

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 (or SDS) for the EHS (or include the EHS on the list of chemicals submitted in lieu of the MSDSs) (or SDSs), 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 (or SDS) for the mixture (or include the mixture on the list of chemicals submitted in lieu of the MSDSs) (or SDSs), 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 (or SDS) for the non-EHS hazardous chemical (or include the non-EHS on the list of chemicals submitted in lieu of the MSDSs) (or SDSs), 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 (or SDS) for the mixture (or include the mixture on the list of chemicals submitted in lieu of MSDSs) (or SDSs), 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 (or SDS) 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 (or SDS) reporting, you must report on that mixture as a whole for inventory reporting too (unless it is not possible). MSDS (or SDS) 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.

[73 FR 65478, Nov. 3, 2008, as amended at 81 FR 38108, June 13, 2016]

Subpart C—Reporting Requirements

§ 370.20 What are the reporting requirements of this part?

The reporting requirements of this part consist of MSDS (or SDS) reporting and inventory 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 (or SDS) reporting requirements are addressed in §§ 370.30 through 370.33. Inventory reporting requirements are addressed in §§ 370.40 through 370.45.

[73 FR 65478, Nov. 3, 2008, as amended at 81 FR 38108, June 13, 2016]

HOW TO COMPLY WITH MSDS (OR SDS) 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 § 370.10) by either:

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(1) Submitting an MSDS (or SDS) 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 the specific health and physical hazards as defined in §370.66. The list must contain the chemical or common name of each hazardous chemical as provided on the MSDS (or SDS).

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

[73 FR 65478, Nov. 3, 2008, as amended at 81 FR 38109, June 13, 2016]

§ 370.31 Do I have to update the information?

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

(b) Submit an MSDS (or SDS), 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 (or SDS) for any hazardous chemical present at your facility which you have not already submitted, as provided in §370.30(b).

[73 FR 65478, Nov. 3, 2008, as amended at 81 FR 38108, June 13, 2016]

§ 370.32 To whom must I submit the information?

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

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

[73 FR 65478, Nov. 3, 2008, as amended at 81 FR 38108, June 13, 2016]

§ 370.33 When must I submit the information?

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

(c) You must submit an MSDS (or SDS) requested by the LEPC, as provided in §§370.30(b) and 370.31(c), within 30 days of receiving the request.

[73 FR 65478, Nov. 3, 2008, as amended at 81 FR 38108, June 13, 2016]

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