 CFR 1910.1200(d)(4), a person is not required to consider the quantity of the toxic chemical present in such mixture when determining whether an applicable threshold has been met under § 372.25 or determining the amount of release to be reported under § 372.30. This exemption applies whether the person received the mixture from another person or the person produced the mixture, either by mixing the chemicals involved or by causing a chemical reaction which resulted in the creation of the toxic chemical in the mixture. However, this exemption applies only to the quantity of the toxic chemical present in the mixture. If the toxic

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chemical is also manufactured (including imported), processed, or otherwise used at the covered facility other than as part of the mixture or in a mixture at higher concentrations, in excess of an applicable threshold quantity set forth in § 372.25, the person is required to report under § 372.30. This exemption does not apply to toxic chemicals listed in § 372.28, except for purposes of § 372.45(d)(1).

(b) *Articles.* If a toxic chemical is present in an article at a covered facility, a person is not required to consider the quantity of the toxic chemical present in such article when determining whether an applicable threshold has been met under § 372.25, § 372.27, or § 372.28 or determining the amount of release to be reported under § 372.30. This exemption applies whether the person received the article from another person or the person produced the article. However, this exemption applies only to the quantity of the toxic chemical present in the article. If the toxic chemical is manufactured (including imported), processed, or otherwise used at the covered facility other than as part of the article, in excess of an applicable threshold quantity set forth in § 372.25, § 372.27, or § 372.28, the person is required to report under § 372.30. Persons potentially subject to this exemption should carefully review the definitions of *article* and *release* in § 372.3. If a release of a toxic chemical occurs as a result of the processing or use of an item at the facility, that item does not meet the definition of *article*.

(c) *Uses.* If a toxic chemical is used at a covered facility for a purpose described in this paragraph (c), a person is not required to consider the quantity of the toxic chemical used for such purpose when determining whether an applicable threshold has been met under § 372.25, § 372.27, or § 372.28 or determining the amount of releases to be reported under § 372.30. However, this exemption only applies to the quantity of the toxic chemical used for the purpose described in this paragraph (c). If the toxic chemical is also manufactured (including imported), processed, or otherwise used at the covered facility other than as described in this paragraph (c), in excess of an applicable threshold quantity set forth in § 372.25,

§ 372.27, or § 372.28, the person is required to report under § 372.30.

(1) Use as a structural component of the facility.

(2) Use of products for routine janitorial or facility grounds maintenance. Examples include use of janitorial cleaning supplies, fertilizers, and pesticides similar in type or concentration to consumer products.

(3) Personal use by employees or other persons at the facility of foods, drugs, cosmetics, or other personal items containing toxic chemicals, including supplies of such products within the facility such as in a facility operated cafeteria, store, or infirmary.

(4) Use of products containing toxic chemicals for the purpose of maintaining motor vehicles operated by the facility.

(5) Use of toxic chemicals present in process water and non-contact cooling water as drawn from the environment or from municipal sources, or toxic chemicals present in air used either as compressed air or as part of combustion.

(d) *Activities in laboratories.* If a toxic chemical is manufactured, processed, or used in a laboratory at a covered facility under the supervision of a technically qualified individual as defined in § 720.3(ee) of this title, a person is not required to consider the quantity so manufactured, processed, or used when determining whether an applicable threshold has been met under § 372.25, § 372.27, or § 372.28 or determining the amount of release to be reported under § 372.30. This exemption does not apply in the following cases:

(1) Specialty chemical production.

(2) Manufacture, processing, or use of toxic chemicals in pilot plant scale operations.

(3) Activities conducted outside the laboratory.

(e) *Certain owners of leased property.* The owner of a covered facility is not subject to reporting under § 372.30 if such owner's only interest in the facility is ownership of the real estate upon which the facility is operated. This exemption applies to owners of facilities such as industrial parks, all or part of which are leased to persons who operate establishments in any SIC code or NAICS code in § 372.23 that is subject to

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the requirements of this part, where the owner has no other business interest in the operation of the covered facility.

(f) *Reporting by certain operators of establishments on leased property such as industrial parks.* If two or more persons, who do not have any common corporate or business interest (including common ownership or control), operate separate establishments within a single facility, each such person shall treat the establishments it operates as a facility for purposes of this part. The determinations in §§ 372.22 and 372.25 shall be made for those establishments. If any such operator determines that its establishment is a covered facility under § 372.22 and that a toxic chemical has been manufactured (including imported), processed, or otherwise used at the establishment in excess of an applicable threshold in § 372.25, § 372.27, or § 372.28 for a calendar year, the operator shall submit a report in accordance with § 372.30 for the establishment. For purposes of this paragraph (f), a common corporate or business interest includes ownership, partnership, joint ventures, ownership of a controlling interest in one person by the other, or ownership of a controlling interest in both persons by a third person.

(g) *Coal extraction activities.* If a toxic chemical is manufactured, processed, or otherwise used in extraction by facilities in SIC code 12, or in NAICS codes 212111, 212112 or 212113, a person is not required to consider the quantity of the toxic chemical so manufactured, processed, or otherwise used when determining whether an applicable threshold has been met under § 372.25, § 372.27, or § 372.28, or determining the amounts to be reported under § 372.30.

(h) *Metal mining overburden.* If a toxic chemical that is a constituent of overburden is processed or otherwise used by facilities in SIC code 10, or in NAICS codes 212221, 212222, 212231, 212234 or 212299, a person is not required to consider the quantity of the toxic chemical so processed, or otherwise used when determining whether an applicable threshold has been met under § 372.25, § 372.27, or § 372.28, or deter-

mining the amounts to be reported under § 372.30.

[53 FR 4525, Feb. 16, 1988, as amended at 62 FR 23892, May 1, 1997; 64 FR 58751, Oct. 29, 1999; 71 FR 32477, June 6, 2006]

### Subpart C—Supplier Notification Requirements

#### § 372.45 Notification about toxic chemicals.

(a) Except as provided in paragraphs (c), (d), and (e) of this section and § 372.65, a person who owns or operates a facility or establishment which:

(1) Is in SIC codes 20 through 39 or a NAICS code that corresponds to SIC codes 20 through 39 as set forth in § 372.23(b),

(2) Manufactures (including imports) or processes a toxic chemical, and

(3) Sells or otherwise distributes a mixture or trade name product containing the toxic chemical, to (i) a facility described in § 372.22, or (ii) to a person who in turn may sell or otherwise distributes such mixture or trade name product to a facility described in § 372.22(b), must notify each person to whom the mixture or trade name product is sold or otherwise distributed from the facility or establishment in accordance with paragraph (b) of this section.

(b) The notification required in paragraph (a) of this section shall be in writing and shall include:

(1) A statement that the mixture or trade name product contains a toxic chemical or chemicals subject to the reporting requirements of section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 and 40 CFR part 372.

(2) The name of each toxic chemical, and the associated Chemical Abstracts Service registry number of each chemical if applicable, as set forth in § 372.65.

(3) The percent by weight of each toxic chemical in the mixture or trade name product.

(c) Notification under this section shall be provided as follows:

(1) For a mixture or trade name product containing a toxic chemical listed in § 373.65 with an effective date of January 1, 1987, the person shall provide

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the written notice described in paragraph (b) of this section to each recipient of the mixture or trade name product with at least the first shipment of each mixture or trade name product to each recipient in each calendar year beginning January 1, 1989.

(2) For a mixture or trade name product containing a toxic chemical listed in § 372.65 with an effective date of January 1, 1989 or later, the person shall provide the written notice described in paragraph (b) of this section to each recipient of the mixture or trade name product with at least the first shipment of the mixture or trade name product to each recipient in each calendar year beginning with the applicable effective date.

(3) If a person changes a mixture or trade name product for which notification was previously provided under paragraph (b) of this section by adding a toxic chemical, removing a toxic chemical, or changing the percent by weight of a toxic chemical in the mixture or trade name product, the person shall provide each recipient of the changed mixture or trade name product a revised notification reflecting the change with the first shipment of the changed mixture or trade name product to the recipient.

(4) If a person discovers (i) that a mixture or trade name product previously sold or otherwise distributed to another person during the calendar year of the discovery contains one or more toxic chemicals and (ii), that any notification provided to such other persons in that calendar year for the mixture or trade name product either did not properly identify any of the toxic chemicals or did not accurately present the percent by weight of any of the toxic chemicals in the mixture or trade name product, the person shall provide a new notification to the recipient within 30 days of the discovery which contains the information described in paragraph (b) of this section and identifies the prior shipments of the mixture or product in that calendar year to which the new notification applies.

(5) If a Material Safety Data Sheet (MSDS) is required to be prepared and distributed for the mixture or trade name product in accordance with 29 CFR 1910.1200, the notification must be

attached to or otherwise incorporated into such MSDS. When the notification is attached to the MSDS, the notice must contain clear instructions that the notifications must not be detached from the MSDS and that any copying and redistribution of the MSDS shall include copying and redistribution of the notice attached to copies of the MSDS subsequently redistributed.

(d) Notifications are not required in the following instances:

(1) If a mixture or trade name product contains no toxic chemical in excess of the applicable de minimis concentration as specified in § 372.38(a).

(2) If a mixture or trade name product is one of the following:

(i) An *article* as defined in § 372.3

(ii) Foods, drugs, cosmetics, alcoholic beverages, tobacco, or tobacco products packaged for distribution to the general public.

(iii) Any consumer product as the term is defined in the Consumer Product Safety Act (15 U.S.C. 1251 *et seq.*) packaged for distribution to the general public.

(e) If the person considers the specific identity of a toxic chemical in a mixture or trade name product to be a trade secret under provisions of 29 CFR 1910.1200, the notice shall contain a generic chemical name that is descriptive of that toxic chemical.

(f) If the person considers the specific percent by weight composition of a toxic chemical in the mixture or trade name product to be a trade secret under applicable State law or under the Restatement of Torts section 757, comment b, the notice must contain a statement that the chemical is present at a concentration that does not exceed a specified upper bound concentration value. For example, a mixture contains 12 percent of a toxic chemical. However, the supplier considers the specific concentration of the toxic chemical in the product to be a trade secret. The notice would indicate that the toxic chemical is present in the mixture in a concentration of no more than 15 percent by weight. The upper bound value chosen must be no larger than necessary to adequately protect the trade secret.

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(g) A person is not subject to the requirements of this section to the extent the person does not know that the facility or establishment(s) is selling or otherwise distributing a toxic chemical to another person in a mixture or trade name product. However, for purposes of this section, a person has such knowledge if the person receives a notice under this section from a supplier of a mixture or trade name product and the person in turn sells or otherwise distributes that mixture or trade name product to another person.

(h) If two or more persons, who do not have any common corporate or business interest (including common ownership or control), as described in §372.38(f), operate separate establishments within a single facility, each such persons shall treat the establishment(s) it operates as a facility for purposes of this section. The determination under paragraph (a) of this section shall be made for those establishments.

[53 FR 4525, Feb. 16, 1988; 53 FR 12748, Apr. 18, 1988; 71 FR 32477, June 6, 2006]

Subpart D—Specific Toxic Chemical Listings

§ 372.65 Chemicals and chemical categories to which this part applies.

The requirements of this part apply to the following chemicals and chemical categories. This section contains three listings. Paragraph (a) of this section is an alphabetical order listing of those chemicals that have an associated Chemical Abstracts Service (CAS) Registry number. Paragraph (b) of this section contains a CAS number order list of the same chemicals listed in paragraph (a) of this section. Paragraph (c) of this section contains the chemical categories for which reporting is required. These chemical categories are listed in alphabetical order and do not have CAS numbers. Each listing identifies the effective date for reporting under § 372.30.

(a) *Alphabetical listing.*

Chemical name	CAS No.	Effective date
Abamectin [Avermectin B1]	71751-41-2	1/1/95
Acephate (Acetylphosphoramidothioic acid O,S-dimethyl ester)	30560-19-1	1/1/95
Acetaldehyde	75-07-0	1/1/87
Acetamide	60-35-5	1/1/87
Acetonitrile	75-05-8	1/1/87
Acetophenone	98-86-2	1/1/94
2-Acetylaminofluorene	53-96-3	1/1/87
Acifluorfen, sodium salt [5-(2-Chloro-4-(trifluoromethyl)phenoxy)-2-nitrobenzoic acid, sodium salt]	62476-59-9	1/1/95
Acrolein	107-02-8	1/1/87
Acrylamide	79-06-1	1/1/87
Acrylic acid	79-10-7	1/1/87
Acrylonitrile	107-13-1	1/1/87
Alachlor	15972-60-8	1/1/95
Aldicarb	116-06-3	1/1/95
Aldrin[1,4:5,8-Dimethanonaphthalene,1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-(1.alpha.,4.alpha.,4a.beta.,5.alpha.,8.alpha.,8a.beta.)-]	309-00-2	1/1/87
d-trans-Allethrin [d-trans-Chrysanthemic acid of d-allethron]	28057-48-9	1/1/95
Allyl alcohol	107-18-6	1/1/90
Allylamine	107-11-9	1/1/95
Allyl chloride	107-05-1	1/1/87
Aluminum (fume or dust)	7429-90-5	1/1/87
Aluminum oxide (fibrous forms)	1344-28-1	1/1/87
Aluminum phosphide	20859-73-8	1/1/95
Ametryn (N-Ethyl-N'-(1-methylethyl)-6-(methylthio)-1,3,5-triazine-2,4-diamine)	834-12-8	1/1/95
2-Aminoanthraquinone	117-79-3	1/1/87
4-Aminoazobenzene	60-09-3	1/1/87
4-Aminobiphenyl	92-67-1	1/1/87
1-Amino-2,4-dibromoanthraquinone	00081-49-2	1/1/11
1-Amino-2-methylantraquinone	82-28-0	1/1/87
Amitraz	33089-61-1	1/1/95
Amitrole	61-82-5	1/1/94
Ammonia (includes anhydrous ammonia and aqueous ammonia from water dissociable ammonium salts and other sources; 10 percent of total aqueous ammonia is reportable under this listing)	7664-41-7	1/1/87
Ammonium nitrate (solution)	6484-52-2	1/1/87*
Anilazine [4,6-dichloro-N-(2-chlorophenyl)-1,3,5-triazin-2-amine]	101-05-3	1/1/95
Aniline	62-53-3	1/1/87

Chemical name	CAS No.	Effective date
<i>o</i> -Anisidine	90-04-0	1/1/87
<i>p</i> -Anisidine	104-94-9	1/1/87
<i>o</i> -Anisidine hydrochloride	134-29-2	1/1/87
Anthracene	120-12-7	1/1/87
Antimony	7440-36-0	1/1/87
Arsenic	7440-38-2	1/1/87
Asbestos (friable)	1332-21-4	1/1/87
Atrazine (6-Chloro-N-ethyl-N'-(1-methylethyl)-1,3,5-triazine-2,4-diamine)	1912-24-9	1/1/95
Barium	7440-39-3	1/1/87
Bendiocarb [2,2-Dimethyl-1,3-benzodioxol-4-yl methylcarbamate]	22781-23-3	1/1/95
Benfluralin (N-Butyl-N-ethyl-2,6-dinitro-4-(trifluoromethyl)benzenamine)	1861-40-1	1/1/95
Benomyl	17804-35-2	1/1/95
Benzal chloride	98-87-3	1/1/87
Benzamide	55-21-0	1/1/87
Benzene	71-43-2	1/1/87
Benzidine	92-87-5	1/1/87
Benzo(g,h,i)perylene	00191-24-2	1/00
Benzoic trichloride (Benzotrichloride)	98-07-7	1/1/87
Benzoyl chloride	98-88-4	1/1/87
Benzoyl peroxide	94-36-0	1/1/87
Benzyl chloride	100-44-7	1/1/87
Beryllium	7440-41-7	1/1/87
Bifenthrin	82657-04-3	1/1/95
Biphenyl	92-52-4	1/1/87
2,2-bis(Bromomethyl)-1,3-propanediol	003296-90-0	1/1/11
Bis(2-chloroethoxy)methane	111-91-1	1/1/94
Bis(2-chloroethyl) ether	111-44-4	1/1/87
Bis(chloromethyl) ether	542-88-1	1/1/87
Bis(2-chloro-1-methylethyl) ether	108-60-1	1/1/87
Bis(tributylin) oxide	56-35-9	1/1/95
Boron trichloride	10294-34-5	1/1/95
Boron trifluoride	7637-07-2	1/1/95
Bromacil (5-Bromo-6-methyl-3-(1-methylpropyl)-2,4-(1H,3H)-pyrimidinedione)	314-40-9	1/1/95
Bromacil, lithium salt [2,4-(1H,3H)-Pyrimidinedione, 5-bromo-6-methyl-3-(1-methylpropyl), lithium salt]	53404-19-6	1/1/95
Bromine	7726-95-6	1/1/95
1-Bromo-1-(bromomethyl)-1,3-propanedicarbonitrile	35691-65-7	1/1/95
Bromochlorodifluoromethane (Halon 1211)	353-59-3	7/8/90
Bromoform (Tribromomethane)	75-25-2	1/1/87
Bromomethane (Methyl bromide)	74-83-9	1/1/87
Bromotrifluoromethane (Halon 1301)	75-63-8	7/8/90
Bromoxynil (3,5-Dibromo-4-hydroxybenzonitrile)	1689-84-5	1/1/95
Bromoxynil octanoate (Octanoic acid, 2,6-dibromo-4-cyanophenyl ester)	1689-99-2	1/1/95
Brucine	357-57-3	1/1/95
1,3-Butadiene	106-99-0	1/1/87
Butyl acrylate	141-32-2	1/1/87
<i>n</i> -Butyl alcohol	71-36-3	1/1/87
<i>sec</i> -Butyl alcohol	78-92-2	1/1/87
<i>tert</i> -Butyl alcohol	75-65-0	1/1/87
1,2-Butylene oxide	106-88-7	1/1/87
Butyraldehyde	123-72-8	1/1/87
C.I. Acid Green 3	4680-78-8	1/1/87
C.I. Basic Green 4	569-64-2	1/1/87
C.I. Acid Red 114	6459-94-5	1/1/95
C.I. Basic Red 1	989-38-8	1/1/87
C.I. Direct Black 38	1937-37-7	1/1/87
C.I. Direct Blue 6	2602-46-2	1/1/87
C.I. Direct Blue 218	28407-37-6	1/1/95
C.I. Direct Brown 95	16071-86-6	1/1/87
C.I. Disperse Yellow 3	2832-40-8	1/1/87
C.I. Food Red 5	3761-53-3	1/1/87
C.I. Food Red 15	81-88-9	1/1/87
C.I. Solvent Orange 7	3118-97-6	1/1/87
C.I. Solvent Yellow 3	97-56-3	1/1/87
C.I. Solvent Yellow 14	842-07-9	1/1/87
C.I. Solvent Yellow 34 (Aurimine)	492-80-8	1/1/87
C.I. Vat Yellow 4	128-66-5	1/1/87
Cadmium	7440-43-9	1/1/87
Calcium cyanamide	156-62-7	1/1/87
Captan[1H-Isoindole-1,3(2H)-dione,3a,4,7,7a-tetrahydro-2-[(trichloromethyl)thio]-]	133-06-2	1/1/87
Carbaryl [1-Naphthalenol, methylcarbamate]	63-25-2	1/1/87
Carbofuran	1563-66-2	1/1/95
Carbon disulfide	75-15-0	1/1/87

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Carbon tetrachloride	56-23-5	1/1/87
Carbonyl sulfide	463-58-1	1/1/87
Carboxin (5,6-Dihydro-2-methyl-N-phenyl-1,4-oxathiin-3-carboxamide)	5234-68-4	1/1/95
Catechol	120-80-9	1/1/87
Chinomethionat [6-Methyl-1,3-dithiolo[4,5-b]quinoxalin-2-one]	2439-01-2	1/1/95
Chloramben [Benzoic acid,3-amino-2,5-dichloro-]	133-90-4	1/1/87
Chlordane [4,7-Methanoindan,1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-]	57-74-9	1/1/87
Chlorendic acid	115-28-6	1/1/95
Chlorimuron ethyl [Ethyl-2-[[[(4-chloro-6-methoxyprimidin-2-yl)-carbonyl]-amino]sulfonyl]benzoate]	90982-32-4	1/1/95
Chlorine	7782-50-5	1/1/87
Chlorine dioxide	10049-04-4	1/1/87
Chloroacetic acid	79-11-8	1/1/87
2-Chloroacetophenone	532-27-4	1/1/87
1-(3-Chloroallyl)-3,5,7-triaza-1-azoniaadamantane chloride	4080-31-3	1/1/95
p-Chloroaniline	106-47-8	1/1/95
Chlorobenzene	108-90-7	1/1/87
Chlorobenzilate [Benzenoacetic acid, 4-chloro- $\alpha$ -(4-chlorophenyl)- $\alpha$ -hydroxy-, ethyl ester]	510-15-6	1/1/87
1-Chloro-1,1-difluoroethane (HCFC-142b)	75-68-3	1/1/94
Chlorodifluoromethane (HCFC-22)	75-45-6	1/1/94
Chloroethane (Ethyl chloride)	75-00-3	1/1/87
Chloroform	67-66-3	1/1/87
Chloromethane (Methyl chloride)	74-87-3	1/1/87
Chloromethyl methyl ether	107-30-2	1/1/87
3-Chloro-2-methyl-1-propene	563-47-3	1/1/95
p-Chlorophenyl isocyanate	104-12-1	1/1/95
Chloropicrin	76-06-2	1/1/95
Chloroprene	126-99-8	1/1/87
3-Chloropropionitrile	542-76-7	1/1/95
Chlorotetrafluoroethane	63938-10-3	1/1/94
1-Chloro-1,1,2,2-tetrafluoroethane (HCFC-124a)	354-25-6	1/1/94
2-Chloro-1,1,1,2-tetrafluoroethane (HCFC-124)	2837-89-0	1/1/94
Chlorothalonil [1,3-Benzenedicarbonitrile,2,4,5,6-tetrachloro-]	1897-45-6	1/1/87
p-Chloro-o-toluidine	95-69-2	1/1/95
2-Chloro-1,1,1-trifluoro-ethane (HCFC-133a)	75-88-7	1/1/95
Chlorotrifluoromethane (CFC-13)	75-72-9	1/1/95
3-Chloro-1,1,1-trifluoro-propane (HCFC-253fb)	460-35-5	1/1/95
Chlorpyrifos methyl [O,O-dimethyl-O-(3,5,6-trichloro-2-pyridyl)phosphorothioate	5598-13-0	1/1/95
Chlorsulfuron [2-chloro-N-[[4-methoxy-6-methyl-1,3,5-triazin-2-yl]amino]carbonyl]benzenesulfonamide]	64902-72-3	1/1/95
Chromium	7440-47-3	1/1/87
Cobalt	7440-48-4	1/1/87
Copper	7440-50-8	1/1/87
Creosote	8001-58-9	1/1/90
p-Cresidine	120-71-8	1/1/87
Cresol (mixed isomers)	1319-77-3	1/1/87
m-Cresol	108-39-4	1/1/87
o-Cresol	95-48-7	1/1/87
p-Cresol	106-44-5	1/1/87
Crotonaldehyde	4170-30-3	1/1/95
Cumene	98-82-8	1/1/87
Cumene hydroperoxide	80-15-9	1/1/87
Cupferron[Benzeneamine, N-hydroxy-N-nitroso, ammonium salt]	135-20-6	1/1/87
Cyanazine	21725-46-2	1/1/95
Cycloate	1134-23-2	1/1/95
Cyclohexane	110-82-7	1/1/87
Cyclohexanol	108-93-0	1/1/95
Cyfluthrin [3-(2,2-Dichloroethenyl)-2,2-dimethylcyclopropanecarboxylic acid, cyano(4-fluoro-3-phenoxyphenyl)methyl ester]	68359-37-5	1/1/95
Cyhalothrin [3-(2-Chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylic acid cyano(3-phenoxyphenyl)methyl ester]	68085-85-8	1/1/95
2,4-D [Acetic acid, (2,4-dichlorophenoxy)-]	94-75-7	1/1/87
Dazomet[Tetrahydro-3,5-dimethyl-2H-1,3,5-thiadiazine-2-thione]	533-74-4	1/1/95
Dazomet, sodium salt [Tetrahydro-3,5-dimethyl-2H-1,3,5-thiadiazine-2-thione, ion(1-), sodium]	53404-60-7	1/1/95
2,4-DB	94-82-6	1/1/95
2,4-D butoxyethyl ester	1929-73-3	1/1/95
2,4-D butyl ester	94-80-4	1/1/95
2,4-D chlorocrotyl ester	2971-38-2	1/1/95
Decabromodiphenyl oxide	1163-19-5	1/1/87
Desmedipham	13684-56-5	1/1/95
2,4-D 2-ethylhexyl ester	1928-43-4	1/1/95
2,4-D 2-ethyl-4-methylpentyl ester	53404-37-8	1/1/95
Diallate [Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester]	2303-16-4	1/1/87
2,4-Diaminoanisoole	615-05-4	1/1/87

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2,4-Diaminoanisole sulfate	39156-41-7	1/1/87
4,4'-Diaminodiphenyl ether	101-80-4	1/1/87
Diaminotoluene (mixed isomers)	25376-45-8	1/1/87
2,4-Diaminotoluene	95-80-7	1/1/87
Diazinon	333-41-5	1/1/95
Diazomethane	334-88-3	1/1/87
Dibenzofuran	132-64-9	1/1/87
1,2-Dibromo-3-chloropropane (DBCP)	96-12-8	1/1/87
2,2-Dibromo-3-nitrilopropionamide	10222-01-2	1/1/95
1,2-Dibromoethane (Ethylene dibromide)	106-93-4	1/1/87
Dibromotetrafluoroethane (Halon 2402)	124-73-2	7/8/90
Dibutyl phthalate	84-74-2	1/1/87
Dicamba (3,6-Dichloro-2-methoxybenzoic acid)	1918-00-9	1/1/95
Dichloran [2,6-Dichloro-4-nitroaniline]	99-30-9	1/1/95
Dichlorobenzene (mixed isomers)	25321-22-6	1/1/87
1,2-Dichlorobenzene	95-50-1	1/1/87
1,3-Dichlorobenzene	541-73-1	1/1/87
1,4-Dichlorobenzene	106-46-7	1/1/87
3,3'-Dichlorobenzidine	91-94-1	1/1/87
3,3'-Dichlorobenzidine dihydrochloride	612-83-9	1/1/95
3,3'-Dichlorobenzidine sulfate	64969-34-2	1/1/95
Dichlorobromomethane	75-27-4	1/1/87
1,4-Dichloro-2-butene	764-41-0	1/1/94
trans-1,4-Dichloro-2-butene	110-57-6	1/1/95
1,2-Dichloro-1,1-difluoroethane (HCFC-132b)	1649-08-7	1/1/95
Dichlorodifluoromethane (CFC-12)	75-71-8	7/8/90
Dichlorofluoromethane (HCFC-21)	75-43-4	1/1/95
1,2-Dichloroethane (Ethylene dichloride)	107-06-2	1/1/87
1,2-Dichlorethylene	540-59-0	1/1/87
1,1-Dichloro-1-fluoroethane (HCFC-141b)	1717-00-6	1/1/94
Dichloromethane (Methylene chloride)	75-09-2	1/1/87
Dichloropentafluoropropane	127564-92-5	1/1/95
1,1-dichloro-1,2,2,3,3-pentafluoropropane (HCFC-225cc)	13474-88-9	1/1/95
1,1-dichloro-1,2,3,3,3-pentafluoropropane (HCFC-225eb)	111512-56-2	1/1/95
1,2-dichloro-1,1,2,3,3-pentafluoropropane (HCFC-225bb)	422-44-6	1/1/95
1,2-dichloro-1,1,3,3,3-pentafluoropropane (HCFC-225da)	431-86-7	1/1/95
1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb)	507-55-1	1/1/95
1,3-dichloro-1,1,2,3,3-pentafluoropropane (HCFC-225ea)	136013-79-1	1/1/95
2,2-dichloro-1,1,1,3,3-pentafluoropropane (HCFC-225aa)	128903-21-9	1/1/95
2,3-dichloro-1,1,1,2,3-pentafluoropropane (HCFC-225ba)	422-48-0	1/1/95
3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca)	422-56-0	1/1/95
Dichlorophene [2,2'-Methylene-bis(4-chlorophenol)]	97-23-4	1/1/95
2,4-Dichlorophenol	120-83-2	1/1/87
1,2-Dichloropropane	78-87-5	1/1/87
2,3-Dichloropropene	78-88-6	1/1/90
trans-1,3-Dichloropropene	10061-02-6	1/1/95
1,3-Dichloropropylene	542-75-6	1/1/87
Dichlorotetrafluoroethane (CFC-114)	76-14-2	7/8/90
Dichlorotrifluoroethane	34077-87-7	1/1/94
Dichloro-1,1,2-trifluoroethane	90454-18-5	1/1/94
1,1-Dichloro-1,2,2-trifluoroethane (HCFC-123b)	812-04-4	1/1/94
1,2-Dichloro-1,1,2-trifluoroethane (HCFC-123a)	354-23-4	1/1/94
2,2-Dichloro-1,1,1-trifluoroethane (HCFC-123)	306-83-2	1/1/94
Dichlorvos [Phosphoric acid, 2,2-dichloroethenyl dimethyl ester]	62-73-7	1/1/87
Diclofop methyl [2-[4-(2,4-Dichlorophenoxy)phenoxy]propanoic acid, methyl ester]	51338-27-3	1/1/95
Dicofol [Benzenemethanol,4-chloro-.alpha.-(4-chlorophenyl)-.alpha.-(trichloromethyl)-]	115-32-2	1/1/87
Dicyclopentadiene	77-73-6	1/1/95
Diepoxybutane	1464-53-5	1/1/87
Diethanolamine	111-42-2	1/1/87
Diethyl ethyl	38727-55-8	1/1/95
Di (2-ethylhexyl)phthalate	117-81-7	1/1/87
Diethyl sulfate	64-67-5	1/1/87
Diflubenzuron	35367-38-5	1/1/95
Diglycidyl resorcinol ether	101-90-6	1/1/95
Dimethipin [2,3-Dihydro-5,6-dimethyl-1,4-dithiin-1,1,4,4-tetraoxide]	55290-64-7	1/1/95
Dimethoate	60-51-5	1/1/95
Dihydrosafrole	94-58-6	1/1/94
3,3'-Dimethoxybenzidine	119-90-4	1/1/87
3,3'-Dimethoxybenzidine dihydrochloride (o-Dianisidine dihydrochloride)	20325-40-0	1/1/95
3,3'-Dimethoxybenzidine hydrochloride (o-Dianisidine hydrochloride)	111984-09-9	1/1/95
Dimethylamine	124-40-3	1/1/95
Dimethylamine dicamba	2300-66-5	1/1/95
4-Dimethylaminoazobenzene	60-11-7	1/1/87

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3,3'-Dimethylbenzidine (o-Tolidine)	119-93-7	1/1/87
3,3'-Dimethylbenzidine dihydrochloride (o-Tolidine dihydrochloride)	612-82-8	1/1/95
3,3'-Dimethylbenzidine dihydrofluoride (o-Tolidine dihydrofluoride)	41766-75-0	1/1/95
Dimethylcarbonyl chloride	79-44-7	1/1/87
Dimethyl chlorothiophosphate	2524-03-0	1/1/95
N,N-Dimethylformamide	68-12-2	1/1/95
1,1-Dimethyl hydrazine	57-14-7	1/1/87
2,4-Dimethylphenol	105-67-9	1/1/87
Dimethyl phthalate	131-11-3	1/1/87
Dimethyl sulfate	77-78-1	1/1/87
m-Dinitrobenzene	99-65-0	1/1/90
o-Dinitrobenzene	528-29-0	1/1/90
p-Dinitrobenzene	100-25-4	1/1/90
Dinitrobutyl phenol (Dinoseb)	88-85-7	1/1/95
Dinocap	39300-45-3	1/1/95
4,6-Dinitro-o-cresol	534-52-1	1/1/87
2,4-Dinitrophenol	51-28-5	1/1/87
2,4-Dinitrotoluene	121-14-2	1/1/87
2,6-Dinitrotoluene	606-20-2	1/1/87
Dinitrotoluene (mixed isomers)	25321-14-6	1/1/90
1,4-Dioxane	123-91-1	1/1/87
Diphenamid	957-51-7	1/1/95
Diphenylamine	122-39-4	1/1/95
1,2-Diphenylhydrazine (Hydrazobenzene)	122-66-7	1/1/87
Dipotassium endo[7-Oxabicyclo(2.2.1)heptane-2,3-dicarboxylic acid, dipotassium salt]	2164-07-0	1/1/95
Dipropyl isocinchomerate	136-45-8	1/1/95
Disodium cyanodithioimidocarbonate	138-93-2	1/1/95
2,4-D isopropyl ester	94-11-1	1/1/95
2,4-Dithiobiuret	541-53-7	1/1/95
Diuron	330-54-1	1/1/95
Dodine [Dodecylguanidine monoacetate]	2439-10-3	1/1/95
2,4,-DP	120-36-5	1/1/95
2,4-D propylene glycol butyl ether ester	1320-18-9	1/1/95
2,4-D sodium salt	2702-72-9	1/1/95
Epichlorohydrin	106-89-8	1/1/87
Ethoprop [Phosphorodithioic acid O-ethyl S,S-dipropyl ester]	13194-48-4	1/1/95
2-Ethoxyethanol	110-80-5	1/1/87
Ethyl acrylate	140-88-5	1/1/87
Ethylbenzene	100-41-4	1/1/87
Ethyl chloroformate	541-41-3	1/1/87
Ethyl dipropylthiocarbamate [EPTC]	759-94-4	1/1/95
Ethylene	74-85-1	1/1/87
Ethylene glycol	107-21-1	1/1/87
Ethyleneimine(Aziridine)	151-56-4	1/1/87
Ethylene oxide	75-21-8	1/1/87
Ethylene thiourea	96-45-7	1/1/87
Ethylidene dichloride	75-34-3	1/1/94
Famphur	52-85-7	1/1/95
Fenarimol [.alpha.-(2-Chlorophenyl)-.alpha.-4-chlorophenyl]-5-pyrimidinemethanol]	60168-88-9	1/1/95
Fenbutatin oxide (Hexakis(2-methyl-2-phenyl-propyl)distannoxane)	13356-08-6	1/1/95
Fenoxaprop ethyl [2-(4-((6-Chloro-2-benzoxazolyl)oxy)phenoxy)propanoic acid,ethyl ester]	66441-23-4	1/1/95
Fenoxycarb [2-(4-Phenoxyphenoxy)ethyl]carbamic acid ethyl ester]	72490-01-8	1/1/95
Fenpropatrin [2,2,3,3-Tetramethylcyclopropane carboxylic acid cyano(3-phenoxy-phenyl)methyl ester]	39515-41-8	1/1/95
Fenthion [O,O-Dimethyl O-[3-methyl-4-(methylthio)phenyl]ester, phosphorothioic acid]	55-38-9	1/1/95
Fenvalerate [4-Chloro-alpha-(1-methylethyl)benzeneacetic acid cyano(3-phenoxyphenyl)methyl ester]	51630-58-1	1/1/95
Ferbam [Tris(dimethylcarbamo-dithioato-S,S')iron]	14484-64-1	1/1/95
Fluazifop-butyl [2-[4-[[5-(Trifluoromethyl)-2-pyridinyl]oxy]-phenoxy]propanoic acid, butyl ester]	69806-50-4	1/1/95
Fluorine	7782-41-4	1/1/95
Fluorouracil (5-Fluorouracil)	51-21-8	1/1/95
Fluvalinate [N-[2-Chloro-4-(trifluoromethyl)phenyl]-DL-valine(+)-cyano (3-phenoxyphenyl)methyl ester]	69409-94-5	1/1/95
Folpet	133-07-3	1/1/95
Fomesafen [5-(2-Chloro-4-(trifluoromethyl)phenoxy)-N-methylsulfonyl]-2-nitrobenzamide]	72178-02-0	1/1/95
Fluometuron [Urea, N,N-dimethyl-N'-[3-(trifluoromethyl)phenyl]-]	2164-17-2	1/1/87
Formaldehyde	50-00-0	1/1/87
Formic acid	64-18-6	1/1/94
Freon 113 [Ethane, 1,1,2-trichloro-1,2,2-trifluoro-]	76-13-1	1/1/87
Furan	00110-00-9	1/1/11
Glycidol	00556-52-5	1/1/11
Heptachlor[1,4,5,6,7,8,8-Heptachloro-3a,4,7,7a-tetrahydro-4,7-methano-1H-indene]	76-44-8	1/1/87
Hexachlorobenzene	118-74-1	1/1/87
Hexachloro-1,3-butadiene	87-68-3	1/1/87

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alpha-Hexachlorocyclohexane	319–84–6	1/1/95
Hexachlorocyclopentadiene	77–47–4	1/1/87
Hexachloroethane	67–72–1	1/1/87
Hexachloronaphthalene	1335–87–1	1/1/87
Hexachlorophene	70–30–4	1/1/94
Hexamethylphosphoramide	680–31–9	1/1/87
n-Hexane	110–54–3	1/1/95
Hexazinone	51235–04–2	1/1/95
Hydramethylnon [Tetrahydro-5,5-dimethyl-2(1H)-pyrimidinone[3-[4-(trifluoromethyl)phenyl]-1-[2-[4-(trifluoromethyl)phenyl]ethenyl]-2-propenyldene]hydrazone]	67485–29–4	1/1/95
Hydrazine	302–01–2	1/1/87
Hydrazine sulfate	10034–93–2	1/1/87
Hydrochloric acid (acid aerosols including mists, vapors, gas, fog, and other airborne forms of any particle size)	7647–01–0	1/1/87
Hydrogen cyanide	74–90–8	1/1/87
Hydrogen fluoride	7664–39–3	1/1/87
Hydrogen sulfide	7783–06–4	1/1/94
Hydroquinone	123–31–9	1/1/87
Imazail [1-[2-(2,4-Dichlorophenyl)-2-(2-propenyloxy)ethyl]-1H-imidazole]	35554–44–0	1/1/95
3-Iodo-2-propynyl butylcarbamate	55406–53–6	1/1/95
Iron pentacarbonyl	13463–40–6	1/1/95
Isobutyraldehyde	78–84–2	1/1/87
Isodrin	465–73–6	1/1/95
Isufenphos [2-[[Ethoxy[(1-methylethyl)amino]phosphinothioyl]oxy]benzoic acid 1-methylethyl ester]	25311–71–1	1/1/95
Isoprene	00078–79–5	1/1/11
Isopropyl alcohol (Only persons who manufacture by the strong acid process are subject, no supplier notification.)	67–63–0	1/1/87
4,4'-Isopropylidenediphenol	80–05–7	1/1/87
Isosafrole	120–58–1	1/1/90
Lactofen [5-(2-Chloro-4-(trifluoromethyl)phenoxy)-2-nitro-2-ethoxy-1-methyl-2-oxoethyl ester]	77501–63–4	1/1/95
Lead	7439–92–1	1/1/87
Lindane [Cyclohexane, 1,2,3,4,5,6-hexachloro-(1.alpha.,2.alpha.,3.beta.,4.alpha.,5.alpha.,6.beta.)-]	58–89–9	1/1/87
Linuron	330–55–2	1/1/95
Lithium carbonate	554–13–2	1/1/95
Malathion	121–75–5	1/1/95
Maleic anhydride	108–31–6	1/1/87
Malononitrile	109–77–3	1/1/94
Maneb [Carbamodithioic acid, 1,2-ethanediybis-, manganese complex]	12427–38–2	1/1/87
Manganese	7439–96–5	1/1/87
Mecoprop	93–65–2	1/1/95
2-Mercaptobenzothiazole (MBT)	149–30–4	1/1/95
Mercury	7439–97–6	1/1/87
Merphos	150–50–5	1/1/95
Metham sodium (Sodium methylthiocarbamate)	137–42–8	1/1/95
Methacrylonitrile	126–98–7	1/1/94
Methanol	67–56–1	1/1/87
Methazole [2-(3,4-Dichlorophenyl)-4-methyl-1,2,4-oxadiazolidine-3,5-dione]	20354–26–1	1/1/95
Methiocarb	2032–65–7	1/1/95
Methoxone (4-Chloro-2-methylphenoxy) acetic acid (MCPA)	94–74–6	1/1/95
Methoxone-sodium salt ((4-chloro-2-methylphenoxy) acetate sodium salt)	3653–48–3	1/1/95
Methoxychlor [Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-methoxy-]]	72–43–5	1/1/87
2-Methoxyethanol	109–86–4	1/1/87
Methyl isothiocyanate [Isothiocyanatomethane]	556–61–6	1/1/95
2-Methylacetonitrile	75–86–5	1/1/95
Methyl acrylate	96–33–3	1/1/87
Methyl <i>tert</i> -butyl ether	1634–04–4	1/1/87
Methyl chlorocarbonate	79–22–1	1/1/94
4,4'-Methylenebis(2-chloroaniline) (MBOCA)	101–14–4	1/1/87
4,4'-Methylenebis( <i>N,N</i> -dimethyl) benzenamine	101–61–1	1/1/87
Methylenebis(phenylisocyanate) (MDI)	101–68–8	1/1/87
Methylene bromide	74–95–3	1/1/87
4,4'-Methylenedianiline	101–77–9	1/1/87
Methyleugenol	00093–15–2	1/1/11
Methyl hydrazine	60–34–4	1/1/87
Methyl iodide	74–88–4	1/1/87
Methyl isobutyl ketone	108–10–1	1/1/87
Methyl isocyanate	624–83–9	1/1/87
Methyl mercaptan	74–93–1	1/1/94
Methyl methacrylate	80–62–6	1/1/87
N-Methylolacrylamide	924–42–5	1/1/95
Methyl parathion	298–00–0	1/1/95
N-Methyl-2-pyrrolidone	872–50–4	1/1/95
2-Methylpyridine	109–06–8	1/1/94

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Chemical name	CAS No.	Effective date
Metiram	9006-42-2	1/1/95
Metribuzin	21087-64-9	1/1/95
Mevinphos	7786-34-7	1/1/95
Michler's ketone	90-94-8	1/1/87
Molinate (1H-Azepine-1-carbothioic acid, hexahydro-S-ethyl ester)	2212-67-1	1/1/95
Molybdenum trioxide	1313-27-5	1/1/87
(Mono)chloropentafluoroethane (CFC-115)	76-15-3	7/8/90
Monuron	150-68-5	1/1/95
Mustard gas [Ethane, 1,1'-thiobis[2-chloro-]]	505-60-2	1/1/87
Myclobutanil [alpha.-Butyl-.alpha.-(4-chlorophenyl)-1H-1,2,4-triazole-1-propanenitrile]	88671-89-0	1/1/95
Nabam	142-59-6	1/1/95
Naled	300-76-5	1/1/95
Naphthalene	91-20-3	1/1/87
alpha-Naphthylamine	134-32-7	1/1/87
beta-Naphthylamine	91-59-8	1/1/87
Nickel	7440-02-0	1/1/87
Nitrapyrin (2-Chloro-6-(trichloromethyl) pyridine)	1929-82-4	1/1/95
Nitric acid	7697-37-2	1/1/87
Nitrioltriacetic acid	139-13-9	1/1/87
5-Nitro-o-anisidine	99-59-2	1/1/87
5-Nitro-o-toluidine	99-55-8	1/1/94
p-Nitroaniline	100-01-6	1/1/95
o-Nitroanisole	00091-23-6	1/1/11
Nitrobenzene	98-95-3	1/1/87
4-Nitrobiphenyl	92-93-3	1/1/87
Nitrofen [Benzene, 2,4-dichloro-1-(4-nitrophenoxy)-]	1836-75-5	1/1/87
Nitrogen mustard [2-Chloro-N-(2-chloroethyl)-N-methylethanamine]	51-75-2	1/1/87
Nitroglycerin	55-63-0	1/1/87
Nitromethane	00075-52-5	1/1/11
2-Nitrophenol	88-75-5	1/1/87
4-Nitrophenol	100-02-7	1/1/87
2-Nitropropane	79-46-9	1/1/87
p-Nitrosodiphenylamine	156-10-5	1/1/87
N,N-Dimethylaniline	121-69-7	1/1/87
N-Nitrosodi-n-butylamine	924-16-3	1/1/87
N-Nitrosodiethylamine	55-18-5	1/1/87
N-Nitrosodimethylamine	62-75-9	1/1/87
N-Nitrosodiphenylamine	86-30-6	1/1/87
N-Nitrosodi-n-propylamine	621-64-7	1/1/87
N-Nitrosomethylvinylamine	4549-40-0	1/1/87
N-Nitrosomorpholine	59-89-2	1/1/87
N-Nitroso-N-ethylurea	759-73-9	1/1/87
N-Nitroso-N-methylurea	684-93-5	1/1/87
N-Nitrososonicotinine	16543-55-8	1/1/87
N-Nitrosopiperidine	100-75-4	1/1/87
Norflurazon [4-Chloro-5-(methylamino)-2-[3-(trifluoromethyl)phenyl]-3(2H)-pyridazinone]	27314-13-2	1/1/95
Octachloronaphthalene	2234-13-1	1/1/87
Octachlorostyrene	29082-74-4	1/00
Oryzalin [4-(Dipropylamino)-3,5-dinitrobenzenesulfonamide]	19044-88-3	1/1/95
Osmium tetroxide	20816-12-0	1/1/87
Oxydemeton methyl [S-(2-(ethylsulfinyl)ethyl) o,o-dimethyl ester phosphorothioic acid]	301-12-2	1/1/95
Oxydiazon [3-[2,4-Dichloro-5-(1-methylethoxy)phenyl]-5-(1,1-dimethylethyl)-1,3,4-oxadiazol-2(3H)-one]	19666-30-9	1/1/95
Oxyfluorfen	42874-03-3	1/1/95
Ozone	10028-15-6	1/1/95
Paraldehyde	123-63-7	1/1/94
Paraquat dichloride	1910-42-5	1/1/95
Parathion [Phosphorothioic acid, O,O-diethyl-O-(4-nitrophenyl) ester]	56-38-2	1/1/87
Pebulate [Butylethylcarbamothioic acid S-propyl ester]	1114-71-2	1/1/95
Pendimethalin [N-(1-Ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine]	40487-42-1	1/1/95
Pentachlorobenzene	00608-93-5	1/00
Pentachloroethane	76-01-7	1/1/94
Pentachlorophenol (PCP)	87-86-5	1/1/87
Pentobarbital sodium	57-33-0	1/1/95
Peracetic acid	79-21-0	1/1/87
Perchloromethyl mercaptan	594-42-3	1/1/95
Permethrin [3-(2,2-Dichloroethenyl)-2,2-dimethylcyclopropanecarboxylic acid, (3-phenoxyphenyl)methyl ester]	52645-53-1	1/1/95
Phenanthrene	85-01-8	1/1/95
Phenol	108-95-2	1/1/87
Phenolphthalein	00077-09-8	1/1/11
Phenothrin [2,2-Dimethyl-3-(2-methyl-1-propenyl)cyclopropanecarboxylic acid (3-phenoxyphenyl)methyl ester]	26002-80-2	1/1/95

Chemical name	CAS No.	Effective date
<i>p</i> -Phenylenediamine	106–50–3	1/1/87
1,2-Phenylenediamine	95–54–5	1/1/95
1,3-Phenylenediamine	108–45–2	1/1/95
1,2-Phenylenediamine dihydrochloride	615–28–1	1/1/95
1,4-Phenylenediamine dihydrochloride	624–18–0	1/1/95
2-Phenylphenol	90–43–7	1/1/87
Phenytol	57–41–0	1/1/95
Phosgene	75–44–5	1/1/87
Phosphine	7803–51–2	1/1/95
Phosphorus (yellow or white)	7723–14–0	1/1/87
Phthalic anhydride	85–44–9	1/1/87
Picloram	1918–02–1	1/1/95
Picric acid	88–89–1	1/1/87
Piperonyl butoxide	51–03–6	1/1/95
Pirimiphos methyl [O-(2-(Diethylamino)-6-methyl-4-pyrimidinyl)-O,O-dimethylphosphorothioate]	29232–93–7	1/1/95
Polychlorinated biphenyls (PCBs)	1336–36–3	1/1/87
Potassium bromate	7758–01–2	1/1/95
Potassium dimethyldithiocarbamate	128–03–0	1/1/95
Potassium N-methyldithiocarbamate	137–41–7	1/1/95
Profenofos [O-(4-Bromo-2-chlorophenyl)-O-ethyl-S-propyl phosphorothioate]	41198–08–7	1/1/95
Prometryn [N,N'-Bis(1-methylethyl)-6-methylthio-1,3,5-triazine-2,4-diamine]	7287–19–6	1/1/95
Pronamide	23950–58–5	1/1/94
Propachlor [2-Chloro-N-(1-methylethyl)-N-phenylacetamide]	1918–16–7	1/1/95
Propane sultone	1120–71–4	1/1/87
Propanil [N-(3,4-Dichlorophenyl)propanamide]	709–98–8	1/1/95
Propargite	2312–35–8	1/1/95
Propargyl alcohol	107–19–7	1/1/95
Propetamphos [3-[[[Ethylamino)methoxyphosphinothioyl]oxy]-2-butenic acid, 1-methylethyl ester]	31218–83–4	1/1/95
Propiconazole [1-[2-(2,4-Dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]-methyl-1H-1,2,4-triazole]	60207–90–1	1/1/95
<i>beta</i> -Propiolactone	57–57–8	1/1/87
Propionaldehyde	123–38–6	1/1/87
Propoxur [Phenol, 2-(1-methylethoxy)-, methylcarbamate]	114–26–1	1/1/87
Propylene (Propene)	115–07–1	1/1/87
Propyleneimine	75–55–8	1/1/87
Propylene oxide	75–56–9	1/1/87
Pyridine	110–86–1	1/1/87
Quinoline	91–22–5	1/1/87
Quinone	106–51–4	1/1/87
Quintozene [Pentachloronitrobenzene]	82–68–8	1/1/87
Quizalofop-ethyl [2-[4-[(6-Chloro-2-quinoxalinyloxy]phenoxy]propanoic acid ethyl ester]	76578–14–8	1/1/95
Resmethrin [[5-(Phenylmethyl)-3-furanyl]methyl 2,2-dimethyl-3-(2-methyl-1-propenyl)cyclopropanecarboxylate]	10453–86–8	1/1/95
Saccharin (only persons who manufacture are subject, no supplier notification) [1,2-Benzisothiazol-3(2H)-one,1,1-dioxide]	81–07–2	1/1/87
Safrole	94–59–7	1/1/87
Selenium	7782–49–2	1/1/87
Sethoxydim [2-[1-(Ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one]	74051–80–2	1/1/95
Silver	7440–22–4	1/1/87
Simazine	122–34–9	1/1/95
Sodium azide	26628–22–8	1/1/95
Sodium dicamba [3,6-Dichloro-2-methoxybenzoic acid, sodium salt]	1982–69–0	1/1/95
Sodium dimethyldithiocarbamate	128–04–1	1/1/95
Sodium fluoroacetate	62–74–8	1/1/95
Sodium nitrite	7632–00–0	1/1/95
Sodium pentachlorophenate	131–52–2	1/1/87
Sodium <i>o</i> -phenylphenoxide	132–27–4	1/1/95
Styrene	100–42–5	1/1/87
Styrene oxide	96–09–3	1/1/87
Sulfuric acid (acid aerosols including mists, vapors, gas, fog, and other airborne forms of any particle size)	7664–93–9	1/1/87
Sulfuryl fluoride [Vikane]	2699–79–8	1/1/95
Sulprofos [O-Ethyl O-[4-(methylthio)phenyl]phosphorodithioic acid S-propyl ester]	35400–43–2	1/1/95
Tebuthiuron [N-[5-(1,1-Dimethylethyl)-1,3,4-thiadiazol-2-yl]-N,N'-dimethylurea]	34014–18–1	1/1/95
Temephos	3383–96–8	1/1/95
Terbacil [5-Chloro-3-(1,1-dimethylethyl)-6-methyl-2,4(1H,3H)-pyrimidinedione]	5902–51–2	1/1/95
Tetrabromobisphenol A	00079–94–7	1/00
1,1,1,2-Tetrachloroethane	630–20–6	1/1/94
1,1,2,2-Tetrachloroethane	79–34–5	1/1/87
Tetrachloroethylene (Perchloroethylene)	127–18–4	1/1/87
1,1,1,2-Tetrachloro-2-fluoroethane (HCFC-121a)	354–11–0	1/1/95
1,1,2,2-Tetrachloro-1-fluoroethane (HCFC-121)	354–14–3	1/1/95
Tetrachlorvinphos [Phosphoric acid, 2-chloro-1-(2,4,5-trichlorophenyl)ethenyl dimethyl ester]	961–11–5	1/1/87
Tetracycline hydrochloride	64–75–5	1/1/95

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Chemical name	CAS No.	Effective date
Tetrafluoroethylene	00116-14-3	1/1/11
Tetramethrin [2,2-Dimethyl-3-(2-methyl-1-propenyl)cyclopropanecarboxylic acid (1,3,4,5,6,7-hexahydro-1,3-dioxo-2H-isoindol-2-yl)methyl ester]	7696-12-0	1/1/95
Tetranitromethane	00509-14-8	1/1/11
Thallium	7440-28-0	1/1/87
Thiabendazole [2-(4-Thiazolyl)-1H-benzimidazole]	148-79-8	1/1/95
Thioacetamide	62-55-5	1/1/87
Thiobencarb [Carbamic acid, diethylthio-, s-(p-chlorobenzyl)]	28249-77-6	1/1/95
4,4'-Thiodianiline	139-65-1	1/1/87
Thiodicarb	59669-26-0	1/1/95
Thiophanate ethyl [[1,2-Phenylenebis(iminocarbonothioyl)]biscarbamic acid diethyl ester]	23564-06-9	1/1/95
Thiophanate-methyl	23564-05-8	1/1/95
Thiosemicarbazide	79-19-6	1/1/95
Thiourea	62-56-6	1/1/87
Thiram	137-26-8	1/1/94
Thorium dioxide	1314-20-1	1/1/87
Titanium tetrachloride	7550-45-0	1/1/87
Toluene	108-88-3	1/1/87
Toluene-2,4-diisocyanate	584-84-9	1/1/87
Toluene-2,6-diisocyanate	91-08-7	1/1/87
Toluenediisocyanate (mixed isomers)	26471-62-5	1/1/90
<i>o</i> -Toluidine	95-53-4	1/1/87
<i>o</i> -Toluidine hydrochloride	636-21-5	1/1/87
Toxaphene	8001-35-2	1/1/87
Triadimefon [1-(4-Chlorophenoxy)-3,3-dimethyl-1-(1H-1,2,4-triazol-1-yl)-2-butanone]	43121-43-3	1/1/95
Triallate	2303-17-5	1/1/95
Triaziquone [2,5-Cyclohexadiene-1,4-dione,2,3,5-tris(1-aziridinyl)-]	68-76-8	1/1/87
Tribenuron methyl [2-((((4-Methoxy-6-methyl-1,3,5-triazin-2-yl)-methylamino)carbonyl)amino)sulfonyl)-, methyl ester]	101200-48-0	1/1/95
Tributyltin fluoride	1983-10-4	1/1/95
Tributyltin methacrylate	2155-70-6	1/1/95
S,S,S-Tributyltrithiophosphate (DEF)	78-48-8	1/1/95
Trichlorfon [Phosphonic acid, (2,2,2-trichloro-1-hydroxyethyl)-, dimethyl ester]	52-68-6	1/1/87
Trichloroacetyl chloride	76-02-8	1/1/95
1,2,4-Trichlorobenzene	120-82-1	1/1/87
1,1,1-Trichloroethane (Methyl chloroform)	71-55-6	1/1/87
1,1,2-Trichloroethane	79-00-5	1/1/87
Trichloroethylene	79-01-6	1/1/87
Trichlorofluoromethane (CFC-11)	75-69-4	7/8/90
2,4,5-Trichlorophenol	95-95-4	1/1/87
2,4,6-Trichlorophenol	88-06-2	1/1/87
1,2,3-Trichloropropane	96-18-4	1/1/95
Triclopyr, triethylammonium salt	57213-69-1	1/1/95
Triethylamine	121-44-8	1/1/95
Triflorine [N,N'-[1,4-Piperazinediyl-bis(2,2,2-trichloroethylidene)] bisformamide]	26644-46-2	1/1/95
Trifluralin [Benzeneamine, 2,6-dinitro-N,N-dipropyl-4-(trifluoromethyl)-1]	1582-09-8	1/1/87
1,2,4-Trimethylbenzene	95-63-6	1/1/87
2,3,5-Trimethylphenyl methylcarbamate	2655-15-4	1/1/95
Triphenyltin chloride	639-58-7	1/1/95
Triphenyltin hydroxide	76-87-9	1/1/95
Tris(2,3-dibromopropyl) phosphate	126-72-7	1/1/87
Trypan blue	72-57-1	1/1/94
Urethane (Ethyl carbamate)	51-79-6	1/1/87
Vanadium (except when contained in an alloy)	7440-62-2	1/00
Vinclozolin [3-(3,5-Dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione]	50471-44-8	1/1/95
Vinyl acetate	108-05-4	1/1/87
Vinyl bromide	593-60-2	1/1/87
Vinyl chloride	75-01-4	1/1/87
Vinyl Fluoride	00075-02-5	1/1/11
Vinylidene chloride	75-35-4	1/1/87
Xylene (mixed isomers)	1330-20-7	1/1/87
<i>m</i> -Xylene	108-38-3	1/1/87
<i>o</i> -Xylene	95-47-6	1/1/87
<i>p</i> -Xylene	106-42-3	1/1/87
2,6-Xylidine	87-62-7	1/1/87
Zinc (fume or dust)	7440-66-6	1/1/87
Zinc [Carbamodithioic acid, 1,2-ethanediybis-, zinc complex]	12122-67-7	1/1/87

\*Note: Ammonium nitrate (solution) is removed from this listing; the removal is effective July 2, 1995, for the 1995 reporting year.

\*Note: The listing of 2,2-dibromo-3-nitropropionamide (DBNPA)(CAS No. 10222-01-2) is stayed. The stay will remain in effect until further administrative action is taken.

(b) CAS Number listing.

CAS No.	Chemical name	Effective date
50-00-0	Formaldehyde	1/1/87
51-03-6	Piperonyl butoxide	1/1/95
51-21-8	Fluorouracil (5-Fluorouracil)	1/1/95
51-28-5	2,4-Dinitrophenol	1/1/87
51-75-2	Nitrogen mustard [2-Chloro-N-(2-chloroethyl)-N-methylethanamine]	1/1/87
51-79-6	Urethane (Ethyl carbamate)	1/1/87
52-68-6	Trichlorfon [Phosphonic acid, (2,2,2-trichloro-1-hydroxyethyl)-dimethyl ester]	1/1/87
52-85-7	Famphur	1/1/95
53-96-3	2-Acetylaminofluorene	1/1/87
55-18-5	N-Nitrosodiethylamine	1/1/87
55-21-0	Benzamide	1/1/87
55-38-9	Fenthion [O,O-Dimethyl O-[3-methyl-4-(methylthio)phenyl] ester, phosphorothioic acid]	1/1/95
55-63-0	Nitroglycerin	1/1/87
56-23-5	Carbon tetrachloride	1/1/87
56-35-9	Bis(tributyltin) oxide	1/1/95
56-38-2	Parathion [Phosphorothioic acid, 0,0-diethyl-0-(4-nitrophenyl)ester]	1/1/87
57-14-7	1,1-Dimethyl hydrazine	1/1/87
57-33-0	Pentobarbital sodium	1/1/95
57-41-0	Phenytoin	1/1/95
57-57-8	beta-Propiolactone	1/1/87
57-74-9	Chlordane [4,7-Methanoindan, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-]	1/1/87
58-89-9	Lindane [Cyclohexane, 1,2,3,4,5,6-hexachloro-(1.alpha.,2.alpha.,3.beta.,4.alpha.,5.alpha.,6.beta.)-]	1/1/87
59-89-2	N-Nitrosomorpholine	1/1/87
60-09-3	4-Aminoazobenzene	1/1/87
60-11-7	4-Dimethylaminoazobenzene	1/1/87
60-34-4	Methyl hydrazine	1/1/87
60-35-5	Acetamide	1/1/87
60-51-5	Dimethoate	1/1/95
61-82-5	Amitrole	1/1/94
62-53-3	Aniline	1/1/87
62-55-5	Thioacetamide	1/1/87
62-56-6	Thiourea	1/1/87
62-73-7	Dichlorvos [Phosphoric acid, 2,2-dichloroethenyl dimethyl ester]	1/1/87
62-74-8	Sodium fluoroacetate	1/1/95
62-75-9	N-Nitrosodimethylamine	1/1/87
63-25-2	Carbaryl [1-Naphthalenol, methylcarbamate]	1/1/87
64-18-6	Formic acid	1/1/94
64-67-5	Diethyl sulfate	1/1/87
64-75-5	Tetracycline hydrochloride	1/1/95
67-56-1	Methanol	1/1/87
67-63-0	Isopropyl alcohol (only persons who manufacture by the strong acid process are subject, supplier notification not required.)	1/1/87
67-66-3	Chloroform	1/1/87
67-72-1	Hexachloroethane	1/1/87
68-12-2	N,N-Dimethylformamide	1/1/95
68-76-8	Triaziquone [2,5-Cyclohexadiene-1,4-dione,2,3,5-tris(1-aziridinyl)-]	1/1/87
70-30-4	Hexachlorophene	1/1/94
71-36-3	n- Butyl alcohol	1/1/87
71-43-2	Benzene	1/1/87
71-55-6	1,1,1-Trichloroethane (Methyl chloroform)	1/1/87
72-43-5	Methoxychlor [Benzene, 1,1'-(2,2,2,-trichloroethylidene)bis [4-methoxy-]	1/1/87
72-57-1	Trypan blue	1/1/94
74-83-9	Bromomethane (Methyl bromide)	1/1/87
74-85-1	Ethylene	1/1/87
74-87-3	Chloromethane (Methyl chloride)	1/1/87
74-88-4	Methyl iodide	1/1/87
74-90-8	Hydrogen cyanide	1/1/87
74-93-1	Methyl mercaptan	1/1/94
74-95-3	Methylene bromide	1/1/87
75-00-3	Chloroethane (Ethyl chloride)	1/1/87
75-01-4	Vinyl chloride	1/1/87
75-02-5	Vinyl Fluoride	1/1/11
75-05-8	Acetonitrile	1/1/87
75-07-0	Acetaldehyde	1/1/87
75-09-2	Dichloromethane (Methylene chloride)	1/1/87
75-15-0	Carbon disulfide	1/1/87
75-21-8	Ethylene oxide	1/1/87
75-25-2	Bromoform (Tribromomethane)	1/1/87
75-27-4	Dichlorobromomethane	1/1/87
75-34-3	Ethylidene dichloride	1/1/94
75-35-4	Vinylidene chloride	1/1/87

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CAS No.	Chemical name	Effective date
75-43-4	Dichlorofluoromethane (HCFC-21)	1/1/95
75-44-5	Phosgene	1/1/87
75-45-6	Chlorodifluoromethane (HCFC-22)	1/1/94
75-52-5	Nitromethane	1/1/11
75-55-8	Propyleneimine	1/1/87
75-56-9	Propylene oxide	1/1/87
75-63-8	Bromotrifluoromethane (Halon 1301)	7/8/90
75-65-0	<i>tert</i> -Butyl alcohol	1/1/87
75-68-3	1-Chloro-1,1-difluoroethane (HCFC-142b)	1/1/94
75-69-4	Trichlorofluoromethane (CFC-11)	7/8/90
75-71-8	Dichlorodifluoromethane (CFC-12)	7/8/90
75-72-9	Chlorotrifluoromethane (CFC-13)	1/1/95
75-86-5	2-Methylacetonitrile	1/1/95
75-88-7	2-Chloro-1,1,1-trifluoroethane (HCFC-133a)	1/1/95
76-01-7	Pentachloroethane	1/1/94
76-02-8	Trichloroacetyl chloride	1/1/95
76-06-2	Chloropicrin	1/1/95
76-13-1	Freon-113	1/1/87
76-14-2	Dichlorotetrafluoroethane (CFC-114)	7/8/90
76-15-3	(Mono)chloropentafluoroethane (CFC-115)	7/8/90
76-44-8	Heptachlor [1,4,5,6,7,8,8-Heptachloro-3a,4,7,7a-tetrahydro-4,7-methano-1H-indene]	1/1/87
76-87-9	Triphenyltin hydroxide	1/1/95
77-09-8	Phenolphthalein	1/1/11
77-47-4	Hexachlorocyclopentadiene	1/1/87
77-73-6	Dicyclopentadiene	1/1/95
77-78-1	Dimethyl sulfate	1/1/87
78-48-8	S,S,S-Tributyltrithiophosphate (DEF)	1/1/95
78-79-5	Isoprene	1/1/11
78-84-2	Isobutyraldehyde	1/1/87
78-87-5	1,2-Dichloropropane	1/1/87
78-88-6	2,3-Dichloropropene	1/1/90
78-92-2	<i>sec</i> -Butyl alcohol	1/1/87
79-00-5	1,1,2-Trichloroethane	1/1/87
79-01-6	Trichloroethylene	1/1/87
79-06-1	Acrylamide	1/1/87
79-10-7	Acrylic acid	1/1/87
79-11-8	Chloroacetic acid	1/1/87
79-19-6	Thiosemicarbazide	1/1/95
79-21-0	Peracetic acid	1/1/87
79-22-1	Methyl chlorocarbonate	1/1/94
79-34-5	1,1,2,2-Tetrachloroethane	1/1/87
79-44-7	Dimethylcarbonyl chloride	1/1/87
79-46-9	2-Nitropropane	1/1/87
80-05-7	4,4'-Isopropylidenediphenol	1/1/87
80-15-9	Cumene hydroperoxide	1/1/87
80-62-6	Methyl methacrylate	1/1/87
81-07-2	Saccharin (only persons who manufacture are subject, no supplier notification) [1,2-Benzisothiazol-3(2H)-one,1,1-dioxide]	1/1/87
81-49-2	1-Amino-2,4-dibromoanthraquinone	1/1/11
81-88-9	C.I. Food Red 15	1/1/87
82-28-0	1-Amino-2-methylantraquinone	1/1/87
82-68-8	Quintozene [Pentachloronitrobenzene]	C12
84-74-2	Dibutyl phthalate	1/1/87
85-01-8	Phenanthrene	1/1/95
85-44-9	Phthalic anhydride	1/1/87
86-30-6	<i>N</i> -Nitrosodiphenylamine	1/1/87
87-62-7	2,6-Xylidine	1/1/87
87-68-3	Hexachloro-1,3-butadiene	1/1/87
87-86-5	Pentachlorophenol (PCP)	1/1/87
88-06-2	2,4,6-Trichlorophenol	1/1/87
88-75-5	2-Nitrophenol	1/1/87
88-85-7	Dinitrobutyl phenol (Dinoseb)	1/1/95
88-89-1	Picric acid	1/1/87
90-04-0	<i>o</i> -Anisidine	1/1/87
90-43-7	2-Phenylphenol	1/1/87
90-94-8	Michler's ketone	1/1/87
91-08-7	Toluene-2,6-diisocyanate	1/1/87
91-20-3	Naphthalene	1/1/87
91-22-5	Quinoline	1/1/87
91-23-6	<i>o</i> -Nitroanisole	1/1/11
91-59-8	<i>beta</i> -Naphthylamine	1/1/87
91-94-1	3,3'-Dichlorobenzidine	1/1/87
92-52-4	Biphenyl	1/1/87

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92-67-1	4-Aminobiphenyl	1/1/87
92-87-5	Benzidine	1/1/87
92-93-3	4-Nitrobiphenyl	1/1/87
93-15-2	Methyleugenol	1/1/11
93-65-2	Mecoprop	1/1/95
94-11-1	2,4-D isopropyl ester	1/1/95
94-36-0	Benzoyl peroxide	1/1/87
94-58-6	Dihydrosafrole	1/1/94
94-59-7	Safrole	1/1/87
94-74-6	Methoxone (4-Chloro-2-methylphenoxy) acetic acid (MCPA)	1/1/95
94-75-7	2,4-D [Acetic acid, (2,4-dichlorophenoxy)-]	1/1/87
94-80-4	2,4-D butyl ester	1/1/95
94-82-6	2,4-DB	1/1/95
95-47-6	<i>o</i> -Xylene	1/1/87
95-48-7	<i>o</i> -Cresol	1/1/87
95-50-1	1,2-Dichlorobenzene	1/1/87
95-53-4	<i>o</i> -Toluidine	1/1/87
95-54-5	1,2-Phenylenediamine	1/1/95
95-63-6	1,2,4-Trimethylbenzene	1/1/87
95-69-2	<i>p</i> -Chloro- <i>o</i> -toluidine	1/1/95
95-80-7	2,4-Diaminotoluene	1/1/87
95-95-4	2,4,5-Trichlorophenol	1/1/87
96-09-3	Styrene oxide	1/1/87
96-12-8	1,2-Dibromo-3-chloropropane (DBCP)	1/1/87
96-18-4	1,2,3-Trichloropropane	1/1/95
96-33-3	Methyl acrylate	1/1/87
96-45-7	Ethylene thiourea	1/1/87
97-23-4	Dichlorophene [ 2,2'-Methylene-bis(4-chlorophenol)]	1/1/95
97-56-3	C.I. Solvent Yellow 3	1/1/87
98-07-7	Benzoic trichloride (Benzotrichloride)	1/1/87
98-82-8	Cumene	1/1/87
98-86-2	Acetophenone	1/1/94
98-87-3	Benzal chloride	1/1/87
98-88-4	Benzoyl chloride	1/1/87
98-95-3	Nitrobenzene	1/1/87
99-30-9	Dichloran [2,6-Dichloro-4-nitroaniline]	1/1/95
99-55-8	5-Nitro- <i>o</i> -toluidine	1/1/94
99-59-2	5-Nitro- <i>o</i> -anisidine	1/1/87
99-65-0	<i>m</i> -Dinitrobenzene	1/1/90
100-01-6	<i>p</i> -Nitroaniline	1/1/95
100-02-7	4-Nitrophenol	1/1/87
100-25-4	<i>p</i> -Dinitrobenzene	1/1/90
100-41-4	Ethylbenzene	1/1/87
100-42-5	Styrene	1/1/87
100-44-7	Benzyl chloride	1/1/87
100-75-4	<i>N</i> -Nitrosopiperidine	1/1/87
101-05-3	Anilazine [4,6-dichloro- <i>N</i> -(2-chlorophenyl)-1,3,5-triazin-2-amine]	1/1/95
101-14-4	4,4'-Methylenebis(2-chloroaniline) (MBOCA)	1/1/87
101-61-1	4,4'-Methylenebis( <i>N,N</i> -dimethyl)benzenamine	1/1/87
101-68-8	Methylenebis(phenylisocyanate) (MDI)	1/1/87
101-77-9	4,4'-Methylenedianiline	1/1/87
101-80-4	4,4'-Diaminodiphenyl ether	1/1/87
101-90-6	Diglycidyl resorcinol ether	1/1/95
104-12-1	<i>p</i> -Chlorophenyl isocyanate	1/1/95
104-94-9	<i>p</i> -Anisidine	1/1/87
105-67-9	2,4-Dimethylphenol	1/1/87
106-42-3	<i>p</i> -Xylene	1/1/87
106-44-5	<i>p</i> -Cresol	1/1/87
106-46-7	1,4-Dichlorobenzene	1/1/87
106-47-8	<i>p</i> -Chloroaniline	1/1/95
106-50-3	<i>p</i> -Phenylenediamine	1/1/87
106-51-4	Quinone	1/1/87
106-88-7	1,2-Butylene oxide	1/1/87
106-89-8	Epichlorohydrin	1/1/87
106-93-4	1,2-Dibromoethane (Ethylene dibromide)	1/1/87
106-99-0	1,3-Butadiene	1/1/87
107-02-8	Acrolein	1/1/87
107-05-1	Allyl chloride	1/1/87
107-06-2	1,2-Dichloroethane (Ethylene dichloride)	1/1/87
107-11-9	Allylamine	1/1/95
107-13-1	Acrylonitrile	1/1/87
107-18-6	Allyl alcohol	1/1/90
107-19-7	Propargyl alcohol	1/1/95

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107-21-1	Ethylene glycol	1/1/87
107-30-2	Chloromethyl methyl ether	1/1/87
108-05-4	Vinyl acetate	1/1/87
108-10-1	Methyl isobutyl ketone	1/1/87
108-31-6	Maleic anhydride	1/1/87
108-38-3	<i>m</i> -Xylene	1/1/87
108-39-4	<i>m</i> -Cresol	1/1/87
108-45-2	1,3-Phenylenediamine	1/1/95
108-60-1	Bis(2-chloro-1-methylethyl)ether	1/1/87
108-88-3	Toluene	1/1/87
108-90-7	Chlorobenzene	1/1/87
108-93-0	Cyclohexanol	1/1/95
108-95-2	Phenol	1/1/87
109-06-8	2-Methylpyridine	1/1/94
109-77-3	Malononitrile	1/1/94
109-86-4	2-Methoxyethanol	1/1/87
110-00-9	Furan	1/1/11
110-54-3	<i>n</i> -Hexane	1/1/95
110-57-6	<i>trans</i> -1,4-Dichloro-2-butene	1/1/95
110-80-5	2-Ethoxyethanol	1/1/87
110-82-7	Cyclohexane	1/1/87
110-86-1	Pyridine	1/1/87
111-42-2	Diethanolamine	1/1/87
111-44-4	Bis(2-chloroethyl) ether	1/1/87
111-91-1	Bis(2-chloroethoxy)methane	1/1/94
114-26-1	Propoxur [Phenol, 2-(1-methylethoxy)-, methylcarbamate]	1/1/87
115-07-1	Propylene (Propene)	1/1/87
115-28-6	Chlorendic acid	1/1/95
115-32-2	Dicofol [Benzenemethanol, 4-chloro- $\alpha$ -(4-chlorophenyl)- $\alpha$ -(trichloromethyl)-]	1/1/87
116-06-3	Aldicarb	1/1/95
116-14-3	Tetrafluoroethylene	1/1/11
117-79-3	2-Aminoanthraquinone	1/1/87
117-81-7	Di(2-ethylhexyl) phthalate (DEHP)	1/1/87
118-74-1	Hexachlorobenzene	1/1/87
119-90-4	3,3'-Dimethoxybenzidine	1/1/87
119-93-7	3,3'-Dimethylbenzidine ( <i>o</i> -Tolidine)	1/1/87
120-12-7	Anthracene	1/1/87
120-36-5	2,4-DP	1/1/95
120-58-1	Isosafrole	1/1/90
120-71-8	<i>p</i> -Cresidine	1/1/87
120-80-9	Catechol	1/1/87
120-82-1	1,2,4-Trichlorobenzene	1/1/87
120-83-2	2,4-Dichlorophenol	1/1/87
121-14-2	2,4-Dinitrotoluene	1/1/87
121-44-8	Triethylamine	1/1/95
121-69-7	<i>N,N</i> -Dimethylaniline	1/1/87
121-75-5	Malathion	1/1/95
122-34-9	Simazine	1/1/95
122-39-4	Diphenylamine	1/1/95
122-66-7	1,2-Diphenylhydrazine (Hydrazobenzene)	1/1/87
123-31-9	Hydroquinone	1/1/87
123-38-6	Propionaldehyde	1/1/87
123-63-7	Paraldehyde	1/1/94
123-72-8	Butyraldehyde	1/1/87
123-91-1	1,4-Dioxane	1/1/87
124-40-3	Dimethylamine	1/1/95
124-73-2	Dibromotetrafluoroethane (Halon 2402)	7/8/90
126-72-7	Tris-2,3-dibromopropyl) phosphate	1/1/87
126-98-7	Methacrylonitrile	1/1/94
126-99-8	Chloroprene	1/1/87
127-18-4	Tetrachloroethylene (Perchloroethylene)	1/1/87
128-03-0	Potassium dimethyldithiocarbamate	1/1/95
128-04-1	Sodium dimethyldithiocarbamate	1/1/95
128-66-5	C.I. Vat Yellow 4	1/1/87
131-11-3	Dimethyl phthalate	1/1/87
131-52-2	Sodium pentachlorophenate	1/1/95
132-27-4	Sodium <i>o</i> -phenylphenoxide	1/1/95
132-64-9	Dibenzofuran	1/1/87
133-06-2	Captan [1 <i>H</i> -Isoindole-1,3(2 <i>H</i> )-dione,3 <i>a</i> ,4,7,7 <i>a</i> -tetrahydro-2-[(trichloromethyl)thio]-]	1/1/87
133-07-3	Folpet	1/1/95
133-90-4	Chloramben [Benzoic acid, 3-amino-2,5-dichloro-]	1/1/87
134-29-2	<i>o</i> -Anisidine hydrochloride	1/1/87
134-32-7	$\alpha$ -Naphthylamine	1/1/87

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135–20–6	Cupferron [Benzeneamine, N-hydroxy-N-nitroso, ammonium salt] .....	1/1/87
136–45–8	Dipropyl isocinchomeronate .....	1/1/95
137–26–8	Thiram .....	1/1/94
137–41–7	Potassium n-methyldithiocarbamate .....	1/1/95
137–42–8	Metham Sodium .....	1/1/95
138–93–2	Disodium cyanodithioimidocarbonate .....	1/1/95
139–13–9	Nitrioltriacetic acid .....	1/1/87
139–65–1	4,4'-Thiodianiline .....	1/1/87
140–88–5	Ethyl acrylate .....	1/1/87
141–32–2	Butyl acrylate .....	1/1/87
142–59–6	Nabam .....	1/1/95
148–79–8	Thiabendazole [2-(4-Thiazolyl)-1H-benzimidazole] .....	1/1/95
149–30–4	2-Mercaptobenzothiazole .....	1/1/95
150–50–5	Merphos .....	1/1/95
150–68–5	Monuron .....	1/1/95
151–56–4	Ethyleneimine (Aziridine) .....	1/1/87
156–10–5	p-Nitrosodiphenylamine .....	1/1/87
156–62–7	Calcium cyanamide .....	1/1/87
298–00–0	Methyl parathion .....	1/1/95
300–76–5	Naled .....	1/1/95
301–12–2	Oxydemeton methyl [s-(2-(Ethylsulfanyl)ethyl)0,o-dimethyl ester phosphorothioic acid] .....	1/1/95
302–01–2	Hydrazine .....	1/1/87
306–83–2	2,2-Dichloro-1,1,1-trifluoroethane (HCFC-123) .....	1/1/94
309–00–2	Aldrin[1,4:5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-(1.alpha.,4.alpha.,4a.beta.,5.alpha.,8.alpha.,8a.beta.)-] .....	1/1/87
314–40–9	Bromacil (5-Bromo-6-methyl-3-(1-methylpropyl)-2,4-(1H,3H)-pyrimidinedione) .....	1/1/95
319–84–6	alpha-Hexachlorocyclohexane .....	1/1/95
330–54–1	Diuron .....	1/1/95
330–55–2	Linuron .....	1/1/95
333–41–5	Diazinon .....	1/1/95
334–88–3	Diazomethane .....	1/1/87
353–59–3	Bromochlorodifluoromethane (Halon 1211) .....	7/8/90
354–11–0	1,1,1,2-Tetrachloro-2-fluoroethane (HCFC-121a) .....	1/1/95
354–14–3	1,1,2,2-Tetrachloro-1-fluoroethane (HCFC-121) .....	1/1/95
354–23–4	1,2-Dichloro-1,1,2-trifluoroethane (HCFC-123a) .....	1/1/94
354–25–6	1-Chloro-1,1,2,2-tetrafluoroethane (HCFC-124a) .....	1/1/94
357–57–3	Brucine .....	1/1/95
422–44–6	1,2-dichloro-1,1,2,3,3-pentafluoropropane (HCFC-225bb) .....	1/1/95
422–48–0	2,3-dichloro-1,1,1,2,3-pentafluoropropane (HCFC-225ba) .....	1/1/95
422–56–0	3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca) .....	1/1/95
431–86–7	1,2-dichloro-1,1,3,3,3-pentafluoropropane (HCFC-225da) .....	1/1/95
460–35–5	3-chloro-1,1,1-trifluoropropane (HCFC-253fb) .....	1/1/95
463–58–1	Carbonyl sulfide .....	1/1/87
465–73–6	Isodrin .....	1/1/95
492–80–8	C.I. Solvent Yellow 34 (Aurimine) .....	1/1/87
505–60–2	Mustard gas [Ethane, 1,1'-thiobis[2-chloro-] .....	1/1/87
507–55–1	1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb) .....	1/1/95
509–14–8	Tetranitromethane .....	1/1/11
510–15–6	Chlorobenzilate[Benezeneacetic acid, 4-chloro-.alpha.-(4-chlorophenyl)-.alpha.-hydroxy-, ethyl ester] .....	1/1/87
528–29–0	o-Dinitrobenzene .....	1/1/90
532–27–4	2-Chloroacetophenone .....	1/1/87
533–74–4	Dazomet (Tetrahydro-3,5-dimethyl-2H-1,3,5-thiadiazine-2-thione) .....	1/1/95
534–52–1	4,6-Dinitro-o-cresol .....	1/1/87
540–59–0	1,2-Dichloroethylene .....	1/1/87
541–41–3	Ethyl chloroformate .....	1/1/87
541–53–7	2,4-Dithiobiuret .....	1/1/95
541–73–1	1,3-Dichlorobenzene .....	1/1/87
542–75–6	1,3-Dichloropropylene .....	1/1/87
542–76–7	3-Chloropropionitrile .....	1/1/95
542–88–1	Bis(chloromethyl) ether .....	1/1/87
554–13–2	Lithium carbonate .....	1/1/95
556–52–5	Glycidol .....	1/1/11
556–61–6	Methyl isothiocyanate [Isothiocyanatomethane] .....	1/1/95
563–47–3	3-Chloro-2-methyl-1-propene .....	1/1/95
569–64–2	C.I. Basic Green 4 .....	1/1/87
594–42–3	Perchloromethyl mercaptan .....	1/1/95
606–20–2	2,6-Dinitrotoluene .....	1/1/87
612–82–8	3,3'-Dimethylbenzidine dihydrochloride (o-Tolidine dihydrochloride) .....	1/1/95
612–83–9	3,3'-Dichlorobenzidine dihydrochloride .....	1/1/95
615–05–4	2,4-Diaminoanisole .....	1/1/87
615–28–1	1,2-Phenylenediamine dihydrochloride .....	1/1/95
621–64–7	N-Nitrosodi-n-propylamine .....	1/1/87
624–18–0	1,4-Phenylenediamine dihydrochloride .....	1/1/95

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624-83-9	Methyl isocyanate	1/1/87
630-20-6	1,1,1,2-Tetrachloroethane	1/1/94
636-21-5	o-Toluidine hydrochloride	1/1/87
639-58-7	Triphenyltin chloride	1/1/95
680-31-9	Hexamethylphosphoramide	1/1/87
684-93-5	N-Nitroso-N-methylurea	1/1/87
709-98-8	Propanil [N-(3,4-Dichlorophenyl)propanamide]	1/1/95
759-73-9	N-Nitroso-N-ethylurea	1/1/87
759-94-4	Ethyl dipropylthiocarbamate (EPTC)	1/1/95
764-41-0	1,4-Dichloro-2-butene	1/1/94
812-04-4	1,1-Dichloro-1,2,2-trifluoroethane (HCFC-123b)	1/1/94
834-12-8	Ametryn (N-Ethyl-N'-(1-methylethyl)-6-(methylthio)-1,3,5,-triazine-2,4-diamine)	1/1/95
842-07-9	C.I. Solvent Yellow 14	1/1/87
872-50-4	N-Methyl-2-pyrrolidone	1/1/95
924-16-3	N-Nitrosodi-n-butylamine	1/1/87
924-42-5	N-Methylolacrylamide	1/1/95
957-51-7	Diphenamid	1/1/95
961-11-5	Tetrachlorvinphos [Phosphoric acid, 2-chloro-1-(2,4,5-trichlorophenyl)ethenyl dimethyl ester]	1/1/87
989-38-8	C.I. Basic Red 1	1/1/87
1114-71-2	Pebulate [Butylethylcarbamo-thioic acid S-propyl ester]	1/1/95
1120-71-4	Propane sultone	1/1/87
1134-23-2	Cycloate	1/1/95
1163-19-5	Decabromodiphenyl oxide	1/1/87
1313-27-5	Molybdenum trioxide	1/1/87
1314-20-1	Thorium dioxide	1/1/87
1319-77-3	Cresol (mixed isomers)	1/1/87
1320-18-9	2,4-D propylene glycol butyl ether ester	1/1/95
1330-20-7	Xylene (mixed isomers)	1/1/87
1332-21-4	Asbestos (friable)	1/1/87
1335-87-1	Hexachloronaphthalene	1/1/87
1336-36-3	Polychlorinated biphenyls (PCBs)	1/1/87
1344-28-1	Aluminum oxide (fibrous forms)	1/1/87
1464-53-5	Diepoxybutane	1/1/87
1563-66-2	Carbofuran	1/1/95
1582-09-8	Trifluralin [Benzeneamine, 2,6-dinitro-N,N-dipropyl-4-(trifluoromethyl)-]	1/1/87
1634-04-4	Methyl <i>tert</i> -butyl ether	1/1/87
1649-08-7	1,2-dichloro-1,1-difluoroethane (HCFC-132b)	1/1/95
1689-84-5	Bromoxynil (3,5-Dibromo-4-hydroxybenzoxynil)	1/1/95
1689-99-2	Bromoxynil octanoate (Octanoic acid, 2,6-dibromo-4-cyanophenyl ester)	1/1/95
1717-00-6	1,1-Dichloro-1-fluoroethane (HCFC-141b)	1/1/94
1836-75-5	Nitrofen [Benzene, 2,4-dichloro-1-(4-nitrophenoxy)-]	1/1/87
1861-40-1	Benfluralin(N-Butyl-N-ethyl-2,6-dinitro-4-(trifluoromethyl)benzenamine)	1/1/95
1897-45-6	Chlorothalonil [1-3-Benzenedicarbonitrile,2,4,5,6-tetrachloro-]	1/1/87
1910-42-5	Paraquat dichloride	1/1/95
1912-24-9	Atrazine (6-Chloro-N-ethyl-N'-(1-methylethyl)-1,3,5,-triazine-2,4-diamine)	1/1/95
1918-00-9	Dicamba (3,6-Dichloro-2-methoxybenzoic acid)	1/1/95
1918-02-1	Picloram	1/1/95
1918-16-7	Propachlor [2-Chloro-N-(1-methylethyl)-N-phenylacetamide]	1/1/95
1928-43-4	2,4-D 2-ethylhexyl ester	1/1/95
1929-73-3	2,4-D butoxyethyl ester	1/1/95
1929-82-4	Nitrapyrin (2-Chloro-6-(trichloromethyl)pyridine)	1/1/95
1937-37-7	C.I. Direct Black 38	1/1/87
1982-69-0	Sodium dicamba [3,6-Dichloro-2-methoxybenzoic acid, sodium salt]	1/1/95
1983-10-4	Tributyltin fluoride	1/1/95
2032-65-7	Methiocarb	1/1/95
2155-70-6	Tributyltin methacrylate	1/1/95
2164-07-0	Dipotassium endoathall [7-Oxabicyclo(2.2.1)heptane-2,3-dicarboxylic acid, dipotassium salt]	1/1/95
2164-17-2	Fluometuron [Urea, N,N-dimethyl-N'-[3-(trifluoromethyl)phenyl]-]	1/1/87
2212-67-1	Molinate (1H-Azepine-1-carbothioic acid, hexahydro-S-ethyl ester)	1/1/95
2234-13-1	Octachloronaphthalene	1/1/87
2300-66-5	Dimethylamine dicamba	1/1/95
2303-16-4	Diallate [Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl)ester]	1/1/87
2303-17-5	Triallate	1/1/95
2312-35-8	Propargite	1/1/95
2439-01-2	Chinomethionat [6-Methyl-1,3-dithiolo[4,5-b]quinoxalin-2-one]	1/1/95
2439-10-3	Dodine [Dodecylguanidine monoacetate]	1/1/95
2524-03-0	Dimethyl chlorothiophosphate	1/1/95
2602-46-2	C.I. Direct Blue 6	1/1/87
2655-15-4	2,3,5-Trimethylphenyl methylcarbamate	1/1/95
2699-79-8	Sulfuryl Fluoride [Vikane]	1/1/95
2702-72-9	2,4-D sodium salt	1/1/95
2832-40-8	C.I. Disperse Yellow 3	1/1/87
2837-89-0	2-Chloro-1,1,1,2-tetrafluoroethane (HCFC-124)	1/1/94

CAS No.	Chemical name	Effective date
2971–38–2	2,4-D chlorocrotyl ester	1/1/95
3118–97–6	C.I. Solvent Orange 7	1/1/87
3296–90–0	2,2-bis(Bromomethyl)-1,3-propanediol	1/1/11
3383–96–8	Temephos	1/1/95
3653–48–3	Methoxone - sodium salt (4-Chloro-2-methylphenoxy acetate sodium salt)	1/1/95
3761–53–3	C.I. Food Red 5	1/1/87
4080–31–3	1-(3-Chloroallyl)-3,5,7-triaza-1-azoniaadamantane chloride	1/1/95
4170–30–3	Crotonaldehyde	1/1/95
4549–40–0	N-Nitrosomethylvinylamine	1/1/87
4680–78–8	C.I. Acid Green 3	1/1/87
5234–68–4	Carboxin (5,6-Dihydro-2-methyl-N-phenyl-1,4-oxathiin-3-carboxamide)	1/1/95
5598–13–0	Chlorpyrifos methyl [O,O-dimethyl-O-(3,5,6-trichloro-2-pyridyl)phosphorothioate]	1/1/95
5902–51–2	Terbacil [5-Chloro-3-(1,1-dimethylethyl)-6-methyl-2,4-(1H,3H)-pyrimidinedione]	1/1/95
6459–94–5	C.I. Acid Red 114	1/1/95
6484–52–2	Ammonium nitrate (solution)	1/1/87*
7287–19–6	Prometryn [N,N'-Bis(1-methylethyl)-6-methylthio-1,3,5-triazine-2,4-diamine]	1/1/95
7429–90–5	Aluminum (fume or dust)	1/1/87
7439–92–1	Lead	1/1/87
7439–96–5	Manganese	1/1/87
7439–97–6	Mercury	1/1/87
7440–02–0	Nickel	1/1/87
7440–22–4	Silver	1/1/87
7440–28–0	Thallium	1/1/87
7440–36–0	Antimony	1/1/87
7440–38–2	Arsenic	1/1/87
7440–39–3	Barium	1/1/87
7440–41–7	Beryllium	1/1/87
7440–43–9	Cadmium	1/1/87
7440–47–3	Chromium	1/1/87
7440–48–4	Cobalt	1/1/87
7440–50–8	Copper	1/1/87
7440–62–2	Vanadium (except when contained in an alloy)	1/00
7440–66–6	Zinc (fume or dust)	1/1/87
7550–45–0	Titanium tetrachloride	1/1/87
7632–00–0	Sodium nitrite	1/1/95
7637–07–2	Boron trifluoride	1/1/95
7647–01–0	Hydrochloric acid (acid aerosols including mists, vapors, gas, fog, and other airborne forms of any particle size)	1/1/87
7664–39–3	Hydrogen fluoride	1/1/87
7664–41–7	Ammonia (includes anhydrous ammonia and aqueous ammonia from water dissociable ammonium salts and other sources; 10 percent of total aqueous ammonia is reportable under this listing)	1/1/87
7664–93–9	Sulfuric acid (acid aerosols including mists, vapors, gas, fog, and other airborne forms of any particle size)	1/1/87
7696–12–0	Tetramethrin [2,2-Dimethyl-3-(2-methyl-1-propenyl)cyclopropane-carboxylic acid (1,3,4,5,6,7-hexahydro-1,3-dioxo-2H-isoindol-2-yl)methyl ester]	1/1/95
7697–37–2	Nitric acid	1/1/87
7723–14–0	Phosphorus (yellow or white)	1/1/87
7726–95–6	Bromine	1/1/95
7758–01–2	Potassium bromate	1/1/95
7782–41–4	Fluorine	1/1/95
7782–49–2	Selenium	1/1/87
7782–50–5	Chlorine	1/1/87
7783–06–4	Hydrogen sulfide	1/1/94
7783–20–2	Ammonium sulfate (solution)	1/1/87
8001–35–2	Toxaphene	1/1/87
8001–58–9	Creosote	1/1/90
7786–34–7	Mevinphos	1/1/95
7803–51–2	Phosphine	1/1/95
9006–42–2	Metiram	1/1/95
00079–94–7	Tetrabromobisphenol A	1/00
00191–24–2	Benzo(g,h,i)perylene	1/00
00608–93–5	Pentachlorobenzene	1/00
10028–15–6	Ozone	1/1/95
10034–93–2	Hydrazine sulfate	1/1/87
10049–04–4	Chlorine dioxide	1/1/87
10061–02–6	trans-1,3-Dichloropropene	1/1/95
10222–01–2	2,2-Dibromo-3-nitropropionamide	1/1/95
10294–34–5	Boron trichloride	1/1/95
10453–86–8	Resmethrin [[5-(Phenylmethyl)-3-furanyl]methyl 2,2-dimethyl-3-(2-methyl-1-propenyl)cyclopropanecarboxylate]	1/1/95
12122–67–7	Zineb [Carbamodithioic acid, 1,2-ethanediybis-, zinc complex]	1/1/87
12427–38–2	Maneb [Carbamodithioic acid, 1,2-ethanediybis-, manganese complex]	1/1/87
13194–48–4	Ethoprop [Phosphorodithioic acid O-ethyl S,S-dipropyl ester]	1/1/95

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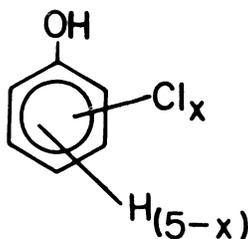
CAS No.	Chemical name	Effective date
13356-08-6	Fenbutatin oxide (hexakis(2-methyl-2-phenylpropyl)distannoxane) .....	1/1/95
13463-40-6	Iron pentacarbonyl .....	1/1/95
13474-88-9	1,1-Dichloro-1,2,2,3,3-pentafluoropropane (HCFC-225cc) .....	1/1/95
13684-56-5	Desmedipham .....	1/1/95
14484-64-1	Ferbam [Tris(dimethylcarbamio-dithioato-S,S')iron] .....	1/1/95
15972-60-8	Alachlor .....	1/1/95
16071-86-6	C.I. Direct Brown 95 .....	1/1/87
16543-55-8	N-Nitrosornicotine .....	1/1/87
17804-35-2	Benomyl .....	1/1/95
19044-88-3	Oryzalin [4-(Dipropylamino)-3,5-dinitrobenzene-sulfonamide] .....	1/1/95
19666-30-9	Oxydiazon [3-[2,4-Dichloro-5-(1-methylethoxy)phenyl]-5-(1,1-dimethylethyl)-1,3,4-oxadiazol-2(3H)-one] .....	1/1/95
20325-40-0	3,3'-Dimethoxybenzidine dihydrochloride (Dianisidine dihydrochloride) .....	1/1/95
20354-26-1	Methazole [2-(3,4-Dichlorophenyl)-4-methyl-1,2,4-oxadiazolidine-3,5-dione] .....	1/1/95
20816-12-0	Osmium tetroxide .....	1/1/87
20859-73-8	Aluminum phosphide .....	1/1/95
21087-64-9	Metribuzin .....	1/1/95
21725-46-2	Cyanazine .....	1/1/95
22781-23-3	Bendiocarb [2,2-Dimethyl-1,3-benzodioxol-4-ol methylcarbamate] .....	1/1/95
23564-05-8	Thiophanate methyl .....	1/1/95
23564-06-9	Thiophanate ethyl [[1,2-Phenylenebis(iminocarbonothioyl)]biscarbamic acid diethyl ester] .....	1/1/95
23950-58-5	Pronamide .....	1/1/94
25311-71-1	Isofenphos [2-[[Ethoxyl[(1-methylethyl)amino]phosphinothioyl]oxy]benzoic acid 1-methylethyl ester] .....	1/1/95
25321-14-6	Dinitrotoluene .....	1/1/90
	(mixed isomers) .....	1/1/90
25321-22-6	Dichlorobenzene (mixed isomers) .....	1/1/87
25376-45-8	Diaminotoluene (mixed isomers) .....	1/1/87
26002-80-2	Phenothrin [2,2-Dimethyl-3-(2-methyl-1-propenyl)cyclopropanecarboxylic acid (3-phenoxyphenyl)methyl ester] .....	1/1/95
26471-62-5	Toluenediisocyanate .....	1/1/90
	(mixed isomers) .....	1/1/90
26628-22-8	Sodium azide .....	1/1/95
26644-46-2	Triforine [N,N'-[1,4-Piperazinediylbis(2,2,2-trichloroethylidene)] bisformamide] .....	1/1/95
27314-13-2	Norflurazon [4-Chloro-5-(methylamino)-2-[3-(trifluoromethyl)phenyl]-3(2H)-pyridazinone] .....	1/1/95
28057-48-9	d-trans-Allethrin [d-trans-Chrysanthemic acid of d-allethrine] .....	1/1/95
28249-77-6	Thiobencarb [Carbamic acid, diethylthio-, s-(p-chlorobenzyl)] .....	1/1/95
28407-37-6	C.I. Direct Blue 218 .....	1/1/95
29082-74-4	Octachlorostyrene .....	1/00
29232-93-7	Pirimiphos methyl [O-(2-(Diethylamino)-6-methyl-4-pyrimidinyl)-O,O-dimethyl phosphorothioate] .....	1/1/95
30560-19-1	Acephate (Acetylphosphoramidothioic acid O,S-dimethyl ester) .....	1/1/95
31218-83-4	Propetamphos [3-[[Ethylamino)methoxyphosphino-thioyl]oxy]-2-butenic acid, 1-methylethyl ester] .....	1/1/95
33089-61-1	Amitraz .....	1/1/95
34014-18-1	Terbutiuron [N-[5-(1,1-Dimethylethyl)-1,3,4-thiadiazol-2-yl]-N,N'-dimethylurea] .....	1/1/95
34077-87-7	Dichlorotrifluoroethane .....	1/1/94
35367-38-5	Diffubenzuron .....	1/1/95
35400-43-2	Sulprofos [O-Ethyl O-[4-(methylthio)phenyl]phosphorodithioic acid S-propyl ester] .....	1/1/95
35554-44-0	Imazalil [1-[2-(2,4-Dichlorophenyl)-2-(2-propenyloxy)ethyl]-1H-imidazole] .....	1/1/95
35691-65-7	1-Bromo-1-(bromomethyl)-1,3-propanedicarbonitrile .....	1/1/95
38727-55-8	Diethatyl ethyl .....	1/1/95
39156-41-7	2,4-Diaminoanisole sulfate .....	1/1/87
39300-45-3	Dinocap .....	1/1/95
39515-41-8	Fenpropathrin [2,2,3,3-Tetramethylcyclopropane carboxylic acid cyano(3-phenoxyphenyl)methyl ester] .....	1/1/95
40487-42-1	Pendimethalin [N-(1-Ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzen-amine] .....	1/1/95
41198-08-7	Profenofos [O-(4-Bromo-2-chlorophenyl)-O-ethyl-S-propyl phosphorothioate] .....	1/1/95
41766-75-0	3,3'-Dimethylbenzidine dihydrofluoride (ortho-Tolidine dihydrofluoride) .....	1/1/95
42874-03-3	Oxyfluorfen .....	1/1/95
43121-43-3	Triadimefon [1-(4-Chlorophenoxy)-3,3-dimethyl-1-(1H-1,2,4-triazol-1-yl)-2-butanone] .....	1/1/95
50471-44-8	Vinclozolin [3-(3,5-Dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolinedione] .....	1/1/95
51235-04-2	Hexazinone .....	1/1/95
51338-27-3	Hexclofop methyl [2-[4-(2,4-Dichlorophenoxy)phenoxy]propanoic acid, methyl ester] .....	1/1/95
51630-58-1	Fenvalerate .....	1/1/95
52645-53-1	Permethrin [3-(2,2-Dichloroethenyl)-2,2-dimethylcyclopropanecarboxylic acid, (3-phenoxyphenyl)methyl ester] .....	1/1/95
53404-19-6	Bromacil, lithium salt [2,4-(1H,3H)-Pyrimidinedione, 5-bromo-6-methyl-3-(1-methylpropyl), lithium salt] .....	1/1/95
53404-37-8	2,4-D 2-ethyl-4-methylpentyl ester .....	1/1/95
53404-60-7	Dazomet, sodium salt [Tetrahydro-3,5-dimethyl-2H-1,3,5-thiadiazine-2-thione, ion(1-), sodium] .....	1/1/95
55290-64-7	Dimethipin [2,3-Dihydro-5,6-dimethyl-1,4-dithiin 1,1,4,4-tetraoxide] .....	1/1/95
55406-53-6	3-Iodo-2-propynyl butylcarbamate .....	1/1/95
57213-69-1	Triclopyr, triethylammonium salt .....	1/1/95
59669-26-0	Thiodicarb .....	1/1/95
60168-88-9	Fenarimol [alpha-(2-Chlorophenyl)-alpha-(4-chlorophenyl)-5-pyrimidine-methanol] .....	1/1/95

CAS No.	Chemical name	Effective date
60207–90–1	Propiconazole [1-[2-(2,4-Dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]-methyl-1H-1,2,4,-triazole] .....	1/1/95
62476–59–9	Acifluorfen, sodium salt [5-(2-Chloro-4-(trifluoromethyl) phenoxy)-2-nitrobenzoic acid, sodium salt] ....	1/1/95
62924–70–3	Flumetralin [2-Chloro-N-(2,6-dinitro-4-(trifluoromethyl)-phenyl)-N-ethyl-6-fluorobenzenemethanamine]	1/1/95
63938–10–3	Chlorotetrafluoroethane .....	1/1/94
64902–72–3	Chlorsulfuron [2-chloro-N-[[4-methoxy-6-methyl-1,3,5-triazin-2-yl]amino] carbonyl]benzenesulfonamide] .....	1/1/95
64969–34–2	3,3'-Dichlorobenzidine.sulfate .....	1/1/95
66441–23–4	Fenoxaprop ethyl [2-(4-((6-Chloro-2-benzoxazolyl)oxy)phenoxy) propanoic acid, ethyl ester] .....	1/1/95
67485–29–4	Hydramethylnon [Tetrahydro-5,5-dimethyl-2(1H)-pyrimidinone[3-[4-(trifluoromethyl)phenyl]-1-[2-[4-(trifluoromethyl)phenyl]ethenyl]-2-propenylidene]hydrazone] .....	1/1/95
68085–85–8	Cyhalothrin [3-(2-Chloro-3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylic acid cyano(3-phenoxyphenyl)methyl ester] .....	1/1/95
68359–37–5	Cyfluthrin [3-(2,2-Dichloro-ethenyl)-2,2-dimethylcyclo-propanecarboxylic acid, cyano(4-fluoro-3-phenoxyphenyl)methyl ester] .....	1/1/95
69409–94–5	Fluvalinate [N-[2-Chloro-4-(trifluoromethyl)phenyl]-DL-valine(+)-cyano(3-phenoxyphenyl)methylester]	1/1/95
69806–50–4	Fluazifop-butyl [2-[4-[[5-(Trifluoromethyl)-2-pyridinyl]oxy]-phenoxy]propanoic acid, butyl ester] .....	1/1/95
71751–41–2	Abamectin [Avermectin B1] .....	1/1/95
72178–02–0	Fomesafen [5-(2-Chloro-4-(trifluoromethyl)phenoxy)-N-methylsulfonyl]-2- nitrobenzamide] .....	1/1/95
72490–01–8	Fenoxycarb [2-(4-Phenoxyphenoxy)ethyl]carbamic acid ethyl ester] .....	1/1/95
74051–80–2	Seithoxydim [2-[1-(Ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one] .....	1/1/95
76578–14–8	Quizalofop-ethyl [2-[4-[(6-Chloro-2-quinoxalinyloxy)phenoxy] propanoic acid ethyl ester] .....	1/1/95
77501–63–4	Lactofen [5-(2-Chloro-4-(trifluoromethyl)phenoxy)-2-nitro-2-ethoxy-1-methyl-2-oxoethyl ester] .....	1/1/95
82657–04–3	Bifenthrin .....	1/1/95
88671–89–0	Myclobutanil [alpha-.Butyl-.alpha.-(4-chlorophenyl)-1H-1,2,4-triazole- 1-propanenitrile] .....	1/1/95
90454–18–5	Dichloro-1,1,2-trifluoroethane .....	1/1/94
90982–32–4	Chlorimuron ethyl [Ethyl-2-[[[4-chloro-6-methoxyprimidin-2-yl]-carbonyl]-amino]sulfonyl]benzoate] ....	1/1/95
101200–48–0	Tribenuron methyl [2-[[[4-Methoxy-6-methyl-1,3,5-triazin-2-yl)-methylamino]carbonyl]amino]sulfonyl)-, methyl ester] .....	1/1/95
111512–56–2	1,1-dichloro-1,2,3,3,3-pentafluoropropane (HCFC-225eb) .....	1/1/95
111984–09–9	3,3'-Dimethoxybenzidine hydrochloride (Dianisidine dihydrochloride) .....	1/1/95
127564–92–5	Dichloropentafluoropropane .....	1/1/95
128903–21–9	2,2-Dichloro-1,1,1,3,3-pentafluoropropane (HCFC-225aa) .....	1/1/95
136013–79–1	1,3-Dichloro-1,1,2,3,3-pentafluoropropane (HCFC-225ea) .....	1/1/95

\*Note: CAS No. 6484–52–2 is removed from this listing; the removal is effective July 2, 1995, for the 1995 reporting year.  
 \*Note: The listing of 2,2-dibromo-3-nitropropionamide (DBNPA)(CAS No. 10222–01–2) is stayed. The stay will remain in effect until further administrative action is taken.

(c) Chemical categories in alphabetical order.

Category name	Effective date
Antimony Compounds: Includes any unique chemical substance that contains antimony as part of that chemical's infrastructure .....	1/1/87
Arsenic Compounds: Includes any unique chemical substance that contains arsenic as part of that chemical's infrastructure .....	1/1/87
Barium Compounds: Includes any unique chemical substance that contains barium as part of that chemical's infrastructure (except for barium sulfate, (CAS No. 7727–43–7) .....	1/1/87
Beryllium Compounds: Includes any unique chemical substance that contains beryllium as part of that chemical's infrastructure .....	1/1/87
Cadmium Compounds: Includes any unique chemical substance that contains cadmium as part of that chemical's infrastructure .....	1/1/87
Chlorophenols .....	1/1/87

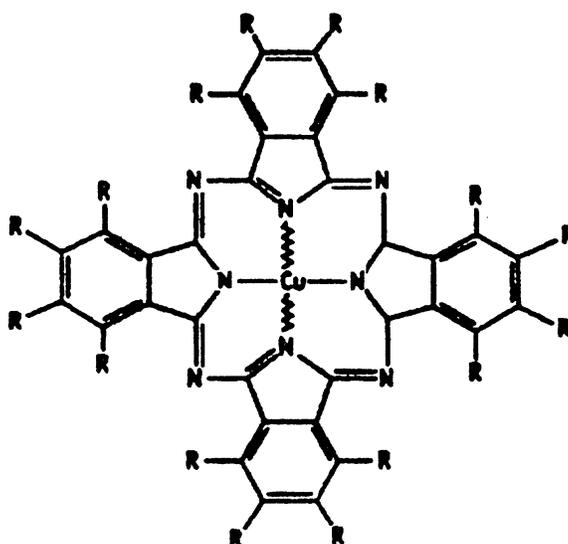


Where x=1 to 5

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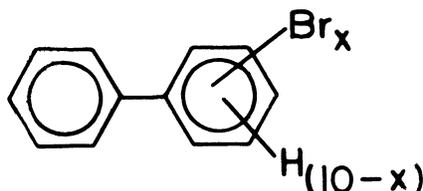
Category name	Effective date
Chromium Compounds: Includes any unique chemical substance that contains chromium as part of that chemical's infrastructure (except for chromite ore mined in the Transvaal Region of South Africa and the unreacted ore component of the chromite ore processing residue (COPR). COPR is the solid waste remaining after aqueous extraction of oxidized chromite ore that has been combined with soda ash and kiln roasted at approximately 2,000 °F.)	1/1/87
Cobalt Compounds: Includes any unique chemical substance that contains cobalt as part of that chemical's infrastructure	1/1/87
Copper Compounds: Includes any unique chemical substance that contains copper as part of that chemical's infrastructure (except for C.I. Pigment Blue 15 (PB-15, CAS No. 147-14-8), C.I. Pigment Green 7 (PG-7, CAS No. 1328-53-6), and C.I. Pigment Green 36 (PG-36, CAS No. 14302-13-7) except copper phthalocyanine compounds that are substituted with only hydrogen and/or bromine and/or chlorine that meet the following molecular structure definition:	1/1/87



where R = H and/or Br and/or Cl only.’’

Category name	Effective date
Cyanide Compounds: X <sup>-</sup> CN <sup>-</sup> where X = H <sup>-</sup> or any other group where a formal dissociation can be made. For example KCN, or Ca(CN) <sub>2</sub>	1/1/87
Diisocyanates (This category includes only those chemicals listed below)	1/1/95
038661-72-2 1,3-Bis(methylisocyanate)cyclohexane	
010347-54-3 1,4-Bis(methylisocyanate)cyclohexane	
002556-36-7 1,4-Cyclohexane diisocyanate	
134190-37-7 Diethyldiisocyanatobenzene	
004128-73-8 4,4'-Diisocyanatodiphenyl ether	
075790-87-3 2,4'-Diisocyanatodiphenyl sulfide	
000091-93-0 3,3'-Dimethoxybenzidine-4,4'-diisocyanate	
000091-97-4 3,3'-Dimethyl-4,4'-diphenylene diisocyanate	
000139-25-3 3,3'-Dimethyldiphenylmethane-4,4'-diisocyanate	
000822-06-0 Hexamethylene-1,6-diisocyanate	
004098-71-9 Isophorone diisocyanate	
075790-84-0 4-Methyldiphenylmethane-3,4-diisocyanate	
005124-30-1 1,1-Methylene bis(4-isocyanatocyclohexane)	
000101-68-8 Methylenebis(phenylisocyanate) (MDI)	
003173-72-6 1,5-Naphthalene diisocyanate	
000123-61-5 1,3-Phenylene diisocyanate	
000104-49-4 1,4-Phenylene diisocyanate	
009016-87-9 Polymeric diphenylmethane diisocyanate	
016938-22-0 2,2,4-Trimethylhexamethylene diisocyanate	
015646-96-5 2,4,4-Trimethylhexamethylene diisocyanate	

Category name	Effective date
Dioxin and dioxin-like compounds (Manufacturing; and the processing or otherwise use of dioxin and dioxin-like compounds if the dioxin and dioxin-like compounds are present as contaminants in a chemical and if they were created during the manufacturing of that chemical) (This category includes only those chemicals listed below)	1/00
67562-39-4 1,2,3,4,6,7,8-Heptachlorodibenzofuran	
55673-89-7 1,2,3,4,7,8,9-Heptachlorodibenzofuran	
70648-26-9 1,2,3,4,7,8-Hexachlorodibenzofuran	
57117-44-9 1,2,3,6,7,8-Hexachlorodibenzofuran	
72918-21-9 1,2,3,7,8,9-Hexachlorodibenzofuran	
60851-34-5 2,3,4,6,7,8-Hexachlorodibenzofuran	
39227-28-6 1,2,3,4,7,8-Hexachlorodibenzo- <i>p</i> -dioxin	
57653-85-7 1,2,3,6,7,8-Hexachlorodibenzo- <i>p</i> -dioxin	
19408-74-3 1,2,3,7,8,9-Hexachlorodibenzo- <i>p</i> -dioxin	
35822-46-9 1,2,3,4,6,7,8-Heptachlorodibenzo- <i>p</i> -dioxin	
39001-02-0 1,2,3,4,6,7,8,9-Octachlorodibenzofuran	
03268-87-9 1,2,3,4,6,7,8,9-Octachlorodibenzo- <i>p</i> -dioxin	
57117-41-6 1,2,3,7,8-Pentachlorodibenzofuran	
57117-31-4 2,3,4,7,8-Pentachlorodibenzofuran	
40321-76-4 1,2,3,7,8-Pentachlorodibenzo- <i>p</i> -dioxin	
51207-31-9 2,3,7,8-Tetrachlorodibenzofuran	
01746-01-6 2,3,7,8-Tetrachlorodibenzo- <i>p</i> -dioxin	
Ethylenebisdithiocarbamic acid, salts and esters	1/1/94
Certain Glycol Ethers R - (OCH <sub>2</sub> CH <sub>2</sub> ) <sub>n</sub> - OR' Where: n = 1, 2, or 3; R = alkyl C7 or less; or R = phenyl or alkyl substituted phenyl; R' = H or alkyl C7 or less; or OR' consisting of carboxylic acid ester, sulfate, phosphate, nitrate, or sulfonate.	1/1/95
Lead Compounds: Includes any unique chemical substance that contains lead as part of that chemical's infrastructure	1/1/87
Manganese Compounds: Includes any unique chemical substance that contains manganese as part of that chemical's infrastructure	1/1/87
Mercury Compounds: Includes any unique chemical substance that contains mercury as part of that chemical's infrastructure	1/1/87
Nicotine and salts	1/1/95
Nitrate compounds (water dissociable; reportable only when in aqueous solution)	1/1/95
Nickel Compounds: Includes any unique chemical substance that contains nickel as part of that chemical's infrastructure	1/1/87
Polybrominated Biphenyls (PBBs)	1/1/87
Polychlorinated alkanes (C <sub>10</sub> to C <sub>13</sub> ): Includes those chemicals defined by the following formula: C <sub>x</sub> H <sub>2x-y=2</sub> Cl <sub>y</sub> where x= 10 to 13; y= 3 to 12; and where the average chlorine content ranges from 40-70% with the limiting molecular formulas C <sub>10</sub> H <sub>19</sub> Cl <sub>3</sub> and C <sub>13</sub> H <sub>16</sub> Cl <sub>2</sub> .	1/1/95
Polycyclic aromatic compounds (PACs): (This category includes only those chemicals listed below)	1/1/95
00056-55-3 Benzo(a)anthracene	
00218-01-9 Benzo(a)phenanthrene	
00050-32-8 Benzo(a)pyrene	
00205-99-2 Benzo(b)fluoranthene	
00205-82-3 Benzo(j)fluoranthene	
00207-08-9 Benzo(k)fluoranthene	
00206-44-0 Benzo(i,k)fluorene	1/00
00189-55-9 Benzo(rst)pentaphene	
00226-36-8 Dibenz(a,h)acridine	
00224-42-0 Dibenz(a,j)acridine	
00053-70-3 Dibenzo(a,h)anthracene	
05385-75-1 Dibenzo(a,e)fluoranthene	
00192-65-4 Dibenzo(a,e)pyrene	
00189-64-0 Dibenzo(a,h)pyrene	
00191-30-0 Dibenzo(a,l)pyrene	
00194-59-2 7H-Dibenzo(c,g)carbazole	
00057-97-6 7,12-Dimethylbenz(a)anthracene	
42397-64-8 1,6-Dinitropyrene	1/11
42397-65-9 1,8-Dinitropyrene	1/11
00193-39-5 Indeno[1,2,3-cd]pyrene	
00056-49-5 3-Methylcholanthrene	1/00
03697-24-3 5-Methylchrysene	
07496-02-8 6-Nitrochrysene	1/11
05522-43-0 1-Nitropyrene	
57835-92-4 4-Nitropyrene	1/11



Where  $x=1$  to 10

Category name	Effective date
Selenium Compounds: Includes any unique chemical substance that contains selenium as part of that chemical's infrastructure	1/1/87
Silver Compounds: Includes any unique chemical substance that contains silver as part of that chemical's infrastructure	1/1/87
Strychnine and salts	1/1/95
Thallium Compounds: Includes any unique chemical substance that contains thallium as part of that chemical's infrastructure	1/1/87
Vanadium compounds	1/00
Warfarin and salts	1/1/94
Zinc Compounds: Includes any unique chemical substance that contains zinc as part of that chemical's infrastructure	1/1/87

[53 FR 4525, Feb. 16, 1988; 53 FR 12748, Apr. 18, 1988]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 372.65, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at [www.fdsys.gov](http://www.fdsys.gov).

EFFECTIVE DATE NOTE: At 59 FR 43050, Aug. 22, 1994, in § 372.65, in paragraph (a), the methyl mercaptan entry and in paragraph (b), the entry for CAS No. 74-93-1 were stayed indefinitely.

## Subpart E—Forms and Instructions

### § 372.85 Toxic chemical release reporting form and instructions.

(a) *Availability of reporting form and instructions.* The most current version of Form R and Form R Schedule 1 may be found on the following EPA Program Web site, <http://www.epa.gov/tri>. Any subsequent changes to the Form R or Form R Schedule 1 will be posted on this Web site. Submitters may also contact the TRI Program at (202) 564-9554 to obtain this information.

(b) *Form elements.* Information elements reportable on EPA Form R and Form R Schedule 1, or equivalent magnetic media format include the following:

(1) An indication of whether the report:

(i) Claims chemical identity as trade secret.

(ii) Covers the entire facility or part of a facility.

(2) Signature of a senior management official certifying the following: "I

hereby certify that I have reviewed the attached documents and, to the best of my knowledge and belief, the submitted information is true and complete and that amounts and values in this report are accurate based upon reasonable estimates using data available to the preparer of the report."

(3) Facility name and address including the toxic chemical release inventory facility identification number if known.

(4) Name and telephone number for both a technical contact and a public contact.

(5) The four-digit SIC code(s) for the facility or establishments in the facility until the reporting year ending December 31, 2005, for which reporting forms are due July 1, 2006. Beginning with the reporting year ending December 31, 2006, for which reporting forms are due July 1, 2007, and for each subsequent reporting year, the six-digit NAICS code(s) for the facility or establishments in the facility.

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(6) Dun and Bradstreet identification number.

(7) The name(s) of receiving stream(s) or water body to which the chemical is released.

(8) Name of the facility's parent company and its Dun and Bradstreet identification number.

(9) Name and CAS number (if applicable) of the chemical reported.

(10) If the chemical identity is claimed trade secret, a generic name for the chemical.

(11) A mixture component identity if the chemical identity is not known.

(12) An indication of the activities and uses of the chemical at the facility.

(13) An indication of the maximum amount of the chemical on site at any point in time during the reporting year.

(14) Information on releases of the chemical to the environment as follows:

(i) An estimate of total releases in pounds (except for dioxin and dioxin-like compounds, which shall be reported in grams) per year (releases of less than 1,000 pounds per year may be indicated in ranges, except for chemicals set forth in §372.28) from the facility plus an indication of the basis of estimate for the following:

(A) Fugitive or non-point air emissions.

(B) Stack or point air emissions.

(C) Discharges to receiving streams or water bodies including an indication of the percent of releases due to stormwater.

(D) Underground injection on site.

(E) Releases to land on site.

(ii) Additional Reporting for the dioxin and dioxin-like compounds category.

(A) For reports pertaining to a reporting year ending on or before December 31, 2007, report a distribution of the chemicals included in the dioxin and dioxin-like compounds category. Such distribution shall either represent the distribution of the total quantity of dioxin and dioxin-like compounds released to all media from the facility; or its one best media-specific distribution.

(B) For reports pertaining to a reporting year ending after December 31,

2007, report the quantity of each member of the dioxin and dioxin-like compounds category in units of grams per year on Form R Schedule 1.

(15) Information on transfers of the chemical in wastes to off-site locations as follows:

(i) For transfers to Publicly Owned Treatment Works (POTW):

(A) The name and address (including county) of each POTW to which the chemical is transferred.

(B) An estimate of the amount of the chemical transferred in pounds (except for dioxin and dioxin-like compounds, which shall be reported in grams) per year (transfers of less than 1,000 pounds per year may be indicated as a range, except for chemicals set forth in §372.28) and an indication of the basis of the estimate. In addition, for reports pertaining to a reporting year ending after December 31, 2007, report the quantity of each member of the dioxin and dioxin-like compounds category in units of grams per year on Form R Schedule 1.

(ii) For transfers to other off-site locations:

(A) The name, address (including county), and EPA identification number (RCRA I.D. Number) of each off-site location, including an indication of whether the location is owned or controlled by the reporting facility or its parent company.

(B) An estimate of the amount of the chemical transferred in pounds (except for dioxin and dioxin-like compounds, which shall be reported in grams) per year (transfers of less than 1,000 pounds per year may be indicated as a range, except for chemicals set forth in §372.28) and an indication of the basis of the estimate. In addition, for reports pertaining to a reporting year ending after December 31, 2007, report the quantity of each member of the dioxin and dioxin-like compounds category in units of grams per year on Form R Schedule 1.

(16) The following information relative to waste treatment:

(i) An indication of the general type of wastestream containing the reported chemical.

(ii) The treatment method applied to the wastestream.

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(iii) An estimate of the efficiency of the treatment, which shall be indicated by a range.

(iv) An indication (use is optional) of whether treatments listed are part of a treatment sequence.

[56 FR 29186, June 26, 1991, as amended at 64 FR 58753, Oct. 29, 1999; 70 FR 39949, July 12, 2005; 71 FR 32477, June 6, 2006; 72 FR 26553, May 10, 2007]

### § 372.95 Alternate threshold certification and instructions.

(a) *Availability of the alternate threshold certification statement and instructions.* Availability of the alternate threshold certification statement and instructions is the same as provided in § 372.85(a) for availability of the reporting form and instructions.

(b) *Alternate threshold certification statement elements.* The following information must be reported on an alternate threshold certification statement pursuant to § 372.27(b):

(1) Reporting year.

(2) An indication of whether the chemical identified is being claimed as trade secret.

(3) Chemical name and CAS number (if applicable) of the chemical, or the category name.

(4) Signature of a senior management official certifying the following: pursuant to 40 CFR 372.27, "I hereby certify that to the best of my knowledge and belief for the toxic chemical listed in this statement, the annual reportable amount, as defined in 40 CFR 372.27(a), did not exceed 500 pounds for this reporting year and that the chemical was manufactured, or processed, or otherwise used in an amount not exceeding 1 million pounds during this reporting year."

(5) Date signed.

(6) Facility name and address.

(7) Mailing address of the facility if different than paragraph (b)(6) of this section.

(8) Toxic chemical release inventory facility identification number if known.

(9) Name and telephone number of a technical contact.

(10) The four-digit SIC code(s) for the facility or establishments in the facility until the reporting year ending December 31, 2005, for which reporting

forms are due July 1, 2006. Beginning with the reporting year ending December 31, 2006, for which reporting forms are due July 1, 2007, and for each subsequent reporting year, the six-digit NAICS code(s) for the facility or establishments in the facility.

(11) Dun and Bradstreet Number of the facility.

(12) Name of the facility's parent company.

(13) Parent company's Dun and Bradstreet Number.

[59 FR 61502, Nov. 30, 1994, as amended at 70 FR 39949, July 12, 2005; 71 FR 32477, June 6, 2006; 71 FR 76945, Dec. 22, 2006; 74 FR 19006, Apr. 27, 2009]

## PART 373—REPORTING HAZARDOUS SUBSTANCE ACTIVITY WHEN SELLING OR TRANSFERRING FEDERAL REAL PROPERTY

Sec.

373.1 General requirement.

373.2 Applicability.

373.3 Content of notice.

373.4 Definitions.

AUTHORITY: 42 U.S.C. 9620.

SOURCE: 55 FR 14212, Apr. 16, 1990, unless otherwise noted.

### § 373.1 General requirement.

After the last day of the six-month period beginning on April 16, 1990, whenever any department, agency or instrumentality of the United States enters into any contract for the sale or other transfer of real property which is owned by the United States and at which any hazardous substance was stored for one year or more, known to have been released, or disposed of, the head of such department, agency or instrumentality must include in such contract notice of the type and quantity of such hazardous substance and notice of the time at which such storage, release or disposal took place, to the extent such information is available on the basis of a complete search of agency files.

[60 FR 33915, June 29, 1995]

### § 373.2 Applicability.

(a) Except as otherwise provided in this section, the notice required by 40 CFR 373.1 applies whenever the United

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States enters into any contract for the sale or other transfer of real property which is owned by the United States and on which any hazardous substance was stored for one year or more, known to have been released, or disposed of.

(b) The notice required by 40 CFR 373.1 for the storage for one year or more of hazardous substances applies only when hazardous substances are or have been stored in quantities greater than or equal to 1000 kilograms or the hazardous substance's CERCLA reportable quantity found at 40 CFR 302.4, whichever is greater. Hazardous substances that are also listed under 40 CFR 261.30 as acutely hazardous wastes, and that are stored for one year or more, are subject to the notice requirement when stored in quantities greater than or equal to one kilogram.

(c) The notice required by 40 CFR 373.1 for the known release of hazardous substances applies only when hazardous substances are or have been released in quantities greater than or equal to the substance's CERCLA reportable quantity found at 40 CFR 302.4.

### § 373.3 Content of notice.

The notice required by 40 CFR 373.1 must contain the following information:

(a) The name of the hazardous substance; the Chemical Abstracts Services Registry Number (CASRN) where applicable; the regulatory synonym for the hazardous substance, as listed in 40 CFR 302.4, where applicable; the RCRA hazardous waste number specified in 40 CFR 261.30, where applicable; the quantity in kilograms and pounds of the hazardous substance that has been stored for one year or more, or known to have been released, or disposed of, on the property, and the date(s) that such storage, release, or disposal took place.

(b) The following statement, prominently displayed: "The information contained in this notice is required under the authority of regulations promulgated under section 120(h) of the Comprehensive Environmental Response, Liability, and Compensation Act (CERCLA or "Superfund") 42 U.S.C. section 9620(h)."

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### § 373.4 Definitions.

For the purposes of implementing this regulation, the following definitions apply:

(a) *Hazardous substances* means that group of substances defined as hazardous under CERCLA 101(14), and that appear at 40 CFR 302.4.

(b) *Storage* means the holding of hazardous substances for a temporary period, at the end of which the hazardous substance is either used, neutralized, disposed of, or stored elsewhere.

(c) *Release* is defined as specified by CERCLA 101(22).

(d) *Disposal* means the discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous substance into or on any land or water so that such hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

## PART 374—PRIOR NOTICE OF CITIZEN SUITS

Sec.

- 374.1 Purpose.
- 374.2 Service of notice.
- 374.3 Contents of notice.
- 374.4 Timing of notice.
- 374.5 Copy of complaint.
- 374.6 Addresses.

AUTHORITY: 42 U.S.C. 9659.

SOURCE: 57 FR 55040, Nov. 23, 1992, unless otherwise noted.

### § 374.1 Purpose.

Section 310 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), authorizes civil actions by any person to enforce the Act. These civil actions may be brought against any person (including the United States, and any other governmental instrumentality or agency, to the extent permitted by the Eleventh Amendment to the Constitution), that is alleged to become effective pursuant to the Act (including any provision of an agreement under section 120 of the Act, relating to Federal facilities); and against the President or any other officer of the United States

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(including the Administrator of the Environmental Protection Agency and the Administrator of the Agency for Toxic Substances and Disease Registry) where there is alleged a failure to perform any act or duty under this Act, which is not discretionary with the President or such other officer, including an act or duty under section 120 of the Act (relating to Federal facilities), but not including any act or duty under section 311 of the Act (relating to research, development, and demonstration). These civil actions under section 310 of the Act are to be filed in accordance with the rules of the district court in which the action is instituted. The purpose of this part is to prescribe procedures governing the notice requirements of subsections (d) and (e) of section 310 of the Act as a prerequisite to the commencement of such actions.

### § 374.2 Service of notice.

(a) *Violation of standard, regulation, condition, requirement, or order.* Notice of intent to file suit under subsection 310(a)(1) of the Act shall be served by personal service upon, or by certified mail, return receipt requested, addressed to the alleged violator of any standard, regulation, condition, requirement, or order which has become effective pursuant to this Act in the following manner:

(1) If the alleged violator is a private individual or corporation, notice shall be served by personal service upon, or by certified mail, return receipt requested, addressed to the person alleged to be in violation. If the alleged violator is a corporation, a copy of the notice shall also be served by personal service upon or by certified mail, return receipt requested, addressed to the registered agent, if any, of that corporation in the State in which the violation is alleged to have occurred. A copy of the notice shall be served by personal service upon or by certified mail, return receipt requested, addressed to the United States Attorney General; to the Attorney General of the State in which the violation is alleged to have occurred; and to the head of the Federal agency with delegated responsibility for the CERCLA provision allegedly violated, pursuant to Ex-

ecutive Order 12580, 3 CFR, 1987 Comp., p. 193, as amended by Executive Order 12777, 3 CFR, 1991 Comp., p. 351. If the Environmental Protection Agency has responsibility for the CERCLA provision allegedly violated, then a copy of the notice shall be served by personal service upon or by certified mail, return receipt requested, addressed to the Administrator of the Environmental Protection Agency, and to the Regional Administrator of the Environmental Protection Agency for the Region in which the violation is alleged to have occurred. A list of addresses that may be useful in providing notice of citizen suits is provided at § 374.6. Note that these addresses are subject to change and must be verified prior to use.

(2) If the alleged violator is a State or local agency, notice shall be served by personal service upon or by certified mail, return receipt requested, addressed to the head of that agency. A copy of the notice shall be served by personal service upon or by certified mail, return receipt requested, addressed to the United States Attorney General; to the Attorney General of the State in which the violation is alleged to have occurred; and to the head of the Federal agency with delegated responsibility, pursuant to Executive Order 12580, for the CERCLA provision allegedly violated. If the Environmental Protection Agency has the delegated responsibility for the CERCLA provision allegedly violated, then a copy of the notice shall be served by personal service upon or by certified mail, return receipt requested, addressed to the Administrator of the Environmental Protection Agency, and to the Regional Administrator of the Environmental Protection Agency for the Region in which the violation is alleged to have occurred. A list of addresses that may be useful in providing notice of citizen suits is provided at § 374.6. Note that these addresses are subject to change and must be verified prior to use.

(3) If the alleged violator is a Federal agency, notice shall be served by personal service upon or by certified mail, return receipt requested, addressed to the head of the agency. A copy of the

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notice shall be served by personal service upon or by certified mail, return receipt requested, addressed to the United States Attorney General; to the Attorney General of the State in which the violation is alleged to have occurred; and to the head of the Federal agency with delegated responsibility, pursuant to Executive Order 12580, for the CERCLA provision allegedly violated. If the Environmental Protection Agency has the delegated responsibility for the CERCLA provision allegedly violated, then a copy of the notice shall be served by personal service upon or by certified mail, return receipt requested, addressed to the Administrator of the Environmental Protection Agency, and to the Regional Administrator of the Environmental Protection Agency for the Region in which the violation is alleged to have occurred. A list of addresses that may be useful in providing notice of citizen suits is provided at §374.6. These addresses are subject to change and must be verified prior to use.

(b) *Failure to act.* Service of notice of intent to file suit under subsection 310(a)(2) of the Act shall be accomplished by personal service upon or by certified mail, return receipt requested, addressed to the United States Attorney General and to the head of the agency of the United States (including the Administrator of the Environmental Protection Agency or the Administrator of the Agency for Toxic Substances and Disease Registry), who is alleged to have failed to perform an act or duty which is not discretionary.

(c) *Date of service.* Notice given in accordance with the provisions of this part shall be considered to have been served on the date of receipt. If notice or copy of notice is required to be served on more than one entity, notice shall be considered to have been served on the date of receipt by the last entity served. If service was accomplished by mail, the date of receipt will be considered to be the date noted on the return receipt card.

#### §374.3 Contents of notice.

(a) *Violation of standard, regulation, condition, requirement, or order.* Notice regarding an alleged violation of a standard, regulation, condition, re-

quirement, or order (including any provision of an agreement under section 120 of the Act, relating to Federal facilities) which has become effective under this Act shall include sufficient information to allow the recipient to identify the specific standard, regulation, condition, requirement, or order (including any provision of an agreement under section 120 of the Act, relating to Federal facilities) which has allegedly been violated; the activity or failure to act alleged to constitute a violation; the name and address of the site and facility alleged to be in violation, if known; the person or persons responsible for the alleged violation; the date or dates of the violation; and the full name, address, and telephone number of the person giving notice.

(b) *Failure to act.* Notice regarding an alleged failure of the President or other officer of the United States to perform an act or duty which is not discretionary under the Act shall identify the provisions of the Act which require such act or create such duty; shall describe with reasonable specificity the action taken or not taken by the President or other officer that is claimed to constitute a failure to perform the act or duty; shall identify the Agency and name and title of the officers allegedly failing to perform the act or duty; and shall state the full name, address, and telephone number of the person giving the notice.

(c) *Identification of counsel.* All notices shall state the name, address, and telephone number of the legal counsel, if any, representing the person giving the notice.

[57 FR 55040, Nov. 23, 1992; 57 FR 61612, Dec. 28, 1992]

#### §374.4 Timing of notice.

(a) *Violation of standard, regulation, condition, requirement, or order.* No action may be commenced under subsection 310(a)(1) of the Act before sixty (60) days after the plaintiff has served notice of the violation as specified in §374.2(c). No action may be commenced under subsection 310(a)(1) of the Act if the President or his or her delegatee has commenced and is diligently prosecuting an action under the Act or under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901 *et*

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*seq.*, to require compliance with the CERCLA standard, regulation, condition, requirement, or order concerned (including any provision of an agreement under section 120 of the Act).

(b) *Failure to act.* No action may be commenced under subsection 310(a)(2) of the Act before sixty (60) days after the plaintiff has given notice of the failure to act as specified in this part.

### § 374.5 Copy of complaint.

At the time of filing an action under this Act, the plaintiff must provide a copy of the complaint to the Attorney General of the United States and to the Administrator of the Environmental Protection Agency.

### § 374.6 Addresses.

Administrator, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW. (1101), Washington, DC 20460.

Regional Administrator, Region I, U.S. Environmental Protection Agency, 5 Post Office Square—Suite 100, Boston, MA 02109-3912.

Regional Administrator, Region II, U.S. Environmental Protection Agency, 26 Federal Plaza, room 930, New York, NY 10278.

Regional Administrator, Region III, U.S. Environmental Protection Agency, 841 Chestnut Street, Philadelphia, PA 19107.

Regional Administrator, Region IV, U.S. Environmental Protection Agen-

cy, 345 Courtland Street, NE., Atlanta, GA 30365.

Regional Administrator, Region V, U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, IL 60604.

Regional Administrator, Region VI, U.S. Environmental Protection Agency, 1445 Ross Avenue, suite 1200, Dallas, TX 75202-2733.

Regional Administrator, Region VII, U.S. Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, KS 66101.

Regional Administrator, Region VIII, U.S. Environmental Protection Agency, 999 18th Street, suite 500, Denver, CO 80202-2405.

Regional Administrator, Region IX, U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105.

Regional Administrator, Region X, U.S. Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101.

Administrator, Agency for Toxic Substances and Disease Registry, Center for Disease Control, 200 Independence Avenue, SW., Washington, DC 20201.

Attorney General, United States Department of Justice, Tenth and Pennsylvania Avenues, NW., Washington, DC 20530.

[57 FR 55040, Nov. 23, 1992, as amended at 65 FR 47325, Aug. 2, 2000; 76 FR 49674, Aug. 11, 2011]

**PARTS 375–399 [RESERVED]**