

NEW HAMPSHIRE

STATUTES : (3)

NEW HAMPSHIRE REVISED STATUTES:

TITLE X: PUBLIC HEALTH CHAPTER 125H: HEALTH RISK ASSESSMENTS

TITLE X: PUBLIC HEALTH CHAPTER 125-I: AIR TOXIC CONTROL ACT

TITLE XXIII: LABOR CHAPTER 277-A: TOXIC SUBSTANCES IN THE WORKPLACE

<u>Terms</u>	<u>References</u>
Industrial Hygiene	1
Industrial Hygienist	0
Certified Industrial Hygienist - CIH	0
Certified Associate Industrial Hygienist	0
Construction Health and Safety Technician – CHST	0
Industrial Hygienist in Training - IHIT	0
AIHA Lab Accreditation Program	0
American Industrial Hygiene Association - AIHA	0
American Board of Industrial Hygiene - ABIH	0
American Conference of Governmental Industrial Hygienists – ACGIH	3
Occupational Health and Safety Technologist – OHST	0
Associate Safety Professional – ASP	0
Certified Safety Professional – CSP	0
Board of Certified Safety Professionals – BCSP	0

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RULES AND REGULATIONS: (1)

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES:

DEPARTMENT OF ENVIRONMENTAL SERVICES AIR RESOURCES DIVISION

<u>Terms</u>	<u>References</u>
Industrial Hygiene	0
Industrial Hygienist	0
Certified Industrial Hygienist - CIH	0
Certified Associate Industrial Hygienist	0
Construction Health and Safety Technician – CHST	0
Industrial Hygienist in Training - IHIT	0
AIHA Lab Accreditation Program and related	0
American Industrial Hygiene Association - AIHA	0
American Board of Industrial Hygiene - ABIH	0
American Conference of Governmental Industrial Hygienists – ACGIH	2
Occupational Health and Safety Technologist – OHST	0
Associate Safety Professional – ASP	0
Certified Safety Professional – CSP	0
Board of Certified Safety Professionals – BCSP	0

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<http://www.gencourt.state.nh.us/rsa/html/x/125-h/125-h-5.htm>

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TITLE X: PUBLIC HEALTH

CHAPTER 125H: HEALTH RISK ASSESSMENTS

125-H:5 Interagency Cooperation. –

I. In order to carry out health risk assessment, the commissioner is authorized to request and receive, on a reasonable basis, the assistance of personnel in any agency of state government with training or experience in any of the following fields:

- (a) Medicine.
- (b) Toxicology.
- (c) Epidemiology.
- (d) Environmental epidemiology.
- (e) Environmental health.
- (f) **Industrial hygiene.**
- (g) Occupational health nursing.
- (h) Ecology.
- (i) Environmental sanitation.
- (j) Engineering.
- (k) Radiological health.
- (l) Biological sciences, including wildlife biology.
- (m) Any other necessary discipline.

II. In order to assure cooperation among agencies in the health risk assessment process, the commissioner shall initiate the preparation of written memoranda of understanding with the executive head of any other agency of state government employing personnel needed for carrying out environmental health risk assessments. The memoranda shall include, at a minimum, the following:

- (a) A procedure for identifying and agreeing upon the personnel, facilities, and equipment available for environmental health risk assessments.
- (b) The contents and timing of a request for assistance.

III. The commissioner shall initiate the process of preparing memoranda of understanding with a written, dated request to undertake the process to the executive head of the agency concerned. If agreement between the commissioner and the concerned agency head is not reached within 90 days, the commissioner shall send written notification of the impasse to the governor. The governor shall cause a memorandum of understanding to be prepared and put into effect within 60 days of receiving the notification from the commissioner.

IV. If a dispute arises regarding the implementation of any memorandum of understanding under this section, the commissioner shall notify the governor with a

written, dated document of the dispute. The governor shall resolve the dispute within 5 working days of receiving notification from the commissioner.

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<http://www.gencourt.state.nh.us/rsa/html/x/125-i/125-i-mrg.htm>

NEW HAMPSHIRE REVISED STATUTES

TITLE X: PUBLIC HEALTH **CHAPTER 125-I: AIR TOXIC CONTROL ACT**

125-I:2 Definitions. –

I. "Air contaminant" means soot, cinders, ashes, any dust, fume, gas, mist (other than water), odor, toxic or radioactive material, particulate matter, or any combination thereof.

II. "Air toxic" means air contaminants designated by the commissioner of the department of environmental services from the organic compounds and metals listed by the United States Environmental Protection Agency in the Code of Federal Regulations, Title 40, Part 261, Subparts C and D and Table 4 of 450/5-86-011a and subsequent updates.

III. "Ambient air" means the unconfined atmosphere that envelops the earth.

IV. "Ambient air limit" means the standard designated pursuant to RSA 125-I:4 that establishes the maximum allowable concentration of emissions of a specific regulated toxic air pollutant at or beyond the compliance boundary.

V. "Commissioner" means the commissioner of the department of environmental services.

VI. "Compliance boundary" means the boundary of the property on which the stationary source is located or an alternate compliance boundary determined by the department in accordance with rules adopted pursuant to this chapter.

VII. "Council" means the air resources council established pursuant to RSA 21-O:11.

VIII. "Department" means the department of environmental services.

IX. "Device" means any burner, furnace, machine, equipment, or article which emits a regulated toxic air pollutant or air contaminant into the ambient air.

X. "Modification" means any physical or operational change in a stationary source or device which increases the amount of a specific regulated toxic air pollutant emitted by such source or device, or which results in the emission of any additional regulated toxic air pollutant.

XI. "Pollution control equipment" means any device that treats, removes, restricts, or otherwise controls the release or discharge of regulated toxic air pollutants that is not vital to normal production operations.

XII. "Process" means any operation which combines devices, equipment, raw materials, utilities, and manpower for the production of goods, services, energy, pollution control, or other purposes which emits a regulated toxic air pollutant into the ambient air.

XIII. "Reference concentration limit" means an estimate established by the United States Environmental Protection Agency of a daily exposure to the human population, including sensitive subgroups, that is likely to be without an appreciable risk of

deleterious noncancer effects during a lifetime.

XIV. "Regulated toxic air pollutant" means any substance or compound emitted into the ambient air by a stationary source and designated a regulated toxic air pollutant pursuant to RSA 125-I:4. Regulated toxic air pollutants are classified as:

(a) Class I, meaning any regulated toxic air pollutant recognized by the United States Environmental Protection Agency as a Group A-Human Carcinogen or Group B-Probable Human Carcinogen, as referenced in 51 Federal Register 34,000 (1986), or otherwise designated a regulated toxic air pollutant--Class I by the commissioner pursuant to rules adopted under RSA 125-I:3.

(b) Class II, meaning any regulated toxic air pollutant other than a regulated toxic air pollutant Class I, which is recognized by the United States Environmental Protection Agency as a Group C-Possible Human Carcinogen, as referenced in 51 Federal Register 34,000 (1986), or otherwise designated a regulated toxic air pollutant--Class II by the commissioner pursuant to rules adopted under RSA 125-I:3.

(c) Class III, meaning any regulated toxic air pollutant other than a regulated toxic air pollutant--Class I or Class II.

XV. "Stationary source" means any building, structure, facility, or installation that emits or may emit a regulated toxic air pollutant or air contaminant into the ambient air.

XVI. "Threshold limit value" means the threshold limit value-time weighted average (TLV-TWA) as set forth in the **American Conference of Governmental Industrial Hygienists (ACGIH)** 1995 list and as amended thereafter.

XVII. "Uncontrolled emission" means any emission of a regulated toxic air pollutant from a device or process at a stationary source that is not subject to treatment or removal by pollution control equipment prior to being emitted to the ambient air, or is emitted to the ambient air in amounts which have not been limited by conditions in an enforceable permit or document.

125-I:4 Regulated Toxic Air Pollutants. –

I. The following are regulated toxic air pollutants:

(a) Those substances or compounds listed as hazardous air pollutants pursuant to Section 112(b) of the Clean Air Act (42 U.S.C. 7412), as amended; and

(b) Those chemical substances for which a threshold limit value has been established by the **American Conference of Governmental Industrial Hygienists** as of December 31, 1995, as amended.

II. The commissioner shall adopt rules, pursuant to RSA 541-A, designating each regulated toxic air pollutant as a regulated toxic air pollutant--Class I, a regulated toxic air pollutant--Class II, or a regulated toxic air pollutant--Class III.

III. For each regulated toxic air pollutant, the commissioner shall adopt rules, pursuant to RSA 541-A, designating a short-term and long-term ambient air limit. In establishing ambient air limits under this chapter, the department shall rely on threshold limit values, reference concentration limits, and such other generally accepted scientific data as may be available.

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<http://www.gencourt.state.nh.us/rsa/html/xxiii/277-a/277-a-3.htm>

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TITLE XXIII: LABOR

CHAPTER 277-A: TOXIC SUBSTANCES IN THE WORKPLACE

277-A:3 Definitions. – As used in this chapter:

IV. "Material safety data sheet" means a written document prepared on a toxic substance containing all of the following information except as provided by RSA 277-A:4, III(c):

- (a) The chemical name, generic name, trade name, and any common name of the toxic substance and of each of the component toxic substances contained in any mixture.
- (b) The hazards of the substance, including its flammability, explosiveness, and reactivity.
- (c) The acute and chronic health effects and risks from exposure.
- (d) The potential routes and symptoms of overexposure.
- (e) The proper precautions, handling practices, necessary personal protective equipment, and other necessary or beneficial safety precautions.
- (f) Emergency procedures for spills, fire, disposal, and first aid.
- (g) A description, in nontechnical language, of the specific potential health risks posed by the toxic substance.
- (h) The date such information was compiled and the name and address of the manufacturer, producer or formulator responsible for compiling it.

V. "Toxic substance" means any radioactive or other substance which is defined as a toxic substance by a rule adopted pursuant to RSA 541-A by the department of health and human services. The department shall define as a toxic substance:

- (a) Any substance which appears on any list of toxic or hazardous substances which is included in any of the following:
 - (1) The United States Department of Transportation's 1980 Emergency Response Guidebook of Hazardous Waste Materials.
 - (2) TLV's: Threshold Limit Values for Chemical Substances and Physical Agents in the Workroom Environment, published by the **American Conference of Government Industrial Hygienists.**
 - (3) Title 29, Code of Federal Regulations, Section 1910.1000.
 - (4) Standards issued under Section 6(b)(5) of the Occupational Safety and Health Act of 1970.
 - (5) The Director of the Department of Industrial Relations' List of Hazardous Substances, published by the State of California.

NEW HAMPSHIRE RULES/REGULATIONS

http://gencourt.state.nh.us/rules/state_agencies/env-a100.html

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES **DEPARTMENT OF ENVIRONMENTAL SERVICES** **AIR RESOURCES DIVISION**

CHAPTER Env-A 100 ORGANIZATIONAL RULES

Env-A 101.161 "Regulated toxic air pollutant" means "regulated toxic air pollutant" as defined in RSA 125-I:2,XIV, namely "any substance or compound emitted into the ambient air by a stationary source and designated a regulated toxic air pollutant pursuant to RSA 125-I:4," and includes any of the following:

- (a) Any substance or compound which is listed as a hazardous air pollutant pursuant to section 112(b) of the Clean Air Act, 42 U.S.C. 7412, as amended;
- (b) Any substance or compound for which there is a threshold limit value established by the **American Conference of Governmental Industrial Hygienists**;
- (c) Any substance or compound which has been added to the list of regulated toxic air pollutants pursuant to RSA 125-I:4,V and Env-A 1400.

Env-A 101.195 "Threshold limit value" means "threshold limit value" as defined in RSA 125-I:2,XVI, namely "the threshold limit value-time weighted average (TLV-TWA) as set forth in the **American Conference of Governmental Industrial Hygienists (ACGIH)** 1995 list and as amended thereafter."