

Texas Tier II Chemical Reporting Exclusions

According to 25 Texas Administrative Code §295.181-183 Subchapter H and Texas Community Right-to-Know Acts (TCRAs), Chapters 505-507 of the Health and Safety Code, the following are excluded from Tier II reporting requirements.

1. 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
2. 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.
3. 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.
4. Radioactive waste.
5. Articles, which are defined as a manufactured item whose function is determined by its shape at the time of manufacture or 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. Note: Lead Acid Batteries are not considered articles.
6. 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 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.
7. Any substance to the extent 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.
8. 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.
9. Tobacco or tobacco products.
10. Wood or wood products, except for combustible wood dust.
11. Any food, food additive, color additive, drug, or cosmetic regulated by the United States Food and Drug Administration; food, drugs, cosmetics, or alcoholic beverages in a retail food sale establishment that are packaged for sale to consumer; and foods, drugs, or cosmetics intended for personal consumption by an employee while in the facility.
12. 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 final form for direct administration to the patient.