

# Texas Tier II Chemical Reporting Exemptions

According to 30 Texas Administrative Code [§325.1\(d\)](#), Texas Community Right-to-Know Acts (TCRAs), and Chapters 505-507 of the Health and Safety Code, the following are excluded from Tier II reporting requirements.

1. any hazardous waste, as that term is defined by the federal Resource Conservation and Recovery Act (RCRA) of 1976, as amended (42 USC, §§6901 et seq.), when subject to regulations issued under RCRA by the EPA
2. tobacco or tobacco products
3. wood or wood products in the same form and concentration as is distributed to the general public
  - a. Applies only to wood and wood products for which the hazard potential is limited to its flammability or combustibility. Wood that has been chemically treated is not exempted under 29 CFR 1910.1200(b)(6)(iv).
4. any substance that meets the definition of an article, as defined in this section
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 in the Consumer Product Safety Act (15 USC, §§2051 et seq. ) and Federal Hazardous Substances Act (15 USC, §§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 USC, §§301 et seq. ), when it is in solid, final form for direct administration to the patient, such as tablets or pills
9. the transportation of any substance or chemical subject to this chapter, including the transportation and distribution of natural gas
10. radioactive waste
11. a hazardous substance in a sealed package that is received and subsequently sold or transferred in that package if:
  - (A) the seal remains intact while the substance is in the facility; and
  - (B) the substance does not remain in the facility longer than five working days; and
  - (C) the substance 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
12. 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, as defined in the section
13. any substance to the extent it is being used in routine agricultural operations or is a fertilizer that is held for sale by a retailer to the ultimate consumer in its final form; and
14. ionizing and nonionizing radioactive material