

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
SOLID WASTE AND EMERGENCY RESPONSE

April 19, 1990

Memorandum

Subject: Clarification of Hazardous Chemical Exemption Concerning Medical Facilities

From: Kathy Jones

To: Regional Preparedness Coordinators

The hotline has received a number of recent inquiries concerning the storage of oxygen and other substances at hospitals. I am enclosing a copy of the response which the hotline has been instructed to provide to callers. Please share this information with the appropriate SERC contacts as soon as possible. I am sure that States are receiving similar calls.

As with many of the other exempt substances, there has been concern expressed that this information would be useful to emergency planners and responders. I suggest that callers also be encouraged to work with their SERC or LEPC to find out if they would like this information to be reported and to respond accordingly.

If you have additional questions or would like to discuss this issue further, please do not hesitate to call me at (202) 475-8353.

Section 311 (e)(4) of Title III and 370.2 of the regulations exclude from the definition of "hazardous chemical" 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. EPA believes that this exemption is intended to include substances which are used or will be used in the medical and research fields at these facilities under the direct supervision of technically qualified individuals in the medical or research fields. The exemption would include the storage of the substances at these facilities prior to the use of the substance. Further, the term "technically qualified" is interpreted to refer to individuals who are adequately trained in the research or medical fields, as appropriate. (For example, doctors, nurses, research professionals).

Therefore, this exemption would not apply to building cleaning supplies used at research or medical facilities even though they may be used under the supervision of qualified individuals.

It is important to note that the exemption applies to the substances rather than the facility. Under Section 302 of the law, there are no exceptions. Under Sections 311 and 312, only those substances which are used for medical or research purposes in medical or research facilities are exempt. Medical or research facilities may have other hazardous chemicals which are subject to reporting. These medical and research facilities may also be subject to reporting under Section 304 if there are any of these other hazardous chemicals present at the facilities in any amount