

‘Hazardous’ regulatory terms

Many laws and standards that apply in Minnesota use regulatory terms based on the word 'hazardous'. This fact sheet is intended to help explain the very different, and often confusing, meanings of regulatory terms based on the word ‘hazardous’ in effect in Minnesota. Businesses and other states may use different terms or apply different meanings to these regulatory terms. [Acronyms](#) used in this fact sheet are explained on page 14.

Different ‘hazardous’ regulatory terms have different meanings

Different ‘hazardous’ terms have different regulatory meanings and may trigger different requirements, even for the same product at the same place at the same time. For example, whether a product is a *hazardous chemical* may not affect whether or not that same product is a *hazardous material*, and vice versa. Each ‘hazardous’ term comes from a different law for a different purpose using a different definition. Different ‘hazardous’ terms cannot be used interchangeably. Be sure to identify the correct ‘hazardous’ term for a particular situation.

Some ‘hazardous’ regulatory terms have multiple different meanings

Some ‘hazardous’ terms have several different regulatory meanings, any of which may apply at one time, depending on what law or standard is being considered. For example, whether a product is a *hazardous chemical* for state fire protection purposes may not affect whether or not that same product is a *hazardous chemical* for federal employee safety purposes, and vice versa. Each ‘hazardous’ term, even if using the same words, comes from a different law for a different purpose using a different definition. Be sure to identify the correct law or standard using the ‘hazardous’ term for your particular situation.

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Acute hazardous waste

Acute hazardous wastes regulated nationally by the EPA and in Minnesota by the MPCA are a subset of [RCRA hazardous wastes](#). Acute hazardous wastes present a substantial risk to human health or the environment due to their low median lethal dose. Find more information at 40 CFR 261.33 and in MPCA fact sheet #w-hw2-02, P-list and F-list of acute hazardous wastes, at: <https://www.pca.state.mn.us/sites/default/files/w-hw2-02.pdf>

Banned hazardous product

Banned hazardous products are consumer products for which the CPSC has declared that no feasible consumer product safety standard would adequately protect the public from the unreasonable risk of injury associated with the product. Find more information at 15 USC 2057; 16 CFR 1301.1, 1302.4, 1303.4, 1304.4, 1305.4, 1306.3, 1309.3, and 1310.3; and on the CPSC's website at: <https://www.cpsc.gov>

Banned hazardous substance

Banned hazardous substances are [hazardous substances](#) regulated by the CPSC that are toys or other articles intended for use by children or that are household products that the CPSC has classified must be kept from interstate commerce to protect public health and safety. Find more information at 15 USC 1261; 16 CFR 1500.17; and on the CPSC's website at: <https://www.cpsc.gov>

Chronically hazardous component

Chronically hazardous components regulated nationally by the CPSC are art materials considered to have the potential for producing chronic adverse health effects from customary or reasonably foreseeable use. Find more information at 16 CFR 1500.14 and on the CPSC's website at: <https://www.cpsc.gov>

Environmentally hazardous substance

Environmentally hazardous substances, a subset of [DOT hazardous materials](#) regulated by PHMSA under the HMR are marine pollutants not specifically listed by name in the HMR. Find more information at 49 CFR 172.101 Appendix B and on PHMSA's website at: <https://www.phmsa.dot.gov>

Especially hazardous condition

Especially hazardous conditions identified nationally by the USCG authorize an enforcement official to terminate the unsafe operation of recreational vessels, and include operation without sufficient lifesaving or firefighting equipment, overloading, or other unsafe conditions. Find more information at 46 USC 4308; 33 CFR 177.05; and on the USCG's website at: <https://www.uscg.mil>

Especially hazardous cargo

Especially hazardous cargos regulated nationally by the USCG include anhydrous ammonia, ammonium nitrate, chlorine, liquified natural or petroleum gas, and any other substances in maritime commerce that pose a significant risk of creating a transportation security incident. Find more information at 46 USC 70103 and on the USCG's website at: <https://www.uscg.mil>

Extremely hazardous substance

Extremely hazardous substances (EHSs) identified nationally by the EPA under EPCRA could cause serious human health effects from short-term exposures such as accidental air releases. Businesses using or releasing *extremely hazardous substances* must report them annually to state and local emergency planners. In Minnesota, the HSEM division of DPS oversees this reporting. Find more information at 42 USC 11002; 40 CFR 355.61; and on DPS's website at: <https://dps.mn.gov>

Groundwater protection hazardous constituent

Groundwater protection hazardous constituents are the MPCA's adoption of the EPA's federal [hazardous constituents](#) for ground-water monitoring. Permitted [hazardous waste](#) treatment, storage, and disposal facilities (TSDFs) in Minnesota that manage [hazardous waste](#) in landfills, surface impoundments, land treatment units, or waste piles are required to monitor for *groundwater protection hazardous constituents*. Find more information at Minn. R. 7045.0143 and on the MPCA's website at: <https://www.state.mn.us>

Hazardous air pollutant

Hazardous air pollutants (HAPs), also known as *toxic air pollutants* or *air toxics*, regulated nationally by the EPA and in Minnesota by the MPCA under the CAA NESHAP Regulations contribute to air pollution when emitted to the atmosphere and are anticipated to result in an increase in mortality or serious illnesses. Find more information at 42 USC 7412 and on the MPCA's website at:

<https://www.pca.state.mn.us/business-with-us/federal-air-regulations>

Hazardous atmosphere

Hazardous atmosphere has two different regulatory meanings in Minnesota:

- A hazardous atmosphere regulated nationally by OSHA under the Confined Space Standards is an atmosphere that may expose employees to the risk of death, incapacitation, impairment of ability to self-rescue, injury, or acute illness. Find more information at 29 CFR 1910.146; 29 CFR 1926.1201; and on OSHA's website at: <https://www.osha.gov>
- A hazardous atmosphere regulated nationally by OSHA under the Marine Terminals Standard, also referred to as a [hazardous cargo](#), [hazardous material](#), or [hazardous substance](#), includes [DOT hazardous materials](#), [OSHA Subpart Z hazardous substances](#), and oxygen-deficient atmospheres. Find more information at 29 CFR 1917.2 and on OSHA's website at: <https://www.osha.gov>

Hazardous cargo

Hazardous cargos regulated nationally by OSHA under the Marine Terminals Standard, also referred to as [hazardous materials](#), [hazardous substances](#), or a [hazardous atmosphere](#), include [DOT hazardous materials](#), [OSHA Subpart Z hazardous substances](#), and oxygen-deficient atmospheres. Find more information at 29 CFR 1917.2 and on OSHA's website at: <https://www.osha.gov>

Hazardous chemical

Hazardous chemical has six different regulatory meanings in Minnesota:

- Hazardous chemicals identified nationally by the EPA under the emergency planning portion of EPCRA must be reported to state and local emergency planners of any state or area likely to be affected by releases of the hazardous chemicals by businesses releasing them, and begin with *hazardous chemicals* defined under the OSHA HCS but then exempt chemicals regulated by the FDA, consumer-packaged products and their equivalents, agricultural chemicals, and chemicals used in research laboratories and medical facilities. Find more information at 42 USC 11002; 40 CFR 355.61; and on the EPA's website at: <https://www.epa.gov> This same definition of *hazardous chemicals* also triggers reporting to state and local emergency planners of a facility storing more than threshold quantities under the community right to know portion of EPCRA. Find more information at 42 USC 11021; 40 CFR 370.66; and on the EPA's website at <https://www.epa.gov>
- Hazardous chemicals regulated nationally by OSHA and in Minnesota by MNOSHA under the HCS include any chemical classified as a physical or health hazard, simple asphyxiant, combustible dust, or hazard otherwise not classified. Find more information at 29 CFR 1910.1200 and on OSHA's website at: <https://www.osha.gov>

Hazardous chemical (continued)

- Hazardous chemicals regulated nationally by OSHA under the Laboratory Standard include only chemicals classified as a health hazard or simple asphyxiant. Find more information at 29 CFR 1910.1450 and on OSHA's website at: <https://www.osha.gov>
- Hazardous chemicals regulated nationally by MSHA under the HazCom include any chemical that presents a physical or health hazard. Find more information at 30 CFR 47.11 and on MSHA's website at: <https://www.msha.gov>
- Hazardous chemicals defined nationally by the NFPA for the purpose of flammable and combustible liquids storage, use, and handling, are chemicals presenting dangers beyond the fire problems relating to flash point and boiling point, and are also referred to as [hazardous materials](#). Find more information in NFPA Standard 30 and on the NFPA's website at: <https://www.nfpa.org>
- Hazardous chemicals defined nationally by FEMA for chemical incident management planning and decision making purposes include chemical warfare agents, toxic industrial chemicals, and chemicals causing toxic syndromes on exposure. Find more information in FEMA's July, 2022, Planning and Decision Framework for Chemical Incident Consequence Management, and on FEMA's website at: <https://www.fema.gov>

Hazardous commodity

Hazardous commodity has three different regulatory meanings in Minnesota:

- Hazardous commodities identified nationally by the TRB of NASEM include [DOT hazardous materials](#) transported on highways and railroads for the purpose of studying the flows of the hazardous commodities for FEMA-supported emergency planning. Find more information in the TRB's Hazardous Materials Cooperative Research Program (HMCRP) Report 3 and on FEMA's website at <https://www.fema.gov>
- Hazardous commodities identified nationally by the WCSC of the USACE include [DOT hazardous materials](#) transported in maritime commerce and are used to assess usage of navigable waters of the United States. Find more information USACE Record Number 735-17c and on USACE's website at: <https://www.usace.army.mil>
- Hazardous commodities identified nationally by the AAR include [DOT hazardous materials](#) and [DOT hazardous wastes](#) transported on railroads for the purpose of response planning and assessing transportation tariffs. Find more information in the AAR's Hazardous Materials Shipping Descriptions Data Base and on AAR's website at: <https://www.aar.org>

Hazardous condition

Hazardous conditions regulated nationally by the USCG are any conditions that may adversely affect the safety of any vessel, bridge, structure, or shore area or the environmental quality of any port, harbor, or navigable waterway of the United States. Some hazardous conditions include collision, allision, fire, explosion, grounding, leaking, damage, cyber incident, injury or illness of a person aboard, or manning-shortage. Find more information at 46 USC 4308; 33 CFR 177.05; and on the USCG's website at: <https://www.uscg.mil>

Hazardous constituent

Hazardous constituents are identified nationally by the EPA for groundwater monitoring purposes and must be tested for by permitted [hazardous waste](#) treatment, storage, and disposal facilities (TSDFs) that manage [RCRA hazardous waste](#) in landfills, surface impoundments, land treatment units, or waste piles. In Minnesota, they are adopted as [groundwater protection hazardous constituents](#). Find more information at 40 CFR 264.93 and on the EPA's website at: <https://www.epa.gov>

Hazardous debris

Hazardous debris defined nationally by the EPA under the LDR consists of large particles of manufactured objects, plant or animal matter, or natural geologic material which are or have been contaminated by [RCRA hazardous waste](#). The LDR has been adopted in Minnesota by the MPCA. Find more information at 40 CFR 268.2 and on the EPA's website at: <https://www.epa.gov>

Hazardous drug

Hazardous drug has two different regulatory meanings in Minnesota:

- Hazardous drugs defined nationally by the ASHP and regulated by OSHA cause or increase the risk of cancer (carcinogenicity), damage genes (genotoxicity) or organs (toxicity), or increase risk of birth defects (teratogenicity). Find more information in OSHA's 2016 technical document Controlling Occupational Exposure to Hazardous Drugs, and on OSHA's website at: <https://www.osha.gov>
- Hazardous drugs defined nationally by the NIOSH division of CDC also exhibit the risks of carcinogenicity, genotoxicity, toxicity, and teratogenicity, but also include drugs that present developmental or reproductive toxicity. This definition has also been adopted by the USP in standard USP 800. Find more information in the most current NIOSH Publication NIOSH List of Hazardous Drugs in Healthcare Settings, and on the CDC's website at: <https://www.cdc.gov>

In Minnesota, hazardous drugs under both definitions must be assumed to be [state-specific hazardous wastes](#). For more information, see MPCA fact sheet #w-hw4-45b, Alternate method to evaluate pharmaceutical waste for the Lethality Characteristic, at: <https://www.pca.state.mn.us/sites/default/files/w-hw4-45b.pdf>

Hazardous energy

Hazardous energy regulated nationally by OSHA and in Minnesota by MNOSHA includes connected, stored, or residual electrical, mechanical, hydraulic, pneumatic, chemical, thermal, or energy from other sources that could cause injury to employees. Find more information at 29 CFR 1910.147 and on OSHA's website at: <https://www.osha.gov>

Hazardous explosive

Hazardous explosives identified in Minnesota by DPS include chemical compounds, mixtures, or devices whose purpose is to function by explosion; any device that generates highly heated gases that produce destructive effects; blasting agents; and detonators. DPS oversees four Bomb Disposal Units in Minnesota that respond to incidents involving hazardous explosives. Find more information in Minn. Stat. 299C.063 and on DPS's website at: <https://dps.mn.gov>

Hazardous fluid

Hazardous fluids regulated nationally by PHMSA at liquefied natural gas facilities include natural gas and other gases that are flammable, toxic, or corrosive. Find more information at 49 CFR 193.2007 and on PHMSA's website at: <https://www.phmsa.dot.gov>

Hazardous gas

Hazardous gases defined nationally by HUD are gaseous petroleum products or chemicals that can produce excessive blast overpressures or thermal radiation levels. Find more information at 24 CFR 51 Subpart C Appendix I and on HUD's website at: <https://www.hud.gov>

Hazardous item

Hazardous items identified nationally by the DoD are products procured for military supply purposes that would be [RCRA hazardous waste](#) when discarded or that present equivalent risks to human health or the environment when improperly treated, stored, or transported before being discarded. Find more information in Department of Defense Manual 4140.01 Volume 5, and on the Department's website at: <https://www.war.gov>

Hazardous liquid

Hazardous liquid has four different regulatory meanings in Minnesota:

- Hazardous liquids regulated nationally by PHMSA include petroleum and petroleum products, anhydrous ammonia, ethanol, and other non-petroleum fuels carried in pipelines that are flammable, toxic, or would be harmful to the environment if released in significant quantities. Find more information at 49 CFR 195.2 and on PHMSA's website at: <https://www.phmsa.dot.gov>
These hazardous liquids also must be considered by the PUC in proposed pipeline routing in Minnesota. Find more information in Minn. Stat. 216G.02 and on the PUC's website at <https://mn.gov/puc>
- Hazardous liquids regulated in Minnesota by the OPS division of DPS for pipeline safety standards include the *hazardous liquids* regulated by PHMSA as well as highly volatile liquids that will form a vapor cloud when released to the atmosphere and have a high vapor pressure. Find more information in Minn. Stat. 299F.56 and on DPS's website at: <https://dps.mn.gov>
- Hazardous liquids regulated nationally by PHMSA at liquified natural gas facilities and include liquified natural gas and other liquids that are flammable or toxic. Find more information at 49 CFR 193.2007 and on PHMSA's website at: <https://www.phmsa.dot.gov>
- Hazardous liquids defined nationally by HUD are liquid petroleum products or chemicals that can produce excessive blast overpressures or thermal radiation levels. Find more information at 24 CFR 51 Subpart C Appendix I and on HUD's website at: <https://www.hud.gov>

Hazardous material

Hazardous material (also known as *HazMat*) has eleven different regulatory meanings in Minnesota:

- Hazardous materials regulated nationally by PHMSA under the HMR, also known as *DOT hazardous materials*, pose an unreasonable risk to health, safety, and property when transported in commerce, and include [DOT hazardous substances](#), [environmentally hazardous substances](#), and [DOT hazardous wastes](#), as well as materials designated to be *hazardous materials* by the DOT. In Minnesota, MnDOT implements the HMR. Find more information at 49 CFR 171.8 and on PHMSA's website at: <https://www.phmsa.dot.gov>
The *DOT hazardous materials* definition is also used by the MPCA as the Responsible Governmental Unit (RGU) when reviewing Environmental Assessment Worksheets (EAWs) for projects in Minnesota. Find more information in Minn. R. 4410.0200; Minn. R. 4410.4300; and on the MPCA's website at: <https://www.pca.state.mn.us/business-with-us/environmental-review>
DOT hazardous materials storage in tanks also triggers MPCA Aboveground Storage Tank (AST) Program requirements in Minnesota. Find more information in Minn. R. 7151.1200, and on the MPCA's website at: <https://www.pca.state.mn.us/business-with-us/aboveground-storage-tanks>
- Hazardous materials regulated nationally by OSHA under the Subpart H – Hazardous Materials Standard are specific products that may pose risks to worker safety when handled, stored, or utilized in the workplace. Find more information at 29 CFR 1910 Subpart H, 1910.101-1910.126, and on OSHA's website at: <https://www.osha.gov>
In Minnesota, the MNOSHA division of DLI has adopted the same specified *hazardous materials*. Find more information in Minn. R. 5205.0010 and on DLI's website at: <https://www.dli.mn.gov>

Hazardous material (continued)

- Hazardous materials defined nationally by the ICC in the IBC and IFC are products or wastes that can cause dangerous conditions related to storage, dispensing, use, and handling due to physical hazards or health hazards. In Minnesota, the SFMD division of DPS implements the IFC through adoption into the MSFC. Find more information in 2020 MSFC Section 202 and on DPS's website at: <https://dps.mn.gov>
In Minnesota, DLI implements the IBC through adoption into the MBC. Find more information in 2020 MBC Sections 202 and 307 and on DLI's website at: <https://www.dli.mn.gov>
- Hazardous materials response teams regulated by the OSHA HAZWOPER standard handle and control actual or potential leaks or spills of [HAZWOPER hazardous substances](#) requiring close approach for the purpose of control or stabilization of the incident. Find more information at 29 CFR 1910.120 and on OSHA's website at: <https://www.osha.gov>
- Hazardous materials at incidents in Minnesota to which regional teams administered by DPS under HMIRA respond include any materials that, because of their chemical, physical, or biological nature, pose a potential risk to life, health, or property if they are released, or any material in a quantity or form that may be harmful to humans, animals, crops, water systems, or other elements of the environment if released. Find more information in Minn. Stat. 299A.49 and on DPS's website at: <https://dps.mn.gov>
- Hazardous materials regulated nationally by the USCG for general inspection and regulation of vessels include [DOT hazardous materials](#), [CWA hazardous substances](#), and flammables and combustibles. Find more information at 46 USC 2101; and on the USCG's website at: <https://www.uscg.mil>
- Hazardous materials regulated nationally by the USCG in bulk maritime commerce are specified liquid, liquefied gas, and compressed gas cargos that may pose an unreasonable risk to health and safety or property. Find more information at 46 CFR 153.40; and on the USCG's website at: <https://www.uscg.mil>
- Hazardous materials regulated nationally by OSHA under the Marine Terminals Standard, also referred to as [hazardous cargos](#), [hazardous substances](#), or a [hazardous atmosphere](#), include [DOT hazardous materials](#), [OSHA Subpart Z hazardous substances](#), and oxygen-deficient atmospheres. Find more information at 29 CFR 1917.2 and on OSHA's website at: <https://www.osha.gov>
- Hazardous materials defined nationally by the GSA for purposes of federal government purchasing and safety documentation include [hazardous chemicals](#) under the HCS; [DOT hazardous materials](#); [CERCLA hazardous substances](#); [extremely hazardous substances](#); significant new use chemical substances under TSCA; pesticides; toxic chemicals under the community right to know provisions of EPCRA; dangerous goods defined by the IATA, ICAO, and IMO; and radioactive substances regulated by the NRC. Find more information at 48 CFR 23.301; in Federal Standard 313F; and on the GSA's website at: <https://www.gsa.gov>
- Hazardous materials defined nationally by the NFPA for the purpose of storage, use, and handling of [hazardous materials](#) that are not flammable and combustible liquids are chemicals or substances classified as a physical hazard material or a health hazard material due to being toxic or highly toxic; corrosive; explosive; flammable cryogenics, gases, or solids; oxidizers, oxidizing cryogenics, or peroxides; pyrophoric; or reactive or water-reactive. Find more information in NFPA Standard 400 and on the NFPA's website at: <https://www.nfpa.org>
- Hazardous materials defined nationally by the NFPA for the purpose of flammable and combustible liquids storage, use, and handling, are materials presenting dangers beyond the fire problems relating to flash point and boiling point, and are also referred to as [hazardous chemicals](#). Find more information in NFPA Standard 30 and on the NFPA's website at: <https://www.nfpa.org>

Hazardous operation

Hazardous operation has three different regulatory meanings in Minnesota:

- Hazardous operations defined nationally by HUD are sites that store, handle, or process HUD -defined [*hazardous substances*](#). Find more information at 24 CFR 51.200 and on HUD's website at: <https://www.hud.gov>
- Hazardous operations regulated nationally by the FAA involve flight of small unmanned aircraft that endangers or creates an undue hazard to life or property. Find more information at 14 CFR 107.23 and on the FAA's website at: <https://www.faa.gov>
- Hazardous operations regulated nationally by OSHA involve any operation, procedure, or activity where a release of vinyl chloride gas or liquid may occur. Find more information at 29 CFR 1910.1017 and on OSHA's website at: <https://www.osha.gov>

Hazardous production material

Hazardous production materials defined nationally by the ICC in the IBC and IFC are materials associated with semiconductor manufacturing research or production that present a health, flammability, or instability hazard. In Minnesota, the SFMD division of DPS implements the IFC through adoption into the MSFC.

Find more information in 2020 MSFC Section 202 and on DPS's website at: <https://dps.mn.gov>

In Minnesota, DLI implements the IBC through adoption into the MBC.

Find more information in 2020 MBC Section 202 and on DLI's website at: <https://www.dli.mn.gov>

Hazardous release

Hazardous releases regulated nationally by OSHA are massive releases of vinyl chloride. Find more information at 29 CFR 1910.1017; OSHA's March 24, 1977, interpretation letter; and on OSHA's website at:

<https://www.osha.gov>

Hazardous secondary material

Hazardous secondary materials regulated nationally by EPA are secondary materials, such as spent materials, by-products, and sludges, that would be [*RCRA hazardous wastes*](#) when discarded.

Hazardous secondary materials are federally eligible for reduced regulatory requirements when legitimately recycled. Find more information at 40 CFR 260.10; 40 CFR 261.4; and on EPA's website at: <https://www.epa.gov> Though this definition is not recognized in Minnesota, many of the resulting regulatory reductions are separately allowed under different provisions of the Minnesota Hazardous Waste Rules. Find more information in Minn. R. 7045.0125 and in MPCA fact sheet #w-hw2-42, Recycling hazardous waste, at:

<https://www.pca.state.mn.us/sites/default/files/w-hw2-42.pdf>

Hazardous ships' stores

Hazardous ship' stores regulated nationally by the USCG are [*DOT hazardous materials*](#) on board a vessel for the upkeep, maintenance, safety, operation, or navigation of the vessel, or for the safety or comfort of the vessel's passengers or crew, but do not include fumigants, fuels, and compressed air used for the propulsion machinery or fixed auxiliary equipment. Find more information at 46 CFR 147.3 and on the USCG's website at:

<https://www.uscg.mil>

Hazardous situation

Hazardous situations defined nationally by the ISO for purposes of risk management in medical devices are circumstances that expose people, property or environment to one or more potential sources of injury or damage to the health of people, or damage to property or the environment. Find more information in ISO 14971:2019 and on ISO's website at: <https://www.iso.org>

Hazardous substance

Hazardous substance has fourteen different regulatory meanings in Minnesota:

- Hazardous substances regulated nationally by the EPA under the CWA present an imminent and substantial danger to the public health or welfare, including fish, shellfish, wildlife, shorelines, and beaches, when discharged into navigable waters of the United States. These hazardous substances are also known as *Clean Water Act hazardous substances* or *CWA hazardous substances*. Find more information at 33 USC 1321; 40 CFR 116.4; and on the EPA's website at <http://www.epa.gov>
CWA hazardous substances are also subject to criminal liability in Minnesota for improper discharge. Find more information in Minn. Stat. 609.671 and on the MCJSS's website at <https://www.mncjss.state.mn.us>
- Hazardous substances identified nationally by the EPA under CERCLA present substantial danger to the public health or welfare or the environment when released, and include [hazardous air pollutants](#), [RCRA hazardous wastes](#), [CWA hazardous substances](#), toxic pollutants under the CWA, and [imminently hazardous chemical substances or mixtures](#), but do not include petroleum or natural gas liquids unless they have been specifically designated as *hazardous substances*. These hazardous substances are also known as *CERCLA hazardous substances* or *Superfund hazardous substances*. Businesses and people responsible for pollution caused by *CERCLA hazardous substances* or who control polluted property may be liable for damages and costs of cleanup. Find more information at 42 USC 9602; 40 CFR 302.4; and on the EPA's website at <http://www.epa.gov>
CERCLA hazardous substances are also separately listed by PHMSA under the HMR, and are also then referred to as [DOT hazardous substances](#). Find more information at 49 CFR 172.101 Appendix A and on PHMSA's website at <https://www.phmsa.dot.gov>
- Hazardous substances identified in Minnesota by the MPCA under MERLA also pose a substantial present or potential hazard to human health or the environment when released or threatened to be released, and include [hazardous air pollutants](#), Minnesota statutory [hazardous wastes](#), [RCRA hazardous wastes](#), [state-specific hazardous wastes](#), and [CWA hazardous substances](#), but also do not include petroleum or natural gas liquids unless they would meet the definition of [hazardous wastes](#). Businesses and people responsible for a release or a threatened release of *MERLA hazardous substances* are responsible for their investigation and cleanup. Find more information in Minn. Stat. 115B.02; Minn. Stat. 115B.17; and on the MPCA's website at: <https://www.pca.state.mn.us/air-water-land-climate/minnesota-superfund-sites>
MERLA hazardous substances also trigger spill prevention, control, and countermeasures (SPCC) planning requirements in Minnesota equivalent to federal oil SPCC plan requirements. Find more information in Minn. Stat. 115E.01 and on the MPCA's website at: <https://www.pca.state.mn.us/about-mPCA/spill-preparedness-oil-and-hazardous-substances>
- Hazardous substances identified in Minnesota by the MPCA under the Underground Storage Tank (UST) Program include [CERCLA hazardous substances](#) and petroleum, but do not include [RCRA hazardous wastes](#) or [state-specific hazardous wastes](#). Find more information in Minn. R. 7150.0030 and on the MPCA's website at: <https://www.pca.state.mn.us/business-with-us/underground-storage-tanks>
- Hazardous substances identified in Minnesota by DPS for railroad emergency response planning and training purposes include [MERLA hazardous substances](#) and [DOT hazardous substances](#). Find more information in Minn. Stat. 219.055; Minn. Stat. 299A.55; and on DPS's website at: <https://dps.mn.gov/>
- Hazardous substances identified in Minnesota by the MNOSHA division of DLI under the ERTK for non-farm employers trigger requirements to provide training and information to their employees who are routinely exposed to them, and include [OSHA Subpart Z hazardous substances](#) and *hazardous substances* listed by MNOSHA. Find more information in Minn. Stat. 182.651; Minn. R. 5206.0100; Minn. R. 5206.0400; and on DLI's website at: <https://www.dli.mn.gov>

Hazardous substance (continued)

- Hazardous substances identified in Minnesota by the MNOSHA division of DLI under the ERTK for farm employers trigger requirements to provide training and information to their farm employees who are routinely exposed to them, and include [OSHA Subpart Z hazardous substances](#), *hazardous substances* listed by MNOSHA, and pesticides registered with the EPA under FIFRA. Find more information in Minn. R. 5206.1500; Minn. R. 5206.1600; and on DLI's website at: <https://www.dli.mn.gov>
- Hazardous substances identified nationally by OSHA and in Minnesota by MNOSHA under the HAZWOPER standard may result in adverse effects on the health or safety of exposed employees, and include [RCRA hazardous wastes](#), [DOT hazardous wastes](#), [CERCLA hazardous substances](#), [DOT hazardous materials](#), and biological and disease-causing agents that may reasonably be anticipated to cause death, disease, cancer, genetic mutation, behavioral abnormalities, physiological malfunctions, or physical deformations in environmentally exposed persons or their offspring, and may be referred to as *HAZWOPER hazardous substances*. Find more information at 29 CFR 1910.120 and on OSHA's website at: <https://www.osha.gov>
- Hazardous substances regulated nationally by OSHA and in Minnesota by MNOSHA under the Subpart Z, Toxic and Hazardous Substances Standards, include 42 specific substances and five non-specific substance groups, consisting of air contaminants, coal tar pitch volatiles, coke oven emissions, bloodborne pathogens, and ionizing radiation, each specific substance and non-specific substance group with its own set of requirements, and may be referred to as *OSHA Subpart Z hazardous substances*. Find more information at 29 CFR 1910 Subpart Z, 1910.1000-1910.1096, and on OSHA's website at: <https://www.osha.gov>
- Hazardous substances identified in Minnesota by DPS trigger reporting by employers to local fire departments of the reasonably expected maximum quantity and hazard categories present in the workplace, and include all *hazardous substances* identified by MNOSHA under the ERTK, with the exception of any *hazardous substances* being transported in commerce. In Minnesota, this reporting is combined with reporting of [hazardous chemicals](#) under EPCRA. Find more information in Minn. Stat. 299F.092; Minn. R. 7513.0100; and on DPS's website at: <https://dps.mn.gov>
- Hazardous substances regulated nationally by the CPSC include toxic, corrosive, irritant, strongly sensitizing, flammable or combustible substances or mixtures that may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children; toys or other articles intended for use by children that present an electrical, mechanical or thermal hazard, and radioactive substances that require labeling to protect public health, and may be referred to as *CPSC hazardous substances*. Find more information at 15 USC 1261; 16 CFR 1500; and on the CPSC's website at: <https://www.cpsc.gov>
- Hazardous substances defined nationally by HUD are petroleum products or chemicals that can produce excessive blast overpressures or thermal radiation levels, including [hazardous gases](#) and [hazardous liquids](#). Find more information at 24 CFR 51.201 and on HUD's website at: <https://www.hud.gov>
- Hazardous substances regulated nationally by OSHA under the Marine Terminals Standard, also referred to as [hazardous cargos](#), [hazardous materials](#), or a [hazardous atmosphere](#), include [DOT hazardous materials](#), [OSHA Subpart Z hazardous substances](#), and oxygen-deficient atmospheres. Find more information at 29 CFR 1917.2 and on OSHA's website at: <https://www.osha.gov>
- Hazardous substances in incidents in Minnesota subject to cost recovery for responses from regional teams administered by DPS under HMIRA or from a local unit of government are referred to as [hazardous materials](#), and include any substances that, because of their chemical, physical, or biological nature, pose a potential risk to life, health, or property if they are released, or any substance in a quantity or form that may be harmful to humans, animals, crops, water systems, or other elements of the environment if released. Find more information in Minn. Stat. 299A.52 and on DPS's website at: <https://dps.mn.gov>

Hazardous waste

Hazardous waste has seven different regulatory meanings in Minnesota:

- Hazardous wastes regulated nationally by the EPA under RCRA, also called *RCRA hazardous wastes*, are solid wastes as defined by the EPA that are then listed by the EPA as a hazardous waste, that are mixed with listed wastes, or that exhibit a characteristic of [hazardous waste](#), including ignitability, including being an oxidizer, corrosivity, reactivity, and toxicity. Find more information at 40 CFR 260.10; 40 CFR 261.3; and on the EPA's website at: <https://www.epa.gov>
RCRA hazardous wastes are also subject to national criminal liability for mismanagement. Find more information at 42 USC 6928 and on the EPA's website at <https://www.epa.gov>
- Hazardous wastes regulated in Minnesota by the MPCA are not solid wastes as defined by the MPCA, but do include all [RCRA hazardous wastes](#), as well as additional *state-specific hazardous wastes*, also called *state-only hazardous wastes*, including fuel-related wastes, polychlorinated biphenyls (PCBs), and Lethality Characteristic wastes. Find more information in Minn. R. 7045.0214 and in MPCA fact sheet #w-hw1-01, Evaluate waste, at: <https://www.pca.state.mn.us/sites/default/files/w-hw1-01.pdf>
- Hazardous wastes nationally subject to civil liability, also sometimes called *statutory hazardous wastes*, include solid waste which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. However, these statutory hazardous wastes are not subject to [RCRA hazardous waste](#) regulatory requirements. Find more information at 42 USC 6903 and on the EPA's website at: <https://www.epa.gov>
- Hazardous wastes subject to civil liability in Minnesota, also sometimes called *statutory hazardous wastes*, is again much broader than the regulatory definition, and applies the same language and factors as nationally, however to any waste materials instead of just solid wastes. These statutory hazardous wastes are not directly subject to [RCRA hazardous waste](#) or [state-specific hazardous waste](#) regulatory requirements. Find more information in Minn. Stat. 116.06 and on the MPCA's website at: <https://www.pca.state.mn.us>
- Hazardous wastes subject to criminal liability in Minnesota for mismanagement start with [RCRA hazardous wastes](#) and [state-specific hazardous wastes](#), but then exclude [hazardous wastes](#) exempted from regulatory requirements in Minnesota, waste pesticides generated by farmers, and household appliances. Find more information in Minn. Stat. 609.671 and on the MCJSS's website at <https://www.mncjss.state.mn.us>
- Hazardous wastes identified nationally by OSHA and in Minnesota by MNOSHA for purposes of operations and emergency response employee training under the HAZWOPER standard include [RCRA hazardous wastes](#) and [DOT hazardous wastes](#) at regulated [hazardous waste](#) treatment, storage, and disposal facilities (TSDFs) and at sites subject to RCRA corrective actions, but not at sites where the [hazardous waste](#) is currently being generated, unless meeting one of the other inclusions. However, the HAZWOPER standard further identifies clean-up operations involving [CERCLA hazardous substances](#) and emergency response operations for releases or substantial threats of releases of [HAZWOPER hazardous substances](#), as well as voluntary clean-up operations of either [hazardous wastes](#) or [hazardous substances](#) recognized by any level of government, as *hazardous waste operations* taking place at *hazardous waste sites*, regardless of whether or not *hazardous waste* under this HAZWOPER definition is handled there. Find more information at 29 CFR 1910.120 and on OSHA's website at <https://www.osha.gov>
The NIEHS nationally administers grants for the Hazardous Waste Worker Training Program (HWWTP) under this meaning of *hazardous waste operations*. Find more information at 42 CFR 65 and on NIEHS's website at: <https://www.niehs.nih.gov>

Hazardous waste (continued)

- Hazardous wastes regulated nationally by PHMSA, also sometimes called *DOT hazardous wastes*, include only those [RCRA hazardous wastes](#) that are subject to the Uniform Hazardous Waste Manifest requirements under 40 CFR 262, and thus do not include [RCRA hazardous wastes](#) generated by very small quantity generators (VSQGs), universal wastes, [hazardous secondary materials](#), [state-specific hazardous wastes](#), and other wastes exempt from federal manifesting requirements. Find more information at 49 CFR 171.8 and on PHMSA's website at: <https://www.phmsa.dot.gov>

Hazardous waste constituent

Hazardous waste constituents identified nationally by the EPA under the RCRA Regulations and adopted in Minnesota by the MPCA carry the chemical or physical risk that caused the waste they are contained in to potentially be considered a [RCRA hazardous waste](#). However, hazardous constituents may or may not themselves be [RCRA hazardous waste](#). Find more information at 40 CFR 261 Appendix 8 and on the EPA's website at: <https://www.epa.gov>

Highly hazardous chemical

Highly hazardous chemicals (HHCs) regulated nationally by OSHA and in Minnesota by MNOSHA are specified toxic, reactive, flammable, or explosive products in the workplace that may result in a catastrophic release. Find more information at 29 CFR 1910.119 and on OSHA's website at: <https://www.osha.gov>

Highly hazardous pesticide

Highly hazardous pesticides (HHPs) identified nationally by the FSC and regulated in Minnesota by the DNR for use on most DNR-managed lands are chemical pesticides that present particularly high levels of acute or chronic hazards to health and environment according to internationally accepted classification systems, or are listed in relevant binding international agreements or conventions, or contain dioxins, or heavy metals. Find more information in FSC Policy FSC-POL-30-001 and on the DNR's website at: <https://www.dnr.state.mn.us>

Household hazardous waste

Household hazardous wastes (HHW) regulated in Minnesota by the MPCA are non-commercial [RCRA hazardous wastes](#) and [state-specific hazardous wastes](#) generated by households, and must be managed equivalent to business-generated *hazardous wastes* if voluntarily collected. Find more information in Minn. Stat. 115A.96 and on the MPCA's website at: <https://www.pca.state.mn.us/news-and-stories/safely-dispose-of-household-hazardous-waste>

Imminently hazardous chemical substance or mixture

Imminently hazardous chemical substances or mixtures regulated nationally by the EPA under TSCA present an imminent and unreasonable risk of serious or widespread injury to health or the environment, without consideration of costs or other non-risk factors, when the manufacture, processing, distribution in commerce, use, or disposal of the chemical substance or mixture, or that any combination of such activities, is likely to result in such injury to health or the environment before the EPA can promulgate a final rule regarding it. Find more information at 15 USC 2606 and on the EPA's website at: <https://www.epa.gov>

Liquified hazardous gas

Liquified hazardous gases regulated nationally by the USCG at waterfront facilities are liquids containing specified flammable or toxic products. Find more information in USCG Commandant Instruction M16600.10 and on the USCG's website at: <https://www.uscg.mil>

Misbranded hazardous substance

Misbranded hazardous substances regulated nationally by the CPSC are [CPSC hazardous substances](#) that are not labeled in accordance with CPSC requirements. Find more information at 15 USC 1261; 16 CFR 1500.3; and on the CPSC's website at: <https://www.cpsc.gov>

Particularly hazardous substance

Particularly hazardous substances (PHS) regulated nationally by OSHA under its laboratory standard include select carcinogens, reproductive toxins, and substances with a high degree of acute toxicity. Find more information at 29 CFR 1910.1450 and on OSHA's website at: <https://www.osha.gov>

Potentially hazardous food

Potentially hazardous foods regulated in Minnesota by the MDH are natural or synthetic foods for human consumption in a form capable of supporting growth of infectious or toxigenic organisms, including Salmonella or Botulism bacteria. Find more information in Minn. R. 4326.0020 and on MDH's website at: <https://www.health.state.mn.us>

Potentially hazardous substance

Potentially hazardous substances identified nationally by the IHTSDO in the SNOMED-CT standard are not individually defined, but include as a group any unidentified substances a patient has been exposed to causing a patient's signs and symptoms that result in the clinical finding of 'exposure to *potentially hazardous substances*'. Find more information in SNOMED-CT Code 133261000119105 and on the IHTSDO's website at: <https://www.snomed.org>

This clinical finding is parallel to the related diagnosis code of 'contact with and (suspected) exposure to other hazardous substances' in the International Classification of Diseases (ICD) developed by the World Health Organization (WHO). Find more information in ICD, 10th Revision, Clinical Modification (ICD-10-CM) Code Z77.29 and on the WHO's website at: <https://www.who.int>

Underlying hazardous constituent

Underlying hazardous constituents (UHCs) defined nationally by the EPA are constituents listed in the LDR which can reasonably be expected to be present at the point of generation of a [RCRA hazardous waste](#) at a concentration above the relevant treatment standard. The LDR has been adopted in Minnesota by the MPCA. Find more information at 40 CFR 268.2 and on EPA's website at: <https://www.epa.gov>

Law & standards acronyms referenced in this fact sheet

CAA	Clean Air Act	IBC	International Building Code
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act	IFC	International Fire Code
CFR	Code of Federal Regulations	LDR	Land Disposal Restrictions
CWA	Clean Water Act	MBC	Minnesota Building Code
DoDM	Department of Defense Manual	MERLA	Minnesota Environmental Response and Liability Act
EPCRA	Emergency Planning and Community Right to Know Act	MSFC	Minnesota State Fire Code
ERTK	Employee Right to Know Act	NESHAP	National Emission Standards for Hazardous Air Pollutants
FIFRA	Federal Insecticide, Fungicide and Rodenticide Act	RCRA	Resource Conservation and Recovery Act
HazCom	(Mine) Hazard Communication Standard	SNOMED-CT	Systemized Nomenclature of Medicine - Clinical Terms
HAZWOPER	Hazardous Waste Operations and Emergency Response	SPCC	Spill Prevention, Control, and Countermeasures
HCS	Hazard Communication Standard	TSCA	Toxic Substances Control Act
HMIRA	Hazardous Materials Incident Response Act	USC	United States Code
HMR	Hazardous Materials Regulations		
HSA	Hazardous Substances Act		

Minn. R. means Minnesota Rule
Minn. Stat. means Minnesota Statute

Agency & standards-setting bodies acronyms referenced in this fact sheet

AAR	Association of American Railroads	MCJSS	Minnesota Criminal Justice Statute Service
ASHP	American Society of Hospital Pharmacists	MDH	Minnesota Department of Health
CDC	(U.S.) Centers for Disease Control & Prevention	MnDOT	Minnesota Department of Transportation
CPSC	(U.S.) Consumer Product Safety Commission	MNOSHA	Minnesota Occupational Safety & Health Administration
DLI	(Minnesota) Department of Labor and Industry	MPCA	Minnesota Pollution Control Agency
DNR	(Minnesota) Department of Natural Resources	MSHA	(U.S.) Mine Safety & Health Administration
DoD	(U.S.) Department of Defense/Department of War	NASEM	National Academies of Sciences, Engineering, and Medicine
DOT	(U.S.) Department of Transportation	NFPA	National Fire Prevention Association
DPS	(Minnesota) Department of Public Safety	NIEHS	National Institute of Environmental Health Sciences
EPA	(U.S.) Environmental Protection Agency	NIOSH	National Institute for Occupational Safety & Health
FAA	Federal Aviation Administration	NRC	(U.S.) Nuclear Regulatory Commission
FDA	(U.S.) Food & Drug Administration	OPS	(Minnesota) Office of Pipeline Safety
FEMA	Federal Emergency Management Administration	OSHA	(U.S.) Occupational Safety & Health Administration
FSC	Forestry Stewardship Council	PHMSA	(U.S.) Pipeline and Hazardous Materials Safety Administration
GSA	(U.S.) General Services Administration	PUC	(Minnesota) Public Utilities Commission
HSEM	(Minnesota) Homeland Security and Emergency Management	SFMD	(Minnesota) State Fire Marshal Division
HUD	(U.S.) Department of Housing & Urban Development	TRB	(U.S.) Transportation Research Board
IATA	International Air Transport Association	USACE	U.S. Army Corps of Engineers
ICAO	International Civil Aviation Organization	USCG	U.S. Coast Guard
ICC	International Code Council	USP	United States Pharmacopeial Convention
IHTSDO	International Health Terminology Standards Organization	WCSC	(U.S.) Waterborne Commerce Statistics Center
IMO	International Maritime Organization		
ISO	International Organization for Standardization		

More information

For more information, contact the agencies and standard-setting bodies identified above or your Metropolitan County or the MPCA. The MPCA’s Small Business Environmental Assistance Program can also provide you with free, confidential, regulatory assistance. The Minnesota Technical Assistance Program can assist you to reduce hazards. Immediately report *hazardous waste* and *hazardous materials* incidents to the Minnesota Duty Officer.

Metropolitan County Hazardous Waste Offices

Anoka	763-324-4260
	https://www.anokacountymn.gov
Carver	952-361-1800
	https://www.ppt – Mark Rust w.carvercountymn.gov
Dakota	952-891-7557
	https://www.co.dakota.mn.us
Hennepin	612-348-3777
	https://www.hennepin.us
Ramsey	651-266-1199
	https://www.ramseycountymn.gov
Scott	952-496-8177
	https://www.scottcountymn.gov
Washington	651-430-6655
	https://www.washingtoncountymn.gov

Minnesota Pollution Control Agency

Toll free	800-657-3864
All offices	651-296-6300
	https://www.pca.state.mn.us

Small Business Environmental Assistance Program

Toll free	800-657-3938
Direct	651-282-6143
	https://www.pca.state.mn.us

Minnesota Technical Assistance Program

Toll free	800-247-0015
Direct	612-624-1300
	https://www.mntap.umn.edu

Minnesota Duty Officer

Toll free	800-422-0798
Direct	651-649-5451