

(h) The health professional receiving the trade secret information may disclose it to EPA only under the following circumstances: The health professional must believe that such disclosure is necessary in order to learn from the Agency additional information about the chemical necessary to assist him in carrying out the responsibilities set forth in paragraphs (c), (d), and (e) of this section. Such information comprises facts regarding adverse health and environmental effects.

## PART 355—EMERGENCY PLANNING AND NOTIFICATION

Sec.

- 355.10 Purpose.
- 355.20 Definitions.
- 355.30 Emergency planning.
- 355.40 Emergency release notification.
- 355.50 Penalties.

APPENDIX A TO PART 355—THE LIST OF EXTREMELY HAZARDOUS SUBSTANCES AND THEIR THRESHOLD PLANNING QUANTITIES (ALPHABETICAL ORDER)

APPENDIX B TO PART 355—THE LIST OF EXTREMELY HAZARDOUS SUBSTANCES AND THEIR THRESHOLD PLANNING QUANTITIES (CAS NUMBER ORDER)

AUTHORITY: 42 U.S.C. 11002, 11004, and 11048.

SOURCE: 52 FR 13395, Apr. 22, 1987, unless otherwise noted.

### § 355.10 Purpose.

This regulation establishes the list of extremely hazardous substances, threshold planning quantities, and facility notification responsibilities necessary for the development and implementation of State and local emergency response plans.

### § 355.20 Definitions.

*Act* means the Superfund Amendments and Reauthorization Act of 1986.

*CERCLA* means the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended.

*CERCLA Hazardous Substance* means a substance on the list defined in section 101(14) of CERCLA.

NOTE: Listed CERCLA hazardous substances appear in table 302.4 of 40 CFR part 302.

*Chief Executive Officer of the tribe* means the person who is recognized by the Bureau of Indian Affairs as the

chief elected administrative officer of the tribe.

*Commission* means the emergency response commission for the State in which the facility is located except where the facility is located in Indian Country, in which case, *commission* means the emergency response commission for the tribe under whose jurisdiction the facility is located. In absence of an emergency response commission, the Governor and the chief executive officer, respectively, shall be the commission. Where there is a cooperative agreement between a State and a Tribe, the commission shall be the entity identified in the agreement.

*Committee or Local emergency planning committee* means the local emergency planning committee appointed by the emergency response commission.

*Environment* includes water, air, and land and the interrelationship which exists among and between water, air, and land and all living things.

*Extremely hazardous substance* means a substance listed in appendices A and B of this part.

*Facility* means all buildings, equipment, structure, and other stationary items that are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with, such person). *Facility* shall include manmade structures in which chemicals are purposefully placed or removed through human means such that it functions as a containment structure for human use. For purposes of emergency release notification, the term includes motor vehicles, rolling stock, and aircraft.

*Hazardous chemical* means any hazardous chemical as defined under §1910.1200(c) of Title 29 of the Code of Federal Regulations, except that such term does not include the following substances:

- (1) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.
- (2) 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.
- (3) Any substance to the extent it is used for personal, family, or household