

BRIEF SUMMARY OF LAW ON CHEMICAL INVENTORY REPORTING AND VARIOUS SOURCES OF INFORMATION ON HAZARDOUS MATERIALS REGULATED BY OSHA UNDER THE HAZARD COMMUNICATION STANDARD (THOSE ON WHICH AN MSDS IS REQUIRED)

SUMMARY OF LAW

SARA, Section 312 and Louisiana Right-to-Know law apply to owners/operators of fixed-site facilities who manufacture, use, or store any hazardous chemical/substance on which OSHA requires them to maintain an MSDS or SDS (i.e. Extremely Hazardous Substances and OSHA regulated chemicals). Federal rules require reporting of these hazardous chemicals if they are present in amounts of 10,000 pounds or more except for Extremely Hazardous Substances which have a reporting threshold of 500 pounds or Threshold Planning Quantity if lower than 500 pounds. However, under state rules the threshold quantities which trigger inventory reporting are much lower (500 pounds of a chemical present on-site on any one day during the preceding calendar year), except for some Extremely Hazardous Substances with lower threshold quantities. These businesses must file by March 1st of each year an inventory form for the preceding calendar year, listing the chemicals, the hazard categories, inventory ranges, and storage conditions and locations. The inventory form must be filed with the Louisiana Emergency Response Commission (LERC), the Local Emergency Planning Committee (LEPC) at the address listed under Item K of the Table of Contents, and the local fire department which services the facility.

SOURCES OF INFORMATION

To find the information you need to comply with the reporting requirements outlined above, you should refer to the following documents which provide data required on the Tier Two form.

A. Material Safety Data Sheets or Safety Data Sheets on the Hazardous Material You Have on Site

If you have on-site a hazardous material at or above the threshold inventory quantity stated above that you manufacture, use, or store, you should refer to the MSDS or SDS for the information you need to complete the form. You should refer to Questions and Answers 8 through 16 under Item D of the Table of Contents for the correct format to use in reporting pure substances and mixtures. Note that Extremely Hazardous Substances and mixtures and solutions that contain them must be reported differently than Non-Extremely Hazardous Substances.

B. Copies of Tier Two Forms Submitted by Your Facility for Previous Years

It is recommended that you retain copies of all Tier Two forms you submitted in past years to document that you did file and when. These copies are also an excellent source of information on the materials you have on site.

C. Right-to-Know Rules and Supplemental Materials on the Internet

The current version of the Right-to-Know Rules (as published in the Louisiana Register in June 20, 2001) and supplemental materials including the Tier Two form and instructions are accessible at the Internet address: <http://www.lsp.org/esu.html>

Any questions contact the Louisiana State Police, Right-to-Know Unit via email: RTK.Tier2@la.gov.