§ 37-0103. Lists of substances hazardous or acutely hazardous to public health, safety or the environment.

1. No later than two years from the date on which this section as hereby amended takes effect, the commissioner shall promulgate and thereafter from time to time amend regulations consistent with the state administrative procedure act which contain:

(a) A list of substances hazardous to the public health, safety or the environment, as required by paragraph (b) of subdivision ten of section 71-2702 of this chapter, which meet the following criteria:

(i) because of their quantity, concentration, or physical, chemical or infectious characteristics cause physical injury or illness when improperly treated, stored, transported, disposed of, or otherwise managed; or

(ii) pose a present or potential hazard to the environment when improperly treated, stored, transported, disposed of, or otherwise managed; or

(iii) because of their toxicity or concentration within biological chains, present a demonstrated threat to biological life cycles when released into the environment.

(b) A list of substances acutely hazardous to public health, safety or the environment, as required by paragraph (b) of subdivision eleven of section 71-2702 of this chapter, which meet the following criteria:

(i) A. have an oral LD (rat) toxicity of less than 50 milligrams per kilogram; or

B. have an inhalation LC (rat) toxicity of less than 2 milligrams per liter; or

C. have a dermal LD (rabbit) toxicity of less than 200 milligrams per kilogram; or

(ii) cause or are capable of causing death, serious illness or serious physical injury to any person or persons as a consequence of release into the environment.

2. In promulgating a list pursuant to paragraph (a) of subdivision one of this section, the commissioner shall include the following:

(a) substances whose manufacture, processing, contribution in commerce, use, possession or disposal is banned, prohibited or limited pursuant to the federal Toxic Substances Control Act (15 U.S.C. 2601 et seq.) as of January 1, 2008, as amended from time to time;

(b) substances and pesticides whose use or possession is prohibited pursuant to the federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 135 et seq.) as of January 1, 2008, as amended from time to time; and

(c) substances defined as hazardous substances pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act (26 U.S.C. 4611 et seq.; 42 U.S.C. 9601 et seq.) as of January 1, 2008, as amended from time to time.