

EHS vs. non-EHS

When completing a Tier II report, it is important to understand the difference between an Extremely Hazardous Substance (EHS) and a non-EHS, also known as a hazardous chemical, and their reporting requirements. Accurately reporting the types of substances in a facility's chemical inventory allows first responders to better plan for and respond to emergency situations.

What is an EHS?

An Extremely Hazardous Substance (EHS) is a chemical that is identified as being able to cause serious irreversible health effects from accidental releases. EHSs and their threshold planning quantities (TPQ) are listed in [40 CFR Part 355 in Appendices A and B](#) and in the [EPA's Consolidated List of Lists](#).

Certain facilities are more likely to have EHSs to report than others. These facilities include:

- Farms
- Frozen food processing facilities
- Pesticide distributors
- Plumbing, heating, and air conditioning
- Pulp and paper plants
- Water treatment plants
- City pools

If you would like to learn more about EPCRA Section 302 and emergency planning and notification in regards to EHSs, [click here](#)

What is a non-EHS (Hazardous Chemical)?

Hazardous chemicals, or non-EHSs, are substances that are required to have a Safety Data Sheet (SDS) and are defined as a "physical hazard or a health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified" ([29 CFR 1910.1200\(c\)](#), [40 CFR 370.12 \(a\)\(b\)](#)). Facilities must report any non-EHS if the substance is present in the facility at 10,000 pounds or more at any one time during the year.

Are any substances exempt from reporting requirements?

Substances that are not required to have a safety data sheet do not have to be reported. There are also exemptions for substances under EPCRA section 311(e), which are also listed in [40 CFR 370.13](#), that include:

- Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.
- 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.
- 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 general public. This means that the substances are packaged in a similar manner and present in the same concentration as when they are packaged for use by the general public, whether or not it is intended for distribution to the general public or used for the same purpose as when it is packaged for use by the general public.
- Any substance in a research laboratory, a hospital or other medical facility under the direct supervision of a technically qualified individual.
- Any substance in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.