



**HAZARDOUS COMMUNICATION
PROGRAM**

HARRIS COUNTY HAZARD COMMUNICATION PROGRAM

INTRODUCTION

On January 1, 1986, the Texas Hazard Communication Act (Texas Civil Statutes, Article 5182b) became law. The Act covers all manufacturing employers plus the State of Texas and its political subdivisions and all volunteer emergency service organizations. The Texas Department of Health governs implementation and enforcement of the Act.

The Law was revised in 1993. The revision separated the worker Right-To-Know requirements from the Community Right-To-Know requirements. The Texas Hazard Communication Act is now found in Chapter 502 of the Health and Safety Code. The Public Employer Community Right-To-Know is in Chapter 506 of the Health and Safety Code.

The Acts are intended to improve the safety and health of persons living and working in the State of Texas by providing easy access to current information regarding hazardous chemicals. Exposure to such chemicals may result from normal employment activities, emergencies, or because of being in proximity to manufacture's use or storage of chemicals. The Acts require that information regarding hazardous chemicals under the County's control be provided to employees, emergency situations, and to the Director of Health to make the information available to the general public.

A "Hazardous Chemical" can be a physical hazard or a health hazard. The Federal Occupational Safety and Health Administration Hazard Communication Standard definition is: A chemical is a physical hazard if it is a combustible liquid, a compressed gas, if it is explosive or flammable, is an organic peroxide, oxidizer, pyrophoric, unstable or water reactive. A chemical is a health hazard if it is carcinogenic, toxic, reproductive toxin, an irritant, sensitizer, body organ toxic, caustic or corrosive. Many commonly used chemicals contain the foregoing properties.

Implementation of the Act requires four major tasks each year.

1. Compile and maintain a Workplace Chemical List.
2. Provide education and training for each employee covering the use of hazardous chemicals or any chemicals the employee might encounter during their normal scope of duties.
3. Maintain current Safety Data Sheets (SDS) for all hazardous chemicals, purchased, used, or stored.
4. Maintain a SDS notebook at each facility/workplace.

Harris County Office of Management and Budget-Risk Management will coordinate activities for implementation of the Act for all Harris County.

OVERVIEW
TEXAS HAZARD COMMUNICATION ACT
TITLE TAC 25, Section 295.1-295.12
Chapter 502

The Texas Hazard Communication Act and the Public Employer Community Right-To-Know Act are patterned after the Federal OSHA Hazard Communication Standard and the Emergency Planning and Community Right-To-Know Act. The following is an overview of the provisions that apply to political subdivisions.

NOTICE TO EMPLOYEES- A workplace notice must be posted at locations where notices normally are posted in work centers.

WORKPLACE CHEMICAL LIST- Compile and maintain a chemical list for each facility/workplace. Included in the list shall be any hazardous chemical that is equal to or greater than 55 gallons or 500 lbs. normally used or stored at the location. The chemical list must be updated at least once a year.

The list must be readily available to employees. New or newly assigned employees must be made aware of the list BEFORE working with or in a work area containing hazardous chemicals. The chemical list must be maintained for thirty (30) years.

PLANNING LETTERS- A Planning letter shall be submitted within 60 days of acquiring any of the Extremely Hazardous Substances more than the Threshold Planning Quantity (TPQ), or 500 pound level. The Planning letter is submitted to the Texas Department of Health and to Local Emergency Planning Agencies.

SAFETY DATA SHEETS- Maintain the most current SDS received from manufactures or distributors for each hazardous chemical used or stored at the facility/workplace. If a SDS is not provided, a written request to the manufacture or the distributor must be made in a timely manner. SDS shall be readily available for review by employees and copies must be provided to the Texas Department of Health on request.

LABELS- Existing labels on containers shall not be removed or defaced. Employees are not required to work with a hazardous chemical from an unlabeled container. Labels must include the name of the product and appropriate hazard warning.

EDUCATION AND TRAINING- Employer shall provide an education and training program to all those employees that handle or work with hazardous chemicals on an as need basis. The program shall cover the use and handling of hazardous chemicals in the work area (including the addition of new chemicals). New or newly assigned employees shall be provided training BEFORE working with or in a work area containing hazardous chemicals.

The Act requires you to keep a record of training. After each training class each employee will sign a form to verify that they attended the training, the written Hazard Communication Program was made available for review, and that the employee understands the program. Training logs for the

training must be legible and maintained by the department for a minimum of five (5) years and made available to a representative of the Texas Department of Health upon request. Department shall ensure all documentation is maintained and accessible through any staff transition.

Training shall meet all the requirements set by The Hazard Communication Act; 502.009, Employee Education Program. Refresher training shall be provided on an as-needed basis as determined by the department's health and safety official or department head.

PENALTIES- If the state finds one or more violations of the Act it may assess an **Administrative Penalty** and issue a Notice Of Violation. The NOV will spell out in detail the violation(s), and refer to the applicable section or subsection of the chapter. The employer has 15 days to respond to the notice. The employer may request a hearing or correct the violation(s) and certify the corrections have been made. If the violation(s) are not addressed, a penalty of \$500 for each violation(s) may be levied.

If it appears that an employer has violated, is violating, or is threatening to violate the Act, the attorney general or the district, county, or city attorney may institute a **Civil Penalty**. The penalty may be in an amount not to exceed \$2,000 a day for each violation, with a total not to exceed \$20,000 for that violation. In determining the amount of the penalty, the court shall take into account the employer's history, the seriousness of the violation, any hazard to health and safety of the public.

An employer who is required to disclose hazard information and who proximately causes an occupational disease or injury to an individual by disclosing false information or knowingly fails to inform as provided on an SDS, commits an offense that may constitute a **Criminal Penalty** with a fine that may not exceed \$100,000 for that violation.

EMPLOYEE RIGHTS- The employer may not discharge, cause to be discharged, or otherwise discipline or discriminate against an employee because the employee has filed a complaint, assisted an inspector, instituted any proceedings related to, testified in a proceeding, or exercised any rights afforded under the Act on behalf of the employee or the behalf of others.

After attending the training class, each employee will sign a form to verify that they attended the training, and that the written Hazard Communication Program was made available for review.

RESPONSIBILITIES OF DEPARTMENT HEADS AND ELECTED OFFICIALS

I. PROGRAM IMPLEMENTATION- By virtue of their position each Department Head and Elected Official is responsible to ensure that the guidelines set forth in this Hazard Communication Program are followed. A representative(s), such as a Facility Administrator, Safety Coordinator, or Supervisor, may be delegated the authority to carry out this program for the Department. Notification of the name(s) of representative(s) must be provided to Office of Management and Budget-Risk Management.

II. WORKPLACE NOTICE- The Department shall post the "Notice to Employees" informing employees regarding their rights under the Texas Hazard Communication Act. The notice must be placed at locations where notices normally are posted.

III. SDS NOTEBOOK- A SDS Notebook shall be maintained for each facility/workplace. The SDS notebook must contain an SDS for each hazardous chemical used/stored at the facility/workplace. The notebook shall be organized with a chemical list at the beginning of book as a table of contents. SDS shall be organized first by location then alphabetically.

Each SDS shall be labeled with a Hazardous Materials Identification System (HMIS) label. The color and number codes label systems have been developed by the National Fire Protection Association and other organizations. These systems use colors to represent the kind of hazard and numbers to show the degree of hazard.

The SDS Notebook for a facility/workplace must be kept in a place readily available to all employees working in that area. Employees must be made aware of the location of the Notebook. New inventory or information that should arrive, the new SDS will be added to the appropriate SDS notebook immediately.

Once a year (during preparation of the workplace chemical list) SDS's for substances no longer stored or used will be removed from the notebook.

IV. WORKPLACE CHEMICAL LIST- Beginning July 1 of each year the Department shall inventory any hazardous chemicals stored at each facility/workplace that is equal to greater than 55 gallons or 500 lbs. and compare that inventory with the list with the SDS Notebook ensuring a SDS is available for each hazardous chemical inventoried. For each chemical found not to have an SDS on file, the appropriate manufacturer or distributor shall be contacted immediately.

By January 1 each year, each facility/workplace must have completed their Workplace Chemical List. The list shall contain the chemical name and common name of each chemical used or stored, the work areas involved, and the average amount stored during the year. An employer must maintain a chemical list for at least thirty (30) years.

V. PLANNING LETTERS- Each facility/workplace shall submit a Planning Letter within 60 days to the Texas Department of Health and the Local Emergency Planning Agency when acquiring a TPQ in Extremely Hazardous Substance. Planning Letters need only be completed once.

VI. LABELS- It is the responsibility of the Department to ensure that existing labels on containers are not removed. All containers of hazardous chemicals entering the facility/workplace shall be properly labeled with; chemical name, hazard warning, and the name and address of the manufacturer. If a container is unlabeled, employees should not work with the chemical but should report it to their supervisor so that the chemical can be properly identified. A poster of appropriate size explaining the HMIS must be posted throughout the workplace to provide ready reference for employees.

The Department will ensure all secondary containers used to store chemicals are properly labeled with the appropriate information to communicate the original chemical. The Department will develop a policy to identify what constitutes “immediate use” chemical containers to determine the maximum volume of the chemical and the maximum amount of time the chemical can be stored to be termed “immediate use”. Immediate use containers are not required to be labeled as long the employee using the chemical is immediately available to identify the chemical.

VII. TRAINING- Each facility/workplace is responsible for providing each employee instruction on handling chemicals. At the time of the instruction, each employee attending shall sign their name to a list indicating they participated in the Hazard Communication Instruction. At minimum, the sign-in sheet shall include the date of training, the employee’s legible printed name, and signature. Each Department is responsible for training new or newly assigned employees before working with or in an area containing hazardous chemicals container of the material stored or used in the facility/workplace.

- Purpose and applicability of the Texas Hazard Communication Act.
- Use and interpretation of Safety Data Sheets (SDS).
- Use and interpretation of chemical container labels.
- Employee rights under the Texas Hazard Communication Act.
- Location of the SDS notebook.

VIII. PERSONAL PROTECTION- It is the responsibility of the Department to provide and properly maintain the personal protective equipment/clothing needed to work safely with hazardous chemicals in the workplace. The Department will determine the type of PPE needed based on the information provided on the chemical SDS. The Department shall assure that all employees expected to wear personal protective equipment/clothing know how to use and have available for use. The employee shall use personal protective equipment/clothing when required.

IX. RESPONSIBILITIES AND RIGHTS OF THE EMPLOYEE- The Texas Hazard Communication Act requires that access to information regarding hazardous chemicals must be provided to those employees who may be exposed to those chemicals. “Expose” or “Exposure” means that an employee may be subjected to a hazardous chemical in the course of employment through any route of entry; including inhalation, ingestion, skin contact, or absorption; and includes **potential, possible, or accidental**.

Your facility/workplace has compiled a chemical list that includes all hazardous substances that are stored or used in your work area. This list must be readily available and it is the **employee's responsibility** to be familiar with its contents.

Your facility/workplace has prepared an SDS notebook that contains a SDS for each hazardous chemical stored or used in your work area.

It is the **employee's responsibility** to listen and ask questions during any hazard communication training session. Employee must be sure that they fully understand the hazards and how to avoid the hazards of the substances they work with.

It is the **employee's responsibility** to check container labels and to check the SDS of all hazardous substances that they work with during the workday. It is also the **employee's responsibility** to follow the instructions given, including wearing proper personal protection. If the proper personal protection is not immediately available, inform the supervisor and receive the equipment before beginning work.

It is the **employee's responsibility** to make every effort to work in a safe and responsible manner with hazardous substances.

XI. REPORTING FATALITIES AND INJURIES- Within 48 hours (consecutive hours) after the occurrence of an employee accident that directly or indirectly involves chemical exposure, or that involves asphyxiation, and that is fatal to one or more employees, or resulting in the hospitalization of five or more employees, the public employer of any of the employees so injured or killed shall report the accident either orally or in writing to the Texas Department of Health. The Department Health and Safety Officer, Department Head, or someone designated by the Department head will make the notification to the Texas Department of Health as well as HC Risk Management.

The report to the department shall relate the circumstances of the accident, the number of fatalities, and the extent of any injuries. If it is necessary to complete the investigation of an incident, the department may require additional reports in writing as necessary.

RESPONSIBILITIES OF THE OFFICE OF HUMAN RESOURCES & RISK MANAGEMENT

I. GENERAL- The Office of Management and Budget-Risk Management (OMB-RM) shall coordinate administering the program and shall provide guidance to departments as needed. The OMB-RM shall act as the single point of contact between the Texas Department of Health for all matters concerning compliance with the Hazard Communication Act.

II. WORKPLACE NOTICE- The OMB-RM shall maintain copies of the "Notice to Employees" for distribution to any facility/workplace that may need a copy.

III. SDS NOTEBOOK- The OMB-RM shall provide instruction to departmental representative regarding preparation of SDS Notebooks and Planning Letters.

IV. WORKPLACE CHEMICAL LIST- The OMB-RM shall if requested review all facility/workplace chemical lists.

V. PLANNING LETTERS- The OMB-RM shall review the Planning Letters of a facility/workplace acquiring a TPQ of Extremely Hazardous Chemicals. These letters shall be forwarded to the Texas Department of Health, and the Local Emergency Planning Committee.

VI. HMIS LABELING- The OMB-RM shall assist facilities/workplaces in assigning hazard rating for hazardous chemicals.

VII. RECORDS- The OMB-RM shall assist Departments in maintaining records as required by the Act.

HAZARDOUS MATERIALS IDENTIFICATION SYSTEM

The system that will be used to identify and label containers of hazardous chemicals is the HAZARDOUS MATERIALS IDENTIFICATION SYSTEM or HMIS.

There are two (2) different label systems: NFPA and HMIS.

The **NFPA** system is arranged in a diamond shape, separated into four (4) color coded diamond shape categories. The NFPA system is meant primarily for fire fighters and other emergency responders. The **HMIS** system is arranged with four (4) horizontal bars that are color coded. This is the labeling system that will be used.

In the past, both label systems used the same color code to identify each category: **BLUE**-Health

RED- Flammability **YELLOW**- Reactivity **WHITE**- Special

The **HMIS** label was changed in 2002 that incorporated an addition block in the **BLUE**- Health bar for an Asterisk (*) that will signify a Chronic Health Hazard.

The **YELLOW**- Reactivity bar has been changed to **ORANGE** and the term is now **Physical Hazard**.

The **WHITE** section on the **HMIS** label uses a Letter (A-K, L-Z) in this section that corresponds to a type of PPE that will be required to be worn while using this chemical.

The numbering scale remains the same, 0-4 with 0 indicating minimal hazard and 4 indicating an extreme hazard.

The new **HMIS** label also has a border around the label for easier recognition.

The new system has posters, cards, wallet size ID cards, and an assortment of labels that make up the complete **HMIS** identification system.

APPENDIX

- I. TEXAS HAZARD COMMUNICATION ACT**
- II. PUBLIC EMPLOYER COMMUNITY RIGHT-TO-KNOW ACT**
- III. MODEL WRITTEN HAZARD COMMUNICATION PROGRAM**
- IV. HAZARD CHEMICAL LIST**
- V. SAFETY DATA SHEETS (SDS)**
- VI. NOTICE TO EMPLOYEES SIGNS (ENGLISH & SPANISH)**
- VII. HAZARDOUS MATERIALS IDENTIFICATION SYSTEM (HMIS)**
- VIII. EMERGENCY PLANNING LETTER**

APPENDIX I

TEXAS HAZCOM ACT



Texas Hazard Communication Rules

25 TAC, Chapter 295, Subchapter A Hazard Communication

Effective Date: February 28, 1986 Amended:
January 3, 1989
Amended: September 1, 1999
Amended: July 3, 2003

**Texas Department of State Health Services
Consumer Protection Division
Environmental Operations Branch
Hazard Communication Program
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TEXAS
Health and Human
Services

Environmental Hazards Unit

Publication No. 23-15101
Revision Date: May 2022

TEXAS HAZARD COMMUNICATION RULES

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Effective Date: February 28, 1986

Amended: January 3, 1989, September 1, 1999, July 3, 2003

§295.1. – PURPOSE AND SCOPE

The purpose of these sections is to provide employers and employees with guidance needed to comply with the Texas Hazard Communication Act.

§295.2. – DEFINITIONS

The following words and terms, when used in these sections, shall have the following meanings unless the context clearly indicates otherwise.

- (1) Act--The Hazard Communication Act, the Health and Safety Code, Chapter 502.
- (2) Appropriate hazard warning--Any words, pictures, symbols, or combination thereof appearing on a label or other appropriate form of warning which convey the health and physical hazards, including the target organ effects of the chemical(s) in the container(s).
- (3) Appropriate personal protective equipment (PPE) or protective equipment -- Equipment that is provided to an employee by the employer and provides a level of protection to chemicals to which the employee may be exposed that will be adequate to ensure their health and safety based on current industry standards. In determining the selection of PPE, the employer shall consider all routes of entry, permeability of PPE materials, the duties being performed by the employee, the hazardous chemicals present, and such other factors as may affect the performance of the equipment. The employer must ensure that the provided equipment fits the individual employee and is functional for its intended use as described by the manufacturer's specifications.
- (4) Asphyxiation--A death or injury from suffocation that is caused by a chemical and which is due to interference with the oxygen supply of the blood, other than drowning.
- (5) Categories of hazardous chemicals--A grouping of hazardous chemicals with similar hazard properties.
- (6) Commissioner of Health--the director of the Texas Department of Health, as referenced in the Health and Safety Code, §502.003(8).

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(7) Container--Any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical or contains multiple smaller containers of an identical hazardous chemical. The term "container" does not mean pipes or piping systems, nor does it mean engines, fuel tanks, or other operating systems in a vehicle. A primary container is the one in which the hazardous chemical is received from the supplier. A secondary container is one to which the hazardous chemical is transferred after receipt from the supplier.

(8) Department--The Texas Department of Health.

(9) Emergency service organization--Any organization established to provide the following services for the general public: fire prevention and suppression, hazardous materials response operations, or emergency medical services. An emergency service organization may consist of volunteer members or be a unit of a political subdivision of the state with compensated employees.

(10) Employee education and training program--Actual instruction, regardless of the technology or method used to deliver it, provided by the employer to employees as required by the Act, §502.009. This program is the instruction of employees and records of training, as opposed to a written plan for training.

(11) Employer--The overall organizational public entity rather than individual facilities or workplaces. Examples of public employers are an entire state agency, a county, a city, a public school district, a public university, a public college or community college, a river authority, a public hospital, or a volunteer emergency service organization. Each university, college, or community college in a university or college system shall be considered as a separate employer under the Act.

(12) Handle--To touch, move, or manipulate hazardous chemicals.

(13) Health hazard--A chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes.

(14) Label--Any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals.

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(15) OSHA Standard--The Hazard Communication Standard of the United States Department of Labor, Occupational Safety and Health Administration (OSHA), Title 29 Code of Federal Regulations, 1910.1200.

(16) Stationary process container--A tank, vat, or other such container which holds different hazardous chemicals at different times.

(17) Workplace--A contiguous facility that is staffed 20 hours or more per week, unless such a facility is subdivided by the employer. Normally this subdivision would be a building, cluster of buildings or other structures, or complex of buildings, but could be for a portion of a building if the employer chooses. Noncontiguous properties are always separate workplaces unless they are temporary workplaces, in which case they can be either work areas of a headquarters workplace or separate workplaces, at the discretion of the employer.

(18) Written hazard communication program--A document which describes an employer's program for compliance with those requirements of the Act imposed on the employer.

§295.3. – RESPONSIBILITY FOR IMPLEMENTATION OF PROGRAMS

The commissioner's responsibilities under the Act are carried out through the Texas Department of Health, Consumer Protection Division, Environmental Operations Branch, Hazard Communication Program. Routine inquiries regarding this Act shall be addressed to: Texas Department of State Health Services, Environmental Operations Branch, Hazard Communication Program, P.O. Box 149347, MC 2835, Austin, Texas 78714-9347, at toll free telephone number 1-800-293-0753.

§295.4. – WORKPLACE CHEMICAL LIST

(a) An employer may choose to develop workplace chemical lists by work areas, pursuant to the Act, §502.005(c). However, the workplace chemical list threshold of 55 gallons or 500 pounds must be applied to the aggregate amount of the hazardous chemical in the workplace, even though such chemicals may be present below these thresholds in each work area.

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(b) If an employer chooses to subdivide a contiguous facility into separate workplaces, a workplace chemical list must be prepared for each separate workplace.

(c) Employers may use the department's model form in developing workplace chemical lists. This form will provide a recommended format for the workplace chemical list, but is not mandatory.

§295.5. – MATERIAL SAFETY DATA SHEETS

(a) The employer shall maintain a current and appropriate MSDS, as defined by the Act, §502.003(17), for each hazardous chemical purchased. Except as described in subsection (b) of this section, MSDSs, whether in printed or electronic form, are considered "readily available" if they can be accessed for review at the workplace during the same work shift in which they are requested. For purposes of this section, a current MSDS shall be one which contains the most recent significant hazard information for the hazardous chemical as determined by the chemical's manufacturer.

(b) An employer shall provide MSDSs to emergency responders as soon as practicable upon request.

(c) An employer shall request or obtain a missing MSDS within 30 business days of receipt of the hazardous chemical. An employer shall not permit the use of any hazardous chemical for which a current MSDS is not available.

(d) A chemical manufacturer or distributor must provide an appropriate MSDS to an employer within three business days of receipt of the employer's written request.

(e) If the hazardous chemical was last received prior to the original effective date of the Act, January 1, 1986, an MSDS is not required.

§295.6. – LABELING OF CONTAINERS

(a) Employers shall rely on the manufacturers or distributors of their hazardous chemicals to provide container labels which meet the requirements of the OSHA Standard at 29 CFR, 1910.1200(f) and shall be responsible for re-labeling a container only:

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(1) when the label is missing or illegible; or

(2) when it comes to the attention of the employer that the labeling does not meet the labeling requirements of the OSHA Standard.

(b) An employer who receives an unlabeled or mislabeled primary container of a hazardous chemical from a supplier or a container which requires re-labeling according to subsection (a) of this section shall ensure that such containers are re-labeled to conform to the OSHA Standard prior to use by any employee. Employers may contact their suppliers to request such replacement labels or may prepare their own replacement labels.

(c) In cases where an employer receives a primary container of a hazardous chemical that requires re-labeling according to subsection (a) of this section, except as provided in the Act, §502.007(b), the employer shall ensure that the replacement label contains the following information:

(1) the identity of the chemical appearing on the MSDS;

(2) the appropriate hazard warnings, or alternatively, words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals, and which, in conjunction with the other information immediately available to employees under the employer's education and training program, will reasonably provide employees with the specific information regarding the physical and health hazards, including the target organ effects of the hazardous chemical; and

(3) the chemical manufacturer's name and address.

(d) Except as provided in the Act, §§502.004(f) and 502.007(b), each secondary container label must include:

(1) the identity of the chemical appearing on the MSDS; and

(2) the appropriate hazard warnings, or alternatively, words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals, and which, in conjunction with the other information immediately available to employees under the employer's education and training program, will reasonably provide employees with the specific information regarding the physical and health hazards including the target organ effects of the hazardous chemical.

(e) The employer shall ensure that labels or other forms of warning are legible, in English, and prominently displayed on the container in the workplace, work area, or temporary workplace throughout each work shift.

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The employer may add label information in another language to hazardous chemical containers.

(f) Signs, placards, process sheets, batch tickets, operating procedures, or other such written materials may be used in lieu of affixing labels to individual stationary process containers, as long as the alternative method identifies the containers to which it is applicable and conveys the label information required by the Act.

(g) Alternative labeling systems may be used by employers, as specified in subsections (c)(2) and (d)(2) of this section. Examples of such labeling systems are the National Fire Protection Association (NFPA) 704m Standard; the Hazardous Materials Information Systems (HMIS) Standard; and the U.S. Department of Transportation shipping label system.

(h) Except as provided in the Act, §502.004(f), containers of hazardous chemicals which were received prior to the original effective date of the Act, January 1, 1986, and which do not meet the requirements of this section, must be re-labeled in accordance with the current labeling requirements of the Act.

§295.7. – WRITTEN HAZARD COMMUNICATION PROGRAM AND EMPLOYEE EDUCATION AND TRAINING PROGRAM

(a) An employer is required to develop a written hazard communication program which will describe how the employer will comply with those requirements of the Act imposed on the employer. The written hazard communication program must include a description of the procedures that the employer will follow to achieve compliance with each applicable requirement of the Act. Employers may develop written hazard communication programs that are specific to each separate workplace or may develop a standard written program that could be used or modified for each workplace. Employers may use the department's model program in developing written hazard communication programs for each of their workplaces. This model program will provide a recommended format for the written hazard communication program, but is not mandatory.

(b) An employer shall maintain either a printed or electronic copy of the written hazard communication program at the workplace to which the program applies.

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(c) The elements that shall be considered in an employer's written hazard communication program, if applicable, include:

- (1) workplace chemical lists;
- (2) material safety data sheets;
- (3) labels;
- (4) employee education and training programs, including the following subjects:

(A) the use of the information provided in material safety data sheets and labels, and how they are related; and

(B) the following subjects which relate to hazardous chemicals known to be present in the employee's work area:

- (i) locations;
 - (ii) the physical effects and short-term and long-term health effects of exposure;
 - (iii) safe handling;
 - (iv) the proper use of personal protective equipment;
 - (v) first aid treatment for exposures; and
 - (vi) safety instructions on handling, cleanup, and disposal;
- (5) reporting employee deaths and injuries;
 - (6) posting employee notice(s);
 - (7) providing personal protective equipment; and
 - (8) maintaining employee rights.

(d) The employee education and training program shall include training sessions for employees and the record of each training session. The training subjects listed in subsection (c)(4) of this section shall be conducted in the following manner:

(1) the instruction may be provided by categories of chemicals under the Act, §502.009(d); or

(2) the instruction may be provided for specific chemicals known to be present and to which the employee may be exposed.

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(e) Training records may be maintained by the employer in either printed or electronic form, must be developed for each session which is necessary to demonstrate compliance, and shall contain all of the following information:

- (1) the date of the training session;
- (2) a legible list of names of all the employees who attended the training session;
- (3) any of the subjects listed in subsection (c)(4) of this section which were included in the training session, and the names of the categories of chemicals that were covered in the training session, if training is conducted by such categories; and
- (4) a legible list of names of all instructors who provided the training for that session.

(f) When training is conducted by categories of hazardous chemicals under the Act, §502.009(d), the employer shall ensure that all the categories used are adequate to cover all hazardous chemicals to which the employees may be exposed. Such training need only cover those categories of chemicals which are appropriate, based on the hazards presented by the chemicals to which the employees may be exposed.

(g) Training for new or newly assigned employees must be completed prior to assigning any duties that may result in exposure to hazardous chemicals.

(h) Emergency service organizations shall provide to their members or employees the following information:

- (1) for any hazardous chemicals which the members or employees use or handle, the emergency service organization shall provide the training required by the Act, §502.009(c);

- (2) for any hazardous chemicals to which the members or employees may be exposed during emergency responses, the emergency service organization shall provide information on the recognition, evaluation, and control of exposures to such chemicals.

(i) The information referenced in subsection (h)(2) of this section may be in the form of training sessions, written materials, or any other form of communication which provides this information. Training which meets the requirements of the Hazardous Waste Operations and Emergency Response Rule which was promulgated by the U.S. Environmental Protection Agency in Title 40 CFR, Part 311 shall meet the requirements for the Act, §502.009(h), and subsection (h)(2) of this section.

TEXAS HAZARD COMMUNICATION RULES

§295.8. – COMPLAINTS AND INVESTIGATIONS

(a) The commissioner or his representative shall investigate in a timely manner any complaint relating to an alleged violation of the Act. Such complaints do not have to be submitted to the department in writing and may be anonymous. An inspection based on a complaint is not limited to the specific allegations of the complaint. An employer who refuses to allow such an investigation shall be in violation of the Act.

(b) The commissioner or his designated representatives may enter a workplace at all reasonable times to conduct random compliance inspections. An employer who refuses to allow such an inspection is in violation of the Act and these rules.

(c) The department may find multiple violations by an employer during an inspection.

(d) Upon request from a representative of the commissioner, an employer shall make or allow photocopies of documents to be made and permit the representative to take photographs required to verify the compliance status of the employer. Such requests may be made during a compliance inspection or in a written Notice of Violation Issued by the department.

§295.9. – REPORTING FATALITIES AND INJURIES

(a) Employers are required to report to the department the occurrence of any employee accident, including asphyxiation, resulting from a chemical exposure and that is fatal to one or more employees or that results in the hospitalization of five or more employees.

(b) Such employee accidents may be reported to the Texas Department of State Health Services, Environmental Operations Branch, Hazard Communication Program, at toll-free telephone number 1-800-293-0753. Reports shall be submitted either orally or in writing no later than 48 hours after the occurrence of the accident. Written reports may be transmitted via facsimile or electronic means.

§295.10. – [RESERVED]

TEXAS HAZARD COMMUNICATION RULES

§295.11. – ADMINISTRATIVE PENALTIES

(a) Inspections may be conducted by the commissioner or his representative to determine if an employer is in violation of the Act or the rules. An employer will be notified in writing of any alleged violations. The employer shall send a written response to the department within 15 business days of receipt of the notification. The employer's response must conform to at least one of the options listed in the notification from the department.

(b) Employers who do not respond to the written notice from the department in accordance with subsection (a) of this section shall be subject to administrative penalties. Each violation of the Act may be cited separately in the written notice and a separate penalty may be proposed for each citation. Each day a violation continues may be considered a separate violation.

(c) Penalties shall be due after an order is issued by the commissioner. An order may be issued on or after the 16th business day following the date that a written notification of violations is received by the employer, unless the department receives a written response which documents that each violation has been corrected or that an informal conference or a formal hearing has been requested. If an informal settlement conference is requested, the employer must respond that each violation has been corrected within 11 business days after the employer receives a summary letter following the informal conference.

(d) The written response from the employer must address each violation separately and must provide the documentation requested by the department or an alternative agreed to by the department. An inappropriate or unacceptable response may result in a penalty being assessed for the underlying violations.

(e) Violations will be classified in one of four severity levels:

(1) a minor violation is related to a minor records keeping deficiency;

(2) a serious violation is related to failure to take an action that poses a threat of harm to any employee or a substantial records keeping deficiency;

(3) a severe violation is related to failure to take an action that poses a substantial threat of harm to any employee or a major records keeping deficiency; or

(4) a critical violation is related to failure to take an action that has caused harm or is likely to cause significant harm to any employee

TEXAS HAZARD COMMUNICATION RULES

(f) Penalty amounts will be assessed based on the following schedule:

Severity Level of Violation	First Occurrence	Second Occurrence	Subsequent Occurrence
Minor	\$50	\$75	\$100
Serious	\$100	\$150	\$200
Severe	\$200	\$250	\$300
Critical	\$300	\$400	\$500

(g) Proposed penalties for individual violations may be reduced or enhanced by the department based on consideration of the history of previous violations, good faith efforts made to correct violations, duration of the violation, or any other considerations that justice may require. A maximum reduction or enhancement of 50% per individual proposed penalty may be considered, based on the facts presented to the department.

(h) Follow-up inspections may be made to confirm the status of violations. In cases where the department determines that one or more specific violations of the Act are ongoing, the department may issue a written notice to the employer proposing a per day penalty for each violation.

(i) Examples of violations for the various severity levels include, but are not limited to:

(1) Minor violation:

(A) failure to update the workplace chemical list as needed; failure to maintain previous workplace chemical lists for 30 years; or failure to develop the current workplace chemical list;

(B) failure to include one to five required elements in employee training records for one or more training sessions. Each employee name, training subject, instructor's name, and the date of the training session is a separate element;

(C) having a written hazard communication program which fails to describe how one to three of the criteria specified in §295.7(c) of this title (relating to Written Hazard Communication Program and Employee Education and Training) will be met;

TEXAS HAZARD COMMUNICATION RULES

(D) failure to post the workplace notice specified in §295.12 of this title (relating to Employee Notice; Rights of Employees) in up to 25% of the locations where notices are normally posted in the workplaces covered by an inspection;

(E) failure to maintain consistent names for hazardous chemicals on MSDSs, labels, and the workplace chemical list; or

(F) failure to maintain a current MSDS for one hazardous chemical in one workplace.

(2) Serious violation:

(A) failure to provide the proper identity or required hazard information on replacement or secondary labels for up to three containers of hazardous chemicals in a workplace;

(B) failure to provide a replacement or secondary label on a hazardous chemical container;

(C) failure to maintain five or more required elements in employee training records for one or more training sessions. Each employee name, training subject, instructor's name, and the date of the training session is considered a separate element;

(D) failure to post the workplace notice specified in §295.12 of this title in 26% to 99% of the locations where notices are normally posted in the workplaces covered by an inspection;

(E) failure to provide up to 10% of employees in the workplaces covered during an inspection the training required under the Act, §502.009(c);

(F) having a written hazard communication program which fails to describe how four to six of the criteria specified in §295.7(c) of this title will be met;

(G) failure to maintain current MSDSs for more than one and less than 6.0% of the hazardous chemicals in one workplace which are surveyed during an inspection; or

(3) Severe violation:

(A) failure to post the notice to employees specified in §295.12 of this title in any of the locations where employee notices are normally posted in any workplace;

TEXAS HAZARD COMMUNICATION RULES

(B) failure to provide the proper identity or required hazard information on replacement or secondary labels of four to ten containers of hazardous chemicals in a workplace;

(C) failure to provide replacement or secondary labels on up to five hazardous chemical containers;

(D) failure to provide 11% to 25% of employees in the workplaces covered during an inspection the training required under the Act, §502.009(c);

(E) having a written hazard communication program which fails to describe how more than six of the criteria specified in §295.7(c) of this title will be met;

(F) failure to maintain current MSDSs for 6.0% to 10% of the hazardous chemicals in one workplace which are surveyed during an inspection;

(G) failure by a chemical manufacturer or distributor to provide an MSDS to an employer within three business days of receipt of the employer's written request; or

(H) failure to report an incident to the department as required under the Act, §502.012.

(4) Critical violation:

(A) intentionally removing or defacing a label on a primary container of a hazardous chemical or maintaining another product's label on a hazardous chemical container;

(B) failure to provide the proper identity or required hazard information on replacement or secondary labels of more than ten containers of hazardous chemicals in the workplace;

(C) failure to provide replacement or secondary labels on more than five hazardous chemical containers;

(D) failure to provide more than 25% of employees in the workplaces covered during an inspection the training required under the Act, §502.009(c);

(E) denial by an employer to allow a representative of the department to conduct a compliance inspection;

TEXAS HAZARD COMMUNICATION RULES

(F) failure to maintain current MSDSs for greater than 10% of the hazardous chemicals in one workplace which are surveyed during an inspection;

(G) failure to provide, at the request of an employee, a copy of an MSDS for a hazardous chemical to a physician or emergency responder for purposes of treating any employee who may have suffered a chemical exposure; or

(H) a request or a requirement for an employee to waive any rights provided by the Act, §502.107.

§295.12. – EMPLOYEE NOTICE; RIGHTS OF EMPLOYEES

(a) Employers covered by the Act must post and maintain workplace notices specified in this section. The wording of the required workplace notice may be changed by the commissioner as needed.

(See Appendices for English and Spanish Notices)

(b) The workplace notice shall measure at least 8-1/2 by 11 inches and be typed, typeset, or mechanically produced with lettering that is clearly legible. The letters shall not be smaller than 12 characters per inch. The words "NOTICE TO EMPLOYEES" shall be in bold capital letters at least 1/2 inch high. Other words spelled in capital letters in the sample notice shall be reproduced in capital letters.

(c) A current version of the workplace notice shall be clearly posted and unobstructed at all locations in the workplace where notices are normally posted, and at least one location in each workplace.

(d) An employer may add information to the workplace notice as long as the wording required by this section is included. Employers may add the name and telephone number of the employer's safety or environmental health officer to the bottom of the workplace notice in order to facilitate communication within the workplace.

(e) To assist employers in providing the workplace notice information, the department shall make original copies of the workplace notice available for photocopying by employers. The department shall also make an electronic version of the workplace notice available to employers. A Spanish translation of the workplace notice is available from the department.

TEXAS HAZARD COMMUNICATION RULES

(f) Employees have guaranteed rights to accessing the workplace chemical list and MSDSs and to receive training under the Act.

(g) Employees have a guaranteed right to receive appropriate personal protective equipment (PPE) from their employer. Employers shall provide appropriate PPE to employees who may be exposed to hazardous chemicals in their workplace. The employer shall provide training to employees regarding how to maintain and store PPE appropriately to ensure that contamination does not occur.

(h) An employee shall not be disciplined, harassed, or discriminated against by an employer for filing complaints, assisting inspectors of the department, participating in proceedings related to the Act, or exercising any rights under the Act.

(i) Employees cannot waive their rights under the Act. A request or requirement for such a waiver by an employer violates the Act.

§295.13. – STANDARD FOR PHYSICIAN TREATMENT

The citation of the OSHA Standard for physicians treating employees that is provided in the Act, §502.018, is in error. The correct citation for this standard is 29 CFR, §1910.1200(i)(2). This standard allows nurses, as well as physicians, to obtain the chemical identity of a trade secret hazardous chemical when that information is needed for medical treatment during an emergency.

NOTICE TO EMPLOYEES

The Texas Hazard Communication Act, codified as Chapter 502 of the Texas Health and Safety Code, requires public employers to provide employees with specific information on the hazards of chemicals to which employees may be exposed in the workplace. As required by law, your employer must provide you with certain information and training. A brief summary of the law follows.

HAZARDOUS CHEMICALS

Hazardous chemicals are any products or materials that present any physical or health hazards when used, unless they are exempted under the law. Some examples of more commonly used hazardous chemicals are fuels, cleaning products, solvents, many types of oils, compressed gases, many types of paints, pesticides, herbicides, refrigerants, laboratory chemicals, cement, welding rods, etc.

WORKPLACE CHEMICAL LIST

Employers must develop a list of hazardous chemicals used or stored in the workplace in excess of 55 gallons or 500 pounds. This list shall be updated by the employer as necessary, but at least annually, and be made readily available for employees and their representatives on request.

EMPLOYEE EDUCATION PROGRAM

Employers shall provide training to newly assigned employees before the employees work in a work area containing a hazardous chemical. Covered employees shall receive training from the employer on the hazards of the chemicals and on the measures they can take to protect themselves from those hazards. This training shall be repeated as needed, but at least whenever new hazards are introduced into the workplace or new information is received on the chemicals which are already present.

SAFETY DATA SHEETS

Employees who may be exposed to hazardous chemicals shall be informed of the exposure by the employer and shall have ready access to the most current Safety Data Sheets (SDSs) or Material Safety Data Sheets (MSDSs) if an SDS is not available yet, which detail physical and health hazards and other pertinent information on those chemicals.

LABELS

Employees shall not be required to work with hazardous chemicals from unlabeled containers except portable containers for immediate use, the contents of which are known to the user.

EMPLOYEE RIGHTS

Employees have rights to:

- access copies of SDSs (or an MSDS if an SDS is not available yet)
- information on their chemical exposures
- receive training on chemical hazards
- receive appropriate protective equipment
- file complaints, assist inspectors, or testify against their employer

Employees may not be discharged or discriminated against in any manner for the exercise of any rights provided by this Act. A waiver of employee rights is void; an employer's request for such a waiver is a violation of the Act. Employees may file complaints with the Texas Department of State Health Services at the telephone numbers provided below.

EMPLOYERS MAY BE SUBJECT TO ADMINISTRATIVE PENALTIES AND CIVIL OR CRIMINAL FINES RANGING FROM \$50 TO \$100,000 FOR EACH VIOLATION OF THIS ACT

Further information may be obtained from:

Texas Department of State Health Services
Consumer Protection Division
Environmental Operations Branch
PO Box 149347, MC 2835
Austin, TX 78714-9347

(512) 834-6787
(800) 293-0753 (toll-free)
Fax: (512) 483-3414
E-mail: TXHazComHelp@dshs.texas.gov
Website: www.dshs.texas.gov/hazcom



Texas Department of State
Health Services

Worker Right-To-Know Program
Publication # E23-14173
Revised May 2024

AVISO AL EMPLEADO

La Ley de Comunicación sobre Peligros de Texas, codificada como el capítulo 502 del Código de Salud y Seguridad de Texas, exige que los empleadores públicos le provean a los empleados información específica sobre los peligros de los químicos a los que los empleados podrían estar expuestos en el centro de trabajo. Según exige la ley, su empleador debe proveerle cierta información y capacitación. A continuación presentamos un breve resumen de la ley.

QUÍMICOS PELIGROSOS

Los químicos peligrosos son cualquier producto o material que represente algún peligro físico o de salud al ser usado, a menos que este quede exento bajo la ley. Como ejemplos de químicos peligrosos más comúnmente usados están los combustibles, los productos de limpieza, los solventes, muchos tipos de aceite, los gases comprimidos, muchos tipos de pintura, los pesticidas, los herbicidas, los refrigerantes, los químicos de laboratorio, el cemento, las varillas de soldadura, etc.

LISTA DE QUÍMICOS EN EL CENTRO DE TRABAJO

Los empleadores deben desarrollar una lista de los químicos peligrosos usados o almacenados en el centro de trabajo que sobrepasen los 55 galones o las 500 libras. El empleador debe renovar la lista de ser necesario, y al menos anualmente, y debe ponerla a fácil disposición de los empleados y de sus representantes al esta ser solicitada.

PROGRAMA DE INSTRUCCIÓN DEL EMPLEADO

Los empleadores deben proveerle capacitación a los empleados recién asignados antes de que los empleados trabajen en un área de trabajo que contenga químicos peligrosos. Los empleados contemplados en la ley deben recibir capacitación del empleador sobre los peligros de los químicos y sobre las medidas que ellos mismos pueden tomar para protegerse de dichos peligros. La capacitación debe repetirse de ser necesario, y al menos cuando se introduzcan nuevos peligros en el centro de trabajo o se reciba nueva información sobre los químicos que ya están presentes.

HOJAS DE DATOS DE SEGURIDAD

El empleador debe informar de la exposición a los empleados que pudieran estar expuestos a químicos peligrosos y ellos deben tener acceso fácil a las hojas de datos de seguridad (SDS) o las hojas de datos de seguridad del material (MSDS) más recientes si es que todavía no hay una SDS disponible, las cuales detallan los peligros físicos y de salud y cualquier otra información pertinente sobre dichos químicos.

ETIQUETAS

No se requerirá que los empleados trabajen con químicos peligrosos provenientes de contenedores que no están etiquetados con excepción de los contenedores portátiles de uso inmediato, el contenido de los cuales el usuario conoce.

DERECHOS DEL EMPLEADO

Los empleados tienen derecho a:

- acceder a copias de las SDS (o una MSDS si es que todavía no hay una SDS disponible)
- la información sobre sus exposiciones químicas
- recibir capacitación sobre los peligros químicos
- recibir el equipo protector apropiado
- presentar quejas, asistir a los inspectores y testificar en contra de su empleador

No se despedirá a los empleados ni se les discriminará de ninguna manera por ellos ejercer cualquiera de los derechos que esta ley estipula. Las renunciaciones de derechos del empleado no tienen ninguna validez; el que el empleador solicite ese tipo de renuncia infringe esta ley. Los empleados pueden presentar sus quejas ante el Departamento Estatal de Servicios de Salud de Texas llamando al teléfono sin costo provisto abajo.

LOS EMPLEADORES PODRÍAN ESTAR SUJETOS A SANCIONES ADMINISTRATIVAS Y A MULTAS CIVILES O PENALES QUE VAN DESDE LOS \$50 HASTA LOS \$100,000 DÓLARES POR CADA INFRACCIÓN DE ESTA LEY

Puede obtener mayor información en:

Texas Department of State Health Services
Consumer Protection Division
Environmental Operations Branch
PO Box 149347, MC 2835
Austin, TX 78714-9347

(512) 834-6787
(800) 293-0753 (llamada gratuita)
Fax: (512) 483-3414
E-mail: TXHazComHelp@dshs.texas.gov
Website: www.dshs.texas.gov/hazcom



Texas Department of State
Health Services

Worker Right-To-Know Program
Publication # 23-14173A
Revised May 2024

**Department of State Health Services
Agenda Item for State Health Services Council
September 15, 2005**

<p>Agenda Item Title: Proposed Repeal and New 25 TAC §§295.181 - 295.183 related to compliance with the Community Right-to-Know Acts. Agenda Number: 4c</p>	
<p>Recommended Council Action: <input type="checkbox"/> For Discussion Only <input checked="" type="checkbox"/> For Discussion and Action by the Council</p>	
<p>Background: The repeal of current rules and adoption of new rules is necessitated by substantive changes made to consolidate the Manufacturing Facility Community Right-to-Know, the Public Employer Community Right-To-Know, and the Nonmanufacturing Facilities Community Right-To-Know sections for better flow of the rules and reorganization for clarity.</p>	
<p>Summary: Specific changes from the previous rules include consolidating the regulations into one set of rules for all three of the Texas Community Right-to-Know Acts (TCRAs), as opposed to the current rule structure, which provides a separate rule section for each individual act; updating agency references that resulted from the creation of DSHS and the functionalization of programs within the new agency; requiring electronic submission of Tier Two Chemical Inventory Reports and specifying the procedures for submitting these electronic files; amending the Complaints and Investigations sections to clarify that specific actions that interfere with agency inspections shall be considered violations of the TCRAs and the rules; and amending the Administrative Penalties sections to clarify that penalties may be assessed on a per day basis for failure to file the Tier Two Report by required deadlines.</p>	
<p>Summary of Stakeholder Input to Date (including advisory committees): All respondents are in favor of the proposed changes. One respondent wanted language added that would permit a Fire Chief designee, rather than the Fire Chief, to handle requests to submit electronic forms to the Fire Department. Another wanted electronic submission to LEPC's and Fire Departments only with express approval (which is already included in the proposed rules). Lastly, one LEPC representative wanted the authority to charge a submission fee, which is not authorized under the Community Right-to-Know Acts.</p>	
<p>Proposed Motion: Motion to recommend HHSC approval for publication of rules contained in agenda item # 4c.</p>	
<p>Agenda Item Approved by: _____ Presented by: _____ Title: _____ Program/Division: Tier Two Chemical Contact Name/Phone: Michael J. Minoia /Reporting Program (512) 834-6600 ext. 2305</p>	<p>Date Submitted September 7, 2005</p>

**Title 25. HEALTH SERVICES
Part 1. DEPARTMENT OF STATE HEALTH SERVICES
Chapter 295. Occupational Health
Subchapter H. Hazardous Chemical Right-to-Know
Repeal §§295.181 - 295.183
New §§295.181 - 295.183**

Proposed Preamble

The Executive Commissioner of the Health and Human Services Commission on behalf of the Department of State Health Services (department) proposes the repeal of §§295.181 - 295.183 and new §§295.181 - 295.183, concerning the criteria needed to comply with the Community Right-to-Know Acts.

BACKGROUND AND PURPOSE

The repeal of current rules and adoption of new rules is necessitated by substantive changes made to consolidate the Manufacturing Facility Community Right-to-Know, the Public Employer Community Right-To-Know, and the Nonmanufacturing Facilities Community Right-To-Know sections for better flow of the rules and reorganization. Duplicate verbiage has been removed and similar sections of the three sections have been combined.

Government Code, §2001.039, requires that each state agency review and consider for readoption each rule adopted by that agency pursuant to the Government Code, Chapter 2001 (Administrative Procedure Act). Sections 295.181 - 295.183 have been reviewed and the department has determined that reasons for adopting the sections continue to exist because rules on this subject are needed.

SECTION-BY-SECTION SUMMARY

Section 295.181 provides for the purpose, scope and compatibility of these rules with federal laws. It also defines exclusions to these rules for certain hazardous chemicals and other items. This section includes all definitions used in the other sections of this rule.

Section 295.182 defines the responsibilities and requirements of facility operators with the specific criteria needed to comply with the Health and Safety Code, Chapters 505-507.

Section 295.183 details the department's right to conduct compliance inspections and investigate complaints. This section also defines the department's administrative penalty authority and lists the registration fees.

Specific changes from the previous rules include consolidating the regulations into one set of rules for all three of the Texas Community Right-to-Know Acts (TCRAs), as opposed to the current rule structure, which provides a separate rule section for each

individual act; updating agency references that resulted from the creation of the department and the functionalization of programs within the new agency; requiring electronic submission of Tier Two Chemical Inventory Reports and specifying the procedures for submitting these electronic files; amending the Complaints and Investigations sections to clarify that specific actions that interfere with agency inspections shall be considered violations of the TCRAs and the rules; and amending the Administrative Penalties sections to clarify that penalties may be assessed on a per day basis for failure to file the Tier Two Report by required deadlines.

FISCAL NOTE

Susan E. Tennyson, Section Director, Environmental and Consumer Safety Section, has determined that for each year of the first five-year period that the sections will be in effect, there will be no fiscal implications to state or local governments as a result of enforcing and administering the sections as proposed.

SMALL AND MICRO-BUSINESS IMPACT ANALYSIS

Ms. Tennyson has also determined that there will be no effect on small businesses or micro-businesses required to comply with the sections as proposed. This was determined by an interpretation of the rules that although small businesses and micro-businesses will be required to alter their business practices slightly in order to comply with the sections, the upgrade to electronic submission software is free. There are no anticipated economic costs to persons who are required to comply with the sections as proposed. There is no anticipated negative impact on local employment.

PUBLIC BENEFIT

In addition, Ms. Tennyson has also determined that for each year of the first five years the sections are in effect, the public will benefit from adoption of the sections. The public benefit anticipated as a result of enforcing the sections will be increased safety for communities where hazardous chemicals are stored or used due to improved accessibility to chemical data and greater accuracy of mapping data. The proposed new rules are anticipated to improve consistency in reporting forms and data formats.

REGULATORY ANALYSIS

The department has determined that this proposal is not a "major environmental rule" as defined by Government Code, §2001.0225. "Major environmental rule" is defined to mean a rule the specific intent of which is to protect the environment or reduce risk to human health from environmental exposure and that may adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment or the public health and safety of a state or a sector of the state.

TAKINGS IMPACT ASSESSMENT

The department has determined that the proposed repeals and new sections do not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action and, therefore, do not constitute a taking under Government Code, §2007.043.

PUBLIC COMMENT

Comments on the proposal may be submitted to Michael J. Minoia, Environmental and Consumer Safety Section, Division of Regulatory Services, Department of State Health Services, 1100 West 49th Street, Austin, Texas 78756, 512/834-6600 ext. 2305 or by email to michael.minoia@dshs.state.tx.us. Comments will be accepted for 30 days following publication of the proposal in the Texas Register.

STATUTORY AUTHORITY

The proposed repeal and new sections are authorized by Health and Safety Code, §§505.016, 506.017, and 507.013, which provide the former Texas Board of Health (board) with the authority to adopt necessary rules to administer and enforce Chapters 505, 506, and 507; and Government Code, §531.0055, and Health and Safety Code, §1001.075, which authorize the Executive Commissioner of the Health and Human Services Commission, notwithstanding any other law, to adopt rules and policies necessary for the operation and provision of health and human services by the department and for administration of Chapter 1001, Health and Safety Code.

The proposed repeal and new sections affect the Health and Safety Code, Chapters 505-507, and 1001; and Government Code, Chapter 531.

SECTIONS FOR REPEAL

§295.181. Manufacturing Facility Community Right-to-Know.

§295.182. Public Employer Community Right-To-Know.

§295.183. Nonmanufacturing Facilities Community Right-To-Know.

Legend: (Proposed New Rule)
Regular Print = Proposed new language

§295.181. General Provisions and Definitions.

(a) **Purpose.** The purpose of these rules is to provide facility operators with specific criteria needed to comply with the Manufacturing Facility Community Right-to-Know Act, Health and Safety Code (HSC), Chapter 505; the Public Employer Community Right-to-Know Act, HSC, Chapter 506; and the Nonmanufacturing Facilities Community Right-to-Know Act, HSC, Chapter 507.

(b) **Scope.** These rules are applicable to operators of all facilities covered by HSC, Chapters 505, 506, or 507.

(c) **Compatibility with Federal Laws.** In order to avoid confusion among manufacturing employers, public employers, nonmanufacturing facilities, and persons living in this state, the Texas Department of State Health Services shall implement the Manufacturing Facility Community Right-To-Know Act, the Public Employer Community Right-to-Know Act, and the Nonmanufacturing Facilities Community Right-to-Know Act compatibly with the federal Emergency Planning and Community Right-To-Know Act (EPCRA), which is also known as the Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III (42 USC §11001 et seq.), and related regulations (Title 40 Code of Federal Regulations (CFR), Parts 355-370), promulgated by the United States Environmental Protection Agency (EPA).

(d) **Exclusion for Certain Hazardous Chemicals.** These rules do not apply to a hazardous chemical in a sealed package that is received and subsequently sold or transferred in that package if:

- (1) the seal remains intact while the chemical is in the facility;
- (2) the chemical does not remain in the facility longer than five working days; and
- (3) the chemical is not an extremely hazardous substance at or above the threshold planning quantity or 500 pounds, whichever is less, as listed by the EPA in 40 CFR Part 355, Appendices A and B.

(e) **Other Exclusions.** This rule does not apply to:

- (1) any hazardous waste, as that term is defined by the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. §6901 et seq.), when subject to regulations issued under that Act by the EPA;
- (2) tobacco or tobacco products;

(3) wood or wood products;

(4) articles;

(5) food, drugs, cosmetics, or alcoholic beverages in a retail food sale establishment that are packaged for sale to consumers;

(6) foods, drugs, or cosmetics intended for personal consumption by an employee while in the facility;

(7) any consumer product or hazardous substance, as those terms are defined in the Consumer Product Safety Act (15 U.S.C. Section 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. §1261 et seq.), respectively, if the employer can demonstrate it is used in the facility in the same manner as normal consumer use and if the use results in a duration and frequency of exposure that is not greater than exposures experienced by consumers;

(8) any drug, as that term is defined by the Federal Food, Drug, and Cosmetic Act (21 U.S.C. §301 et seq.), when it is in solid, final form for direct administration to the patient, such as tablets or pills;

(9) the transportation, including storage incident to that transportation, of any substance or chemical subject to this chapter, including the transportation and distribution of natural gas; and

(10) radioactive waste.

(f) Severability. Should any section or subsection in this subchapter be found to be void for any reason, such finding shall not affect any other sections.

(g) Definitions. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) 505 Act - The Manufacturing Facility Community Right-To-Know Act, Health and Safety Code, Chapter 505.

(2) 506 Act - The Public Employer Community Right-To-Know Act, Health and Safety Code, Chapter 506.

(3) 507 Act - The Nonmanufacturing Facilities Community Right-To-Know Act, Health and Safety Code, Chapter 507.

(4) Appropriate facility identifiers - A physical location identification which provides a physical street address or other location identifiers, which are sufficient for emergency planning purposes and for data management by the department.

(5) Article - a manufactured item:

(A) that is formed to a specific shape or design during manufacture;

(B) that has end-use functions dependent in whole or in part on its shape or design during end use; and

(C) that does not release, or otherwise result in exposure to, a hazardous chemical under normal conditions of use.

(6) Commissioner - The Commissioner of the Department of State Health Services. The Commissioner is referred to as the "director" in the 505 Act §505.004(6), the 506 Act §506.004(6), and the 507 Act §507.004(6).

(7) Current Tier Two threshold - A quantity which is assigned to a specific hazardous chemical or extremely hazardous substance in the most recent version of Title 40 CFR, Part 370, and which determines whether a specific hazardous chemical or extremely hazardous substance must be included on the Tier Two form.

(8) Department - The Department of State Health Services.

(9) Electronic Tier Two file - An electronic data file that contains, at a minimum, all of the information required for submission in a hard copy Tier Two form, and which provides the required Tier Two information for each individual reportable chemical. This data file must be prepared using software that has been approved by the department.

(10) EPCRA or SARA, Title III - The federal Emergency Planning and Community Right-To-Know Act, also known as the Superfund Amendments and Reauthorization Act of 1986, Title III, 42 USC, §§11001-11050, and regulations promulgated by the EPA in Title 40 CFR, Parts 355-370.

(11) EHS or extremely hazardous substance - Any substance as defined in EPCRA, §11002, or listed by the EPA in Title 40 CFR, Part 355, Appendices A and B.

(12) Facility - 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 who controls, is controlled by, or is under common control with that person.

(13) Facility chemical list--A chemical inventory that provides information for all reportable hazardous chemicals and EHSs present at a reporting facility, and which is submitted to the department in the form of a completed electronic Tier Two file.

(14) Facility operator - The person who controls the day-to-day operations of the facility.

(15) Fire chief - The elected or paid administrative head of the fire department having jurisdiction over a facility.

(16) Headquarters facility - Either the facility itself when the facility is staffed more than 20 hours per week, or, for facilities which are staffed less than 20 hours per week, the headquarters facility is an office which is staffed full time by the facility operator and which serves as the central office for staff who are responsible for overseeing the operations of the facility.

(17) Latitude and longitude - A mapping coordinate system, designated in units of decimal degrees, which serves as a facility location description on the Tier Two form in lieu of a street address.

(18) LEPC--The Local Emergency Planning Committee, a group of individuals representing a designated emergency planning district and whose membership on the committee has been approved by the Texas State Emergency Response Commission as meeting the requirements of EPCRA, §11001.

(19) Manufacturing facilities - Facilities in Standard Industrial Classification (SIC) Codes 20-39 or North American Industrial Classification System (NAICS) Codes 31-33.

(20) Nonmanufacturing facilities - Facilities, other than those facilities operated by the state or political subdivisions of the state, and which are classified in SIC Codes 01-19 or SIC Codes 40-99 or NAICS Codes 11-23 or NAICS Codes 42-92.

(21) North American Industrial Classification System (NAICS) Code - The six digit number which describes a facility's primary activity, which is determined by its principal product or group of products produced. The NAICS Codes were developed jointly by the U.S., Canada, and Mexico to provide comparability in statistics about business activity across North America and has replaced the U.S. Standard Industrial Classification (SIC) system. For the purposes of these rules, the NAICS Code is the one that is assigned to a facility by the Texas Workforce Commission. If a facility does not have a NAICS Code assigned by the Texas Workforce Commission, then the department must be consulted for assistance in determining the correct code.

(22) Public employer facilities - Facilities operated by the state or political subdivisions of the state. These include educational institutions such as the University of Texas.

(23) Research laboratory - A laboratory that engages in only research or quality control operations. Chemical specialty product manufacturing laboratories, full

scale pilot plant operation laboratories that produces products for sale, and service laboratories are not research laboratories.

(24) Standard Industrial Classification (SIC) Code - The four digit number which describes a facility's primary activity, which is determined by its principal product or group of products produced. This code is outdated and has been replaced with the NAICS Code.

(25) Submission or required submission - The facility chemical list information which is submitted to the department in the form of an electronic Tier Two file for a single facility. When facility chemical list information for multiple facilities is submitted to the department as one electronic Tier Two file, then the electronic Tier Two file shall be counted by the department as multiple required submissions.

(26) Technically qualified individual - An individual with a professional education and background working in the research or medical fields, such as a physician, a registered nurse, or an individual holding a college bachelor's degree in science.

(27) Texas Tier Two Cover Sheet form - A form developed by the department to collect general information about each reporting facility which is submitting an electronic Tier Two file.

(28) Tier Two form - An electronic document that provides information for all reportable hazardous chemicals and EHSs present at a reporting facility. An "annual Tier Two form" provides the information for all hazardous chemicals and EHSs present at a facility at any time during the previous calendar year in quantities that met or exceeded the then current Tier Two thresholds. An "initial Tier Two form" is one that provides information for hazardous chemicals or EHSs that meet or exceed the current Tier Two thresholds, but which were not reported on a previously submitted annual Tier Two form. An "updated Tier Two form" is one that provides significant new information concerning an aspect of one or more hazardous chemicals or EHSs which were previously reported on either the annual or first time Tier Two forms submitted by a facility, and contains all the required information for hazardous chemicals or EHSs at the facility that meet or exceed the current Tier Two thresholds. A "modified Tier Two form" provides information for all hazardous chemicals and EHSs that are present at a facility at a threshold of 500 pounds; this type of report may be prepared in response to a request from a citizen for information, in lieu of the workplace chemical list.

(29) Workplace chemical list--A list of hazardous chemicals developed under Title 29 CFR, §1910.1200(e)(1)(i) or the Texas Hazard Communication Act, §502.005(a).

§295.182. Responsibilities and Requirements.

(a) Responsibility for implementation of program. The department's responsibilities under the 505 Act, the 506 Act, and the 507 Act are carried out through

the Department of State Health Services, Tier Two Chemical Reporting Program. Compliance documents and routine inquiries regarding this Rule shall be addressed to the Department of State Health Services, Tier Two Chemical Reporting Program, 1100 West 49th Street, Austin, Texas 78756-3199, or at toll free telephone number 1-800-452-2791.

(b) Facility chemical list.

(1) A facility operator covered by the 505 Act, the 506 Act, or the 507 Act shall compile and maintain a facility chemical list using the most current version of the electronic Tier Two software program.

(2) Facility operators shall file an annual Tier Two form and the appropriate filing fee with the department no later than March 1 of each year.

(3) A facility operator required to submit an annual Tier Two form under paragraph (2) of this subsection shall furnish a copy of this form no later than March 1 of each year to the following entities:

(A) the appropriate fire chief; and

(B) the appropriate LEPC.

(4) A facility operator shall submit an initial Tier Two form and the appropriate filing fee to the department within 90 days after the date that the facility operator:

(A) begins operation and acquires one or more hazardous chemicals or EHSs which meet or exceed any of the current Tier Two thresholds; or

(B) first acquires one or more hazardous chemicals or EHSs which meet or exceed any of the current Tier Two thresholds and which were not reported on the most recently submitted annual Tier Two form; or

(C) determines that one or more hazardous chemicals or EHSs which meet or exceed any of the current Tier Two thresholds were omitted from the most recently submitted annual Tier Two form.

(5) A facility operator required to submit an initial Tier Two form under paragraph (4) of this subsection shall furnish a copy of this form within 90 days after the date that the facility operator first becomes subject to the requirements of paragraph (4) of this subsection to the following entities:

(A) the appropriate fire chief; and

(B) the appropriate LEPC.

(6) A facility operator shall file an updated Tier Two form with the department not later than the 90th day after the date on which the operator discovers significant new information concerning an aspect of a previously reported hazardous chemical or EHS which was reported on either an annual or initial Tier Two form submitted by the facility. No fee will be charged for filing this report.

(7) A facility operator required to submit an updated Tier Two form under paragraph (6) of this subsection shall furnish a copy of this form within 90 days after the date that the facility operator first becomes subject to the requirements of paragraph (6) of this subsection to the following entities:

(A) the appropriate fire chief; and

(B) the appropriate LEPC.

(8) A facility operator covered by this section must submit to the department an electronic Tier Two file of the facility chemical list using software and a submission procedure that has been approved by the department. A copy of the completed versions of the electronic Tier Two file, any other document required by the department, and the appropriate filing fee shall be submitted to the department to comply with this subsection.

(9) A facility operator must contact the fire chief for approval to submit an electronic Tier Two file of the facility chemical list in lieu of the printed copy of the electronic Tier Two file. If approved by the fire chief, a facility operator may submit an electronic Tier Two file of the facility chemical list and be in compliance with this subsection. A facility operator must contact the chair of the LEPC for approval to submit an electronic Tier Two file of the facility chemical list in lieu of the printed copy of the electronic Tier Two file. If approved by the LEPC chair, a facility operator may submit an electronic Tier Two file of the facility chemical list and be in compliance with this subsection.

(10) A facility operator shall maintain at the headquarters facility either an electronic file or a printed copy of the facility's current annual Tier Two form until such time as the facility operator files the following year's annual Tier Two form with the department.

(11) Multiple facilities may be reported in the same Tier Two electronic file, as long as all of the facilities are under the control of a single facility operator.

(12) In providing appropriate facility identifiers, a facility operator shall provide under the Facility Identification sections of the Texas Tier Two form one of the following descriptions:

(A) for a facility located within a city's limits, the description must provide the following information:

- (i) the street address;
- (ii) the name of the city; and
- (iii) the zip code for the facility.

(B) for a facility located in an area outside of a city's limits, the description must include either a street address or the latitude and longitude for the facility. Latitude and longitude values shall be given in units of decimal degrees to four decimal places. Latitude and longitude values shall be obtained using a Global Positioning System instrument which has been calibrated to either the North American Datum of 1983 or the World Geodesic System of 1984.

(c) Direct citizen access to information.

(1) A manufacturing or public employer facility must provide within 10 working days of the date of receipt of a citizen's request under the 505 Act, §505.007(a), or the 506 Act, §506.007(a), a paper copy of the facility's existing workplace chemical list or a paper copy of the modified Tier Two form using a 500-pound threshold for each hazardous chemical at the facility. Except as otherwise provided in this section, such documents shall be furnished or mailed to the citizen requesting the information. The modified Tier Two form must include completed chemical description blocks for each chemical reported.

(2) A manufacturing or public employer facility that has received five requests under paragraph (1) of this subsection in a calendar month, four requests in a calendar month for two or more months in a row, or more than 10 requests in a year may elect to furnish the material to the department so the department may respond to further requests for information about hazardous chemicals at the facility.

(3) A manufacturing or public employer facility electing to furnish materials to the department must notify the department in writing, and must provide to the department copies of the previous requests which meet the request frequency rate as specified in paragraph (2) of this subsection. The facility must inform persons making requests under paragraph (1) of this subsection of the availability of the information at the department and refer the request to the department for that filing period. The notice to persons making requests shall state the address of the department and shall be mailed within seven days of the date of receipt of the request, if by mail, and at the time of the request if in person.

§295.183. Compliance and Fees.

(a) Complaints and investigations.

(1) The department has the right to inspect. The commissioner or his

designated representatives may enter a facility at reasonable times to conduct compliance inspections. Advance notice is not required. It is a violation of these rules for a person to interfere with, deny, or delay an inspection or investigation conducted by a department representative.

(2) The commissioner or his designated representative shall investigate in a timely manner a complaint relating to an alleged violation of the 505 Act, the 506 Act, the 507 Act or these rules. Such complaints do not have to be submitted to the department in writing and may be anonymous. An inspection based on a complaint is not limited to the specific allegations of the complaint. A facility operator who refuses to allow such an investigation shall be in violation of these rules. Complaints are not necessary to conduct an inspection.

(3) The department may find multiple violations by a facility operator based on specific requirements of the 505 Act, the 506 Act, the 507 Act or these rules.

(4) Upon request from a representative of the commissioner, a facility operator shall make or allow photocopies of documents to be made and permit the representative to take photographs to verify the compliance status of the employer. Such requests may be made during a compliance inspection or a follow-up request after an inspection.

(b) Administrative penalties.

(1) Inspections may be conducted by the commissioner or his designated representative to determine if persons are in violation of the 505 Act, the 506 Act, the 507 Act or these rules. Persons found to be in violation will be notified in writing of any alleged violations and proposed penalties or other enforcement action.

(2) Manufacturing facility operators found to be in violation of the 505 Act or these rules are subject to administrative penalties, as authorized by the 505 Act, to be administered in accordance with the procedures detailed in the 505 Act, §§505.010, 505.011, and 505.012, and this section.

(3) Public employer facility operators found to be in violation of the 506 Act or these rules are subject to administrative penalties, as authorized by the 506 Act, to be administered in accordance with the procedures detailed in the 506 Act, §§506.010, 506.011, and 506.012, and this section.

(4) Nonmanufacturing facility operators found to be in violation of the 507 Act or these rules are subject to administrative penalties, as authorized by the 507 Act, to be administered in accordance with the procedures detailed in the 507 Act, §§507.009, 507.010, and 507.011, and this section.

(5) Each violation may be assessed as a separate penalty. The total penalty for a violation is the sum of all per day violation penalties.

(6) Penalties shall be due after an order is issued by the commissioner. An order may be issued on or after the 16th business day following the date that a written notification of violation is received by the facility operator, unless the department receives an acceptable written response that documents that each violation has been corrected, an informal conference has been requested, or a formal hearing has been requested. If an informal conference is held, the facility operator must respond as set forth in paragraph (8) of this subsection within 10 days after the facility operator receives a summary letter following the informal conference.

(7) If a violation involves a failure to make a good faith effort to comply with these rules by a manufacturing facility or a nonmanufacturing facility, the commissioner may assess the administrative penalty at any time.

(8) The written response to the department's summary letter from the facility operator must address each violation separately and must provide the documentation requested by the department or an acceptable alternative agreed to by the department. An inappropriate or unacceptable response may result in a penalty being assessed for the underlying violations.

(9) Violations will be classified in one of three severity levels:

(A) a minor violation is related to a minor records keeping deficiency;

(B) a serious violation is related to failure to pay filing fees for required submissions, minor omissions of information from Tier Two forms, or substantial records keeping deficiencies; or

(C) a critical violation is related to substantial omissions of information from Tier Two forms, failure to submit required information, or denial of entry.

(10) For manufacturing facilities, a penalty may be assessed, not to exceed \$500 a day for each day a violation continues, with a total penalty not to exceed \$5,000 for each violation.

(11) For public employer facilities and nonmanufacturing facilities, a penalty may be assessed, not to exceed \$50 a day for each day a violation continues, with a total penalty not to exceed \$1,000 for each violation.

(12) Individual penalties may be reduced or enhanced based on consideration of the history of previous violations, the degree of hazard to the health and safety of the public, good-faith efforts made to correct violations promptly, and on any other consideration that justice may require.

(13) Failure to file a Tier Two form with the department will be considered a violation that may not require an inspection. Other violations may be confirmed by the department through correspondence with authorized company officials and may not warrant an inspection.

(14) At its option, the department may accept appropriate documentation provided by the facility as evidence of compliance status.

(15) Examples of violations for the various severity levels include, but are not limited to:

(A) minor violations having a penalty of \$100 per day for manufacturing facilities and \$10 per day for public employer facilities and nonmanufacturing facilities:

(i) failure to sign or date Tier Two forms filed with the department;

(ii) failure to maintain a copy of an updated Tier Two form at the facility; or

(iii) failure to provide adequate chemical description information required for each hazardous chemical on the Tier Two form.

(B) serious violations having a penalty of \$300 per day for manufacturing facilities and \$30 per day for public employer facilities and nonmanufacturing facilities:

(i) failure to include significant information regarding reportable quantity hazardous chemicals on any Tier Two form submitted to the department, the fire chief, or the LEPC;

(ii) failure to file an initial Tier Two form with the department, the fire chief, or the LEPC, within 90 days after the date on which the operator begins operation or the facility exceeds the reporting threshold for a previously unreported hazardous chemical;

(iii) failure to submit the appropriate Tier Two form filing fee to the department;

(iv) failure to provide significant information required for the Texas Tier Two Cover Sheet; or

(v) failure to provide a map when required for submission of a Tier Two form.

(C) critical violations having a penalty of \$500 per day for manufacturing facilities and \$50 per day for public employer facilities and nonmanufacturing facilities:

(i) failure to include significant information related to hazardous chemicals on a Tier Two form submitted to the department, the fire chief, or the LEPC;

(ii) failure to submit a required Tier Two form to the department, the fire chief, or the LEPC;

(iii) interfering with, denying or delaying an inspection or investigation conducted by a representative of the department;

(iv) interfering with, denying or delaying an on site inspection of a facility conducted by the fire chief or the fire chief's representative;

(v) upon request from a fire chief or LEPC, failure to provide such additional information as is needed for planning purposes; or

(vi) upon request from a citizen, failure to provide within the time limits specified in §295.182(c)(1) a copy of the facility's existing workplace chemical list or a modified Tier Two form using a 500-pound threshold for all hazardous chemicals at the facility.

(c) Fees.

(1) The department shall charge a fee for each required annual and initial Tier Two form. The fee must accompany the Tier Two form when submitted to the department.

(2) Annual fees for the annual and initial Tier Two forms are based on the number of hazardous chemicals present at a facility and shall be:

(A) For a manufacturing facility:

(i) \$100 for each required submission having no more than 25 hazardous chemicals;

(ii) \$200 for each required submission having no more than 50 hazardous chemicals;

(iii) \$300 for each required submission having no more than 75 hazardous chemicals;

(iv) \$400 for each required submission having no more

than 100 hazardous chemicals; or

(v) \$500 for each required submission having more than 100 hazardous chemicals.

(B) For a public employer facility or nonmanufacturing facility:

(i) \$50 for each required submission having no more than 75 hazardous chemicals or hazardous chemical categories; or

(ii) \$100 for each required submission having more than 75 hazardous chemicals or hazardous chemical categories.

(3) For the purpose of minimizing fees, the department shall provide for consolidated filing of multiple Tier Two forms for facility operators if:

(A) each of the Tier Two forms contain fewer than 25 chemicals;

(B) each of the Tier Two forms are filed by a single operator or a single operator's authorized representative, with an identical operator's name and address on each Tier Two form in the consolidated filing;

(C) all consolidated Tier Two forms are mailed to the department in the same package; and

(D) the number of required submissions that are consolidated do not exceed the following:

(i) for manufacturing facilities, no more than two required submissions; or

(ii) for public employer facilities or nonmanufacturing facilities, no more than seven required submissions.

(4) Fees paid by mail must be paid by check or money order (cash payments are not acceptable) to the Department of State Health Services and must be addressed to: Department of State Health Services, Tier Two Chemical Reporting Program, ZZ109-180, P.O. Box 149200, Austin, Texas 78714-9200. Checks or money orders must contain the following information: "Budget ZZ109 Fund 180."

(5) No receipt will be provided for payment of fees which are mailed, but a canceled check may be considered adequate proof of payment.

(6) The department may refund a fee overpayment to a facility operator provided that:

(A) the facility operator provides, in writing, proof of payment, the date(s) on which the required submissions and fees were sent to or received by the department, the circumstances that caused the overpayment, and the reasons why it would have been considered an overpayment under the rules in force at the time of the original filing;

(B) the facility operator requests the refund in writing within 90 calendar days of the date on which the required submissions and fee were received by the department; and

(C) the facility operator pays the department a processing fee of \$20 per refund.

HEALTH AND SAFETY CODE

TITLE 6. FOOD, DRUGS, ALCOHOL, AND HAZARDOUS SUBSTANCES

SUBTITLE D. HAZARDOUS SUBSTANCES

CHAPTER 502. HAZARD COMMUNICATION ACT

Sec. 502.001. SHORT TITLE. This chapter may be cited as the Hazard Communication Act.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1993, 73rd Leg., ch. 528, Sec. 1, eff. Sept. 1, 1993.

Sec. 502.002. FINDINGS; PURPOSE. (a) The legislature finds that:

(1) the health and safety of persons working in this state may be improved by providing access to information regarding hazardous chemicals to which those persons may be exposed during normal employment activities, during emergency situations, or as a result of proximity to the manufacture or use of those chemicals; and

(2) many employers in this state have established suitable information programs for their employees and that access to the information is required of most employers under the federal Occupational Safety and Health Administration's (OSHA) Hazard Communication Standard.

(b) It is the intent and purpose of this chapter to assure that employers provide information regarding hazardous chemicals in the workplace to employees who may be exposed to those chemicals in their workplace.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1993, 73rd Leg., ch. 528, Sec. 1, eff. Sept. 1, 1993.

Sec. 502.0021. FEDERAL LAWS AND REGULATIONS. In this chapter, a reference to a federal law or regulation means a reference to the most current version of that law or regulation.

Added by Acts 1993, 73rd Leg., ch. 528, Sec. 1, eff. Sept. 1, 1993.

Sec. 502.003. DEFINITIONS. In this chapter:

(1) "Article" means a manufactured item:

(A) that is formed to a specific shape or design during manufacture;

(B) that has end-use functions dependent in whole or in part on its shape or design during end use; and

(C) that does not release, or otherwise result in exposure to, a hazardous chemical under normal conditions of use.

(2) Repealed by Acts 2015, 84th Leg., R.S., Ch. 1, Sec. 3.1639(97), eff. April 2, 2015.

(3) "Chemical manufacturer" means an employer in North American Industry Classification System (NAICS) Codes 31-33 with a workplace where chemicals are produced for use or distribution.

(4) "Chemical name" means:

(A) the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS) rules of nomenclature; or

(B) a name that clearly identifies the chemical for the purpose of conducting a hazard classification.

(5) "Common name" means a designation of identification, such as a code name, code number, trade name, brand name, or generic name, used to identify a chemical other than by its chemical name.

(6) "Department" means the Department of State Health Services.

(7) "Designated representative" means the individual or organization to whom an employee gives written authorization to exercise the employee's rights under this chapter, except that a recognized or certified collective bargaining agent is a designated representative regardless of written employee authorization.

(8) Repealed by Acts 2015, 84th Leg., R.S., Ch. 1, Sec. 3.1639(97), eff. April 2, 2015.

(9) "Distributor" means a business in North American Industry Classification System (NAICS) Code 424 or 425 that supplies hazardous chemicals to an employer who must comply with this chapter.

(10) "Employee" means a person who may be or may have been exposed to hazardous chemicals in the person's workplace under normal operating conditions or foreseeable emergencies, and includes a person working for this state, a person working for a political subdivision of this state, or a member of a volunteer emergency service organization or, if the applicable OSHA standard or MSHA standard is not in effect, a person

working for a private employer. Workers such as office workers or accountants who encounter hazardous chemicals only in nonroutine, isolated instances are not employees for purposes of this chapter.

(11) "Employer" means a person engaged in private business who is regulated by the federal Occupational Safety and Health Act of 1970 (29 U.S.C. Section 651 et seq.) or the Federal Mine Safety and Health Act of 1977 (30 U.S.C. Section 801 et seq.) on September 1, 1993, or the state or a political subdivision of the state, including a state, county, or municipal agency, a public school, a college or university, a river authority or publicly owned utility, a volunteer emergency service organization, and other similar employers. The term does not include any person to whom the federal Occupational Safety and Health Act of 1970 (29 U.S.C. Section 651 et seq.) or the Federal Mine Safety and Health Act of 1977 (30 U.S.C. Section 801 et seq.) is applicable if that employer is covered by the OSHA standard or the other two federal laws.

(11-a) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(12) "Expose" or "exposure" means that an employee is subjected to a hazardous chemical in the course of employment through any route of entry, including inhalation, ingestion, skin contact, or absorption. The term includes potential, possible, or accidental exposure under normal conditions of use or in a reasonably foreseeable emergency.

(13) "Hazardous chemical" or "chemical" means an element, compound, or mixture of elements or compounds that is a physical hazard or health hazard as defined by the OSHA standard in 29 CFR Section 1910.1200(c), or a hazardous substance as classified under the OSHA standard in 29 CFR Section 1910.1200(d)(3), or by OSHA's written interpretations. A hazard determination may be made by employers who choose not to rely on the evaluations made by their suppliers if there are relevant qualitative or quantitative differences. A hazard determination shall involve the best professional judgment.

(14) "Health hazard" has the meaning given that term by the OSHA standard (29 CFR 1910.1200(c)).

(15) "Identity" means a chemical or common name, or alphabetical or numerical identification, that is indicated on the safety data sheet (SDS) for the chemical. The identity used must permit cross-references to be made among the workplace chemical list, the label, and the SDS.

(16) "Label" means any written, printed, or graphic material displayed on or affixed to a container of hazardous chemicals.

(18) "MSHA standard" means the Hazard Communication Standard issued by the Mine Safety and Health Administration.

(19) "OSHA standard" means the Hazard Communication Standard issued by the Occupational Safety and Health Administration and codified as 29 CFR Section 1910.1200.

(20) "Physical hazard" means a chemical that is classified as posing one of the following hazardous effects: explosive; flammable (gases, aerosols, liquids, or solids); oxidizer (liquid, solid, or gas); self-reactive; pyrophoric (liquid or solid); self-heating; organic peroxide; corrosive to metal; gas under pressure; or in contact with water emits flammable gas.

(20-a) "Safety Data Sheet" ("SDS") means written or printed material concerning a hazardous chemical that is prepared in accordance with the requirements of the OSHA standard for that material.

(21) "Temporary workplace" means a stationary workplace that is staffed less than 20 hours a week. A temporary workplace may be considered to be a work area of the headquarters workplace from which employees are routinely dispatched. Temporary workplaces may include pumping stations, emergency response sites, and similar workplaces.

(22) "Work area" means a room, a defined space, a utility structure, or an emergency response site in a workplace where hazardous chemicals are present, produced, or used and where employees are present.

(23) "Workplace" means an establishment, job site, or project, at one geographical location containing one or more work areas, with or without buildings, that is staffed 20 or more hours a week.

(24) "Workplace chemical list" means a list of hazardous chemicals developed under Section 502.005(a).

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1993, 73rd Leg., ch. 528, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1275, eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1276, eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1639(97), eff. April 2, 2015.

Sec. 502.004. APPLICABILITY OF CHAPTER. (a) Except as provided by Subsection (b), this chapter applies only to employers who are not required

to comply with the OSHA standard, the Federal Coal Mine Health and Safety Act of 1969 (Pub. L. No. 91-173), or the Federal Mine Safety and Health Amendments Act of 1977 (Pub. L. No. 95-164).

(b) Chemical manufacturers, importers, and distributors shall provide MSDSs as required by Section 502.006. Penalties provided by Sections 502.014, 502.015, and 502.016 may be assessed against chemical manufacturers, importers, and distributors for failure to provide MSDSs.

(c) If an employer is covered by both this chapter and Chapter 125, Agriculture Code, the employer is required to comply only with this chapter.

(d) This chapter, except Section 502.009, does not apply to a hazardous chemical in a sealed and labeled package that is received and subsequently sold or transferred in that package if:

(1) the seal and label remain intact while the chemical is in the workplace; and

(2) the chemical does not remain in the workplace longer than five working days.

(e) This chapter does not require labeling of the following chemicals:

(1) any pesticide, as that term is defined in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Section 136 et seq.), when subject to the labeling requirements of that Act and labeling regulations issued under that Act by the Environmental Protection Agency;

(2) any food, food additive, color additive, drug, cosmetic, or medical or veterinary device, including materials intended for use as ingredients in those products such as flavors and fragrances, as those terms are defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Section 301 et seq.) and regulations issued under that Act, when they are subject to the labeling requirements under that Act by the Food and Drug Administration;

(3) any distilled spirits that are beverage alcohols, wine, or malt beverages intended for nonindustrial use, as those terms are defined in the Federal Alcohol Administration Act (27 U.S.C. Section 201 et seq.) and regulations issued under that Act, when subject to the labeling requirements of that Act and labeling regulations issued under that Act by the Bureau of Alcohol, Tobacco, and Firearms; and

(4) any consumer product or hazardous substance, as those terms are defined in the Consumer Product Safety Act (15 U.S.C. Section 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. Section 1261 et seq.), respectively, when subject to a consumer product safety standard or

labeling requirement of those Acts or regulations issued under those Acts by the Consumer Product Safety Commission.

(f) This chapter does not apply to:

(1) any hazardous waste, as that term is defined by the federal Solid Waste Disposal Act (42 U.S.C. Section 6901 et seq.), when subject to regulations issued under that Act by the Environmental Protection Agency;

(2) a chemical in a laboratory under the direct supervision or guidance of a technically qualified individual if:

(A) labels on incoming containers of chemicals are not removed or defaced;

(B) the employer complies with Sections 502.006 and 502.009 with respect to laboratory employees; and

(C) the laboratory is not used primarily to produce hazardous chemicals in bulk for commercial purposes;

(3) tobacco or tobacco products;

(4) wood or wood products;

(5) articles;

(6) food, drugs, cosmetics, or alcoholic beverages in a retail food sale establishment that are packaged for sale to consumers;

(7) food, drugs, or cosmetics intended for personal consumption by an employee while in the workplace;

(8) any consumer product or hazardous substance, as those terms are defined in the Consumer Product Safety Act (15 U.S.C. Section 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. Section 1261 et seq.), respectively, if the employer can demonstrate it is used in the workplace in the same manner as normal consumer use and if the use results in a duration and frequency of exposure that is not greater than exposures experienced by consumers;

(9) any drug, as that term is defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Section 301 et seq.); and

(10) radioactive waste.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1993, 73rd Leg., ch. 528, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1277, eff. April 2, 2015.

Sec. 502.005. WORKPLACE CHEMICAL LIST. (a) For the purpose of worker right-to-know, an employer shall compile and maintain a workplace

chemical list that contains the following information for each hazardous chemical normally present in the workplace or temporary workplace in excess of 55 gallons or 500 pounds or in excess of an amount that the executive commissioner determines by rule for certain highly toxic or dangerous hazardous chemicals:

- (1) the identity used on the SDS and container label; and
- (2) the work area in which the hazardous chemical is normally present.

(b) The employer shall update the workplace chemical list as necessary but at least by December 31 of each year. Each workplace chemical list shall be dated and signed by the person responsible for compiling the information.

(c) The workplace chemical list may be prepared for the workplace as a whole or for each work area or temporary workplace and must be readily available to employees and their representatives. All employees shall be made aware of the workplace chemical list before working with or in a work area containing hazardous chemicals.

(d) An employer shall maintain a workplace chemical list for at least 30 years. The employer shall send complete records to the department if the employer ceases to operate.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1993, 73rd Leg., ch. 528, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1278, eff. April 2, 2015.

Sec. 502.006. SAFETY DATA SHEET. (a) A chemical manufacturer or distributor shall provide appropriate safety data sheets to employers who acquire hazardous chemicals in this state with each initial shipment and with the first shipment after an SDS is updated. The SDSs must conform to the most current requirements of the OSHA standard.

(b) An employer shall maintain a legible copy of a current SDS for each hazardous chemical purchased. If the employer does not have a current SDS for a hazardous chemical when the chemical is received at the workplace, the employer shall request an SDS in writing from the manufacturer or distributor in a timely manner or shall otherwise obtain a current SDS. The manufacturer or distributor shall respond with an appropriate SDS in a timely manner.

(c) Safety data sheets shall be readily available, on request, for review by employees or designated representatives at each workplace.

(d) A copy of an SDS maintained by an employer under this section shall be provided to the department on request.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1993, 73rd Leg., ch. 528, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1279, eff. April 2, 2015.

Sec. 502.007. LABEL. (a) A label on an existing container of a hazardous chemical may not be removed or defaced unless it is illegible, inaccurate, or does not conform to the OSHA standard or other applicable labeling requirement. Primary containers must be relabeled with at least the identity appearing on the SDS, the pertinent physical and health hazards, including the organs that would be affected, and the manufacturer's name and address. Except as provided by Subsection (b), secondary containers must be relabeled with at least the identity appearing on the SDS and appropriate hazard warnings.

(b) An employee may not be required to work with a hazardous chemical from an unlabeled container except for a portable container intended for the immediate use of the employee who performs the transfer.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1993, 73rd Leg., ch. 528, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1280, eff. April 2, 2015.

Sec. 502.008. OUTREACH PROGRAM. (a) The department shall develop an outreach program that:

(1) consists of an education and training program in the form of instructional materials to assist employers in fulfilling the requirements of Section 502.009; and

(2) includes the development and distribution of a supply of informational leaflets concerning employer's duties, employee rights, the outreach program, and the effects of hazardous chemicals.

(b) The department may contract with a public institution of higher education or other public or private organization to develop and implement the outreach program.

(c) The department shall develop and provide to each employer a suitable form of notice providing employees with information relating to employee rights under this chapter.

(d) The department shall publicize the availability of information to answer inquiries from employees, employers, or the public in this state concerning the effects of hazardous chemicals.

(e) In cooperation with the department, an employer may provide an outreach program in the community.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Renumbered from Health & Safety Code Sec. 502.009 and amended by Acts 1993, 73rd Leg., ch. 528, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1281, eff. April 2, 2015.

Sec. 502.009. EMPLOYEE EDUCATION PROGRAM. (a) An employer shall provide an education and training program for employees who use or handle hazardous chemicals.

(b) An employer shall develop, implement, and maintain at the workplace a written hazard communication program for the workplace that describes how the criteria specified in this chapter will be met.

(c) An education and training program must include, as appropriate:

- (1) information on interpreting labels and SDSs and the relationship between those two methods of hazard communication;
- (2) the location by work area, acute and chronic effects, and safe handling of hazardous chemicals known to be present in the employees' work area and to which the employees may be exposed;
- (3) the proper use of protective equipment and first aid treatment to be used with respect to the hazardous chemicals to which the employees may be exposed; and
- (4) general safety instructions on the handling, cleanup procedures, and disposal of hazardous chemicals.

(d) Training may be conducted by categories of chemicals. An employer must advise employees that information is available on the specific hazards of individual chemicals through the MSDSs. Protective

equipment and first aid treatment may be by categories of hazardous chemicals.

(e) An employer shall provide additional instruction to an employee when the potential for exposure to hazardous chemicals in the employee's work area increases significantly or when the employer receives new and significant information concerning the hazards of a chemical in the employee's work area. The addition of new chemicals alone does not necessarily require additional training.

(f) An employer shall provide training to a new or newly assigned employee before the employee works with or in a work area containing a hazardous chemical.

(g) An employer shall keep the written hazard communication program and a record of each training session given to employees, including the date, a roster of the employees who attended, the subjects covered in the training session, and the names of the instructors. Those records shall be maintained for at least five years by the employer. The department shall have access to those records and may interview employees during inspections.

(h) Emergency service organizations shall provide, to their members or employees who may encounter hazardous chemicals during an emergency, information on recognizing, evaluating, and controlling exposure to the chemicals.

(i) As part of an outreach program created in accordance with Section 502.008, the department shall develop an education and training assistance program to assist employers who are unable to develop the programs because of size or other practical considerations. The program shall be made available to those employers on request.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Renumbered from Health & Safety Code Sec. 502.010 and amended by Acts 1993, 73rd Leg., ch. 528, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1282, eff. April 2, 2015.

Sec. 502.010. LIABILITY UNDER OTHER LAW. Providing information to an employee does not affect:

(1) the liability of an employer with regard to the health and safety of an employee or other person exposed to hazardous chemicals;

(2) the employer's responsibility to take any action to prevent occupational disease as required under other law; or

(3) any other duty or responsibility of a manufacturer, producer, or formulator to warn ultimate users of a hazardous chemical under other law.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Renumbered from Health & Safety Code Sec. 502.011 and amended by Acts 1993, 73rd Leg., ch. 528, eff. Sept. 1, 1993.

Sec. 502.011. COMPLAINTS AND INVESTIGATIONS. (a) The department or the department's representative shall investigate in a timely manner a complaint received in writing from an employee or an employee's designated representative relating to an alleged violation of this chapter by an employer.

(b) A complaint received from a person relating to an alleged violation shall be referred to the federal Occupational Safety and Health Administration (OSHA) or to the federal Mine Safety and Health Administration (MSHA) if the complaint is related to an applicable OSHA or MSHA requirement and the applicable OSHA or MSHA standard is in effect. The department or the department's representative shall investigate the complaint if:

- (1) the applicable OSHA or MSHA standard is not in effect; or
- (2) the complaint is based on a requirement of this chapter.

(c) On presentation of appropriate credentials, a department representative may enter a workplace at reasonable times to inspect and investigate complaints.

(d) The department may find multiple violations by an employer based on distinct requirements of this chapter.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Renumbered from Health & Safety Code Sec. 502.012 and amended by Acts 1993, 73rd Leg., ch. 528, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1283, eff. April 2, 2015.

Sec. 502.012. REPORTING FATALITIES AND INJURIES. (a) Within 48 hours after the occurrence of an employee accident that directly or

indirectly involves chemical exposure or that involves asphyxiation, and that is fatal to one or more employees or results in the hospitalization of five or more employees, the employer of any of the employees so injured or killed shall report the accident either orally or in writing to the department.

(b) The report to the department shall relate the circumstances of the accident, the number of fatalities, and the extent of any injuries. If it is necessary to complete the investigation of an incident, the department may require additional reports in writing as necessary.

Added by Acts 1993, 73rd Leg., ch. 528, Sec. 1, eff. Sept. 1, 1993.

Sec. 502.014. ADMINISTRATIVE PENALTY. (a) The department may assess an administrative penalty against an employer who violates this chapter, department rules adopted under this chapter, or an order issued under this chapter.

(b) If the department finds one or more violations of this chapter, the department may issue a notice of violation to the employer. The notice of violation shall specifically describe the violation, refer to the applicable section or subsection of the chapter, and state the amount of the penalty, if any, to be assessed by the department.

(c) An employer who receives a notice of violation may respond to the department in writing within 15 days after the date of receipt of the notice of violation in one of the ways provided by Subsection (d), (e), or (f).

(d) If the employer disputes the validity of the violation and has reason to believe that the findings of the department were based on inaccurate or incomplete information, the employer may request an informal conference with representatives of the department. The purpose of an informal conference is to permit the employer to meet with department representatives to discuss the basis of the violation and to provide information to the department. The department shall schedule the informal conference. A request for an informal conference made in bad faith is a violation of this chapter.

(e) The employer may correct the violation and certify to the department that the corrections have been made.

(f) The employer may request a hearing.

(g) Following an informal conference, the department shall respond in writing to the employer, stating whether the department intends to withdraw the notice of violation or pursue it. If the department intends to pursue

the notice of violation, the employer may respond as provided by either Subsection (h) or (i) within 10 days after the date of receipt of the department's correspondence.

(h) The employer may correct the violation and certify to the department that the corrections have been made.

(i) The employer may request a hearing.

(j) A request for an informal conference or a statement by an employer that the employer is in compliance with the provision of this chapter does not waive the employer's right to a hearing.

(k) The department may not assess an administrative penalty for any violation that has been corrected within 15 days after the date of receipt of the notice of violation, the date of receipt of the department's response by the employer, or 10 days after the date of receipt by the employer of the department's response to the informal conference provided for in Subsection (g), whichever is later.

(l) In determining the amount of the penalty, the department shall consider:

- (1) the employer's previous violations;
- (2) the seriousness of the violation;
- (3) any hazard to the health and safety of the employee;
- (4) the employer's demonstrated good faith;
- (5) the duration of the violation; and
- (6) other matters as justice may require.

(m) Each day a violation continues may be considered a separate violation.

(n) The penalty may not exceed \$500 for each violation.

Added by Acts 1993, 73rd Leg., ch. 528, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1284, eff. April 2, 2015.

Sec. 502.0141. ADMINISTRATIVE PENALTY ASSESSMENT PROCEDURE. (a) An administrative penalty may be assessed only after an employer charged with a violation is given an opportunity for a hearing.

(b) If a hearing is to be held, the department shall refer the matter to the State Office of Administrative Hearings and an administrative law judge of that office shall make findings of fact and shall issue to the department a written proposal for decision regarding the occurrence of the violation and the amount of the penalty that may be warranted.

(c) If the employer charged with the violation does not request a hearing in a timely manner, the department may assess a penalty after determining that a violation has occurred and the amount of the penalty that may be warranted.

(d) After making a determination under this section that a penalty is to be assessed against an employer, the department shall issue an order requiring that the employer pay the penalty.

(e) Repealed by Acts 2015, 84th Leg., R.S., Ch. 1, Sec. 3.1639(98), eff. April 2, 2015.

Added by Acts 1993, 73rd Leg., ch. 528, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1285, eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1639(98), eff. April 2, 2015.

Sec. 502.0142. PAYMENT OF ADMINISTRATIVE PENALTY; JUDICIAL REVIEW.

(a) Not later than the 30th day after the date an order finding that a violation has occurred is issued, the department shall inform the employer against whom the order is issued of the amount of the penalty for the violation.

(b) Within 30 days after the date the department's order is final as provided by Subchapter F, Chapter 2001, Government Code, the employer shall:

(1) pay the amount of the penalty;

(2) pay the amount of the penalty and file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty; or

(3) without paying the amount of the penalty, file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty.

(c) Within the 30-day period, an employer who acts under Subsection (b) (3) may:

(1) stay enforcement of the penalty by:

(A) paying the amount of the penalty to the court for placement in an escrow account; or

(B) giving to the court a supersedeas bond that is approved by the court for the amount of the penalty and that is effective until all judicial review of the department's order is final; or

(2) request the court to stay enforcement of the penalty by:

(A) filing with the court a sworn affidavit of the employer stating that the employer is financially unable to pay the amount of the penalty and is financially unable to give the supersedeas bond; and

(B) giving a copy of the affidavit to the department by certified mail.

(d) Subsection (c)(1) does not apply to the state or a political subdivision. The penalty may not be enforced against the state or a political subdivision until all judicial review has been exhausted.

(e) If the department receives a copy of an affidavit under Subsection (c)(2), the department may file with the court, within five days after the date the copy is received, a contest to the affidavit. The court shall hold a hearing on the facts alleged in the affidavit as soon as practicable and shall stay the enforcement of the penalty on finding that the alleged facts are true. The employer who files an affidavit has the burden of proving that the employer is financially unable to pay the amount of the penalty and to give a supersedeas bond.

(f) If the employer does not pay the amount of the penalty and the enforcement of the penalty is not stayed, the department may refer the matter to the attorney general for collection of the amount of the penalty.

(g) Judicial review of the order of the department:

(1) is instituted by filing a petition as provided by Subchapter G, Chapter 2001, Government Code; and

(2) is under the substantial evidence rule.

(h) If the court sustains the occurrence of the violation, the court may uphold or reduce the amount of the penalty and order the employer to pay the full or reduced amount of the penalty. If the court does not sustain the occurrence of the violation, the court shall order that no penalty is owed.

(i) When the judgment of the court becomes final, the court shall proceed under this subsection. If the employer paid the amount of the penalty and if that amount is reduced or is not upheld by the court, the court shall order that the appropriate amount plus accrued interest be remitted to the employer. The rate of the interest is the rate charged on loans to depository institutions by the New York Federal Reserve Bank, and the interest shall be paid for the period beginning on the date the penalty was paid and ending on the date the penalty is remitted. If the employer

gave a supersedeas bond and if the amount of the penalty is not upheld by the court, the court shall order the release of the bond. If the employer gave a supersedeas bond and if the amount of the penalty is reduced, the court shall order the release of the bond after the employer pays the amount.

(j) All proceedings under this section are subject to Chapter 2001, Government Code.

Added by Acts 1993, 73rd Leg., ch. 528, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1995, 74th Leg., ch. 76, Sec. 5.95(49), (53), (59), eff. Sept. 1, 1995.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1286, eff. April 2, 2015.

Sec. 502.015. CIVIL PENALTY; INJUNCTION. (a) If it appears that an employer has violated, is violating, or is threatening to violate this chapter or any rule adopted or order issued under this chapter, the department may request the attorney general or the district, county, or city attorney of the municipality or county in which the violation has occurred, is occurring, or may occur to institute a civil suit for:

(1) injunctive relief to restrain the employer from continuing the violation or threat of violation;

(2) the assessment and recovery of a civil penalty for a violation; or

(3) both the injunctive relief and the civil penalty.

(b) The penalty may be in an amount not to exceed \$2,000 a day for each violation, with a total not to exceed \$20,000 for that violation.

(c) In determining the amount of the penalty, the court shall consider the employer's history of previous violations, the seriousness of the violation, any hazard to health and safety of the public, the demonstrated good faith of the employer charged, and other matters as justice may require.

(d) Any civil penalty recovered in a suit instituted by the attorney general under this chapter shall be deposited in the state treasury to the credit of the general revenue fund. Any civil penalty recovered in a suit instituted by a local government under this chapter shall be paid to the local government.

(e) This section does not affect any other right of an employee or any other employer to receive compensation for damages under other law.

Added by Acts 1993, 73rd Leg., ch. 528, Sec. 1, eff. Sept. 1, 1993.

Amended by:

● Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1287, eff. April 2, 2015.

Sec. 502.016. CRIMINAL PENALTY. An employer who is required to disclose hazard information under this chapter and who proximately causes an occupational disease or injury to an individual by knowingly disclosing false hazard information or knowingly failing to disclose hazard information provided on an MSDS commits an offense that is punishable by a fine of not more than \$10,000 for each violation. Each day of violation constitutes a separate offense, except that the fine may not exceed \$100,000 for that violation. This section does not affect any other right of an employee or any other employer to receive compensation for damages under other law.

Added by Acts 1993, 73rd Leg., ch. 528, Sec. 1, eff. Sept. 1, 1993.

● Sec. 502.017. EMPLOYEE NOTICE; RIGHTS OF EMPLOYEES. (a) An employer shall post and maintain adequate notice, at locations where notices are normally posted, informing employees of their rights under this chapter. If the department does not prepare the notice under Section 502.008, the employer shall prepare the notice.

(b) Employees who may be exposed to hazardous chemicals shall be informed of the exposure and shall have access to the workplace chemical list and MSDSs for the hazardous chemicals. Employees, on request, shall be provided a copy of a specific MSDS with any trade secret information deleted. In addition, employees shall receive training concerning the hazards of the chemicals and measures they can take to protect themselves from those hazards. Employees shall be provided with appropriate personal protective equipment. These rights are guaranteed.

(c) An employer may not discharge, cause to be discharged, otherwise discipline, or in any manner discriminate against an employee because the employee has:

- (1) filed a complaint;
- (2) assisted an inspector of the department who may make or is making an inspection under Section 502.011;

(3) instituted or caused to be instituted any proceeding under or related to this chapter;

(4) testified or is about to testify in a proceeding under this chapter; or

(5) exercised any rights afforded under this chapter on behalf of the employee or on behalf of others.

(d) Pay, position, seniority, or other benefits may not be lost as the result of the exercise of any right provided by this chapter.

(e) A waiver by an employee of the benefits or requirements of this chapter is void. An employer's request or requirement that an employee waive any rights under this chapter as a condition of employment is a violation of this chapter.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Renumbered from Health & Safety Code Sec. 502.013 and amended by Acts 1993, 73rd Leg., ch. 528, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1288, eff. April 2, 2015.

Sec. 502.018. STANDARD FOR PHYSICIAN TREATMENT. For the purposes of this chapter, the requirements in the OSHA standard for physicians treating employees (29 CFR Section 1910.1200(i)) apply to physicians treating persons.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Renumbered from Health & Safety Code Sec. 502.015 and amended by Acts 1993, 73rd Leg., ch. 528, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1289, eff. April 2, 2015.

Sec. 502.019. RULES. The executive commissioner may adopt rules and administrative procedures reasonably necessary to carry out the purposes of this chapter.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Renumbered from Health & Safety Code Sec. 502.016 and amended by Acts 1993, 73rd Leg., ch. 528, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1290, eff. April 2, 2015.

Sec. 502.020. WORKPLACE SAFETY FOR INMATES. A person imprisoned in a facility operated by or for the Texas Department of Criminal Justice is not an employee for the purposes of this chapter. The Texas Department of Criminal Justice shall provide a person imprisoned in a facility operated by or for the Texas Department of Criminal Justice the protections from exposure to hazardous chemicals in the workplace as provided for in this chapter.

Added by Acts 1999, 76th Leg., ch. 1332, Sec. 1, eff. June 19, 1999; Acts 1999, 76th Leg., ch. 1501, Sec. 1, eff. June 19, 1999. Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 10.004, eff. Sept. 1, 2001.

APPENDIX II

PUBLIC EMPLOYER COMMUNITY RIGHT-TO-KNOW ACT

HEALTH AND SAFETY CODE

TITLE 6. FOOD, DRUGS, ALCOHOL, AND HAZARDOUS SUBSTANCES

SUBTITLE D. HAZARDOUS SUBSTANCES

CHAPTER 506. PUBLIC EMPLOYER COMMUNITY RIGHT-TO-KNOW ACT

Sec. 506.001. SHORT TITLE. This chapter may be cited as the Public Employer Community Right-To-Know Act.

Added by Acts 1993, 73rd Leg., ch. 528, Sec. 2, eff. Sept. 1, 1993.

Sec. 506.002. FINDINGS; PURPOSE. (a) The legislature finds that:

(1) the health and safety of persons living in this state may be improved by providing access to information regarding hazardous chemicals to which those persons may be exposed during emergency situations or as a result of proximity to the manufacture or use of those chemicals; and

(2) many facility operators in this state have established suitable information programs for their communities and that access to the information is required of most facility operators under the federal Emergency Planning and Community Right-To-Know Act (EPCRA).

(b) It is the intent and purpose of this chapter to ensure that accessibility to information regarding hazardous chemicals is provided to:

(1) fire departments responsible for dealing with chemical hazards during an emergency;

(2) local emergency planning committees and other emergency planning organizations; and

(3) the commission to make the information available to the public through specific procedures.

Added by Acts 1993, 73rd Leg., ch. 528, Sec. 2, eff. Sept. 1, 1993.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1305, eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. 515 (H.B. 942), Sec. 13, eff. September 1, 2015.

Sec. 506.003. FEDERAL LAWS AND REGULATIONS; OTHER STANDARDS. (a) In this chapter, a reference to a federal law or regulation means a reference to the most current version of that law or regulation.

(b) In this chapter, a reference to nomenclature systems developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS), or to other information, including information such as classification codes, performance standards, systematic names, standards, and systems described in publications sponsored by private technical or trade organizations, means a reference to the most current version of the publication.

Added by Acts 1993, 73rd Leg., ch. 528, Sec. 2, eff. Sept. 1, 1993.

Sec. 506.004. DEFINITIONS. In this chapter:

(1) "Article" means a manufactured item:

(A) that is formed to a specific shape or design during manufacture;

(B) that has end-use functions dependent in whole or in part on its shape or design during end use; and

(C) that does not release, or otherwise result in exposure to, a hazardous chemical under normal conditions of use.

(2) Repealed by Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1639(101), eff. April 2, 2015.

(3) "Chemical name" means:

(A) the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS) rules of nomenclature; or

(B) a name that clearly identifies the chemical for the purpose of conducting a hazard evaluation.

(3-a) "Commission" means the Texas Commission on Environmental Quality.

(4) "Common name" means a designation of identification, such as a code name, code number, trade name, brand name, or generic name, used to identify a chemical other than by its chemical name.

(5) Repealed by Acts 2015, 84th Leg., R.S., Ch. 515 (H.B. 942), Sec. 36(3), eff. September 1, 2015.

(6) Repealed by Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1639(101), eff. April 2, 2015.

(7) "EPA" means the United States Environmental Protection Agency.

(8) "EPCRA" or "SARA Title III" means the federal Emergency Planning and Community Right-To-Know Act, also known as the Superfund Amendments and Reauthorization Act of 1986, Title III, Pub. L. No. 99-499 et seq.

(8-a) "Executive director" means the executive director of the commission.

(9) "Extremely hazardous substance" means any substance as defined in EPCRA, Section 302, or listed by the United States Environmental Protection Agency in 40 CFR Part 355, Appendices A and B.

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

(11) "Facility operator" or "operator" means the person who controls the day-to-day operations of the facility.

(12) "Fire chief" means the administrative head of a fire department, including a volunteer fire department.

(13) "Hazardous chemical" has the meaning given that term by 29 CFR 1910.1200(c), except that the term does not include:

(A) any food, food additive, color additive, drug, or cosmetic regulated by the United States 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 that it is used 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 public;

(D) any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual; and

(E) any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate consumer.

(14) "Health hazard" has the meaning given that term by the OSHA standard (29 CFR 1910.1200(c)).

(15) "Identity" means any chemical or common name, or alphabetical or numerical identification, that is indicated on the safety data sheet (SDS) for the chemical. The identity used must permit cross-references to be made among the facility chemical list, the label, and the SDS.

(16) "Label" means any written, printed, or graphic material displayed on or affixed to a container of hazardous chemicals.

(17) "Local emergency planning committee" means a committee formed under the requirements of EPCRA, Section 301, and recognized by the state emergency response commission for the purposes of emergency planning and public information.

(19) "OSHA standard" means the Hazard Communication Standard issued by the Occupational Safety and Health Administration and codified as 29 CFR Section 1910.1200.

(20) "Physical hazard" means a chemical that is classified as posing one of the following hazardous effects: explosive; flammable (gases, aerosols, liquids, or solids); oxidizer (liquid, solid, or gas); self-reactive; pyrophoric (liquid or solid); self-heating; organic peroxide; corrosive to metal; gas under pressure; or in contact with water emits flammable gas.

(21) "Public employer" means:

(A) the state and political subdivisions of the state, including state, county, and municipal agencies;

(B) public schools, colleges, and universities;

(C) river authorities and publicly owned utilities;

(D) volunteer emergency service organizations;
and

(E) other similar employers who are not covered by the federal Occupational Safety and Health Act of 1970 (Pub. L. No. 91-596), the Federal Coal Mine Health and Safety Act of 1969 (Pub. L. No. 91-173), or the Federal Mine Safety and Health Amendments Act of 1977 (Pub. L. No. 95-164).

(21-a) "Safety data sheet" or "SDS" means a document containing chemical hazard and safe handling information that is prepared in accordance with the requirements of the OSHA standard for that document.

(22) "State emergency response commission" means the state emergency management council or other committee appointed by the governor in accordance with EPCRA.

(23) "Threshold planning quantity" means the minimum quantity of an extremely hazardous substance for which a facility owner or operator must participate in emergency planning, as established by the EPA pursuant to EPCRA, Section 302.

(24) "Tier two form" means:

(A) a form specified by the commission under Section 506.006 for listing hazardous chemicals as required by EPCRA; or

(B) a form accepted by the EPA under EPCRA for listing hazardous chemicals together with additional information required by the commission for administering its functions related to EPCRA.

(25) "Workplace chemical list" means a list of hazardous chemicals developed under Section 502.005(a).

Added by Acts 1993, 73rd Leg., ch. 528, Sec. 2, eff. Sept. 1, 1993.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1306, eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1307, eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1639(101), eff. April 2, 2015.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 515 (H.B. 942), Sec. 14, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 515 (H.B. 942), Sec. 36(3), eff. September 1, 2015.

Sec. 506.005. APPLICABILITY OF CHAPTER. (a) Public employers shall comply with this chapter.

(b) This chapter does not apply to a hazardous chemical in a sealed package that is received and subsequently sold or transferred in that package if:

(1) the seal remains intact while the chemical is in the facility;

(2) the chemical does not remain in the facility longer than five working days; and

(3) the chemical is not an extremely hazardous substance at or above the threshold planning quantity or 500 pounds, whichever is less, as listed by the EPA in 40 CFR Part 355, Appendices A and B.

(c) This chapter does not apply to:

(1) any hazardous waste as that term is defined by the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Section 6901 et seq.), when subject to regulations issued under that Act by the EPA;

(2) tobacco or tobacco products;

(3) wood or wood products;

(4) articles;

(5) food, drugs, cosmetics, or alcoholic beverages in a retail food sale establishment that are packaged for sale to consumers;

(6) food, drugs, or cosmetics intended for personal consumption by an employee while in the facility;

(7) any consumer product or hazardous substance, as those terms are defined by the Consumer Product Safety Act (15 U.S.C. Section 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. Section 1261 et seq.), respectively, if the employer can

demonstrate it is used in the facility in the same manner as normal consumer use and if the use results in a duration and frequency of exposure that is not greater than exposures experienced by consumers;

(8) any drug, as that term is defined by the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Section 301 et seq.), when it is in solid, final form for direct administration to the patient, such as tablets or pills;

(9) the transportation, including storage incident to that transportation, of any substance or chemical subject to this chapter, including the transportation and distribution of natural gas; and

(10) radioactive waste.

(d) The commission shall develop and implement an outreach program concerning the public's ability to obtain information under this chapter similar to the outreach program under Section 502.008. Added by Acts 1993, 73rd Leg., ch. 528, Sec. 2, eff. Sept. 1, 1993.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1308, eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. 515 (H.B. 942), Sec. 15, eff. September 1, 2015.

Sec. 506.006. FACILITY CHEMICAL LIST. (a) For the purpose of community right-to-know, a facility operator covered by this chapter shall compile and maintain a tier two form that contains information on hazardous chemicals present in the facility in quantities that meet or exceed thresholds determined by the EPA in 40 CFR Part 370, or at any other reporting thresholds as determined by commission rule for certain highly toxic or extremely hazardous substances.

(b) Multiple facilities may be reported on the same tier two form, with appropriate facility identifiers, if the hazardous chemicals or hazardous chemical categories present at the multiple facilities are in the same ranges. In multiple facility reporting, the reporting thresholds must be applied to each facility rather than to the total quantities present at all facilities.

(c) Each tier two form shall be filed annually with the commission, along with the appropriate fee, according to the procedures specified by commission rules.

(d) A facility operator shall file the tier two form with the commission not later than the 90th day after the date on which the operator begins operation or has a reportable addition, at the appropriate threshold, of a previously unreported hazardous chemical or extremely hazardous substance, but a fee may not be associated with filing this report.

(d-1) A facility operator shall file an updated tier two form with the commission:

(1) not later than the 90th day after the date on which the operator has a change in the chemical weight range, as listed in 40 C.F.R. Part 370, of a previously reported hazardous chemical or extremely hazardous substance; and

(2) as otherwise required by commission rule.

(d-2) A facility operator shall furnish a copy of each tier two form and updated tier two form filed with the commission under this section to the fire chief of the fire department having jurisdiction over the facility and to the appropriate local emergency planning committee.

(e) A facility operator shall file a safety data sheet with the commission on the commission's request.

(f) The commission shall maintain records of the tier two forms and other documents filed under this chapter or EPCRA for at least 30 years.

(g) Documents filed under this chapter are subject to Chapter 552, Government Code.

Added by Acts 1993, 73rd Leg., ch. 528, Sec. 2, eff. Sept. 1, 1993.
Amended by Acts 1995, 74th Leg., ch. 76, Sec. 5.95(88), eff. Sept. 1, 1995.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1309, eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. 515 (H.B. 942), Sec. 16, eff. September 1, 2015.

Sec. 506.007. DIRECT CITIZEN ACCESS TO INFORMATION. (a) Except as otherwise provided by this section, a person may request in writing copies of the facility's existing workplace chemical list for community right-to-know purposes.

(b) Except as otherwise provided by this section, any facility covered by this chapter shall furnish or mail, within 10 working days of the date of receipt of a request under Subsection (a), either a copy of the facility's existing workplace chemical list or a modified version of the most recent tier two form using a 500-pound threshold.

(c) Any facility that has received five requests under Subsection (a) in a calendar month, four requests in a calendar month for two or more months in a row, or more than 10 requests in a year may elect to furnish the material to the commission.

(d) Any facility electing to furnish the material to the commission under Subsection (c) may during that same filing period inform persons making requests under Subsection (a) of the availability of the information at the commission and refer the request to the commission for that filing period. The notice to persons making requests shall state the address of the commission and shall be mailed within seven days of the date of receipt of the request, if by mail, and at the time of the request if in person.

Added by Acts 1993, 73rd Leg., ch. 528, Sec. 2, eff. Sept. 1, 1993.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 515 (H.B. 942), Sec. 17, eff. September 1, 2015.

Sec. 506.008. EMERGENCY PLANNING INFORMATION. (a) The fire chief or the fire chief's representative, on request, may conduct on-site inspections of the chemicals on the tier two form for the sole purpose of planning fire department activities in case of an emergency.

(b) A facility operator, on request, shall give the fire chief or the local emergency planning committee such additional information on types and amounts of hazardous chemicals present at a facility as the requestor may need for emergency planning purposes. A facility operator, on request, shall give the

executive director, the fire chief, or the local emergency planning committee a copy of the SDS for any chemical on the tier two form furnished under Section 506.006 or for any chemical present at the facility.

(c) Repealed by Acts 2015, 84th Leg., R.S., Ch. 515, Sec. 36(4), eff. September 1, 2015.

Added by Acts 1993, 73rd Leg., ch. 528, Sec. 2, eff. Sept. 1, 1993.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1310, eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. 515 (H.B. 942), Sec. 18, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 515 (H.B. 942), Sec. 36(4), eff. September 1, 2015.

Sec. 506.009. COMPLAINTS AND INVESTIGATIONS. On presentation of appropriate credentials, a commission representative may enter a facility at reasonable times to inspect and investigate complaints.

Added by Acts 1993, 73rd Leg., ch. 528, Sec. 2, eff. Sept. 1, 1993.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1311, eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. 515 (H.B. 942), Sec. 19, eff. September 1, 2015.

Sec. 506.017. RULES; FEES. (a) The commission may adopt rules and administrative procedures reasonably necessary to carry out the purposes of this chapter.

(b) The commission by rule may authorize the collection of annual fees from facility operators for the filing of tier two forms required by this chapter. The fee may not exceed:

- (1) \$50 for each required submission having no more than 75 hazardous chemicals or hazardous chemical categories; or
- (2) \$100 for each required submission having more than 75 hazardous chemicals or chemical categories.

(c) To minimize the fees, the commission by rule shall

provide for consolidated filings of multiple tier two forms for facility operators covered by Subsection (b) if each of the tier two forms contains fewer than 25 items.

(d) The commission may use up to 20 percent of the fees collected under this section as grants to local emergency planning committees to assist them to fulfill their responsibilities under EPCRA. An amount not to exceed 15 percent of the fees collected under Chapter 505 and this chapter, or 15 percent of the amount of fees paid by the state and its political subdivisions under this chapter, whichever is greater, may be used by the Department of State Health Services to administer Chapter 502.

Added by Acts 1993, 73rd Leg., ch. 528, Sec. 2, eff. Sept. 1, 1993.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1317, eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. 515 (H.B. 942), Sec. 20, eff. September 1, 2015.

Sec. 506.018. ENFORCEMENT. (a) A facility operator may not violate this chapter, commission rules adopted under this chapter, or an order issued under this chapter.

(b) The commission may enforce this chapter under Chapter 7, Water Code, including by issuing an administrative order that assesses a penalty or orders a corrective action.

Added by Acts 2015, 84th Leg., R.S., Ch. 515 (H.B. 942), Sec. 21, eff. September 1, 2015.

APPENDIX III

MODEL WRITTEN HAZARD COMMUNICATION PROGRAM



TEXAS
Health and Human
Services

Texas Department of State
Health Services

MODEL WRITTEN
HAZARD COMMUNICATION PROGRAM
For Public Employers in Texas
Subject to the Texas Hazard Communication Act

Prepared by:

Texas Department of State Health Services
Consumer Protection Division
Environmental Operations Branch
Hazard Communication Program

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Revised May 2022

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I. General Information

A. The Texas Hazard Communication Act (THCA), codified as Chapter 502 of the Texas Health and Safety Code (HSC), requires all public employers in Texas to provide their employees with information regarding hazardous chemicals to which employees may be exposed in their workplace. In order to comply with Section 502.009(b) of the THCA and Section 295.7(a) of the THCA Rules (Title 25 of the Texas Administrative Code (TAC), Section 295.1 – 295.13), the following written Hazard Communication Program has been established for _____
(name of public employer)

B. The master copy of the written hazard communication program will be maintained in _____ (location) _____. Copies of the written program will be modified as needed for each separate workplace where hazardous chemicals are used or stored and a copy maintained at each workplace. The written program will be available to all interested employees and their representatives upon request.

C. To facilitate administration of and compliance with this Program, the following levels of responsibility have been established:

1. The (position / person) will have overall responsibility for administering and maintaining this program and ensuring that it meets all requirements of the THCA.
2. Supervisors will be responsible for: _____ (enter text here) _____.
3. Individual employees will be responsible for: _____ (enter text here) _____.

II. Exemptions

Per Section 502.004(f), the following chemicals are exempt from the requirements of the THCA and are outside the scope of this written program:

- A. Hazardous waste that is subject to regulation by the Texas Commission on Environmental Quality (TCEQ) and/or the U.S. Environmental Protection Agency
- B. A chemical in a laboratory under the direct supervision or guidance of a **technically qualified individual** if:
 - 1. Labels on incoming containers of chemicals are not removed or defaced
 - 2. This employer complies with Sections 502.006 and 502.009 of the THCA with respect to laboratory employees; and
 - 3. The laboratory is not used primarily to produce hazardous chemicals in bulk for commercial purposes
- C. Tobacco or tobacco products
- D. Wood or wood products
- E. Articles formed to a specific shape or design during manufacture and that do not release or otherwise result in exposure to a hazardous chemical under normal conditions of use
- F. Food, drugs, cosmetics or alcoholic beverages
- G. Consumer products or hazardous substances used in the workplace in the same manner as normal consumer use and if the use results in a duration and frequency of exposure that is not greater than exposures experience by a consumer
- H. Radioactive waste.

III. Definitions

- A. **"Appropriate Hazard Warning"** – Any words, pictures, symbols, or combination thereof appearing on a label or other appropriate form of warning which convey the health and physical hazards, including the target organ effects of the chemical(s) in the container(s).
- B. **"Categories of Hazardous Chemicals"** – A grouping of hazardous chemicals with similar properties.
- C. **"Container"** – Any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical or contains multiple smaller containers of an identical hazardous chemical. The term "container" does not mean pipes or piping systems, nor does it mean engines, fuel tanks, or other operating systems in a vehicle. A **primary container** is one in which the hazardous chemical is received from the supplier. A **secondary container** is one to which the hazardous chemical is transferred after receipt from the supplier.
- D. **"Employee"** – A person who may be or may have been exposed to hazardous chemicals in the person's workplace under normal operating conditions or foreseeable emergencies. Workers such as office workers or accountants who encounter hazardous chemicals only in non-routine, isolated instances are not employees for the purposes of this Act.
- E. **"Expose"** – Subjecting an employee to a hazardous chemical in the course of employment through any route of entry, including inhalation, ingestion, skin contact, or absorption. The term includes potential, possible, or accidental exposure under normal conditions of use or in a reasonably foreseeable emergency.

- F. **"Hazardous Chemical" or "Chemical"** – An element, compound, or mixture of elements or compounds that is a physical hazard or a health hazard.
- G. **"Health Hazard"** – A chemical for which acute or chronic health effects may occur in exposed employees and which is a toxic agent, irritant, corrosive, or sensitizer.
- H. **"Label"** – Any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals, and which includes the same name as on the Safety Data Sheet (SDS) or Material Safety Data Sheet (MSDS).
- I. **"Material Safety Data Sheet" ("MSDS")** – A document containing chemical hazard and safe handling information for the hazardous chemical as determined by the chemical's manufacturer.
- J. **"Physical Hazard"** – A chemical which is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive), or water-reactive.
- K. **"Personal Protective Equipment"** – Protective equipment provided to an employee by the employer which provides a level of protection to chemicals to which an employee may be exposed that will be adequate to ensure their health and safety based on current industry standards.
- L. **"Safety Data Sheet" ("SDS")** – The Hazard Communication Standard (HCS) (29 CFR 1910.1200(g)), aligned with the GHS in 2012, requires that the chemical manufacturer, distributor, or importer provide Safety Data Sheets (SDSs) for each hazardous chemical to downstream users to communicate information on these hazards. Safety Data Sheets were formerly called Material Safety Data Sheets, or MSDSs. The information contained in the SDS is largely the same as the MSDS, except now the SDSs are required to be presented in a consistent, user-friendly, 16 section format.

- M. **"Stationary Process Container"** – A tank, vat, or other such container which holds different hazardous chemicals at different times.
- N. **"Technically Qualified Individual"** – An individual with a professional education and background working in the research or medical fields, such as a physician or registered nurse, or an individual holding a minimum of a bachelor's degree in a physical or natural science.
- O. **"Work Area"** – A room, defined space, utility structure, or emergency response site in a workplace where hazardous chemicals are present, produced, or used, and where employees are present.
- P. **"Workplace"** – A contiguous facility that is staffed 20 hours or more per week, unless such a facility is subdivided by the employer. Normally this subdivision would be a building, cluster of buildings or other structures, or a complex of buildings, but could be for a portion of a building if the employer chooses. Noncontiguous properties are always separate workplaces unless they are temporary workplaces, in which case they can be either work areas or a headquarters' workplace or separate workplaces, which is at the discretion of the employer.

IV. Workplace Chemical List..... (HSC §502.005 and 25 TAC §295.4)

- A. The (name of employer or workplace) will develop and maintain a list of hazardous chemicals normally present in the workplace in excess of 55 gallons or 500 pounds. This Workplace Chemical List will be developed for each workplace where such quantities of hazardous chemicals are used or stored and will be available for review by employees and their designated representatives. (Employers may use Attachment A, *Model Workplace Chemical List*, to comply with this requirement.)
- B. The (position / person) will be responsible for reviewing and

updating the Workplace Chemical List(s) for the

_____ (name of employer or workplace) _____ as
necessary, but at least by December 31 of each year.

- C. The Workplace Chemical List will be maintained for at least 30 years.
- D. Further information on chemicals list on the Workplace Chemical List can be obtained by referring to the Safety Data Sheet (SDS) or Material Safety Data Sheet (MSDS) located in each workplace where these chemicals are used or stored.

V. Safety Data Sheets and/or Material Safety Data Sheets (HSC §502.006 and 25 TAC §295.5)

- A. The _____ (name of employer or workplace) _____ will maintain a current and appropriate Safety Data Sheet (SDS) or Material Safety Data Sheet (MSDS) for each hazardous chemical purchased.
- B. The _____ (position / person) _____ will be responsible for the SDS/MSDS system for _____ (name of employer or workplace) _____ and will ensure that:
 - 1. Incoming SDSs/MSDSs are reviewed for new and significant health/safety information and that any new information is passed on to the affected employees.
 - 2. Hazardous chemicals received without an SDS or MSDS are withheld from use until a current SDS or MSDS is obtained.
 - 3. Missing SDSs or MSDSs are requested from an appropriate source (e.g. chemical manufacturer, distributor, or electronic database) within 30 days from receipt of the hazardous chemical.
 - 4. Affected employees are provided a description of any alternative system (such as electronic databases) being used in lieu of hard copy SDSs/MSDSs.

5. As SDSs are received from hazardous chemical manufacturers and distributors, they replace the Material Safety Data Sheets on file. Training on both the old MSDSs and the new SDSs should continue throughout the transition period until employers no longer have any of the old MSDSs on site.
6. Emergency responders are provided SDSs/MSDSs as soon as practical upon request.

C. SDS and MSDS files for _____ (name of employer or workplace) _____
will be kept in _____ (location) _____.

D. SDSs/MSDSs will be readily available for review by employees or their designated representatives upon request.

VI. Chemical Container Labels(HSC §502.007 and 25 TAC §295.6)

A. All containers of hazardous chemicals used or stored by _____ (name of employer or workplace) _____ will be appropriately labeled.

B. The _____ (position / person) _____ will be responsible for the hazardous chemical labeling system and will verify that:

1. All **primary containers** of hazardous chemicals are clearly labeled to include:

- a. The identity of the chemical as it appears on the SDS/MSDS
- b. The appropriate hazard warnings
- c. The name and address of the manufacturer

2. All **secondary containers** of hazardous chemicals are clearly labeled to include:

- a. The identity of chemicals as it appears on the SDS/MSDS

b. The appropriate hazard warnings

3. A description of alternative labeling systems, if used, is provided to employees. Examples of alternative labeling systems are the National Fire Protection Association (NFPA) 704m Standard and the Hazardous Materials Information Systems (HMIS) Standard

C. The _____ (name of employer or workplace)

will rely on the chemical manufacturers or distributors to provide labels which meet the above requirements for primary containers of all hazardous chemicals purchased, and will re-label containers only when the label is illegible or otherwise does not meet the above requirements.

VII. Employee Training Program...(HSC §502.009 and 25 TAC §295.7)

A. The _____ (name of employer or workplace) will provide an education and training program to all employees who routinely use or handle hazardous chemicals in their workplace.

B. The _____ (position / person) will be responsible for the employee training program and will ensure that:

1. Appropriate training is provided to all covered employees and includes:
 - a. The use of information provided on SDSs/MSDSs and chemical container labels
 - b. The location of hazardous chemicals present in the employees' work areas
 - c. The physical and health effects of exposure
 - d. Proper use of personal protective equipment

- e. Safe handling of hazardous chemicals
 - f. First aid treatment for exposure to hazardous chemicals
 - g. Safety instruction on clean-up and disposal of hazardous chemicals
2. Required training records are maintained and include:
- a. The date of the training session
 - b. A legible list of all employees attending the training session.
 - c. The subjects covered
 - d. The name of the instructors (Employers may use either Attachment B, *Employee Training Roster*, or Attachment C, *Employee Training Sheet*, to comply with this requirement)
3. All covered employees are identified and incorporated into the training program.
4. Employees are provided information concerning the hazardous chemicals to which they may be exposed during the performance of non-routine tasks.
5. New employees are trained prior to their being required to use or handle a hazardous chemical.
6. The need and frequency for periodic/refresher training is assessed.
- C. Employees subject to these training requirements will sign an attendance roster for each training session attended, verifying that they received and understood the information.

VIII. Reporting Employee Deaths and Injuries...(HSC §502.012 and 25 TAC §295.9)

IX. The _____ (name of employer or workplace)

will notify the Texas Department of State Health Services, Consumer Protection Division, Environmental Operations Branch, of any employee accident that involves a hazardous chemical exposure or asphyxiation, and that is fatal to one or more employees or results in the hospitalization of five or more employees.

B. The _____ (position / person) will be responsible for reporting all such accidents to the Texas Department of State Health Services, Consumer Protection Division, Environmental Operations Branch, within 48 hours after their occurrence. Notifications will be made either orally or in writing to:

Texas Department of State Health Services
Consumer Protection Division
Environmental Operations Branch
Hazard Communication Program
PO Box 149347, MC 2835
Austin, TX 78714-9347

Phone: (512) 834-6787
Fax: (512) 483-3414

C. Employees will be responsible for reporting all accidents involving a hazardous chemical to their supervisor.

D. Supervisors will be responsible for reporting all accidents involving a hazardous chemical to _____ (position / person) _____.

IX. Posting the Notice to Employees...(HSC §502.0017 and 25 TAC §295.12)

A. The _____ (position / posting) _____ will post or stored the most

and maintain in all workplaces where hazardous chemicals are used

or stored the most

current version of the THCA *Notice to Employees*, informing employees of their rights under the THCA. (See attachment D, *Notice to Employees*)

B. The *Notice to Employees* shall be clearly posted and unobstructed at all locations in the workplace where notices are normally posted, and with at least one location in each workplace.

C. In workplaces where employees that have difficulty reading or understanding English may be present, a copy of the *Notice to Employees*, printed in Spanish, will be posted together with the English version. (See attachment E, *Notice to Employees*, Spanish version (*Aviso Al Empleado*))

D. Additional copies of the *Notice to Employees*, in both English and Spanish, are available on the Hazard Communication Worker Right-To-Know website at <http://www.dshs.state.tx.us/hazcom/> or on request from the Environmental Operations Branch, at the address or telephone number listed on the cover page of this written program.

X. Personal Protective Equipment...(HSC §502.017 and 25 TAC §295.12)

A. The _____ (name of employer or workplace) _____ will provide appropriate personal protective equipment (PPE) to all employees who use or handle hazardous chemicals.

B. The _____ (position / person) _____ will assume overall responsibility for the PPE program and will ensure that appropriate equipment and training are provided, to include:

1. Proper selection of PPE based on:

a. Routes of entry

b. Permeability of PPE material

- c. Duties being performed by the employee
 - d. Hazardous chemicals present
2. Proper fit and functionality of PPE as described by the manufacturer's specifications
 3. Appropriate maintenance and storage of PPE

XI. Maintaining Employee Rights... (HSC §502.017 and 25 TAC §295.12)

- A. The (name of employer or workplace) shall not discipline, harass, or discriminate against any employee for filing complaints, assisting Inspectors of the Texas Department of State Health Services, participating in proceedings related to the Texas Hazard Communication Act, or exercising any rights under the Act.
- B. Employees cannot waive their rights under the Texas Hazard Communication Act. A request or requirement for such a waiver by an employer is a violation of the Act.

The Consumer Protection Division, Environmental Operations Branch welcomes your questions or comments regarding this Model Written Hazard Communication Program, the Texas Hazard Communication Act, or any aspect related to the administration and enforcement of the Act. You may contact the Texas Department of State Health Services, Environmental Operations Branch, at:

Texas Department of State Health Services
Consumer Protection Division
Environmental Operations Branch
Hazard Communication Program
PO Box 149347, MC 2835
Austin, TX 78714-9347

Phone: (512) 834-6787
Fax: (512) 483-3414

XII. Attachments

- A. Workplace Chemical List
- B. Employee Training Roster
- C. Employee Training Sheet
- D. Notice to Employees (English version)
- E. Notice to Employees (Spanish version)

Workplace Chemical List

Name of Workplace, Work Area, or Temporary Workplace:

Identity Used on the Safety Data Sheet & Container Label	Work Area	Quantity (optional)	Unit Size (optional)

Workplace Chemical List Prepared By: _____
Name (Printed)

Signature (Required)

Date of Preparation: _____ (This form must be updated annually.)

Employee Training Roster (continued)

A. Per Sections 502.009(c) and (g) of the Texas Hazard Communication Act (THCA), the following subject(s) were covered in this training:

- Reading and Interpreting chemical container labels
- Reading and interpreting alternative labeling systems, if such labeling systems are being used by the employer
- Reading and Interpreting Safety Data Sheets (SDSs) and/or Material Safety Data Sheets (MSDSs)
- Location of hazardous chemicals in the workplace
- Physical and health effects of exposure
- Proper use of personal protective equipment
- First aid treatment for exposure
- Safety instruction on handling, cleanup and disposal procedures

B. Per Section 502.009(g) of the THCA, training was conducted based on:

- Categories of hazardous chemicals
- Individual hazardous chemicals

C. This hazard communication training was provided as:

- Initial training per Section 502.009(a) and (f) of the THCA
- Periodic/refresher training per Section VII(B)(6) of this Written Hazard Communication Program

Employee Training Sheet

Texas Hazard Communication Act, Section 502.009(g)

Department / Work Area: _____

Instructor: _____ Date: _____

Per Sections 502.009(c) and (g) of the Texas Hazard Communication Act (THCA), the following subject(s) were covered in this training:

- Reading and interpreting chemical container labels
- Reading and interpreting alternative labeling systems, if such labeling systems are being used by the employer
- Reading and interpreting Safety Data Sheets (SDSs) and/or Material Safety Data Sheets (MSDSs)
- Location of hazardous chemicals in the workplace
- Physical and health effects of exposure
- Proper use of personal protective equipment
- First aid treatment for exposure
- Safety instruction on handling, cleanup and disposal procedures

Per Section 502.009(g) of the THCA, training was conducted based on:

- Categories of hazardous chemicals
- Initial training per Section 502.009(a) and (f) of the THCA
- Periodic / refresher training per section VII(B)(6) of this Written Hazard Communication Program

Employee: _____ Date: _____
(Printed)

Employee: _____
(Signature)

Instructor: _____
(Signature)

NOTICE TO EMPLOYEES

The Texas Hazard Communication Act, codified as Chapter 502 of the Texas Health and Safety Code, requires public employers to provide employees with specific information on the hazards of chemicals to which employees may be exposed in the workplace. As required by law, your employer must provide you with certain information and training. A brief summary of the law follows.

HAZARDOUS CHEMICALS

Hazardous chemicals are any products or materials that present any physical or health hazards when used, unless they are exempted under the law. Some examples of more commonly used hazardous chemicals are fuels, cleaning products, solvents, many types of oils, compressed gases, many types of paints, pesticides, herbicides, refrigerants, laboratory chemicals, cement, welding rods, etc.

WORKPLACE CHEMICAL LIST

Employers must develop a list of hazardous chemicals used or stored in the workplace in excess of 55 gallons or 500 pounds. This list shall be updated by the employer as necessary, but at least annually, and be made readily available for employees and their representatives on request.

EMPLOYEE EDUCATION PROGRAM

Employers shall provide training to newly assigned employees before the employees work in a work area containing a hazardous chemical. Covered employees shall receive training from the employer on the hazards of the chemicals and on the measures they can take to protect themselves from those hazards. This training shall be repeated as needed, but at least whenever new hazards are introduced into the workplace or new information is received on the chemicals which are already present.

SAFETY DATA SHEETS

Employees who may be exposed to hazardous chemicals shall be informed of the exposure by the employer and shall have ready access to the most current Safety Data Sheets (SDSs) or Material Safety Data Sheets (MSDSs) if an SDS is not available yet, which detail physical and health hazards and other pertinent information on those chemicals.

LABELS

Employees shall not be required to work with hazardous chemicals from unlabeled containers except portable containers for immediate use, the contents of which are known to the user.

EMPLOYEE RIGHTS

Employees have rights to:

- access copies of SDSs (or an MSDS if an SDS is not available yet)
- information on their chemical exposures
- receive training on chemical hazards
- receive appropriate protective equipment
- file complaints, assist inspectors, or testify against their employer

Employees may not be discharged or discriminated against in any manner for the exercise of any rights provided by this Act. A waiver of employee rights is void; an employer's request for such a waiver is a violation of the Act. Employees may file complaints with the Texas Department of State Health Services at the telephone numbers provided below.

EMPLOYERS MAY BE SUBJECT TO ADMINISTRATIVE PENALTIES AND CIVIL OR CRIMINAL FINES RANGING FROM \$50 TO \$100,000 FOR EACH VIOLATION OF THIS ACT

Further information may be obtained from:

Texas Department of State Health Services
Consumer Protection Division
Environmental Operations Branch
PO Box 149347, MC 2835
Austin, TX 78714-9347

(512) 834-6787
(800) 293-0753 (toll-free)
Fax: (512) 483-3414
E-mail: TXHazComHelp@dshs.texas.gov
Website: www.dshs.texas.gov/hazcom



TEXAS
Health and Human
Services

Texas Department of State
Health Services

Worker Right-To-Know Program
Publication # E23-14173
Revised May 2024

AVISO AL EMPLEADO

La Ley de Comunicación sobre Peligros de Texas, codificada como el capítulo 502 del Código de Salud y Seguridad de Texas, exige que los empleadores públicos le provean a los empleados información específica sobre los peligros de los químicos a los que los empleados podrían estar expuestos en el centro de trabajo. Según exige la ley, su empleador debe proveerle cierta información y capacitación. A continuación presentamos un breve resumen de la ley.

QUÍMICOS PELIGROSOS

Los químicos peligrosos son cualquier producto o material que represente algún peligro físico o de salud al ser usado, a menos que este quede exento bajo la ley. Como ejemplos de químicos peligrosos más comúnmente usados están los combustibles, los productos de limpieza, los solventes, muchos tipos de aceite, los gases comprimidos, muchos tipos de pintura, los pesticidas, los herbicidas, los refrigerantes, los químicos de laboratorio, el cemento, las varillas de soldadura, etc.

LISTA DE QUÍMICOS EN EL CENTRO DE TRABAJO

Los empleadores deben desarrollar una lista de los químicos peligrosos usados o almacenados en el centro de trabajo que sobrepasen los 55 galones o las 500 libras. El empleador debe renovar la lista de ser necesario, y al menos anualmente, y debe ponerla a fácil disposición de los empleados y de sus representantes al esta ser solicitada.

PROGRAMA DE INSTRUCCIÓN DEL EMPLEADO

Los empleadores deben proveerle capacitación a los empleados recién asignados antes de que los empleados trabajen en un área de trabajo que contenga químicos peligrosos. Los empleados contemplados en la ley deben recibir capacitación del empleador sobre los peligros de los químicos y sobre las medidas que ellos mismos pueden tomar para protegerse de dichos peligros. La capacitación debe repetirse de ser necesario, y al menos cuando se introduzcan nuevos peligros en el centro de trabajo o se reciba nueva información sobre los químicos que ya están presentes.

HOJAS DE DATOS DE SEGURIDAD

El empleador debe informar de la exposición a los empleados que pudieran estar expuestos a químicos peligrosos y ellos deben tener acceso fácil a las hojas de datos de seguridad (SDS) o las hojas de datos de seguridad del material (MSDS) más recientes si es que todavía no hay una SDS disponible, las cuales detallan los peligros físicos y de salud y cualquier otra información pertinente sobre dichos químicos.

ETIQUETAS

No se requerirá que los empleados trabajen con químicos peligrosos provenientes de contenedores que no están etiquetados con excepción de los contenedores portátiles de uso inmediato, el contenido de los cuales el usuario conoce.

DERECHOS DEL EMPLEADO

Los empleados tienen derecho a:

- acceder a copias de las SDS (o una MSDS si es que todavía no hay una SDS disponible)
- la información sobre sus exposiciones químicas
- recibir capacitación sobre los peligros químicos
- recibir el equipo protector apropiado
- presentar quejas, asistir a los inspectores y testificar en contra de su empleador

No se despedirá a los empleados ni se les discriminará de ninguna manera por ellos ejercer cualquiera de los derechos que esta ley estipula. Las renunciaciones de derechos del empleado no tienen ninguna validez; el que el empleador solicite ese tipo de renuncia infringe esta ley. Los empleados pueden presentar sus quejas ante el Departamento Estatal de Servicios de Salud de Texas llamando al teléfono sin costo provisto abajo.

LOS EMPLEADORES PODRÍAN ESTAR SUJETOS A SANCIONES ADMINISTRATIVAS Y A MULTAS CIVILES O PENALES QUE VAN DESDE LOS \$50 HASTA LOS \$100,000 DÓLARES POR CADA INFRACCIÓN DE ESTA LEY

Puede obtener mayor información en:

Texas Department of State Health Services
Consumer Protection Division
Environmental Operations Branch
PO Box 149347, MC 2835
Austin, TX 78714-9347

(512) 834-6787
(800) 293-0753 (llamada gratuita)
Fax: (512) 483-3414
E-mail: TXHazComHelp@dshs.texas.gov
Website: www.dshs.texas.gov/hazcom



Texas Department of State
Health Services

Worker Right-To-Know Program
Publication # 23-14173A
Revised May 2024

APPENDIX IV

HAZARD CHEMICAL LIST



The Workplace Chemical List

Standards for the Workplace Chemical List (WCL):

§502.005 of the Texas Hazard Communication Act requires public employers to compile and maintain a workplace chemical list (WCL) of each hazardous chemical normally present in the workplace in excess of 55 gallons or 500 pounds. The weight of the chemical is determined using the aggregate amount of the chemical in the entire workplace. The WCL may be prepared for the workplace as a whole or for each work area within a specified workplace. If the WCL is prepared by work area and the total combined amount of a hazardous chemical exceeds 55 gallons or 500 pounds for the workplace as a whole, that chemical will need to be listed on the WCL for each work area in which it is used or stored. In addition, employers must make the WCL readily available to employees and their representatives, update the WCL at least annually, and maintain the WCL in the workplace for 30 years.

Preparing the Workplace Chemical List:

The WCL should include the following information for each hazardous chemical listed and for each workplace or work area for which it is prepared:

- The identity of the hazardous chemical as it appears on the Safety Data Sheet (SDS) and container label.
- The work area(s) in which the chemical is normally present.
- The name and signature of the person who prepared the WCL.
- The date on which the WCL was prepared.

Questions About the Workplace Chemical List?

If you have questions about the workplace chemical list or other requirements of the Texas Hazard Communication Act, please contact the Hazard Communication Worker Right-to-Know Program at:

Email: TXHazComHelp@dshs.texas.gov

Phone: 512-834-6787

Fax: 512-483-3414

Mail: Texas Department of State Health Services
Consumer Protection Division
Environmental Operations Branch
Hazard Communication Program
P.O. Box 149347, MC 2835
Austin, TX 78714-9347

Workplace Chemical List

Name of Workplace, Work Area, or Temporary Workplace:

[Empty box for Name of Workplace, Work Area, or Temporary Workplace]

Identity Used on the Safety Data Sheet & Container Label	Work Area	Quantity (optional)	Unit Size (optional)

Workplace Chemical List Prepared By: [Empty box]

Name (Printed)

[Empty box for Signature]

Signature (Required)

Date of Preparation: [Empty box] (This form must be revised annually.)

APPENDIX V

SAFETY DATA SHEET



Standards for Safety Data Sheets (SDSs)

Public employers in Texas are required to keep a current Safety Data Sheet (SDS) for every hazardous chemical they have on site regardless of the quantity of the chemical. An SDS is a document that contains chemical hazard and safe handling information. The SDSs must be readily available during each work-shift to public employees at each workplace.

Employers may maintain SDSs in electronic form as long as they are available during the same work-shift in which they are requested, and available to emergency responders as soon as practicable upon request. The employer may make SDSs available to employees on a company website or contract with an off-site/web-based SDS service provider. The employer must not require employees to perform an Internet search (e.g., Google®, Yahoo®) to view/obtain the SDS. It is important to note that the employer bears the responsibility of maintaining and providing SDSs and not the employee.

Per 25 TAC Section 295.5(a), a "current" SDS is one which contains "the most recent significant hazard information for the hazardous chemical as determined by the chemical's manufacturer." Often chemical manufacturers will update their SDSs without making significant changes to the chemical hazard information. In these cases, the previous SDS will be considered "current" for regulatory purposes under §295.5(a).

Per 25 TAC Section 295.5(c), an employer shall not permit the use of any hazardous chemical for which a current SDS is not available. A chemical manufacturer or distributor must provide an appropriate SDS to an employer within three business days of receipt of the employer's written request.

A substitute (non-manufacturer-specific) SDS can be used if it is identical to the manufacturer-specific SDS both in identity and formulation of the hazardous chemical. The hazardous chemical in question must be consistently prepared or produced by several different manufacturers to established industry standards. The medical treatment information for exposure to the chemical must be readily available to the medical community.

Globally Harmonized System of Classification and Labeling of Chemicals (GHS)

The Hazard Communication Standard (HCS) (29 CFR 1910.1200(g)), aligned with the GHS in 2012, requires that the chemical manufacturer, distributor, or importer provide Safety Data Sheets (SDSs) for each hazardous chemical to downstream users to communicate information on these hazards. SDSs were formerly called Material Safety Data Sheets, or MSDSs. The information contained in the SDS is largely the same as the MSDS, except now the SDSs are required to be presented in a consistent, user-friendly, 16-section format. For more information on the new Safety Data Sheets, please see the OSHA Hazard Communication Standard for Safety Data Sheets.

As SDSs are received from hazardous chemical manufacturers and distributors, they should replace the MSDSs on file. Training on both the old MSDSs and the new SDSs should continue throughout the transition period until employers no longer have any of the old MSDSs on site.

Training on Safety Data Sheets

An employee education and training program must include information on interpreting labels and SDSs, and the relationship between those two methods of hazard communication. Public employers must maintain employee training records for at least five years. The records must include documentation of each training session given to employees, the date the training was given, a roster of the employees who attended, the subjects covered, and the names of the instructors.

If you have questions or concerns about Safety Data Sheets under the THCA, please see the program website at www.dshs.texas.gov/hazcom or contact us at:

Email: TXHazComHelp@dshs.texas.gov

Phone: 512-834-6787

Fax: 512-483-3414

Mail: Texas Department of State Health Services
Consumer Protection Division
Environmental Operations Branch
Hazard Communication Program
P.O. Box 149347, MC 2835
Austin, TX 78714-9347



Labels Under the Texas Hazard Communication Act

Public employers are required to ensure that hazardous chemical containers in the workplace are labeled in compliance with the Texas Hazard Communication Act (THCA), Chapter 502 of the Texas Health and Safety Code. An employee may not be required to work with a hazardous chemical from an unlabeled container except for a portable container intended for the immediate use of the employee who performs the transfer. Labels must use the same product identifier that is on the Safety Data Sheet (SDS) for the hazardous chemical. In addition, the employer shall ensure that labels or other forms of warning are legible, in English, and prominently displayed on the container throughout each work shift. The employer may add label information in another language to hazardous chemical containers.

Labels and the Globally Harmonized System (GHS)

Under the Occupational Health and Safety Administration's (OSHA's) Hazard Communication Standard (HCS), hazardous chemical manufacturers, importers, and distributors are required to provide labels that meet certain requirements on all shipments of hazardous chemicals. OSHA's Hazard Communication Standard is now aligned with the Globally Harmonized System of Classification and Labeling of Chemicals (GHS). The Globally Harmonized System (GHS) is an international approach to hazard communication, providing agreed criteria for classification of chemical hazards, and a standardized approach to label elements and safety data sheets. As of December 1, 2015, all labels provided by the manufacturers or distributors of hazardous chemicals will be required to be GHS compliant. GHS compliant labels will have pictograms, a signal word, hazard and precautionary statements, the product identifier, and supplier identification. Training on both the old and the new label elements should continue throughout the transition period until employers no longer have any of the old labels on site.

OSHA has great materials on the new [GHS compliant labels](#).

Types of Containers

Public employers in Texas are **not allowed to remove or deface a label on an existing container of a hazardous chemical** unless it is illegible, inaccurate, or does not conform to the OSHA standard or other applicable labeling requirement. All hazardous chemical containers must be relabeled **prior** to use by employees.

Containers are any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical or contains multiple smaller containers of an identical hazardous chemical. The term "container" does not mean pipes or piping systems, nor does it mean engines, fuel tanks, or other operating systems in a vehicle. **Individual stationary process containers** may be labeled using signs, placards, process sheets, batch tickets, operating procedures, or other such written materials as long as the alternative method identifies the containers to which it is applicable and conveys the label information required by the THCA.

Primary containers are the containers in which the hazardous chemical was received from the manufacturer or distributor. If a primary container must be relabeled, the new label will at least contain: 1) the identity of the hazardous chemical as it appears on the SDS; 2) the pertinent physical and health hazards, including the organs that would be affected; 3) and the manufacturer's name and address. The hazards may be expressed through words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals, and which, in conjunction with the other information immediately available to employees under the employer's education and training program, will reasonably provide employees with the specific information regarding the physical and health hazards, including the target organ effects of the hazardous chemical. Employers may request an accurate replacement label from a supplier or may prepare their own replacement labels.

A **secondary container** is one to which the hazardous chemical is transferred after receipt from the supplier. Secondary containers must be labeled with at least the identity appearing on the SDS and the appropriate hazard warnings. The hazards may be expressed through words, pictures, symbols, or

combination thereof, which provide at least general information regarding the hazards of the chemicals, and which, in conjunction with the other information immediately available to employees under the employer's education and training program, will reasonably provide employees with the specific information regarding the physical and health hazards, including the target organ effects of the hazardous chemical.

Portable containers intended for the **immediate** use of the employee who performs the transfer do not require labels.

Training Requirement and Alternative Labeling Systems

Employers must train employees on interpreting labels and Safety Data Sheets, and the relationship between those two methods of hazard communication. The chemical identifier on all hazardous chemical containers must match the chemical identifier on the SDS. Also, the Workplace Chemical List (WCL) must use the identity used on the SDS and the container label. (Inclusion on the WCL is required only for those hazardous chemicals that meet or exceed the 55 gallon or 500-pound threshold.)

Alternative labeling systems may be used by employers to relabel primary containers or label secondary containers with hazard warnings, contingent on employees being specifically trained on interpreting them. The hazards may be expressed through words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals, and which, in conjunction with the other information immediately available to employees under the employer's education and training program, will reasonably provide employees with the specific information regarding the physical and health hazards, including the target organ effects of the hazardous chemical. Alternative labeling systems include the NFPA fire diamonds, HMIS labeling system or USDOT shipping labeling system.

Training is the key to employee understanding of hazardous chemical labels. Employees must be able to match the chemical identified on the label to the correct Safety Data Sheet on file. In addition, employees must be able to understand all hazard warnings on the label. During the transition period to

fully compliant GHS labels, training must continue on both the old and the new label elements. Furthermore, if alternative labeling systems are used, employees must be specifically trained on the alternative labels used. Some alternative labeling systems may use numerical hazard classifications that are directly opposite to the numerical hazard warnings on GHS compliant labels.

Questions or concerns about Container Labeling?

Email: TXHazComHelp@dshs.texas.gov

Phone: 512-834-6787

Fax: 512-483-3414

Mail: Texas Department of State Health Services
Consumer Protection Division
Environmental Operations Branch
Hazard Communication Program
P.O. Box 149347, MC 2835
Austin, TX 78714-9347



TEXAS
Health and Human
Services

Texas Department of State
Health Services

The Impact of the GHS on the THCA

Environmental Operations Branch

May 2022

Impact of the Globally Harmonized System of Classification and Labeling of Chemicals (GHS) on the Texas Hazard Communication Act (THCA)

The Texas Department of State Health Services (DSHS) does not anticipate any major conflicts with the current Texas Hazard Communication Act (THCA) and rules for the public (all government except federal government) workplace as a result of the Globally Harmonized System of Classification and Labeling of Chemicals (GHS). However, the new labeling and Safety Data Sheet (SDS), formerly Material Safety Data Sheet (MSDS), requirements must be down-streamed and included in the worker training given to employees as new labels and SDSs are received from the manufacturer or distributor of hazardous chemicals. These SDSs should replace the current MSDSs on file. Training modules used should be updated with these new requirements.

Background:

The GHS is a system for standardizing and harmonizing the classification and labeling of chemicals. It is a logical and comprehensive approach to:

- Defining health, physical and environmental hazards of chemicals;
- Creating classification processes that use available data on chemicals for comparison with the defined hazard criteria; and
- Communicating hazard information, as well as protective measures, on labels and Safety Data Sheets (SDS).

In the United States, the Occupational Safety and Health Administration (OSHA) has aligned the federal Hazard Communication Standard (HCS) with the GHS. The new HCS still requires chemical manufacturers and importers to evaluate the chemicals they produce or import and provide hazard information to employers and workers by putting labels on containers and preparing SDSs.

Under the old standard, chemical manufacturers and importers were allowed to provide hazard information on labels and MSDSs in whatever format they chose. Under the new GHS aligned standard, there is a single set of standardized criteria for classifying chemicals according to their health and physical hazards and specifies hazard communication elements for labeling and SDSs.

The three major areas of change are in hazard classification, labels, and safety data sheets:

- **Hazard classification:** The definitions of hazard have been changed to provide specific criteria for classification of health and physical hazards, as well as classification of mixtures. These specific criteria will help to ensure that evaluations of hazardous effects are consistent across manufacturers, and that labels and safety data sheets are more accurate as a result.
- **Labels:** Chemical manufacturers and importers will be required to provide a label that includes a harmonized signal word, pictogram, and hazard statement for each hazard class and category. Precautionary statements must also be provided.
- **Safety Data Sheets:** Will now have a specified 16-section format.

The GHS does not include harmonized training provisions, but recognizes that training is essential to an effective hazard communication approach. The revised HCS requires that workers be re-trained within two years of the publication of the final rule to facilitate recognition and understanding of the new labels and safety data sheets.

The new labels must include the following: product identifier; signal word; hazard statement(s); precautionary statement(s); pictogram(s); and name, address and telephone number of the chemical manufacturer, importer, or other responsible party. The new SDSs must have 16 specific sections, ensuring consistency in presentation of important protection information.

Employers must train employees on the new label elements and the new Safety Data Sheet format effective December 1, 2013. As SDSs are received from hazardous chemical manufacturers and distributors, they should replace

the Material Safety Data Sheets on file. Training on both the old and the new labels, the old MSDSs and the new SDSs should continue throughout the transition period until employers no longer have any of the old labels or MSDSs on site.

Concerning SDSs, section 502.006 of the THCA states: "a) A chemical manufacturer or distributor shall provide appropriate material safety data sheets to employers who acquire hazardous chemicals in this state with each initial shipment and with the first shipment after an MSDS is updated. **The MSDSs must conform to the most current requirements of the OSHA standard.**"

Since chemical manufactures, importers, and distributors had to comply by June 1, 2015, with all modified provisions of the HazCom Standard (except the Distributor was not ship containers labeled by the chemical manufacturer or importer unless it had a GHS label after December 1, 2015), **a public employer was also to receive the appropriate SDS by this date to be in compliance with the THCA.**

Concerning labeling, section 502.007 of the THCA states: (a) A label on an existing container of a hazardous chemical may not be removed or defaced unless it is illegible, inaccurate, **or does not conform to the OSHA standard** or other applicable labeling requirement."

Since chemical manufactures, importers, and distributors must comply effective June 1, 2015, with all modified provisions of the HazCom Standard (except the Distributor shall not ship containers labeled by the chemical manufacturer or importer unless it is a GHS label after December 1, 2015), **a public employer must also receive the appropriate label by this date to be in compliance with the THCA.**

Public employers in Texas are not regulated under OSHA. However, by June 1, 2016, all public employers were to have updated their alternative workplace labeling and hazard communication program as necessary and provide additional employee training for newly identified physical or health hazards to be in compliance with the THCA. If existing chemical stock could not be updated with the correct label and SDS, its use must cease.

For more information on OSHA's Hazard Communication training requirements effective December 1, 2013, as a result of GHS, please see the OSHA Fact Sheet at: www.osha.gov/Publications/OSHA3642.pdf .

OSHA[®] BRIEF

Hazard Communication Standard: Safety Data Sheets

The Hazard Communication Standard (HCS) (29 CFR 1910.1200(g)), revised in 2012, requires that the chemical manufacturer, distributor, or importer provide Safety Data Sheets (SDSs) (formerly MSDSs or Material Safety Data Sheets) for each hazardous chemical to downstream users to communicate information on these hazards. The information contained in the SDS is largely the same as the MSDS, except now the SDSs are required to be presented in a consistent user-friendly, 16-section format. This brief provides guidance to help workers who handle hazardous chemicals to become familiar with the format and understand the contents of the SDSs.

The SDS includes information such as the properties of each chemical; the physical, health, and environmental health hazards; protective measures; and safety precautions for handling, storing, and transporting the chemical. The information contained in the SDS must be in English (although it may be in other languages as well). In addition, OSHA requires that SDS preparers provide specific minimum information as detailed in Appendix D of 29 CFR 1910.1200. The SDS preparers may also include additional information in various section(s).

Sections 1 through 8 contain general information about the chemical, identification, hazards, composition, safe handling practices, and emergency control measures (e.g., fire fighting). This information should be helpful to those that need to get the information quickly. Sections 9 through 11 and 16 contain other technical and scientific information, such as physical and chemical properties, stability and reactivity information, toxicological information, exposure control information, and other information including the date of preparation or last revision. The SDS must also state that no applicable information was found when the preparer does not find relevant information for any required element.

The SDS must also contain Sections 12 through 15, to be consistent with the UN Globally Harmonized System of Classification and Labeling of Chemicals (GHS), but OSHA will not enforce the content of these sections because they concern matters handled by other agencies.

A description of all 16 sections of the SDS, along with their contents, is presented below:

Section 1: Identification

This section identifies the chemical on the SDS as well as the recommended uses. It also provides the essential contact information of the supplier. The required information consists of:

- Product identifier used on the label and any other common names or synonyms by which the substance is known.
- Name, address, phone number of the manufacturer, importer, or other responsible party, and emergency phone number.
- Recommended use of the chemical (e.g., a brief description of what it actually does, such as flame retardant) and any restrictions on use (including recommendations given by the supplier).

Section 2: Hazard(s) Identification

This section identifies the hazards of the chemical presented on the SDS and the appropriate warning information associated with those hazards. The required information consists of:

- The hazard classification of the chemical (e.g., flammable liquid, category¹).
- Signal word.
- Hazard statement(s).
- Pictograms (the pictograms or hazard symbols may be presented as graphical reproductions of the symbols in black and white or be a description of the name of the symbol (e.g., skull and crossbones, flame).
- Precautionary statement(s).
- Description of any hazards not otherwise classified.
- For a mixture that contains an ingredient(s) with unknown toxicity, a statement describing how much (percentage) of the mixture consists of ingredient(s) with unknown acute toxicity. Please note that this is a total percentage of the mixture and not tied to the individual ingredient(s).

Section 3: Composition/Information on Ingredients

This section identifies the ingredient(s) contained in the product indicated on the SDS, including impurities and stabilizing additives. This section includes information on substances, mixtures, and all chemicals where a trade secret is claimed. The required information consists of:

Substances

- Chemical name.
- Common name and synonyms.
- Chemical Abstracts Service (CAS) number and other unique identifiers.
- Impurities and stabilizing additives, which are themselves classified and which contribute to the classification of the chemical.

Mixtures

- Same information required for substances.
- The chemical name and concentration (i.e., exact percentage) of all ingredients which are classified as health hazards and are:
 - Present above their cut-off/concentration limits or
 - Present a health risk below the cut-off/concentration limits.
- The concentration (exact percentages) of each ingredient must be specified except concentration ranges may be used in the following situations:
 - A trade secret claim is made,
 - There is batch-to-batch variation, or
 - The SDS is used for a group of substantially similar mixtures.

Chemicals where a trade secret is claimed

- A statement that the specific chemical identity and/or exact percentage (concentration) of composition has been withheld as a trade secret is required.

¹Chemical, as defined in the HCS, is any substance, or mixture of substances.

Section 4: First-Aid Measures

This section describes the initial care that should be given by untrained responders to an individual who has been exposed to the chemical. The required information consists of:

- Necessary first-aid instructions by relevant routes of exposure (inhalation, skin and eye contact, and ingestion).
- Description of the most important symptoms or effects, and any symptoms that are acute or delayed.
- Recommendations for immediate medical care and special treatment needed, when necessary.

Section 5: Fire-Fighting Measures

This section provides recommendations for fighting a fire caused by the chemical. The required information consists of:

- Recommendations of suitable extinguishing equipment, and information about extinguishing equipment that is not appropriate for a particular situation.
- Advice on specific hazards that develop from the chemical during the fire, such as any hazardous combustion products created when the chemical burns.
- Recommendations on special protective equipment or precautions for firefighters.

Section 6: Accidental Release Measures

This section provides recommendations on the appropriate response to spills, leaks, or releases, including containment and cleanup practices to prevent or minimize exposure to people, properties, or the environment. It may also include recommendations distinguishing between responses for large and small spills where the spill volume has a significant impact on the hazard. The required information may consist of recommendations for:

- Use of personal precautions (such as removal of ignition sources or providing sufficient ventilation) and protective equipment to prevent the contamination of skin, eyes, and clothing.
- Emergency procedures, including instructions for evacuations, consulting experts when needed, and appropriate protective clothing.
- Methods and materials used for containment (e.g., covering the drains and capping procedures).
- Cleanup procedures (e.g., appropriate techniques for neutralization, decontamination, cleaning or vacuuming; adsorbent materials; and/or equipment required for containment/clean up).

Section 7: Handling and Storage

This section provides guidance on the safe handling practices and conditions for safe storage of chemicals. The required information consists of:

- Precautions for safe handling, including recommendations for handling incompatible chemicals, minimizing the release of the chemical into the environment, and providing advice on general hygiene practices (e.g., eating, drinking, and smoking in work areas is prohibited).
- Recommendations on the conditions for safe storage, including any incompatibilities. Provide advice on specific storage requirements (e.g., ventilation requirements).

Section 8: Exposure Controls/Personal Protection

This section indicates the exposure limits, engineering controls, and personal protective measures that can be used to minimize worker exposure. The required information consists of:

- OSHA Permissible Exposure Limits (PELs), American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Limit Values (TLVs), and any other exposure limit used or recommended by the chemical manufacturer, importer, or employer preparing the safety data sheet, where available.
- Appropriate engineering controls (e.g., use local exhaust ventilation, or use only in an enclosed system).
- Recommendations for personal protective measures to prevent illness or injury from exposure to chemicals, such as personal protective equipment (PPE) (e.g., appropriate types of eye, face, skin or respiratory protection needed based on hazards and potential exposure).
- Any special requirements for PPE, protective clothing or respirators (e.g., type of glove material, such as PVC or nitrile rubber gloves; and breakthrough time of the glove material).

Section 9: Physical and Chemical Properties

This section identifies physical and chemical properties associated with the substance or mixture. The minimum required information consists of:

- Appearance (physical state, color, etc.);
- Odor;
- Odor threshold;
- pH;
- Melting point/freezing point;
- Initial boiling point and boiling range;
- Flash point;
- Evaporation rate;
- Flammability (solid, gas);
- Upper/lower flammability or explosive limits;
- Vapor pressure;
- Vapor density;
- Relative density;
- Solubility(ies);
- Partition coefficient: n-octanol/water;
- Auto-ignition temperature;
- Decomposition temperature; and
- Viscosity.

The SDS may not contain every item on the above list because information may not be relevant or is not available. When this occurs, a notation to that effect must be made for that chemical property. Manufacturers may also add other relevant properties, such as the dust deflagration index (Kst) for combustible dust, used to evaluate a dust's explosive potential.

Section 10: Stability and Reactivity

This section describes the reactivity hazards of the chemical and the chemical stability information. This section is broken into three parts: reactivity, chemical stability, and other. The required information consists of:

Reactivity

- Description of the specific test data for the chemical(s). This data can be for a class or family of the chemical if such data adequately represent the anticipated hazard of the chemical(s), where available.

Chemical stability

- Indication of whether the chemical is stable or unstable under normal ambient temperature and conditions while in storage and being handled.
- Description of any stabilizers that may be needed to maintain chemical stability.
- Indication of any safety issues that may arise should the product change in physical appearance.

Other

- Indication of the possibility of hazardous reactions, including a statement whether the chemical will react or polymerize, which could release excess pressure or heat, or create other hazardous conditions. Also, a description of the conditions under which hazardous reactions may occur.
- List of all conditions that should be avoided (e.g., static discharge, shock, vibrations, or environmental conditions that may lead to hazardous conditions).
- List of all classes of incompatible materials (e.g., classes of chemicals or specific substances) with which the chemical could react to produce a hazardous situation.
- List of any known or anticipated hazardous decomposition products that could be produced because of use, storage, or heating. (Hazardous combustion products should also be included in Section 5 (Fire-Fighting Measures) of the SDS.)

Section 11: Toxicological Information

This section identifies toxicological and health effects information or indicates that such data are not available. The required information consists of:

- Information on the likely routes of exposure (inhalation, ingestion, skin and eye contact). The SDS should indicate if the information is unknown.
- Description of the delayed, immediate, or chronic effects from short- and long-term exposure.
- The numerical measures of toxicity (e.g., acute toxicity estimates such as the LD50 (median lethal dose)) - the estimated amount [of a substance] expected to kill 50% of test animals in a single dose.
- Description of the symptoms. This description includes the symptoms associated with exposure to the chemical including symptoms from the lowest to the most severe exposure.
- Indication of whether the chemical is listed in the National Toxicology Program (NTP) Report on Carcinogens (latest edition) or has been found to be a potential carcinogen in the International Agency for Research on Cancer (IARC) Monographs (latest editions) or found to be a potential carcinogen by OSHA.

Section 12: Ecological Information (non-mandatory)

This section provides information to evaluate the environmental impact of the chemical(s) if it were released to the environment. The information may include:

- Data from toxicity tests performed on aquatic and/or terrestrial organisms, where available (e.g., acute or chronic aquatic toxicity data for fish, algae, crustaceans, and other plants; toxicity data on birds, bees, plants).
- Whether there is a potential for the chemical to persist and degrade in the environment either through biodegradation or other processes, such as oxidation or hydrolysis.
- Results of tests of bioaccumulation potential, making reference to the octanol-water partition coefficient (K_{ow}) and the bioconcentration factor (BCF), where available.
- The potential for a substance to move from the soil to the groundwater (indicate results from adsorption studies or leaching studies).
- Other adverse effects (e.g., environmental fate, ozone layer depletion potential, photochemical ozone creation potential, endocrine disrupting potential, and/or global warming potential).

Section 13: Disposal Considerations (non-mandatory)

This section provides guidance on proper disposal practices, recycling or reclamation of the chemical(s) or its container, and safe handling practices. To minimize exposure, this section should also refer the reader to Section 8 (Exposure Controls/Personal Protection) of the SDS. The information may include:

- Description of appropriate disposal containers to use.
- Recommendations of appropriate disposal methods to employ.
- Description of the physical and chemical properties that may affect disposal activities.
- Language discouraging sewage disposal.
- Any special precautions for landfills or incineration activities.

Section 14: Transport Information (non-mandatory)

This section provides guidance on classification information for shipping and transporting of hazardous chemical(s) by road, air, rail, or sea. The information may include:

- UN number (i.e., four-figure identification number of the substance)².
- UN proper shipping name².
- Transport hazard class(es)².
- Packing group number, if applicable, based on the degree of hazard².
- Environmental hazards (e.g., identify if it is a marine pollutant according to the International Maritime Dangerous Goods Code (IMDG Code)).
- Guidance on transport in bulk (according to Annex II of MARPOL 73/78³ and the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (International Bulk Chemical Code (IBC Code))).
- Any special precautions which an employee should be aware of or needs to comply with, in connection with transport or conveyance either within or outside their premises (indicate when information is not available).

² Found in the most recent edition of the United Nations Recommendations on the Transport of Dangerous Goods.

³ MARPOL 73/78 means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended.

Section 15: Regulatory Information (non-mandatory)

This section identifies the safety, health, and environmental regulations specific for the product that is not indicated anywhere else on the SDS. The information may include:

- Any national and/or regional regulatory information of the chemical or mixtures (including any OSHA, Department of Transportation, Environmental Protection Agency, or Consumer Product Safety Commission regulations).

Section 16: Other Information

This section indicates when the SDS was prepared or when the last known revision was made. The SDS may also state where the changes have been made to the previous version. You may wish to contact the supplier for an explanation of the changes. Other useful information also may be included here.

Employer Responsibilities

Employers must ensure that the SDSs are readily accessible to employees for all hazardous chemicals in their workplace. This may be done in many ways. For example, employers may keep the SDSs in a binder or on computers as long as the employees have immediate access to the information without leaving their work area when needed and a back-up is available for rapid access to the SDS in the case of a power outage or other emergency. Furthermore, employers may want to designate a person(s) responsible for obtaining and maintaining the SDSs. If the employer does not have an SDS, the employer or designated person(s) should contact the manufacturer to obtain one.

References

OSHA, 29 CFR 1910.1200(g) and Appendix D.
United Nations Globally Harmonized System of Classification and Labelling of Chemicals (GHS), third revised edition, United Nations, 2009.
These references and other information related to the revised Hazard Communication

Standard can be found on OSHA's Hazard Communication Safety and Health Topics page, located at:
<http://www.osha.gov/dsg/hazcom/index.html>.

Disclaimer: This brief provides a general overview of the safety data sheet requirements in the Hazard Communication Standard (see 29 CFR 1910.1200(g) and Appendix D of 29 CFR 1910.1200). It does not alter or determine compliance responsibilities in the standard or the Occupational Safety and Health Act of 1970. Since interpretations and enforcement policy may change over time, the reader should consult current OSHA interpretations and decisions by the Occupational Safety and Health Review Commission and the courts for additional guidance on OSHA compliance requirements. Please note that states with OSHA-approved state plans may have additional requirements for chemical safety data sheets, outside of those outlined above. For more information on those standards, please visit:
<http://www.osha.gov/dcsp/osp/statestandards.html>.

This is one in a series of informational briefs highlighting OSHA programs, policies or standards. It does not impose any new compliance requirements. For a comprehensive list of compliance requirements of OSHA standards or regulations, refer to Title 29 of the Code of Federal Regulations. This information will be made available to sensory-impaired individuals upon request. The voice phone is (202) 693-1999; teletypewriter (TTY) number: (877) 889-5627.



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APPENDIX VI

NOTICE TO EMPLOYEES SIGN

NOTICE TO EMPLOYEES

The Texas Hazard Communication Act, codified as Chapter 502 of the Texas Health and Safety Code, requires public employers to provide employees with specific information on the hazards of chemicals to which employees may be exposed in the workplace. As required by law, your employer must provide you with certain information and training. A brief summary of the law follows.

HAZARDOUS CHEMICALS

Hazardous chemicals are any products or materials that present any physical or health hazards when used, unless they are exempted under the law. Some examples of more commonly used hazardous chemicals are fuels, cleaning products, solvents, many types of oils, compressed gases, many types of paints, pesticides, herbicides, refrigerants, laboratory chemicals, cement, welding rods, etc.

WORKPLACE CHEMICAL LIST

Employers must develop a list of hazardous chemicals used or stored in the workplace in excess of 55 gallons or 500 pounds. This list shall be updated by the employer as necessary, but at least annually, and be made readily available for employees and their representatives on request.

EMPLOYEE EDUCATION PROGRAM

Employers shall provide training to newly assigned employees before the employees work in a work area containing a hazardous chemical. Covered employees shall receive training from the employer on the hazards of the chemicals and on the measures they can take to protect themselves from those hazards. This training shall be repeated as needed, but at least whenever new hazards are introduced into the workplace or new information is received on the chemicals which are already present.

SAFETY DATA SHEETS

Employees who may be exposed to hazardous chemicals shall be informed of the exposure by the employer and shall have ready access to the most current Safety Data Sheets (SDSs) or Material Safety Data Sheets (MSDSs) if an SDS is not available yet, which detail physical and health hazards and other pertinent information on those chemicals.

LABELS

Employees shall not be required to work with hazardous chemicals from unlabeled containers except portable containers for immediate use, the contents of which are known to the user.

EMPLOYEE RIGHTS

Employees have rights to:

- access copies of SDSs (or an MSDS if an SDS is not available yet)
- information on their chemical exposures
- receive training on chemical hazards
- receive appropriate protective equipment
- file complaints, assist inspectors, or testify against their employer

Employees may not be discharged or discriminated against in any manner for the exercise of any rights provided by this Act. A waiver of employee rights is void; an employer's request for such a waiver is a violation of the Act. Employees may file complaints with the Texas Department of State Health Services at the telephone numbers provided below.

EMPLOYERS MAY BE SUBJECT TO ADMINISTRATIVE PENALTIES AND CIVIL OR CRIMINAL FINES RANGING FROM \$50 TO \$100,000 FOR EACH VIOLATION OF THIS ACT

Further information may be obtained from:

Texas Department of State Health Services
Consumer Protection Division
Environmental Operations Branch
PO Box 149347, MC 2835
Austin, TX 78714-9347

(512) 834-6787
(800) 293-0753 (toll-free)
Fax: (512) 483-3414
E-mail: TXHazComHelp@dshs.texas.gov
Website: www.dshs.texas.gov/hazcom



Texas Department of State
Health Services

Worker Right-To-Know Program
Publication # E23-14173
Revised May 2024

AVISO AL EMPLEADO

La Ley de Comunicación sobre Peligros de Texas, codificada como el capítulo 502 del Código de Salud y Seguridad de Texas, exige que los empleadores públicos le provean a los empleados información específica sobre los peligros de los químicos a los que los empleados podrían estar expuestos en el centro de trabajo. Según exige la ley, su empleador debe proveerle cierta información y capacitación. A continuación presentamos un breve resumen de la ley.

QUÍMICOS PELIGROSOS

Los químicos peligrosos son cualquier producto o material que represente algún peligro físico o de salud al ser usado, a menos que este quede exento bajo la ley. Como ejemplos de químicos peligrosos más comúnmente usados están los combustibles, los productos de limpieza, los solventes, muchos tipos de aceite, los gases comprimidos, muchos tipos de pintura, los pesticidas, los herbicidas, los refrigerantes, los químicos de laboratorio, el cemento, las varillas de soldadura, etc.

LISTA DE QUÍMICOS EN EL CENTRO DE TRABAJO

Los empleadores deben desarrollar una lista de los químicos peligrosos usados o almacenados en el centro de trabajo que sobrepasen los 55 galones o las 500 libras. El empleador debe renovar la lista de ser necesario, y al menos anualmente, y debe ponerla a fácil disposición de los empleados y de sus representantes al esta ser solicitada.

PROGRAMA DE INSTRUCCIÓN DEL EMPLEADO

Los empleadores deben proveerle capacitación a los empleados recién asignados antes de que los empleados trabajen en un área de trabajo que contenga químicos peligrosos. Los empleados contemplados en la ley deben recibir capacitación del empleador sobre los peligros de los químicos y sobre las medidas que ellos mismos pueden tomar para protegerse de dichos peligros. La capacitación debe repetirse de ser necesario, y al menos cuando se introduzcan nuevos peligros en el centro de trabajo o se reciba nueva información sobre los químicos que ya están presentes.

HOJAS DE DATOS DE SEGURIDAD

El empleador debe informar de la exposición a los empleados que pudieran estar expuestos a químicos peligrosos y ellos deben tener acceso fácil a las hojas de datos de seguridad (SDS) o las hojas de datos de seguridad del material (MSDS) más recientes si es que todavía no hay una SDS disponible, las cuales detallan los peligros físicos y de salud y cualquier otra información pertinente sobre dichos químicos.

ETIQUETAS

No se requerirá que los empleados trabajen con químicos peligrosos provenientes de contenedores que no están etiquetados con excepción de los contenedores portátiles de uso inmediato, el contenido de los cuales el usuario conoce.

DERECHOS DEL EMPLEADO

Los empleados tienen derecho a:

- acceder a copias de las SDS (o una MSDS si es que todavía no hay una SDS disponible)
- la información sobre sus exposiciones químicas
- recibir capacitación sobre los peligros químicos
- recibir el equipo protector apropiado
- presentar quejas, asistir a los inspectores y testificar en contra de su empleador

No se despedirá a los empleados ni se les discriminará de ninguna manera por ellos ejercer cualquiera de los derechos que esta ley estipula. Las renunciaciones de derechos del empleado no tienen ninguna validez; el que el empleador solicite ese tipo de renuncia infringe esta ley. Los empleados pueden presentar sus quejas ante el Departamento Estatal de Servicios de Salud de Texas llamando al teléfono sin costo provisto abajo.

LOS EMPLEADORES PODRÍAN ESTAR SUJETOS A SANCIONES ADMINISTRATIVAS Y A MULTAS CIVILES O PENALES QUE VAN DESDE LOS \$50 HASTA LOS \$100,000 DÓLARES POR CADA INFRACCIÓN DE ESTA LEY

Puede obtener mayor información en:

Texas Department of State Health Services
Consumer Protection Division
Environmental Operations Branch
PO Box 149347, MC 2835
Austin, TX 78714-9347

(512) 834-6787
(800) 293-0753 (llamada gratuita)
Fax: (512) 483-3414
E-mail: TXHazComHelp@dshs.texas.gov
Website: www.dshs.texas.gov/hazcom



Texas Department of State
Health Services

Worker Right-To-Know Program
Publication # 23-14173A
Revised May 2024

APPENDIX VII

HAZARDOUS

MATERIALS

IDENTIFICATION

SYSTEM

(HMIS)

OSHA[®] BRIEF

Hazard Communication Standard: Labels and Pictograms

OSHA has adopted new hazardous chemical labeling requirements as a part of its recent revision of the Hazard Communication Standard, 29 CFR 1910.1200 (HCS), bringing it into alignment with the United Nations' Globally Harmonized System of Classification and Labelling of Chemicals (GHS). These changes will help ensure improved quality and consistency in the classification and labeling of all chemicals, and will also enhance worker comprehension. As a result, workers will have better information available on the safe handling and use of hazardous chemicals, thereby allowing them to avoid injuries and illnesses related to exposures to hazardous chemicals.

The revised HCS changes the existing Hazard Communication Standard (HCS/HazCom 1994¹) from a performance-based standard to one that has more structured requirements for the labeling of chemicals. The revised standard requires that information about chemical hazards be conveyed on labels using quick visual notations to alert the user, providing immediate recognition of the hazards. Labels must also provide instructions on how to handle the chemical so that chemical users are informed about how to protect themselves.

The label provides information to the workers on the specific hazardous chemical. While labels provide important information for anyone who handles, uses, stores, and transports hazardous chemicals, they are limited by design in the amount of information they can provide. Safety Data Sheets (SDSs), which must accompany hazardous chemicals, are the more complete resource for details regarding hazardous chemicals. The revised

standard also requires the use of a 16-section safety data sheet format, which provides detailed information regarding the chemical. There is a separate [OSHA Brief on SDSs](#) that provides information on the new SDS requirements.

All hazardous chemicals shipped after June 1, 2015, must be labeled with specified elements including pictograms, signal words and hazard and precautionary statements. However, manufacturers, importers, and distributors may start using the new labeling system in the revised HCS before the June 1, 2015 effective date if they so choose. Until the June 1, 2015 effective date, manufacturers, importers and distributors may maintain compliance with the requirements of HazCom 1994 or the revised standard. Distributors may continue to ship containers labeled by manufacturers or importers (but not by the distributor themselves) in compliance with the HazCom 1994 until December 1, 2015.

This document is designed to inform chemical receivers, chemical purchasers, and trainers about the label requirements. It explains the new labeling elements, identifies what goes on a label, and describes what pictograms are and how to use them.

Label Requirements

Labels, as defined in the HCS, are an appropriate group of written, printed or graphic informational elements concerning a hazardous chemical that are affixed to, printed on, or attached to the immediate container of a hazardous chemical, or to the outside packaging.

The HCS requires chemical manufacturers, importers, or distributors to ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged or marked with the following information: product identifier; signal word; hazard statement(s); precautionary

¹ Prior to the 2012 update, the Hazard Communication Standard had last been amended in 1994. 'HazCom 1994' refers to the version of the Hazard Communication Standard in effect directly prior to the 2012 revision, printed in the 1995 through 2011 versions of the Code of Federal Regulations. It is also available on OSHA's webpage.

statement(s); and pictogram(s); and name, address and telephone number of the chemical manufacturer, importer, or other responsible party.

Labels for a hazardous chemical must contain:

- Name, Address and Telephone Number
- Product Identifier
- Signal Word
- Hazard Statement(s)
- Precautionary Statement(s)
- Pictogram(s)

To develop labels under the revised HCS, manufacturers, importers and distributors must first identify and classify the chemical hazard(s). Appendices A, B, and C are all mandatory. The classification criteria for health hazards are in Appendix A and the criteria for physical hazards are presented in Appendix B of the revised Hazard Communication Standard. After classifying the hazardous chemicals, the manufacturer, importer or distributor then consults Appendix C to determine the appropriate pictograms, signal words, and hazard and precautionary statement(s), for the chemical label. Once this information has been identified and gathered, then a label may be created.

Label Elements

The HCS now requires the following elements on labels of hazardous chemicals:

- **Name, Address and Telephone Number** of the chemical manufacturer, importer or other responsible party.
- **Product Identifier** is how the hazardous chemical is identified. This can be (but is not limited to) the chemical name, code number or batch number. The manufacturer, importer or distributor can decide the appropriate product identifier. The same product identifier must be both on the label and in section 1 of the SDS.
- **Signal Words** are used to indicate the relative level of severity of the hazard and

alert the reader to a potential hazard on the label. There are only two words used as signal words, "Danger" and "Warning." Within a specific hazard class, "Danger" is used for the more severe hazards and "Warning" is used for the less severe hazards. There will only be one signal word on the label no matter how many hazards a chemical may have. If one of the hazards warrants a "Danger" signal word and another warrants the signal word "Warning," then only "Danger" should appear on the label.

- **Hazard Statements** describe the nature of the hazard(s) of a chemical, including, where appropriate, the degree of hazard. For example: "Causes damage to kidneys through prolonged or repeated exposure when absorbed through the skin." All of the applicable hazard statements must appear on the label. Hazard statements may be combined where appropriate to reduce redundancies and improve readability. The hazard statements are specific to the hazard classification categories, and chemical users should always see the same statement for the same hazards no matter what the chemical is or who produces it.
- **Precautionary Statements** describe recommended measures that should be taken to minimize or prevent adverse effects resulting from exposure to the hazardous chemical or improper storage or handling. There are four types of precautionary statements: prevention (to minimize exposure); response (in case of accidental spillage or exposure emergency response, and first-aid); storage; and disposal. For example, a chemical presenting a specific target organ toxicity (repeated exposure) hazard would include the following on the label: "Do not breathe dust/fume/gas/mist/vapors/spray. Get medical advice/attention if you feel unwell. Dispose of contents/container in accordance with local/regional/national and international regulations."

A forward slash (/) designates that the classifier can choose one of the precautionary statements. In the example

above, the label could state, "Do not breathe vapors or spray. Get medical attention if you feel unwell. Dispose of contents in accordance with local/regional/national/international regulations." See Examples 1 and 2A of this document as an example.

In most cases, the precautionary statements are independent. However, OSHA does allow flexibility for applying precautionary statements to the label, such as combining statements, using an order of precedence or eliminating an inappropriate statement.

Precautionary statements may be combined on the label to save on space and improve readability. For example, "Keep away from heat, spark and open flames," "Store in a well-ventilated place," and "Keep cool" may be combined to read: "Keep away from heat, sparks and open flames and store in a cool, well-ventilated place." Where a chemical is classified for a number of hazards and the precautionary statements are similar, the most stringent statements must be included on the label. In this case, the chemical manufacturer, importer, or distributor may impose an order of precedence where phrases concerning response require rapid action to ensure the health and safety of the exposed person. In the self-reactive hazard category Types C, D, E or F, three of the four precautionary statements for prevention are:

- "Keep away from heat/sparks/open flame/hot surfaces. - No Smoking.";
- "Keep/Store away from clothing/.../combustible materials";
- "Keep only in original container."

These three precautionary statements could be combined to read: "Keep in original container and away from heat, open flames, combustible materials and hot surfaces. - No Smoking."

Finally, a manufacturer or importer may eliminate a precautionary statement if

it can demonstrate that the statement is inappropriate.

- **Supplementary Information.** The label producer may provide additional instructions or information that it deems helpful. It may also list any hazards not otherwise classified under this portion of the label. This section must also identify the percentage of ingredient(s) of unknown acute toxicity when it is present in a concentration of $\geq 1\%$ (and the classification is not based on testing the mixture as a whole). If an employer decides to include additional information regarding the chemical that is above and beyond what the standard requires, it may list this information under what is considered "supplementary information." There is also no required format for how a workplace label must look and no particular format an employer has to use; however, it cannot contradict or detract from the required information.

An example of an item that may be considered supplementary is the personal protective equipment (PPE) pictogram indicating what workers handling the chemical may need to wear to protect themselves. For example, the Hazardous Materials Identification System (HMIS) pictogram of a person wearing goggles may be listed. Other supplementary information may include directions of use, expiration date, or fill date, all of which may provide additional information specific to the process in which the chemical is used.

- Pictograms are graphic symbols used to communicate specific information about the hazards of a chemical. On hazardous chemicals being shipped or transported from a manufacturer, importer or distributor, the required pictograms consist of a red square frame set at a point with a black hazard symbol on a white background, sufficiently wide to be clearly visible. A square red frame set at a point without a hazard symbol is not a pictogram and is not permitted on the label.

The pictograms OSHA has adopted improve worker safety and health, conform with the GHS, and are used worldwide.

While the GHS uses a total of nine pictograms, OSHA will only enforce the use of eight. The environmental pictogram is not mandatory but may be used to provide additional information. Workers may see the ninth symbol on a label because label preparers may choose to add the environment pictogram as supplementary information. Figure 1 shows the symbol for each pictogram, the written name for each pictogram, and the hazards associated with each of the pictograms. Most of the symbols are already used for transportation and many chemical users may be familiar with them.

Figure 1: Pictograms and Hazards

<p>Health Hazard</p>  <ul style="list-style-type: none"> • Carcinogen • Mutagenicity • Reproductive Toxicity • Respiratory Sensitizer • Target Organ Toxicity • Aspiration Toxicity 	<p>Flame</p>  <ul style="list-style-type: none"> • Flammables • Pyrophorics • Self-Heating • Emits Flammable Gas • Self-Reactives • Organic Peroxides 	<p>Exclamation Mark</p>  <ul style="list-style-type: none"> • Irritant (skin and eye) • Skin Sensitizer • Acute Toxicity (Harmful) • Narcotic Effects • Respiratory Tract Irritant • Hazardous to Ozone Layer (Non-Mandatory)
<p>Gas Cylinder</p>  <ul style="list-style-type: none"> • Gases Under Pressure 	<p>Corrosion</p>  <ul style="list-style-type: none"> • Skin Corrosion/ Burns • Eye Damage • Corrosive to Metals 	<p>Exploding Bomb</p>  <ul style="list-style-type: none"> • Explosives • Self-Reactives • Organic Peroxides
<p>Flame Over Circle</p>  <ul style="list-style-type: none"> • Oxidizers 	<p>Environment (Non-Mandatory)</p>  <ul style="list-style-type: none"> • Aquatic Toxicity 	<p>Skull and Crossbones</p>  <ul style="list-style-type: none"> • Acute Toxicity (fatal or toxic)

It is important to note that the OSHA pictograms do not replace the diamond-shaped labels that the U.S. Department of Transportation (DOT) requires for the transport of chemicals, including chemical drums, chemical totes, tanks or other containers. Those labels must be on the external part of a shipped container and must meet the

DOT requirements set forth in 49 CFR 172, Subpart E. If a label has a DOT transport pictogram, Appendix C.2.3.3 states that the corresponding HCS pictogram shall not appear. However, DOT does not view the HCS pictogram as a conflict and for some international trade both pictograms may need to be present on the label. Therefore, OSHA intends to revise C.2.3.3. In the meantime, the agency will allow both DOT and HCS pictograms for the same hazard on a label. While the DOT diamond label is required for all hazardous chemicals on the outside shipping containers, chemicals in smaller containers inside the larger shipped container do not require the DOT diamond but do require the OSHA pictograms. (See Example 2.)

Labels must be legible, in English, and prominently displayed. Other languages may be displayed in addition to English. Chemical manufacturers, importers, and distributors who become newly aware of any significant information regarding the hazards of a chemical must revise the label within six months.

Employer Responsibilities

Employers are responsible for maintaining the labels on the containers, including, but not limited to, tanks, totes, and drums. This means that labels must be maintained on chemicals in a manner which continues to be legible and the pertinent information (such as the hazards and directions for use) does not get defaced (i.e., fade, get washed off) or removed in any way.

The employer is not responsible for updating labels on shipped containers, even if the shipped containers are labeled under HazCom 1994. The employer must relabel items if the labels are removed or defaced. However, if the employer is aware of newly-identified hazards that are not disclosed on the label, the employer must ensure that the workers are aware of the hazards as discussed below under workplace labels.

Workplace Labels

OSHA has not changed the general requirements for workplace labeling. Employers have the option to create their own workplace labels. They can either provide all of the required information that is on the

label from the chemical manufacturer or, the product identifier and words, pictures, symbols or a combination thereof, which in combination with other information immediately available to employees, provide specific information regarding the hazards of the chemicals.

If an employer has an in-plant or workplace system of labeling that meets the requirements of HazCom 1994, the employer may continue to use this system in the workplace as long as this system, in conjunction with other information immediately available to the employees, provides the employees with the information on all of the health and physical hazards of the hazardous chemical. This workplace labeling system may include signs, placards, process sheets, batch tickets, operating procedures, or other such written materials to identify hazardous chemicals. Any of these labeling methods or a combination thereof may be used instead of a label from the manufacturer, importer or distributor as long as the employees have immediate access to all of the information about the hazards of the chemical. Workplace labels must be in English. Other languages may be added to the label if applicable.

If the employer chooses to use the pictograms that appear in Appendix C on the workplace (or in-plant) labels, these pictograms may have a black border, rather than a red border.

Employers may use additional instructional symbols that are not included in OSHA's HCS pictograms on the workplace labels. An example of an instructional pictogram is a person with goggles, denoting that goggles must be worn while handling the given chemical. Including both types of pictograms on workplace labels is acceptable. The same is true if the employer wants to list environmental pictograms or PPE pictograms from the HMIS to identify protective measures for those handling the chemical.

Employers may continue to use rating systems such as National Fire Protection Association (NFPA) diamonds or HMIS requirements for workplace labels as long as they are consistent with the requirements of the Hazard Communication Standard and the employees have immediate access to the specific hazard

information as discussed above. An employer using NFPA or HMIS labeling must, through training, ensure that its employees are fully aware of the hazards of the chemicals used.

If an employer transfers hazardous chemicals from a labeled container to a portable container that is only intended for immediate use by the employee who performs the transfer, no labels are required for the portable container.

Sample Labels

The following examples demonstrate how a manufacturer or importer may display the appropriate information on the label. As mentioned above, once the manufacturer determines the classification of the chemical (class and category of each hazard) using Appendices A and B, it would determine the required pictograms, signal words, hazard statements, and precautionary statements using Appendix C. The final step is to put the information on the label.

The examples below show what a sample label might look like under the revised HCS requirements. The examples break the labeling out into "steps" to show the order of information gathering and how label creation occurs. Step 1 is performing classification; step 2 is gathering full label information; and step 3 is creating the label.

These examples are for informational purposes only and are not meant to represent the only labels manufacturers, importers and distributors may create for these hazards.

Example 1: This example demonstrates a simple label.

The Substance:

HS85

Batch Number: 85L6543

Step 1: Perform Classification

Class: Acute Oral Toxicity; Category 4

Step 2: Gather Labeling Information

Pictograms:



Signal Word:

WARNING

Hazard Statements:

Harmful if Swallowed

Precautionary Statements:

Prevention:

- Wash hands and face thoroughly after handling.
- Do not eat, drink or smoke when using this product.

Response:

- If swallowed: Call a doctor if you feel unwell.²
- Rinse mouth

Storage:

None specified

Disposal:

- Dispose of contents/container in accordance with local/regional/national/international regulations.³

Step 3: Create the Label

Putting together the above information on HS85, a label might list the following information:

Example 1: HS85 Label

<p style="text-align: center;">HS85 Batch number: 85L6543</p> <p style="text-align: center;"></p> <p style="text-align: center;">Warning Harmful if swallowed</p> <p>Wash hands and face thoroughly after handling. Do not eat, drink or smoke when using this product. Dispose of contents/container in accordance with local, state and federal regulations.</p> <p>First aid: If swallowed: Call a doctor if you feel unwell. Rinse mouth.</p> <p>GHS Example Company, 123 Global Circle, Anyville, NY 130XX Telephone (888) 888-8888</p>

² The manufacturer of this chemical determined that calling a doctor was the most appropriate emergency medical advice; therefore, it is listed as part of the first-aid procedures.

³ The downstream users must familiarize themselves with the proper disposal methods in accordance with local, regional, state and federal regulations. It is impractical to expect the label preparer to list all potential regulations that exist.

Example 2: This example demonstrates a more complex label.

Example 2 is for a substance that is a severe physical and health hazard. For shipping packages of chemicals that will be transported in the United States (i.e., drums, totes, tanks, etc.), the U.S. DOT requires a DOT label(s) on the outside container(s) for hazardous chemicals. Two versions of this label are presented below to demonstrate the difference between an OSHA label with pictograms from the HCS and a DOT label required for transport of a shipping container.

The Substance:

OXI252 (disodiumflammy)

CAS number: 111-11-11xx

Step 1: Perform Classification

Class: Oxidizing Solid, Category 1

Class: Skin Corrosive, Category 1A

Step 2: Gather Labeling Information

Pictograms:



Signal Word:

DANGER

Hazard Statements:

- May cause fire or explosion; strong oxidizer
- Causes severe skin burns and eye damage

Precautionary Statements:

Prevention:

- Keep away from heat.
- Keep away from clothing and other combustible materials.
- Take any precaution to avoid mixing with combustibles.
- Wear protective neoprene gloves, safety goggles and face shield with chin guard.
- Wear fire/flame resistant clothing.
- Do not breathe dust or mists.
- Wash arms, hands and face thoroughly after handling.

Response:

- IF ON SKIN (or hair): Take off immediately all contaminated clothing. Rinse skin with water.
- IF ON CLOTHING: Rinse immediately contaminated clothing and skin with plenty of water before removing clothes. Wash contaminated clothing before reuse.
- IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing.
- IF INHALED: Remove person to fresh air and keep comfortable for breathing.
- IF SWALLOWED: Rinse mouth. Do NOT induce vomiting.
- Immediately call poison center.⁴

Specific Treatment:

Treat with doctor-prescribed burn cream.⁵

In case of fire:

Use water spray. In case of major fire and large quantities: Evacuate area. Fight fire remotely due to the risk of explosion.

Storage:

Store locked up.

Disposal:

- Dispose of contents/container in accordance with local/regional/national/international regulations.³

Step 3: Create the Label

Putting together the above information on OXI252, a label might list the following information:

⁴ In this example, the manufacturer determined that calling a poison control center is the most appropriate emergency medical advice.

⁵ Not all SDSs will have direction for "specific treatment" on the label. This is only if the manufacturer specifically notes a certain treatment that needs to be used to treat a worker who has been exposed to this chemical.

Example 2A: OXI252 Label inner package label with OSHA pictograms

OXI252
(disodiumflammy)
CAS #: 111-11-11xx



Danger
May cause fire or explosion; strong oxidizer
Causes severe skin burns and eye damage

Keep away from heat. Keep away from clothing and other combustible materials. Take any precaution to avoid mixing with combustibles. Wear protective neoprene gloves, safety goggles and face shield with chin guard. Wear fire/flame resistant clothing. Do not breathe dust or mists. Wash arms, hands and face thoroughly after handling. Store locked up. Dispose of contents and container in accordance with local, state and federal regulations.

First aid:
IF ON SKIN (or hair) or clothing⁶: Rinse immediately contaminated clothing and skin with plenty of water before removing clothes. Wash contaminated clothing before reuse.
IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing.
IF INHALED: Remove person to fresh air and keep comfortable for breathing.
IF SWALLOWED: Rinse mouth. Do NOT induce vomiting.
Immediately call poison center.
Specific Treatment: Treat with doctor-prescribed burn cream.

Fire:
In case of fire: Use water spray. In case of major fire and large quantities: Evacuate area. Fight fire remotely due to the risk of explosion.

Great Chemical Company, 55 Main Street, Anywhere, CT 064XX Telephone (888) 777-8888

Example 2B: OXI252 Label meeting DOT requirements for shipping⁷

OXI252
(disodiumflammy)
CAS #: 111-11-11xx



Danger
May cause fire or explosion; strong oxidizer
Causes severe skin burns and eye damage

Keep away from heat. Keep away from clothing and other combustible materials. Take any precaution to avoid mixing with combustibles. Wear protective neoprene gloves, safety goggles and face shield with chin guard. Wear fire/flame resistant clothing. Do not breathe dust or mists. Wash arms, hands and face thoroughly after handling. Store locked up. Dispose of contents and container in accordance with local, state and federal regulations.

First aid:
IF ON SKIN (or hair) or clothing: Rinse immediately contaminated clothing and skin with plenty of water before removing clothes. Wash contaminated clothing before reuse.
IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing.
IF INHALED: Remove person to fresh air and keep comfortable for breathing. Immediately call a doctor.
IF SWALLOWED: Rinse mouth. Do NOT induce vomiting.
Immediately call poison center.
Specific Treatment: Treat with doctor-prescribed burn cream.

Fire:
In case of fire: Use water spray. In case of major fire and large quantities: Evacuate area. Fight fire remotely due to the risk of explosion.

Great Chemical Company, 55 Main Street, Anywhere, CT 064XX Telephone (888) 777-8888

⁶ There are occasions where label preparers may combine statements on the label. In this case the similar statements were combined and the most stringent were listed. For example, the first-aid pre-

cautionary statements were combined for exposure to skin, hair and clothing.

⁷ DOT Labels must comply with the size requirements presented in 49 CFR 172.

For more detailed information about labels and Safety Data Sheets (SDSs) under the revised Hazard Communication Standard, please refer to refer to 29 CFR 1910.1200 - paragraphs (f) and (g), and Appendix C.

The revised Hazard Communication Standard and additional guidance materials are available on OSHA's Hazard Communication page, located at: www.osha.gov/dsg/hazcom/index.html.

Disclaimer: This OSHA Brief provides a general overview of the label requirements in the Hazard Communication Standard (see 29 CFR 1910.1200(f) and Appendix C of 29 CFR 1910.1200). It does not alter or determine compliance responsibilities in the standard or the Occupational Safety and Health Act of 1970. Since interpretations and enforcement policy may change over time, the reader should consult current OSHA interpretations and decisions by the Occupational Safety and Health Review Commission and the courts for additional guidance on OSHA compliance requirements.

This is one in a series of informational briefs highlighting OSHA programs, policies or standards. It does not impose any new compliance requirements. For a comprehensive list of compliance requirements of OSHA standards or regulations, refer to Title 29 of the Code of Federal Regulations. This information will be made available to sensory-impaired individuals upon request. The voice phone is (202) 693-1999; teletypewriter (TTY) number: (877) 889-5627.

For assistance, contact us. We can help. It's confidential.



U.S. Department of Labor
www.osha.gov (800) 321-OSHA (6742)

DSG BR-3636 2/2013

APPENDIX VIII

EMERGENCY PLANNING LETTER AND LEPC

EMERGENCY PLANNING LETTER

Date: _____

To: **State Emergency Response Commission -AND-**
c/o Texas Department of Health
Hazard Communication Branch
P.O. Box 149200
Austin, TX 78714-9200

Local Emergency Planning Committee
(for your facility's LEPC see pages 43-50)

This facility is subject to the planning requirements of Sections 302-303 of the Emergency Planning and Community Right-to-Know Act (EPCRA, also known as the Superfund Amendments and Reauthorization Act (SARA), Title III).

Facility Name _____
Address _____
County _____
SIC Code _____
City, State, Zip _____

The following **EXTREMELY HAZARDOUS SUBSTANCE(S)** may be stored in excess of the **THRESHOLD PLANNING QUANTITY(IES)**:

CAS No. _____ EHS Name _____

Storage Location _____

CAS No. _____ EHS Name _____

Storage Location _____

CAS No. _____ EHS Name _____

Storage Location _____

CAS No. _____ EHS Name _____

Storage Location _____

Our facility representative is: _____

Telephone: _____ (Day) _____ (24-hour)

(Signature)

(Name, Typed)



Texas Local Emergency Planning Committees

Facilities that file the Texas Tier II Chemical Report with the Texas Commission on Environmental Quality (TCEQ), Tier II Chemical Reporting Program are also required to submit this Report to the local fire department having jurisdiction over the reporting facility and to the Local Emergency Planning Committee (LEPC) for the county or area in which the reporting facility is located. See below for LEPC listings by County/Area.

Remember: your LEPCs are volunteer organizations and need your support!

Alphabetical Listings by Texas County

Updated 11/13/2024/2024

Counties beginning with...

- A-D: [Page 2](#)
- E-I: [Page 10](#)
- J-M: [Page 18](#)
- N-R: [Page 25](#)
- S-V: [Page 29](#)
- W-Z: [Page 33](#)

Anderson County

Anderson County LEPC
Ms. Christina Crockett
703 N. Mallard, Room 109
Palestine, TX 75801
LEPC phone: 903-723-7812
Spill phone: 911
Report type required: Electronic or PDF
via E-mail E-mail address:
ccrockett@co.anderson.tx.us

Andrews County

Andrews County LEPC
Mr. Michael Cook
201 N. Main, Rm. 15 Andrews, TX 79714
LEPC phone: 432-524-1429
Spill phone: 911
Report type required: Electronic via E-
mail E-mail address:
mcook@co.andrews.tx.us

Angelina County

Angelina County LEPC
Jesse Moody, Fire Chief
P.O. Box 908 Lufkin, TX 75902-0908
LEPC phone: 936-366-1049
Spill phone: 911
Report type required: Electronic via
email ; E-mail address:
jmoody@cityoflufkin.com

Aransas County

Coastal Plain LEPC (Aransas, Refugio
and San Patricio County)
Mr. Mike Geer
219 W 5th St, Bldg #7, Sinton, TX 78387
LEPC phone: 361-729-2222
Spill phone: 911
Report type required: Electronic via E-
mail; E-mail address:
mculpepper@sanpatriciocountytx.gov

Archer County

Archer County LEPC
Mr. Shane Wright, EMC
P. O. Box 458
Archer City, TX 76351-0458
LEPC phone: 940-574-2868
Spill phone: 911
Report type required: Electronic via E-
mail E-mail address:
shane.wright@co.archer.tx.us

Armstrong County

Armstrong County LEPC
The Hon. Adam Ensey
P. O. Drawer 189 Claude, TX 79019
LEPC phone: 806-553-2859
Spill phone: 911
Report type required: Electronic via E-
mail E-mail address:
countyjudge@co.armstrong.tx.us and
adam.ensey@co.armstrong.tx.us

Atascosa County

W.A.K.M. LEPC (Wilson, Atascosa,
Karnes, and McMullen County)
Blake Stayton and Mr. David Wilborn
711 Broadway St. Jourdanton, TX 78026
LEPC phone: 830-769-2029
Spill phone: 911
Report type required: .PDF via E-mail
E-mail address:
bstayton@co.atascosa.tx.us

Austin County

Austin County LEPC
Mr. Roy Mercer
One East Main Street Bellville, TX 77418
LEPC phone: 979-865-6463
Spill phone: 911
Report type required: Electronic via E-
mail; E-mail address:
emgt@austincounty.com

Bailey County

Bailey County LEPC
The Hon. Basil Nash
300 S. First St.
Muleshoe, TX 79347
LEPC phone: 806-272-3077
Spill phone: 911
Report type required: Electronic via E-mail; E-mail address:
bnash@co.bailey.tx.us

Bandera County

Bandera County LEPC Ms. Judy Lefevers
P. O. Box 2485
Bandera, TX 78003
LEPC phone: 830-460-8299
Spill phone: 911
Report type required: Electronic via E-mail E-mail address:
emc@banderacounty.org

Bastrop County

Bastrop County LEPC
Mr. James K. Altgelt
804 Pecan Street, Bastrop, Texas 78602
(Mailing); 1501 Business Park Drive,
Bastrop, Texas 78602 (Physical)
LEPC phone: 512-581-4022
Spill phone: 911
Report type required: Paper as PDF
E-mail address: lepc@co.bastrop.tx.us

Baylor County

Baylor County LEPC
Mr. John Hastas, EMC
109 N. Washington
Seymour, TX 76380
LEPC phone: 940-256-0908
Spill phone: 911 or 940-889-3333
Report type required: Electronic via E-mail E-mail address:
baylorxemc@yahoo.com

Bee County

Bee County LEPC
Mr. Ryan Garza EMC
111 S. St. Mary's St., Ste. 201 Beeville,
TX 78102
LEPC phone: 361-621-1567
Spill phone: 911
Report type required: Electronic via E-mail E-mail address:
ryan.garza@beecounty.texas.gov

Bell County

Bell County LEPC
Mr. Michael Hanewich
708 W. Avenue O Belton, TX 76513
LEPC phone: 254-933-5518 or 254-933-5500
Spill phone: 911
Report type required: Electronic via E-mail E-mail address:
BC.LEPC@bellcounty.texas.gov and
BELLOEM@bellcounty.texas.gov

Bexar County

Bexar County LEPC
Mr. Harold W. Lovejoy
P.O. Box 760321
San Antonio, TX 78245
LEPC phone: 210-206-8532
Spill phone: 911
Report type required: Electronic via E-mail E-mail address:
chair.bexarcountylepc@gmail.com

Blanco County

Blanco County LEPC
Mr. Bret Bray
P.O. Box 387 Johnson City, TX 78636
LEPC phone: 830-868-4266
Spill phone: 911
Report type required: Electronic via E-mail E-mail address:
cojudge@co.blanco.tx.us

Borden County

Borden County LEPC
The Hon. Shane Walker
P.O. Box 156 Gail, TX 79738
LEPC phone: 806-756-4391
Spill phone: 911
Report type required: Electronic via E-mail; E-mail address:
bordencj@poka.com

Bosque County

Bosque County LEPC
Mr. Kirk Turner and Alicia Wilson
PO Box 647 Meridian, TX 76665
LEPC phone: 254-233-9867
Spill phone: 911
Report type required: Electronic via E-mail; E-mail address:
BosqueEMC@BosqueCounty.us and
BosqueOEM@BosqueCounty.us

Bowie County

Bowie County LEPC
Mr. Lance Hall
710 James Bowie Dr. New Boston, TX 75570
LEPC phone: 903-628-6776
Spill phone: 903-798-3189
Report type required: Electronic via E-mail; E-mail address:
lance.hall@bowiecounty.org

Brazoria County

Brazoria County LEPC
Mr. Steve Rosa
520 N. Front Street Angleton, TX 77515
LEPC phone: 979-864-1201
Spill phone: 911 or 979-864-2392
Report type required: PDF via E-mail
E-mail address:
steverosa@brazoriacountytx.gov

Brazos County

Brazos County LEPC
Mr. Jason Ware or Mr. Steven O'Neal
110 N. Main St., Ste. 100 Bryan, TX 77803
LEPC phone: 979-821-1011
Spill phone: 911 and 979-361-3888
Report type required: Electronic via E-mail; E-mail address:
jware@brazoscountytexas.gov

Brewster County

Brewster County LEPC
The Hon. Greg Henington and Mr. James Etchison
P.O. Box 1630 Alpine, TX 79830
LEPC phone: 432-538-2106 (cell)
Spill phone: 911
Report type required: Electronic via E-mail; E-mail address:
emc@co.brewster.tx.us

Briscoe County

Briscoe County LEPC
The Hon. Rank Cogdell
P.O. Box 153 Silvertown, TX 79257
LEPC phone: 806-823-2131
Spill phone: 911
Report type required: Paper via US Mail
E-mail address:
briscoejudge@co.briscoe.tx.us

Brooks County

Brooks County LEPC
Mr. Ruben Ramirez
P.O. Box 515 Falfurrias, TX 78355
LEPC phone: 361-701-5852 or 361-325-2422
Spill phone: 911
Report type required: Electronic via E-mail; E-mail address:
ruben.ramirez@falfurriasfire.com

Brown County

Brown County LEPC
The Hon. Shane Britton
200 South Broadway, Suite 111
Brownwood, TX 76801
LEPC phone: 325-643-2828
Spill phone: 911
Report type required: Electronic via E-mail; E-mail address:
shane.britton@browncountytx.gov

Burleson County

Burleson County LEPC
Mr. Duane Strange
100 West Buck, Ste. 303
Caldwell, TX 77836
LEPC phone: 979-567-2001
Spill phone: 979-567-4343
Report type required: Electronic via E-mail; E-mail address:
emc@burlesoncounty.org

Burnet County

Burnet County LEPC
Mr. Derek Marchio
220 S. Pierce St. Burnet, TX 78611
LEPC phone: 512-715-5262
Spill phone: 911
Report type required: Electronic via E-mail; E-mail address:
dmarchio@burnetcountytexas.org

Caldwell County

Caldwell County LEPC
Mr. Hector Rangel and Mr. Hank Alex
1403 Blackjack St., Ste. E Lockhart, TX 78644
LEPC phone: 512-398-1822
Spill phone: 911
Report type required: Electronic via E-mail and Paper as PDF via E-mail
E-mail address:
hector.rangel@co.caldwell.tx.us and
hank.alex@co.caldwell.tx.us

Calhoun County

Calhoun County LEPC
Mr. John Weitz
211 S. Ann, Ste. 301 Port Lavaca, TX 77979
LEPC phone: 361-553-4400
Spill phone: 361-553-4646
Report type required: Electronic via E-mail; E-mail address:
ladonna.thigpen@calhouncotx.org

Callahan County

Callahan County LEPC
The Hon. Nicki Harle
100 W. 4th, Ste. 200
Baird, TX 79504
LEPC phone: 325-854-5805
Spill phone: 911
Report type required: Electronic via E-mail; E-mail address:
nicki.harle@callahancounty.org

Cameron County

Cameron County LEPC
Mr. David Hanawa
1100 East Monroe Brownsville, TX 78520
LEPC phone: 956-365-4252
Spill phone: 911 or 956-535-9110 (after hours) Report type required: Electronic via E-mail; E-mail address:
dhanawa@chemicalresponse.com

Camp County

Camp County LEPC Mr. David Abernathy
P.O. Box 992 Pittsburg, TX 75686
LEPC phone: 903-856-2097
Spill phone: 903-856-6651
Report type required: Electronic via E-mail; E-mail address:
dabernathy@tfs.tamu.edu

Carson County

Carson County LEPC
Stormy Heider
P.O. Box 972/201 HWY 60
Panhandle, TX 79068
LEPC phone: 806-537-5395
Spill phone: 911
Report type required: Electronic via E-mail; E-mail address:
carsonemc@co.carson.tx.us

Cass County

Cass County LEPC
The Hon. R. Travis Ransom
P.O. Box 825 Linden, TX 75563
LEPC phone: 903-756-5181 x 0
Spill phone: 911
Report type required: Electronic via E-mail; E-mail address:
transom@casscountytx.org and
casscojudge.asst@casscountytx.org

Castro County

Castro County LEPC
The Hon. Mandy Gfeller
100 E. Bedford St., Rm. 111
Dimmitt, TX 79027
LEPC phone: 806-647-4451
Spill phone: 911
Report type required: Electronic via E-mail; E-mail address:
mgfeller@castrocounty.org

Chambers County

Chambers County LEPC Meagan Kelly
and Ryan Holzaepfel
P.O. Box 957
Anahuac, TX 77523
LEPC phone: 409-267-2445
Spill phone: 911 or 409-267-2500
Report type required: Electronic via E-mail E-mail address:
lepc@chamberstx.gov

Cherokee County

Cherokee County LEPC
Mr. Sergio E. Servin
135 S. Main St., Rusk, TX 75785
LEPC phone: 903-683-5947 (office),
903-721-0831 (cell)
Spill phone: 911
Report type required: Electronic via E-mail E-mail address:
emc@cocherokee.org

Childress County

Childress County LEPC
The Hon. Kimberly Jones and Mr. Bill Ricks
100 Ave E NW, Box 1
Childress, TX 79201
LEPC phone: 940-937-2221 and
940-937-8446
Spill phone: 911
Report type required: Electronic via E-mail; E-mail address:
kimberly.jones@childresstx.us and
emc@childresstx.us

Clay County

Clay County LEPC
Mr. Keith Burch
214 N. Main Street Henrietta, TX 76365
LEPC phone: 940-538-4052
Spill phone: 911
Report type required: Electronic via E-mail; E-mail address:
keith.burch@claycountytx.net

Cochran County

Cochran County LEPC Mr. Jorge De La Cruz
100 N. Main, Rm. B7
Morton, TX 79346
LEPC phone: 806-266-5211
Spill phone: 911
Report type required: Electronic via E-mail E-mail address:
ryan.davis@co.cochran.tx.us

Coke County

Coke County LEPC
Mr. Jerry Huffman
8485 Hangar Rd. San Angelo, TX 76904
LEPC phone: 325-657-4230
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
jerry.huffman@cosatx.us

Coleman County

Coleman County LEPC
Mr. Billy Bledsoe
100 Live Oak, #102 Coleman, TX 76834
LEPC phone: 325-625-4218
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
county.judge@yahoo.com

Collin County

Collin County LEPC
Ms. Brandi Bullard
4690 Community Ave., Ste. 200
McKinney, TX 75071
LEPC phone: 972-548-5576
Spill phone: 911
Report type required: PDF via E-mail
E-mail address: bbullard@co.collin.tx.us

Collingsworth County

Collingsworth County LEPC
The Hon. Scot Martindale
800 West Ave., # 13, Floor 2 Wellington,
TX 79095
LEPC phone: 806-447-5408
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
smartindale@co.collingsworth.tx.us

Colorado County

Colorado County LEPC
Mr. Charles Rogers
305 Radio Lane, #103 Columbus, TX
78934
LEPC phone: 979-733-0184
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
cctxoem@co.colorado.tx.us

Comal County

Comal County LEPC
Mr. Jeff Kelley
100 Main Plaza New Braunfels, TX
78130-5115
LEPC phone: 830-221-1108
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
kellej@co.comal.tx.us

Comanche County

Comanche County LEPC
Ms. Tricia Grimshaw
101 West Central Ave., Comanche, TX
76442
LEPC phone: 325-356-5805 (office) 325-
330-2334 (cell)
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
comancheem@co.comanche.tx.us

Concho County

Concho County LEPC
Mr. Jerry Huffman
8485 Hangar Rd. San Angelo, TX 76904
LEPC phone: 325-657-4230
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
jerry.huffman@cosatx.us

Cooke County

Cooke County LEPC
Mr. Ray Fletcher
301 S. Chestnut St. Gainesville, TX
76240
LEPC phone: 940-668-5400
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
ray.fletcher@co.cooke.tx.us

Coryell County

Coryell County LEPC
Mr. Robert Harrell, EMC
800 East Main Street Gatesville, TX
76528
LEPC phone: 254-865-5911, Ext. 2322
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
coryellcountyemc@coryellcounty.org

Cottle County

Cottle County LEPC
The Hon. Karl Holloway
P.O. Box 729 Paducah, TX 79248
LEPC phone: 806-492-3613
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
ccjidge@co.cottle.tx.us

Crane County

Crane County LEPC
Ms. Barbi Bennett
115 West 6th Street Crane, TX 79731
LEPC phone: 432-217-5152
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
Bbennett@crane.texas.gov

Crockett County

Crockett County LEPC
Mr. Eddie Martin
105 Medical Drive Ozona, TX 76943
LEPC phone: 325-226-4808
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
ems.director@co.crockett.tx.us and
paula.ogle@co.crockett.tx.us

Crosby County

Crosby County LEPC
The Hon. Rusty Forbes
201 W. Aspen, Ste. 208 Crosbyton, TX
79322
LEPC phone: 806-675-2011
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
judge@crosbycountytexas.com

Culberson County

Culberson County LEPC Mr. Cody Davis
P.O. Box 911 Van Horn, TX 79855
LEPC phone: 432-207-2070
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
cody.davis@co.culberson.tx.us

Dallam County

Dallam County LEPC
Mr. David Jones, EMC
110 Denrock Ave. Dalhart, TX 79022
LEPC phone: 806-244-5454
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
djones@dalharttx.gov

Dallas County

Dallas County LEPC
Ms. Denisse Martinez
2121 Panoramic Circle, Ste. 240
Dallas, TX 75212
LEPC phone: 214-653-7980
Spill phone: 469-865-9461 or 911
Report type required: Electronic via E-mail
E-mail address:
Denisse.Martinez@dallascounty.org

Dawson County

Dawson County LEPC
Mr. Larry Duyck, EMC/Fire Chief
307 N. 1st St. Lamesa, TX 79331
LEPC phone: 806-781-0012
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
lduyck@co.dawson.tx.us and
lamesafd@ci.lamesa.tx.us

Deaf Smith County

Deaf Smith County LEPC
Mr. Dean Turney
P.O. Box 2277 Hereford, TX 79045
LEPC phone: 806-363-7114
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address: hfd@wtrt.net

Delta County

Delta County LEPC
Mr. Robert Hurst
200 W. Dallas St. Cooper, TX 75432
LEPC phone: 903-243-3330 (cell) and
903-395-4400 x243
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
rhurst@deltacountytx.com

Denton County

Denton County LEPC
Mrs. Samantha Taylor
3900 Morse St., 2nd Floor Denton, TX
76208
LEPC phone: 940-349-4285
Spill phone: 940-349-1600 or 911
Report type required: Electronic via E-mail
E-mail address:
emergencymanagement@dentoncountytexas.gov

DeWitt County

DeWitt County LEPC
Billy Jordan, EMC
307 N. Gonzales St. Cuero, TX 77954
LEPC phone: 361-275-0916
Spill phone: 911
Report type required: Electronic
E-mail address:
billy.jordan@dwcotx.org

Dickens County

Dickens County LEPC
Matt Hindman, EMC
P.O. Box 179 Dickens, TX 79229
LEPC phone: 806-623-5532
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
dickensco.emc@gmail.com

Dimmit County

Dimmit County LEPC
Celina Rodriguez, EMC
212 N. 4th St., P.O. Box 3, Carrizo
Springs, TX 78834
LEPC phone: 830-876-8957
Spill phone: 911
Report type required: Electronic via E-mail;
E-mail address:
crodriguez@dimmitcounty.org

Donley County

Donley County LEPC
The Hon. John Howard
P.O. Box 909 Clarendon, TX 79226
LEPC phone: 806-874-3625
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
CountyJudge@co.donley.tx.us

Duval County

Duval County LEPC
Sally Lichtenberger, EMC
P.O. Box 189 San Diego, TX 78384
LEPC phone: 361-279-6272 (office),
361-389-7266 (cell)
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
slichtenberger@co.duval.tx.us

Eastland County

Eastland County LEPC
The Hon. David Hullum
100 W. Main St., Ste. 203
Eastland, TX 76448
LEPC phone: 254-629-1263
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
ecjudge@eastlandcountytexas.com

Ector County

Ector County LEPC
Mr. Oscar Menchaca
1010 E. 8th Street Odessa, TX 79761
LEPC phone: 432-257-0506 and 432-257-0528
Spill phone: 911
Report type required: Electronic/PDF
via E-mail; Email address:
omenchaca@odessa-tx.gov

Edwards County

Edwards County LEPC
The Hon. Souli Asa Shanklin
P.O. Box 348
Rocksprings, TX 78880
LEPC phone: 830-683-6122
Spill phone: 911
Report type required: Paper
E-mail address:
countyjudge@co.edwards.tx.us

El Paso County

El Paso County LEPC
Mr. Fernando Zeh and Mr. Kevin Dieter
6055 Threadgill Ave
El Paso, TX 79924
LEPC phone: 915-838-3263
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
epfdtier2@elpasotexas.gov

Ellis County

Ellis County LEPC
Michaela Sandeser
101 West Main Street, Ste. B105,
Waxahachie, TX 75165
LEPC phone: 972-825-5199
Spill phone: 911
Report type required: Electronic via E-mail;
E-mail address:
EMC@co.ellis.tx.us

Erath County

Erath County LEPC
Brandon Huckabee
100 W. Washington St.
Stephenville, TX 76401
LEPC phone: 254-965-1452
Spill phone: 911
Report type required: Paper as PDF via
E-mail; E-mail address:
countyjudge@co.erath.tx.us

Falls County

Falls County LEPC
Mr. Jeff Watkins
125 Bridge St. Marlin, TX 76661
LEPC phone: 254-883-3376
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
jeff.watkins@co.falls.tx.us

Fannin County

Fannin County LEPC
Mr. Troy Hudson
2375 Silo Rd. Bonham, TX 75418
LEPC phone: 903-640-8484
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
thudson@fanninco.net

Fayette County

Fayette County LEPC
Angela Hahn, EMC
151 N. Washington, Rm. 304 La Grange, TX 78945
LEPC phone: 979-968-8991
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
angela.hahn@co.fayette.tx.us,

Fisher County

Fisher County LEPC
The Hon. Ken Holt
P.O. Box 306 Roby, TX 79543
LEPC phone: 325-776-2151
Spill phone: 911
Report type required: Paper
E-mail address: info@fishercounty.org

Floyd County

Floyd County LEPC
The Hon. Marty Lucke
105 South Main Street, Floydada, TX 79235
LEPC phone: 806-983-4905
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
countyjudge@co.floyd.tx.us

Foard County

Foard County LEPC
Sheriff Mike Brown
P.O. Box 309 Crowell, TX 79227
LEPC phone: 940-684-1501
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
sheriff@foardcounty.texas.gov

Fort Bend County

Fort Bend County LEPC
Mr. Greg Babst
307 Fort St Richmond Tx 77469
LEPC phone: 832-363-7049
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address: LEPC@fbctx.gov
Or complete form here:
<https://shorturl.at/bsFL1>

Franklin County

Franklin County LEPC
Mr. Max Cannaday
208 State Hwy 37 Mt. Vernon, TX 75457
LEPC phone: 903-537-8346 (office);
903-440-0454 (cell); 903-537-4539
(Sheriff's office)
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
mcannaday@co.franklin.tx.us

Freestone County

Freestone County LEPC
Mr. Leonard Smith, EMC
118 East Commerce, Room 205
Fairfield, TX 75840
LEPC phone: 903-390-8900
Spill phone: 911
Report type required: Paper by mail/
PDF via e-mail
E-mail address:
[emergency.management@co.freestone
.tx.us](mailto:emergency.management@co.freestone.tx.us)

Frio County

Frio County LEPC
Mr. Ray Kallio
101 N. Commerce St., Ste. 111, Dilley,
TX 78017
LEPC phone: 830-326-3281 (office) 830-
317-3648 (cell)
Spill phone: 911
Report type required: Zipped .XML
E-mail address: frioemc@friocounty.org

Gaines County

Gaines County LEPC
Mr. Robert Barrett
P.O. Box 847 Seminole, TX 79360
LEPC phone: 432-209-0922
Spill phone: 911
Report type required: Electronic via E-
mail E-mail address:
emc@co.gaines.tx.us

Galveston County

Galveston County LEPC
Brian Mansfield
PO Box 338, Santa Fe, TX 77510
LEPC phone: (281) 309-5002
Spill phone: 911
Report type required: Electronic via
Email
E-mail address:
GalvCoLEPC@gmail.com

Garza County

Garza County LEPC
Mr. Michael Isbell
300 West Main, Post Texas 79356
LEPC phone: 806-990-2773
Spill phone: 911
Report type required: Paper
E-mail address:
misbellgarzaemc@yahoo.com

Gillespie County

Gillespie County LEPC
The Hon. Daniel Jones
101 West Main, Unit 9
Fredericksburg, TX 78624
LEPC phone: 830-997-7502
Spill phone: 911
Report type required: Electronic via E-
mail E-mail address:
djones@gillespiecounty.org

Glasscock County

Glasscock County LEPC
Lacey Cox
P.O. Box 55 Garden City, TX 79739
LEPC phone: 432-354-2554
Spill phone: 911
Report type required: Electronic via E-
mail E-mail address:
gcems@co.glasscock.tx.us

Goliad County

Goliad County LEPC & Crisis Planning
Committee
Ms. Sarah Ontiveros
127 N. Courthouse Square/P.O. Box
677, Goliad, TX 77963
LEPC phone: 361-645-3337, 361-405-
9170 (Cell 24/7)
Spill phone: 911
Report type required: Electronic via E-
mail & hard copy by mail; E-mail:
sontiveros@goliadcountytexas.gov

Gonzales County

Gonzales County LEPC
Mr. Jimmy Harless
1811 Water St. Gonzales, TX 78629
LEPC phone: 830-672-6209
Spill phone: 911
Report type required: PDF or Electronic
via E-mail E-mail address:
epetru@co.gonzales.tx.us

Gray County

Gray County LEPC
Mr. Troy Schwiegerath, EMC
200 W. Foster Ave. Pampa, TX 79065
LEPC phone: 806-669-5820 and 806-
661-9770
Spill phone: 911
Report type required: Electronic via E-
mail E-mail address:
tschwiegerath@cityofpampa.org

Grayson County

Samantha Allison
100 W. Houston, 3rd Floor Sherman, TX
75090
LEPC phone: 903-813-5240
Spill phone: 911
Report type required: PDF via e-mail
Email: tierii@co.grayson.tx.us

Gregg County

Gregg County LEPC
Mark Moore
101 E. Methvin, Ste. 559
Longview, TX 75601
LEPC phone: 903-237-2522 (EM office)
or 903-236-8400 Ext 1728 (Sheriff's
office)
Spill phone: 911
Report type required: Electronic via E-
mail E-mail address:
TierII@co.gregg.tx.us or
Karissa.North@co.gregg.tx.us or
Mark.Moore@gregg.tx.us

Grimes County

Grimes County LEPC
Mr. David Lily
382 FM 149 Anderston, TX 77830 and
P.O. Box 593 Anderson, TX 77830
LEPC phone: 979-204-4592(cell) and
936-873-4404 (office)
Spill phone: 911
Report type required: Electronic via E-
mail E-mail address:
david.lilly@grimescountytexas.gov

Guadalupe County

Guadalupe County LEPC
Mr. Patrick Pinder
101 E. Court St., Ste. 208 Seguin, TX
78155
LEPC phone: 830-303-8856
Spill phone: 911
Report type required: Electronic via E-
mail; E-mail address:
LEPC@co.guadalupe.tx.us,
wren.baumgartel@co.guadalupe.tx.us

Hale County

Hale County LEPC
Mr. Jesse J. Mendoza
500 Broadway, Ste. 220 Plainview, TX
79072
LEPC phone: 806-292-2629
Spill phone: 911
Report type required: PDF via E-mail
E-mail address: jessem@halecounty.org

Hall County

Hall County LEPC
The Hon. Ray Powell
101 S. 9th St., Memphis, TX 79245
LEPC phone: 806-259-2511 or 940-585-
1414 (cell); Spill phone: 911
Report type required: Paper or
Electronic via E-mail; E-mail address:
hallcojudge@dtgoftexas.com

Hamilton County

Hamilton County LEPC
Lacy Alexander
101 E. Henry St., Ste. 107 Hamilton, TX
76531
LEPC phone: (254)-386-3300 and 254-
688-9090
Spill phone: 911
Report type required: Paper
E-mail address:
lalexander@hamiltoncountytx.org

Hansford County

Hansford County LEPC
The Hon. Tim Glass
16 NW Court St. Spearman, TX 79081
LEPC phone: 806-659-4100
Spill phone: 911
Report type required: Paper
E-mail address:
judgeglass@hansfordcountytx.com

Hardeman County

Hardeman County LEPC
The Hon. Ronald Ingram
P.O. Box 30 Quanah, TX 79252
LEPC phone: 940-663-2911
Spill phone: 911
Report type required: Electronic via E-
mail E-mail address:
judge@co.hardeman.tx.us

Hardin County

Hardin County LEPC
Mr. Aaron Tupper
300 Monroe St. Kountze, TX 77625
LEPC phone: 409-246-5119
Spill phone: 911
Report type required: E-mail as PDF
E-mail address:
aaron.tupper@co.hardin.tx.us

Harris County

Harris County has multiple LEPCs. In order to help you find the LEPC covering your facility, we have compiled the following information.

Helpful website:

Harris County Fire Marshall's Office:

<http://www.hcfmo.net>

Find out which fire department responds to your location by clicking on "How do I?"

Bay Area LEPC

(see Southeast Regional LEPC)

Bellaire LEPC

(combined with Greater Houston LEPC; see Greater Houston LEPC)

Deer Park LEPC

Ms. Angela Smith
P.O. Box 700 Deer Park, TX 77536
LEPC phone: 281-478-7247
Spill phone: 281-479-1511
Report type required: PDF and .XML via
E-mail E-mail address:
amsmith@deerparktx.org

Galena Park LEPC

Mr. Tom Ehlers, EMC
P.O. Box 46 Galena Park, TX 77547
LEPC phone: 832-755-0181
Spill phone: 832-755-0181
Report type required: Electronic via E-
mail; E-mail address:
tehlers@cityofgalenapark-tx.gov

Harris County continued

Greater Baytown LEPC

Ms. Misty Bridges
205 E. Wye Dr. Baytown, TX 77521
LEPC phone: 512-665-0908
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address: Tierll@baytown.org

Greater Harris County LEPC

Mr. David Wade
6922 Katy Road Houston, TX 77024
LEPC phone: 713-545-9299
Spill phone: 911
Report type required: zipped XML
E-mail address: ghclepc@oem.hctx.net

Greater Houston LEPC (City of Houston LEPC, Bellaire, Humble, Memorial Villages, and West University LEPCs)

Dr. Denise Walker
1801 Smith Street, 7th Floor Houston, TX 77002
LEPC phone: 713-249-9687
Spill phone: 713-884-4227
Report type required: Electronic via E-mail
E-mail address: Chair@ghlepc.org

Humble LEPC

(see Greater Houston LEPC)

Jacinto City LEPC

Mr. Lon Squyres
1301 Mercury Jacinto City, TX 77029
LEPC phone: 713-674-8424
Spill phone: 713-674-8424
Report type required: Electronic via E-mail
E-mail address: nclepc@jacintocity-tx.gov

Jersey Village LEPC

Mr. Mark Bitz
16501 Jersey Dr. Jersey Village, TX 77040
LEPC phone: 713-466-2143
Spill phone: 713-466-5824
Report type required: Electronic via E-mail
E-mail address: mbitz@jerseyvillagetx.com

Katy LEPC

Mr. Greg Goedecker, EMC
1417 Ave. D Katy, TX 77493
LEPC phone: 281-574-8633
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address: oem@cityofkaty.com

La Porte, Morgan's Point, and Shoreacres LEPC

Shawna Dobson
604 W. Fairmont Pkwy. La Porte, TX 77571
LEPC phone: 281-470-0010
Spill phone: 281-471-2141
Report type required: Zipped XML via E-mail
E-mail address: lepc@laportetx.gov

Memorial Villages LEPC

(see Greater Houston LEPC)

North Channel Area LEPC

Mr. Lon Squyres
1301 Mercury Dr. Houston, TX 77029
LEPC phone: 832-725-8954
Spill phone: 713-672-2455
Report type required: Electronic via E-mail
E-mail address: nclepc@jacintocity-tx.gov

Harris County continued

Pasadena LEPC

(see Southeast Regional LEPC)

South Houston LEPC

Ms. Alma Alanis
P.O. Box 238 South Houston, TX 77587
LEPC phone: 713-947-7700
Spill phone: 911
Report type required: Electronic via E-mail and hard copy by mail
aaalanis@southhoustontx.gov

Southeast Regional LEPC

Mr. Darryl Ramsaywak
P.O. Box 1148
Pasadena, TX 77501
LEPC phone: 713-475-7088
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
t2datafiles@pasadenatx.gov

Tomball LEPC

Chief Joe Sykora
1200 Rudel Rd. Tomball, TX 77375
LEPC phone: 281-290-1063
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address: jsykora@tomballtx.gov

West University LEPC

(combined with Greater Houston LEPC;
see Greater Houston LEPC)

End of Harris County listings

Harrison County

Harrison County LEPC
Mr. James McConnell
2005 Warren Dr. Marshall, TX 75672
LEPC phone: 903-935-4870 Ext. 1353
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
Harrisoncounty.tier2@co.harrison.tx.us

Hartley County

Hartley County LEPC
Mr. David Jones, EMC
110 Denrock Ave. Dalhart, TX 79022
LEPC phone: 806-244-5454
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address: djones@dalharttx.gov

Haskell County

Haskell County LEPC
The Hon. Kenny Thompson
1 Ave. D Haskell, TX 79521
LEPC phone: 940-864-2851
Spill phone: 940-864-2851
Report type required: Electronic via E-mail
E-mail address:
kenny.thompson@haskellcountytx.gov

Hays County

Hays County LEPC
Ms. Laurie Taylor
810 S. Stagecoach Trail, Ste. 1200 San Marcos, TX 78666
LEPC phone: 512-393-7300
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
laurie.taylor@co.hays.tx.us

Hemphill County

Hemphill County LEPC
The Hon. Lisa Johnson 400 Main, Ste.
200 Canadian, TX 79014
LEPC phone: 806-323-6521
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
courtney@hemphillco.com

Henderson County

Henderson County LEPC
Mr. Shane Renberg
125 N. Prairieville, Rm. 103
Athens, TX 75751
LEPC phone: 903-675-6157
Spill phone: 911
Report type required: Paper
E-mail address: srenberg@henderson-county.com

Hidalgo County

Hidalgo County LEPC
Gustavo A. Ramirez
201 W Dawes Ave., 201 Dawes Ave,
Alton, TX 78573
LEPC phone: 956-447-3415
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
gramirez@weslacotx.gov
and lepc@co.hidalgo.tx.us

Hill County

Hill County LEPC
Mr. Tom Hemrick
218 N. Waco St. Hillsboro, TX 76645
LEPC phone: 254-582-2023 or cell: 254-266-0006
Spill phone: 911
Report type required: zipped XML
Electronic file via E-mail
E-mail address: themrick@co.hill.tx.us

Hockley County

Hockley County LEPC
Mr. Cole Kirkland, EMC
603 5th St. Levelland, TX 79336
LEPC phone: 806-568-5487
Spill phone: 806-894-6164, Levelland
Police or 806-894- 3155, Levelland Fire
Dept.
Report type required: Electronic via E-mail
E-mail address:
ckirkland@levellandtexas.org

Hood County

Hood County LEPC
Ms. Margaret Campbell, EMC
401 Deputy Larry Miller Dr Granbury, TX
76048
LEPC phone: 817-579-3335 x 5566
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
mcampbell@co.hood.tx.us

Hopkins County

Hopkins County LEPC
Mr. Andy Endsley, EMC
1286 Texas St. Sulphur Springs, TX
75482
LEPC phone: 903-439-6217 op. 4
Spill phone: 903-438-4040 op. 1
Report type required: Paper AND
Electronic; E-mail address:
aendsley@hopkinscountytexas.org

Houston County

Houston County LEPC
Mr. Heath Murff
600 Bradshaw St. Crockett, TX 75835
LEPC phone: 936-544-7175 (office),
936-546-5148 (cell)
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
hmurff@co.houston.tx.us

Howard County

Howard County LEPC
Mr. Greg Ferguson
300 S. Main, Rm. 204 Big Spring, TX
79720
LEPC phone: 432-213-3837 (cell) or 432-
264-2202 (office)
Spill phone: 911
Report type required: Electronic via E-
mail E-mail address:
howardcountyvfd@gmail.com &
cferg2000@yahoo.com or
itzel.gomez@howardcountytexas.com

Hudspeth County

Hudspeth County LEPC
Cody L. Davis
109 W. Millican St. \P.O. Box 68, Sierra
Blanca, TX 79851
LEPC phone: 915-369-2321 ext. 223
(office); 432-207-2070 (mobile)
Spill phone: 911
Report type required: Electronic via E-
mail; E-mail address:
Cody.davis@co.culberson.tx.us

Hunt County

Hunt County LEPC
Mr. David Jones
P.O. Box 1097 Greenville, TX 75403-
1097
LEPC phone: 903-408-4246
Spill phone: 911
Report type required: Electronic via E-
mail E-mail address:
homelandsecurity@huntcounty.net

Hutchinson County

Hutchinson County LEPC
Mr. Jerry Langwell
500 Main St. Stinnett, TX 79083
LEPC phone: 806-878-2089
Spill phone: 911
Report type required: Electronic via E-
mail E-mail address:
jlangwell@hutchinsoncnty.com and
LEPC@hutchinsoncnty.com

Irion County

Irion County LEPC
The Hon. Molly Criner, Jose Rivera EMC
P.O. Box 770 Mertzson, TX 76941
LEPC phone: 325-835-4361
Spill phone: 911
Report type required: PDF by E-mail
E-mail address: m.crinier@co.irion.tx.us

Jack County

Jack County LEPC
Mr. Frank Hefner, EMC
100 N Main St., 4th Floor Jacksboro, TX
76458
LEPC phone: 940-567-2259 (office),
940-229-8349 (cell)
Spill phone: 911
Report type required: Electronic via E-
mail; E-mail address:
emc@jackcounty.texas.gov

Jackson County

Jackson County LEPC
Sheriff Kelly Janica, EMC
115 W. Main St. Edna, TX 77957
LEPC phone: 361-782-3398 (office);
361-782-1743 (cell)
Spill phone: 911
Report type required: Electronic via E-
mail
E-mail address: jceoc@co.jackson.tx.us

Jasper County

Jasper County LEPC
Mr. Billy Ted Smith
33625 US Hwy 96 South, Buna, TX
77612
LEPC phone: 409-383-9067 and 409-
994-2543
Spill phone: 911 or 409-926-4640
Report type required: Electronic via E-
mail E-mail address:
billy.smith@co.jasper.tx.us and
inslepc@gmail.com

Jeff Davis County

Jeff Davis County LEPC
Mr. Roy Hurley
P.O. Box 811 Fort Davis, TX 79734
LEPC phone: 432-244-9221
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
jdfm15@yahoo.com

Jefferson County

Jefferson County LEPC
Robert J. Grimm, EMC,
1149 Pearl, 1st Floor Beaumont, TX 77701
LEPC phone: 409-835-8757
Spill phone: 409-617-2890
Report type required: Electronic via E-mail
E-mail address:
jclepc@co.jefferson.tx.us

Jim Hogg County

Jim Hogg County LEPC
The Hon. Juan Carlos Guerra
P.O. Box 729 Hebronville, TX 78361
LEPC phone: 361-527-3015 x 1
Spill phone: 911
Report type required: Electronic via E-mail & hard copy by mail
E-mail address: jcguerra@co.jim-hogg.tx.us

Jim Wells County

Jim Wells County LEPC
Lance Brown
200 N. Almond St., Ste. B-109 Alice, TX 78332
LEPC phone: 361-227-4812 (cell) 361-460-1806 (office)
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address: jwc-emc@co.jim-wells.tx.us

Johnson County

Johnson County LEPC
Mr. Zac Johnson
810 E Kilpatrick St., Cleburne TX, 76031
LEPC phone: 817-556-6995
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
em@johnsoncountytexas.org

Jones County

Jones County LEPC
Mr. Buddy Pope
P.O. Box 148 Anson, TX 79501
LEPC phone: 325-823-2256 (office) 325-455-6235 (cell)
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
buddy.pope@co.jones.tx.us

Karnes County

W.A.K.M.LEPC (Wilson, Atascosa, Karnes, and McMullen County)
Mr. Shelby Dupnik
101 N. Panna Maria Karnes City, TX 78119
LEPC phone: 830-299-1524
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
shelby.dupnik@co.karnes.tx.us

Kaufman County

Kaufman County LEPC
Mr. Steve Howie EMC
100 W. Mulberry St. Kaufman, TX 75142
LEPC phone: 469-376-4190
Spill phone: 911
Report type required: Electronic via E-mail; E-mail address:
Steve.howie@kaufmancounty.net

Kendall County

Kendall County LEPC
Mr. Brady Constantine
1175 N. Main St. Boerne, TX 78006
LEPC phone: 830-249-3721 Ext 453
Spill phone: 830-249-8645
Report type required: Electronic via E-mail
E-mail address:
brady.constantine@co.kendall.tx.us

Kenedy County

Kenedy County LEPC
Mr. Jose Mendieta Jr.
P.O. Box 221 Sarita, TX 78385
LEPC phone: 361-296-4757
Spill phone: 361-294-5511
Report type required: Paper or Electronic via E-mail
E-mail address:
kenedyesd1@gmail.com

Kent County

Kent County LEPC
The Hon. Layne Coulter
P.O. Box 6 Jayton, TX 79528
LEPC phone: 806-237-3373
Spill phone: 806-237-3801
Report type required: Electronic via E-mail
E-mail address:
judge@co.kent.tx.us

Kerr County

Kerr County LEPC
The Hon. Rob Kelly
700 E. Main St. Kerrville, TX 78028
LEPC phone: 830-792-2211
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
cojudge@co.kerr.tx.us

Kimble County

Kimble County LEPC
Ms. Mattye Davenport
501 Main St. Junction, TX 76849
LEPC phone: 325-944-9666
Spill phone: 911
Report type required: Electronic via E-mail; E-mail address:
mattye.davenport@cvcog.org

King County

King County LEPC
The Hon. Duane Daniel
P.O. Box 127 Guthrie, TX 79236
LEPC phone: 806-596-4411
Spill phone: 806-596-4413 (office) or 806-269-4769 (Sherriff's cell)
Report type required: Paper or Electronic via E-mail
E-mail address: kcjudge@caprock-spur.com

Kinney County

Kinney County LEPC
Mr. Henry Garcia
P.O. Box 348 Brackettville, TX 78832
LEPC phone: 830-563-0282
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
h.garcia.emsdirector@co.kinney.tx.us

Kleberg County

Kleberg County LEPC
The Hon. Rudy Madrid
P.O. Box 752 Kingsville, TX 78364-1088
LEPC phone: 361-595-8585
Spill phone: 361-595-8500
Report type required: Paper or Electronic via E-mail
E-mail address:
rmadrid@co.kleberg.tx.us

Knox County

Knox County LEPC
The Hon. Stan Wojcik
P.O. Box 77 Benjamin, TX 79505-0077
LEPC phone: 940-459-2191
Spill phone: 911
Report type required: Paper
E-mail address:
cojudge@knoxcountytexas.org

Lamar County

Lamar County LEPC
Mr. Quincy Blount
119 North Main St. Paris, TX 75460
LEPC phone: 903-782-1118
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
gblount@co.lamar.tx.us

Lamb County

Lamb County LEPC
Ms. Cynthia Bussey
100 6th Drive, Room 101 Littlefield, TX 79339
LEPC phone: 806-385-4222 x: 202
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address: cbussey@co.lamb.tx.us

Lampasas County

Lampasas County LEPC
Ms. Angela Rainwater
407 S. Pecan, Suite 103 Lampasas, TX 76550
LEPC phone: 512-556-4177
Spill phone: 911
Report type required: Paper
E-mail address:
emergencycoord@co.lampasas.tx.us

La Salle County

La Salle County LEPC
The Hon. Leodoro Martinez III
101 Courthouse Square, Ste. 315
Cotulla, TX 78014
LEPC phone: 830-483-5139 (office) 830-348-9245 (cell)
Spill phone: 911
Report type required: Paper
E-mail address:
leodoro.martinez@co.la-salle.tx.us

Lavaca County

Lavaca County LEPC
Greg Murrile, EMC
P.O. Box 243 Hallettsville, TX 77964
LEPC phone: 361-798-5628 and 361-772-0283 (cell)
Spill phone: 361-798-2121
Report type required: Electronic via email and paper as mailed PDF
E-mail address: emc@co.lavaca.tx.us

Lee County

Lee County LEPC
Mandy Fairchild, EMC
200 S. Main St., Ste. 203, Giddings, TX 78942
LEPC phone: 979-540-2081
Spill phone: 979-542-2800
Report type required: Paper or Electronic via E-mail
E-mail address: emc@co.lee.tx.us

Leon County

Leon County LEPC
Bob Hickman
P.O. Box 808 Centerville, TX 75833
LEPC phone: 903-536-4407 (office), 936-355-8772 (cell)
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
bob.hickman@co.leon.tx.us

Liberty County

Liberty County LEPC
Madison Gonzalez
5345 Hwy 146 N Liberty TX 77575
LEPC phone: 936-334-3219 (office);
409-277-8720 (cell)
Spill phone: 911
Report type required: Electronic via E-
mail; E-mail address:
madison.gonzalez@co.liberty.tx.us

Limestone County

Limestone County LEPC
Mr. Matt Groveton
1221 E. Yeagua St. Groesbeck, TX 76642
LEPC phone: 254-747-0641
Spill phone: 911
Report type required: Electronic via E-
mail; E-mail address:
matt.groveton@co.limestone.tx.us

Lipscomb County

Lipscomb County LEPC
The Hon. Dori Roots
100 N Main, Lipscomb, TX 79056
LEPC phone: 806-862-4131
Spill phone: 911 / 806-862-2611
Report type required: Paper or
Electronic via E-mail
E-mail address:
dori.roots@co.lipscomb.tx.us

Live Oak County

Live Oak County LEPC
Mr. Bobby J. Stewart
P.O. Box 488 George West, TX 78022
LEPC phone: 361-449-2273 x: 2067
Spill phone: 911
Report type required: Paper or
Electronic via E-mail
E-mail address:
lepc.liveoakco@gmail.com
and liveoakcounty.tx.emc@gmail.com

Llano County

Llano County LEPC
Mr. Gilbert T. Bennett, EMC
100 W. Sandstone St., Ste. 200A Llano,
TX 78643
LEPC phone: 325-247-2039
Spill phone: 911
Report type required: Electronic via E-
mail; E-mail address:
gbennett@co.llano.tx.us

Loving County

Loving County LEPC
Mr. Harlan Hopper
P.O. Box 193 Mentone, TX 79754
LEPC phone: 432-940-7934
Spill phone: 911
Report type required Electronic via E-
mail and paper via US mail; E-mail
address: hbhopper35@gmail.com

Lubbock County

Lubbock County LEPC
Mr. Clinton Thetford, EMC
P.O. Box 10536 Lubbock, TX 79408
LEPC phone: 806-775-7300
Spill phone: 806-775-7300
Report type required: Either paper or
electronic E-mail address:
tler2lubbockcounty@lubbockcounty.gov
v

Lynn County

Lynn County LEPC
Michael Thornton
P.O. Box 445, Tahoka, TX 79373
LEPC phone: 806-561-4222
Spill phone: 806-548-6553
Report type required: Electronic via E-
mail; E-mail address:
lynncountyemc@co.lynn.tx.us

McCulloch County

McCulloch County LEPC
Mr. Lloyd Perrin
216 W. Commerce Brady, TX 76825
LEPC phone: 325-597-2311
Spill phone: 911
Report type required: Paper
E-mail address: lperrin@bradytx.us

McLennan County

McLennan County LEPC
Waco-McLennan County EMC
721 North 4th St., Waco, TX 76701
LEPC phone: 254-750-5911
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address: oem@wacotx.gov

McMullen County

W.A.K.M. LEPC (Wilson, Atascosa, Karnes, and McMullen County)
The Hon. James E. Teal
P.O. Box 237 Tilden, TX 78072
LEPC phone: 361-274-3900
Spill phone: 361-362-8437
Report type required: Paper via mail or E-mail; E-mail address:
Judge.Teal@mcmullencounty.org

Madison County

Madison County LEPC
Shelly K Butts, EMC
101 W. Main St., B-13. Madisonville, TX 77864
LEPC phone: 936-348-3810
Spill phone: 936-348-2755
Report type required: Paper or Electronic via E-mail
E-mail address:
shelly.butts@madisoncountytexas.org

Marion County

Marion County LEPC
The Hon. Leward LaFleur and Sherriff David Capps
102 W. Austin, Rm. 205 Jefferson, TX 75657
LEPC phone: 903-665-3261 (LaFleur), 903-665-7201 (Capps)
Spill phone: 903-665-7201 Report type required: Electronic via E-mail
E-mail address:
leward.lafleur@co.marion.tx.us and david.capps@co.marion.tx.us

Martin County

Martin County LEPC
Gary Walton, EMC
P.O. Box 1330 Stanton, TX 79782-1330
LEPC phone: 432-607-3557
Spill phone: 432-607-3599
Report type required: Paper or electronic via E-mail E-mail address:
gdwalton@co.martin.tx.us

Mason County

Mason County LEPC
The Hon. Sheree Hardin
P.O. Box 1726 Mason, TX 76856
LEPC phone: 325-347-5556
Spill phone: 911
Report type required: PDF via E-mail
E-mail address:
sheree.hardin@co.mason.tx.us

Matagorda County

Matagorda County LEPC
Ms. Amanda Campos
2200 7th St., Third Floor Bay City, TX 77414
LEPC phone: 979-323-0707
Spill phone: 979-429-1885
Report type required: Electronic via E-mail
E-mail address:
acampos@co.matagorda.tx.us and cojudge@co.matagorda.tx.us

Maverick County

Maverick County LEPC
Jesus Rodriguez, EMC
32 Foster Maldonado Eagle Pass, TX
78852
LEPC phone: 830-773-1915 ext. 1331
Spill phone: 911 Report type required:
Paper or electronic via E-mail
E-mail address:
jesus.rodriquez@eaglepasstx.us

Medina County

Medina County LEPC
Mark Chadwick, CEM, TEM
925 Avenue Y, Hondo, TX 78861
LEPC phone: 830-455-0129 (Desk) 830-
584-3000 (Cell)
Spill phone: 830-741-6153
Report type required: PDF by E-mail
E-mail address:
Mark.chadwick@medinatx.org

Menard County

Menard County LEPC
Jerry Huffman
8485 Hangar Rd. San Angelo, TX 76904
LEPC phone: 325-657-4230
Spill phone: 325-944-9666
Report type required: Electronic via E-
mail E-mail address:
jerry.huffman@cosatx.us

Midland County

Midland County LEPC
Mr. Justin Bunch, EMC
2435 E. Highway 80 Midland, TX 79706
LEPC phone: 432-688-4160
Spill phone: 432-688-1040
Report type required: Electronic via E-
mail
E-mail address: lepc@mcounty.com

Milam County

Milam County LEPC
Kenzie Oliver, EMC
102 South Fannin Ave., Suite 2
Cameron, TX 76520
LEPC phone: 254-697-7060
Spill phone: 254-697-7033
Report type required: PDF via E-mail
E-mail address:
milamemc@milamcounty.net

Mills County

Mills County LEPC
Judge Jett J. Johnson
P.O. Box 483 Goldthwaite, TX 76844
LEPC phone: 325-648-2222
Spill phone: 911
Report type required: Electronic via E-
mail E-mail address:
countyjudge@millscountytexas.gov

Mitchell County

Mitchell County LEPC
Judge Mike Redwine
349 Oak St., Ste. 200 Colorado City, TX
79512
LEPC phone: 325-728-8439
Spill phone: 325-728-8439
Report type required: Paper via US mail
E-mail address:
mredwine@co.mitchell.tx.us

Montague County

Montague County LEPC
Kelly McNabb, EMC
11339 S.H. 59 N. Montague, TX 76251
LEPC phone: 940-841-1336
Spill phone: 911
Report type required: PDF via Email
E-mail address:
kelly.mcnabb@co.montague.tx.us

Montgomery County

Montgomery County LEPC
Mr. Jason Millsaps
9472 Airport Rd. Conroe, TX 77303
LEPC phone: 936-264-6732
Spill phone: 936-760-5800
Report type required: PDF via E-mail
E-mail address:
jason.millsaps@mctx.org

Moore County

Moore County LEPC
Mr. Tommy Brooks
715 S. Dumas Ave, Rm 202 Dumas, TX
79029
LEPC phone: 806-934-9520
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address: tbrooks@moore-tx.com

Morris County

Morris County LEPC
Chuck Clemens
9505 FM 144 N. Omaha, TX 75571
LEPC phone: 903-645-3691
Spill phone: 911
Report type required: Electronic via E-mail; E-mail address:
chuck.clemens@co.morris.tx.us

Motley County

Motley County LEPC
The Hon. James Meador
P.O. Box 719 Matador, TX 79244
LEPC phone: 806-347-2334
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
mcjudgemeador@gmail.com

Nacogdoches County

Nacogdoches County LEPC
Ms. Tara Triana, EMC
203 W. Main St., Ste. 107 Nacogdoches,
TX 75961
LEPC phone: 936-560-7871
Spill phone: 936-559-2607
Report type required: XML electronic
file
E-mail address:
[TIERIIREPORTING@CO.NACOGDOCHES.
TX.US](mailto:TIERIIREPORTING@CO.NACOGDOCHES.TX.US)

Navarro County

Navarro County LEPC
Eric R Meyers, EMC
814 S Main St Corsicana, TX 75110
LEPC phone: 903-654-3396 (cell);
903-229-0901 (OEM cell);
903-875-3315 (EOC);
Spill phone: 903-654-3001 (dispatch)
Report type required: Electronic via E-mail or mail
E-mail address:
Ermeayers@navarrocountyoem.org

Newton County

Newton County LEPC
The Hon. Ronald J. Cochran
P.O. Drawer 1380 Newton, TX 75966
LEPC phone: 409-379-5691
Spill phone: 409-379-3636
Report type required: Paper or
electronic
E-mail address:
newtoncountyjudge@co.newton.tx.us

Nolan County

Nolan County LEPC
The Hon. Whitley May
100 E. 3rd, Ste. 105 Sweetwater, TX
79556
LEPC phone: 325-235-2263
Spill phone: 325-235-2263
Report type required: PDF via email
E-mail address:
whitley.may@co.nolan.tx.us

Nueces County

Corpus Christi-Nueces County LEPC
Ms. Joanne Salge
2406 Leopard St., Ste. 200 Corpus
Christi, TX 78408
LEPC phone: 361-826-3960
Spill phone: 911
Report type required PDF and zipped
.XML E-mail address:
joannes@cctexas.com

Ochiltree County

Ochiltree County LEPC
Mr. Wayne Floyd
511 S. Main St. Perryton, TX 79070
LEPC phone: 806-435-8000
Spill phone: 806-435-8000 Report type
required: Paper
E-mail address: wfloyd@ochiltree.net

Oldham County

Oldham County LEPC
Ms. Laci Reeve, EMC
P.O. Box 195 Vega, TX 79092
LEPC phone: 806-639-2145
Spill phone: 911
Report type required: PDF via E-mail or
snail mail E-mail address:
laci.reeve@oldham-county.org

Orange County

Orange County LEPC
Mr. Joel Ardoin
11475 FM 1442 Orange, TX 77630
LEPC phone: 409-745-9717
Spill phone: 911
Report type required: Electronic via E-
mail
E-mail address:
jardoin@co.orange.tx.us and
lepc@co.orange.tx.us

Palo Pinto County

Palo Pinto County LEPC
Mr. Chad Jordan, Fire Marshal/EMC
100 S.E. 6th Ave. Mineral Wells, TX
76067
LEPC phone: 940-659-1267 (office);
940-329-1584 (cell)
Spill phone: 911
Report type required: Electronic via E-
mail; E-mail address: [oem@co.palo-
pinto.tx.us](mailto:oem@co.palo-pinto.tx.us) and [cjordan@co.palo-
pinto.tx.us](mailto:cjordan@co.palo-
pinto.tx.us)

Panola County

Panola County LEPC
Mr. Bryan Murff, EMC
110 S. Sycamore Street, Room 106
Carthage, TX 75633
LEPC phone: 903-309-1713
Spill phone: 903-693-0333
Report type required: Electronic via E-
mail
E-mail address:
bryan.murff@co.panola.tx.us

Parker County

Parker County LEPC
Mr. Sean Hughes, Fire Marshall/EMC
215 Trinity St. Weatherford, TX 76086
LEPC phone: 817-598-0969 and 817-
475-9303 (cell)
Spill phone: 911
Report type required: Electronic via E-
mail E-mail address:
emc.fm@parkercountytexas.com

Parmer County

Parmer County LEPC
Sheriff Eric Geske, EMC
300 4th Street Farwell, Texas 79325
LEPC phone: 806-481-3303 (office) or
806- 508-2738 (cell)
Spill phone: 911
Report type required: Electronic via E-
mail
E-mail address:
eric.geske@parmercounty.texas.gov

Pecos County

Pecos County LEPC
Mr. Jessie Dominguez
1774 N. Hwy 285 Fort Stockton, TX
79735
LEPC phone: 432-336-3521
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
jessie.dominguez@co.pecos.tx.us

Polk County

Polk County LEPC
Ms. Courtney Comstock
602 E. Church St., Ste. 165 Livingston,
TX 77351
LEPC phone: 936-327-6826
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
courtney.comstock@co.polk.tx.us

Potter County

Potter & Randall Cos. & Amarillo County
LEPC
Max Dunlap, CPM
P.O. Box 1971 Amarillo, TX 79105-1971
LEPC phone: 806-378-3004
Spill phone: 911
Report type required: PDF via E-mail
E-mail address: lepc@amarillo.gov

Presidio County

Presidio County LEPC
The Hon. Jose Portillo Jr.
P.O. Box 606 Marfa, TX 79843
LEPC phone: 325-617-6013
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
countyjudge@co.presidio.tx.us

Rains County

Rains County LEPC
Crystal Mayer
189 E. North Street, Emory, TX 75440
LEPC phone: 903-473-5000 Ext. 250
(office); 903-473-5083 (cell)
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
crystal.mayer@co.rains.tx.us

Randall County

Potter & Randall Cos. & Amarillo County
LEPC Max Dunlap, CPM
P.O. Box 1971 Amarillo, TX 79105-1971
LEPC phone: 806-378-3004
Spill phone: 911
Report type required: PDF via E-mail
E-mail address: lepc@amarillo.gov

Reagan County

Reagan County LEPC
Jerry Huffman
P.O. Box 100 Big Lake, TX 76932
LEPC phone: 325-657-4230
Spill phone: 325-884-2424 Report type
required: Paper
E-mail address:
jerry.huffman@cosatx.us

Real County

Real County LEPC
The Hon. Bella A. Rubio
P.O. Box 446 Leakey, TX 78873
LEPC phone: 830-232-5304
Spill phone: 911
Report type required: Paper
E-mail address: realjudge@hctc.net

Red River County

Red River County LEPC
Rocky Tolison, EMC
400 N. Walnut St. Clarksville, TX 75426
LEPC phone: 903-427-2680
Spill phone: 903-933-9146
Report type required: Electronic via E-mail
E-mail address:
rgt3582001@yahoo.com

Reeves County

Reeves County LEPC
Mr. Jerry D. Bullard, EMC
1714 W. Schmit, Room 321 Pecos, TX 79772
LEPC phone: 432-287-0242 (work); 432-287-4125 (cell)
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
jbullard@reevescounty.org

Refugio County

Coastal Plain LEPC (Aransas, Refugio and San Patricio County)
Stephanie Blaschke
219 W. 5th Street, Bldg. #7, Sinton, TX 78387
LEPC phone: 361-526-4434
Spill phone: 911
Report type required: Electronic via E-mail; E-mail address:
refugioemc@co.refugio.tx.us

Roberts County

Roberts County LEPC
The Hon. Mitchell Locke
P.O. Box 478 Miami, TX 79059
LEPC phone: 806-868-3721
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address: judge@co.roberts.tx.us

Robertson County

Robertson County LEPC
Billy Huggins P.O. Box 427 Franklin, TX 77856
LEPC phone: 979-828-6653 and 979-701-6717 (cell)
Spill phone: 911 or 503-706-4575
Report type required: Electronic via E-mail
E-mail address:
robco.emc@co.robertson.tx.us

Rockwall County

Rockwall County LEPC
Mr. Lloyd Blaine
972 T.L. Townsend Dr. Rockwall, TX 75087
LEPC phone: 972-204-7080
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
emergencymanagement@rockwallcountytexas.com

Runnels County

Runnels County LEPC
The Hon. Julia Miller
613 Hutchings Ave., Rm. 103 Ballinger, TX 76821
LEPC phone: 325-365-2633
Spill phone: 911
Report type required: Paper or Electronic via E-mail
E-mail address:
julia.miller@runnelscounty.org

Rusk County

Rusk County LEPC
Mr. Patrick Dooley
115 N. Main, Ste. 500-A Henderson, TX 75652
LEPC phone: 903-657-8571
Spill phone: 911
Report type required: Paper via mail or electronic via E-mail
E-mail address:
pdooley@ruskcountytexas.gov

Sabine County

Sabine County LEPC
The Hon. Daryl Melton
P.O. Box 716 Hemphill, TX 75948
LEPC phone: 409-787-3543
Spill phone: 911
Report type required: Paper
E-mail address:
cookie.cryer@co.sabine.tx.us

San Augustine County

San Augustine County LEPC
The Hon. Jeff Boyd
100 W. Columbia, #105 San Augustine,
TX 75972
LEPC phone: 936-275-2762
Spill phone: 936-275-2424
Report type required: Electronic via E-
mail
E-mail address:
[shirley.anderson@co.san-
augustine.tx.us](mailto:shirley.anderson@co.san-augustine.tx.us) and [jeffboyd@co.san-
augustine.tx.us](mailto:jeffboyd@co.san-augustine.tx.us)

San Jacinto County

San Jacinto County LEPC
The Hon. Fritz Faulkner
1 State Hwy. 150, Rm. 5 Cold Spring, TX
77331
LEPC phone: 936-653-3395
Spill phone: 911
Report type required: Electronic via E-
mail
E-mail address: oem@san-jac.us

San Patricio County

Coastal Plain LEPC (Aransas, Refugio
and San Patricio County)
Scott Marion
219 W. 5th Street, Bldg. #7, Sinton, TX
78387
LEPC phone: 361-547-3560
Spill phone: 911
Report type required: Electronic via E-
mail
E-mail address:
mculpepper@sanpatriciocountytx.gov

San Saba County

San Saba County LEPC
Ms. Marsha Hardy
500 E. Wallace, #111 San Saba, TX
76877
LEPC phone: 325-372-8570
Spill phone: 911
Report type required: Paper or
electronic
E-mail address:
emergencymgmt@co.san-saba.tx.us

Schleicher County

Schleicher County LEPC
Mr. Charles Bradley and Ms. Nicole
Nixon
P.O. Box 741 Eldorado, TX 76936
LEPC phone: 325-853-2593 Office; 325-
939-9808 Co.
Spill phone: 911
Report type required: Electronic via E-
mail
E-mail address:
countyjudge@co.schleicher.tx.us

Scurry County

Scurry County LEPC
The Hon. Dan Hicks
1806 25th St., Ste. 200 Snyder, TX
79549
LEPC phone: 325-573-8576
Spill phone: 911
Report type required: E-mail preferred
E-mail address: scjjudge@co.scurry.tx.us

Shackelford County

Shackelford County LEPC
Mr. Edward Miller
791 US Hwy 180 W Albany, TX 76430
LEPC phone: 325-762-2000
Spill phone: 911
Report type required: Electronic via E-
mail
E-mail address:
ed.miller@shackelfordcounty.org

Shelby County

Shelby County LEPC
The Hon. Allison Harbison
200 San Augustine St., Box 6
Center, TX 75935
LEPC phone: 936-598-3863
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
judgeadmin@co.shelby.tx.us

Sherman County

Sherman County LEPC
The Hon. Alicia Law
P.O. Box 165 Stratford, TX 79084
LEPC phone: 806-366-2021
Spill phone: 911
Report type required: Electronic via E-mail; E-mail address:
cojudge@co.sherman.tx.us

Smith County

Smith County LEPC
Brandon Moore, EMC
11325 Spur 248 Tyler, TX 75707
LEPC phone: 903-590-2649 (office);
903-530-6267 (cell)
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address: BMoore2@smith-county.com

Somervell County

Somervell County LEPC
Mr. Brian Jones, EMC
111 Shepard Street Glen Rose, TX 76043
LEPC phone: 254-897-2135
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
firechief@co.somervell.tx.us

Starr County

Starr County LEPC
Mr. Ramiro Sarabia
100 N. FM 3167, Ste. 202
Rio Grande City, TX 78582
LEPC phone: 956-716-4800
Fax: 956-487-8709
Spill phone: 911
Report type required: Electronic or Fax
E-mail address: rsarabia@co.starr.tx.us

Stephens County

Stephens County LEPC
Malcolm Bufkin, Fire Chief
105 N. Rose St. Breckenridge, TX 76424
LEPC phone: 254-559-8287
Spill phone: 911
Report type required: Electronic or paper; E-mail address:
mbufkin@breckenridgetx.gov

Sterling County

Sterling County LEPC
Mr. Jerry Huffman
8485 Hanger Road San Angelo, TX
76901
LEPC phone: 325-657-4230 Office; 325-213-3461 Cell
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
jerry.huffman@cosatx.us

Stonewall County

Stonewall County LEPC
The Hon. Ronnie Moorhead
P.O. Box 366 Aspermont, TX 79502
LEPC phone: 940-989-3393
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
county.judge@stonewallcountytexas.org

Sutton County

Sutton County LEPC
Mr. Jerry Huffman
300 East Oak, Ste. 4 Sonora, TX 76950
LEPC phone: 325-657-4230 (office),
325-213-3461 (cell) Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
jerry.huffman@cosatx.us

Swisher County

Swisher County LEPC
The Hon. Harold Keeter
Courthouse, 119 S. Maxwell Tulia, TX
79088
LEPC phone: 806-995-3504
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address: h.keeter@swisher-tx.org

Tarrant County

Tarrant County LEPC
William Wessel
100 E. Weatherford Fort Worth, TX
76196
LEPC phone: 817-884-1473
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
tcoem@tarrantcountytexas.gov

Taylor County

Taylor County LEPC
Stephanie Lebowitz, Mr. A. DeWayne
Bush EMC
400 Oak St., Ste. 107 Abilene, TX 79602
LEPC phone: 325-738-8540
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address: em@merkeltexas.com

Terrell County

Terrell County LEPC
The Hon. Dale Carruthers
P.O. Box 4810 Sanderson, TX 79848
LEPC phone: 432-345-2421
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
dale.carruthers@co.terrell.tx.us AND
assistant@co.terrell.tx.us

Terry County

Terry County LEPC
Sheriff Timothy Click
1311 Tahoka Rd. Brownfield, TX 79316
LEPC phone: 806-637-2212
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address: tclick@terrycounty.org

Throckmorton County

Throckmorton County LEPC
The Hon. Caleb W Hodges
P.O. Box 700 Throckmorton, TX 76483
LEPC phone: 940-849-8805
Spill phone: 911
Report type required: Paper by mail
E-mail address:
caleb.hodges@throckmortoncounty.org

Titus County

Titus County LEPC
The Hon. Kent Cooper and Monica
Welborn (assistant)
100 W. First, #200 Mt. Pleasant, TX
75455
Judge Cooper: 903-573-4070 (mobile),
M. Welborn: 903-577-6791 (mobile)
Spill phone: 911
Report type required: Paper mail
E-mail address: kcooper@co.titus.tx.us
and mwelborn@co.titus.tx.us

Tom Green County

Tom Green County LEPC
Mr. Jose Rivera
8485 Hangar Rd. San Angelo, TX 76904
LEPC phone: 325-213-3461 (work
phone) or 325-657-4230 (office)
Report type required: Electronic via E-
mail
E-mail address: jose.rivera@cosatx.us

Travis County

Travis County LEPC
Office of Emergency Management
P.O. Box 1748 Austin, TX 78702
LEPC phone: 512-854-0470
Spill phone: 911
Report type required: Electronic .XML
file via E-mail
E-mail address: LEPC@AustinTexas.Gov

Trinity County

Trinity County LEPC
The Hon. Danny Martin
P.O. Box 457 Groveton, TX 75845
LEPC phone: 936-642-1746
Spill phone: 911
Report type required: Electronic via E-
mail
E-mail address: tcj@co.trinity.tx.us

Tyler County

Tyler County LEPC
Tonya Sheffield
201 Veterans Way Woodville, TX 75979
LEPC phone: 409-331-0874
Spill phone: 911
Report type required: Electronic via E-
mail
E-mail address:
assistantem@co.tyler.tx.us

Upshur County

Upshur County LEPC
The Hon. Todd Tefteller
P.O. Box 730 Gilmer, TX 75644
LEPC phone: 903-843-4003
Spill phone: 911
Report type required: Electronic via E-
mail E-mail address:
todd.tefteller@countyofupshur.com

Upton County

Upton County LEPC
The Hon. Dusty Kilgore
P.O. Box 482 Rankin, TX 79778
LEPC phone: 432-693-2321
Spill phone: 911
Report type required: Either paper or
electronic E-mail address:
cquigg@co.upton.tx.us

Uvalde County

Uvalde County LEPC
The Hon. William Mitchell
Courthouse Plaza, Box 3 Uvalde, TX
78801
LEPC phone: 830-278-3216 (office);
830-591-8352 (F. Anderson)
Spill phone: 911
Report type required: Electronic via E-
mail
E-mail address:
wrmcj@uvaldecountry.com

Val Verde County

Val Verde County LEPC
Mr. Rowland Garza
400 Pecan St. Del Rio, TX 78841
LEPC phone: 830-774-7501
Spill phone: 911
Report type required: Electronic via E-
mail E-mail address:
rgarza@valverdecountry.texas.gov

Van Zandt County

Van Zandt County LEPC
Ms. Vicki McAlister
24632 State Highway 64 Canton, TX
75103
LEPC phone: 903-567-7558 (office);
903-681-2363 (cell)
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
vmcalister@vanzandtcounty.org

Victoria County

Victoria County LEPC
Victoria Emergency Management
205 N. Bridge, Ste. B-101, Victoria, TX
77901
LEPC phone: 361-580-5770/361-485-
3463
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address: oem@vctx.org

Walker County

Walker County LEPC
Mr. Butch Davis
344 SH 75 N., Suite 200 Huntsville, TX
77320
LEPC phone: 936-435-8035
Spill phone: 911
Report type required: Electronic via E-mail; E-mail address:
walkercountyoem@co.walker.tx.us

Waller County

Waller County LEPC
Mr. Brian Cantrell
27392 Field Store Rd., Waller, TX 77484
LEPC phone: 979-826-7785
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
b.cantrell@wallercounty.us

Ward County

Ward County LEPC
The Hon. Greg Holly
400 S. Allen, Ste. 100 Monahans, TX
79756-4600
LEPC phone: 432-943-3200
Spill phone: 911
Report type required: PDF via E-mail
E-mail address:
Greg.Holly@co.ward.tx.us

Washington County

Washington County LEPC
Mr. Bryan Ruemke
105 W Main St. Suite 100 Brenham,
Texas 77833
LEPC phone: 979-353-7683
Spill phone: 911
Report type required: Electronic via E-mail; E-mail address:
bruemke@washingtoncountytexas.gov

Webb County

Webb County LEPC
Ms. Mara Mendez
1110 Washington St. Suite 2A Laredo,
TX 78040
LEPC phone: 956-523-4620
Spill phone: 911
Report type required: PDF via E-mail
E-mail address:
mendezm@webbcountytexas.gov

Wharton County

Wharton County LEPC
Mr. Russell McDougall
315 East Elm Street Wharton, TX 77488
LEPC phone: 979-532-1550
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
russell.mcdougall@co.wharton.tx.us

Wheeler County

Wheeler County LEPC
Mr. Ken Daughtry, EMC
P.O. Box 375 Wheeler, TX 79096
LEPC phone: 806.826.3333(office);
806-334-7373 (cell)
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address: kjdeoc@hotmail.com

Wichita County

Wichita County LEPC
Mr. John Henderson
900 7th St. #102 Wichita Falls, TX 76301
LEPC phone: 940-763-0820
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
wichita.co.lepc@gmail.com

Wilbarger County

Wilbarger County LEPC
Mr. Cody Alexander, EMC
4109 Wilbarger St. Vernon, TX 76384
LEPC phone: 940-357-1411
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
wilbargeremc@co.wilbarger.tx.us

Willacy County

Willacy County LEPC
Mr. Frank Torres, EM
693 S. 7th St. Raymondville, TX 78580
LEPC phone: 956-689-5456 (office) or
956-642-7557 (cell)
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address: willems@prontonet.net

Williamson County

Williamson County LEPC
Mr. Bruce Clements
911 Tracy Chambers Lane Georgetown, TX 78627
LEPC phone: 512-943-1911
Spill phone: 911
Report type required: Electronic via E-mail; E-mail address: lepc@wilco.org or
Bruce.Clements@wilco.org

Wilson County

W.A.K.M.LEPC (Wilson, Atascosa, Karnes, and McMullen County)
Ms. Cindy Stafford, EMC
Courthouse Annex II, 800 10th St., Bldg. B Floresville, TX 78114
LEPC phone: 830-393-8351/8357, 830-734-6955(cell)
Spill phone: 911
Report type required: Electronic via E-mail; E-mail address:
emc@wilsoncountytexas.gov

Winkler County

Winkler County LEPC
Mr. John Henderson
P.O. Drawer Y Kermit, TX 79745
LEPC phone: 432-527-8856 (office);
432-208-8494 (cell)
Spill phone: 911
Report type required: Electronic via E-mail
E-mail address:
emc4winkler@yahoo.com

Wise County

Wise County LEPC
Jeff Doughty Fire Marshal
205 N State St. Decatur, TX 76234
LEPC phone: 940-627-5870 ext. 1
Spill phone: 911
Report type required: Electronic via Email
E-mail address:
firemarshal@co.wise.tx.us

Wood County

Wood County LEPC
Mr. Tully Davidson
P.O. Box 938 Quitman, TX 75783
LEPC phone: 903-569-7327
Spill phone: 911
Report type required: Paper
E-mail address:
tdavidson@mywoodcounty.com

Zavala County

Zavala County LEPC
Judge Cindy Martinez-Rivera
200 E. Uvalde St. Suite 9
Crystal City, TX 78839
LEPC phone: 830-374-3810
Spill phone: 911
Report type required: PDF via email
Email: judge@zavalacounty.org

Yoakum County

Yoakum County LEPC
Mr. Dave Tedford
1010 N. Main Denver City, TX 79372
LEPC phone: 806-456-2377
Spill: 911
Report required: Electronic via email
Email:
DaveTedford@DenverCityTexas.org

Young County

Young County LEPC
The Hon. Win Graham & Chris Moody,
EMC
516 4th St., Rm. 108 Graham, TX 76450
LEPC phone: 940-549-2030 (Judge);
817-455-9178 (Chris: cell)
Report type required: PDF via E-mail
E-mail address:
w.graham@youngcounty.org &
c.moody@youngcounty.org

Zapata County

Zapata County LEPC
Chief Daniel Arriaga
P.O. Box 831 Zapata, TX 78076
LEPC phone: 956-765-9942
Spill phone: 911
Report type required: Paper
E-mail address:
firepolice114@gmail.com