

Sec. 29-307a. Hazardous materials in manufacturing establishments. Notice to local fire marshal. Penalty. Distribution of information. (a) As used in this section:

(1) "Employer" means a person engaged in the operation of a manufacturing establishment who has employees, but does not mean the state or any political subdivision thereof;

(2) "Hazardous material" means any substance or material which (A) has been identified by the federal Department of Transportation as a hazardous material in the Code of Federal Regulations, Title 49, Part 172, Subpart B, section 172.101, and (B) meets the definitional requirements of the hazard classes established for such hazardous materials in the Code of Federal Regulations, Title 49, Part 173, Subparts C to J, inclusive; and

(3) "Manufacturing establishment" means a business so designated in Sector 31, 32 or 33 of the North American Industry Classification System.

(b) Each employer who uses, keeps, stores or produces any hazardous material in his manufacturing establishment shall, within thirty days, provide the local fire marshal for the area where the establishment is located with notice, in writing, of the presence or elimination of any hazardous material in his establishment. The notification shall include, but not be limited to, the following: The name of the hazardous material, its federal Department of Transportation identification number and designated hazard class, the maximum inventory quantity on site, the units of measure and the location in the establishment where it can normally be found. Any employer who fails to provide notice as required by this subsection shall be assessed a civil penalty of not more than one thousand dollars for each day such employer fails to provide such notice. The Attorney General, upon complaint of the local fire marshal, shall institute a civil action to recover such penalty. Any moneys collected in accordance with this section shall be deposited in the General Fund.

(c) Upon receipt of any notification required under the provisions of subsection (b) of this section, the local fire marshal shall distribute the information contained in such notice to the persons providing fire protection in each town, city or borough under his jurisdiction. Such information shall be in such form and distributed in such manner as the State Fire Marshal shall require. The local fire marshal shall provide a complete copy of any information submitted pursuant to subsection (b) of this section, upon written request, to the health director of the municipality in which the establishment is located. Notwithstanding the provisions of section 1-210, the local fire marshal, any firefighter, a municipal health director or any water company shall maintain the confidentiality of and not disclose such information to any person. Any local fire marshal, firefighter, municipal health director or any water company found to have disclosed such information in violation of this subsection shall have committed an infraction.

(P.A. 83-511, S. 2, 4; P.A. 84-546, S. 79, 173; P.A. 85-162; 85-395; 85-613, S. 128; P.A. 86-327, S. 2; 86-403, S. 62, 132; P.A. 87-318, S. 1; 87-511; P.A. 95-208, S. 12, 13; P.A. 05-288, S. 129; P.A. 09-177, S. 6.)

History: P.A. 83-511 effective July 1, 1984; P.A. 84-546 made technical grammatical change; P.A. 85-162 amended Subsec. (b) by requiring that the notification include a copy of the material safety data and amended Subsec. (c) by authorizing the release of the information to water companies and health directors upon request; P.A. 85-395 amended Subsec. (b) by deleting requirement that notice be given "On or before October 1, 1984, and annually thereafter" with "within thirty days," requiring notice of the "elimination" of hazardous substances, adding provisions for the assessment of civil penalties and institution of a civil action by the attorney general to recover such penalties, and providing that any moneys collected shall be deposited in the emergency spill response fund; P.A. 85-613 made a technical change in Subsec. (b) and deleted the requirement that the notification include a copy of the material safety data; P.A. 86-327 amended Subsec. (c), transferring responsibility for determining form and manner of information distribution from local fire marshal to state fire marshal; P.A. 86-403 made technical changes in Subsec. (b); P.A. 87-318 deleted the requirement that notice be given to water companies in Subsec. (c); P.A. 87-511 amended Subdiv. (2) of Subsec. (a), deleting provisions of Subpara. (B) relative to definition of "hazardous material" as quantities exceeding maximum allowable for transport in one package by cargo aircraft and amended Subsec. (b), modifying the notification to the local fire marshal and the civil penalty for failure to provide such notice; (Revisor's note: In 1995 the phrase "emergency

spill response fund” was replaced editorially by the Revisors with “emergency spill response account” to conform section with Sec. 22a-451, as amended by P.A. 94-130); P.A. 95-208 amended Subsec. (b) to require that moneys collected in accordance with section be deposited in the General Fund, rather than in the emergency spill response account, effective July 1, 1995; P.A. 05-288 made technical changes in Subsec. (c), effective July 13, 2005; P.A. 09-177 amended Subsec. (a) to make technical changes and add Subdiv. (3) defining “manufacturing establishment”.

Cited. 243 C. 66.