

(A) IN GENERAL.

IN THIS SUBTITLE, "HAZARDOUS MATERIAL" MEANS:

(1) ANY SUBSTANCE THAT MAY CAUSE SUBSTANTIAL PERSONAL INJURY OR SUBSTANTIAL ILLNESS FROM CUSTOMARY OR REASONABLY FORESEEABLE HANDLING OR USE, OR INGESTION BY CHILDREN, AND IS:

(I) TOXIC;

(II) CORROSIVE;

(III) FLAMMABLE OR COMBUSTIBLE;

(IV) AN IRRITANT;

(V) A STRONG SENSITIZER; OR

(VI) A SUBSTANCE THAT GENERATES PRESSURE BY DECOMPOSITION, HEAT, OR OTHER MEANS; OR

(2) ANY OTHER SUBSTANCE THAT THE SECRETARY DECLARES TO BE HAZARDOUS MATERIAL UNDER § 7-102 OF THIS SUBTITLE.

(B) EXCLUDED MATERIALS.

IN THIS SUBTITLE, "HAZARDOUS MATERIAL" DOES NOT INCLUDE:

(1) ANY FOOD, DRUG, OR COSMETIC THAT IS SUBJECT TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT OR TITLE 4, SUBTITLE 2 OF THIS ARTICLE;

(2) A FUEL THAT IS A HOUSEHOLD SUBSTANCE AS DEFINED IN § 5-301 OF THIS ARTICLE; OR

(3) A PESTICIDE THAT IS SUBJECT TO THE FEDERAL INSECTICIDE, FUNGICIDE, OR RODENTICIDE ACT UNLESS THE PESTICIDE IS CONTAINED IN AN ARTICLE THAT, BECAUSE IT CONTAINS THE PESTICIDE, IS AS HAZARDOUS AS ANY SUBSTANCE DESCRIBED IN SUBSECTION (A) OF THIS SECTION.

REVISOR'S NOTE: This section formerly appeared as Article 43, § 809(1), (4), and the first half of (2).

In this section, and throughout this subtitle, "hazardous material" is substituted for "hazardous substance" to prevent confusion between this subtitle and Subtitle 2 of this title, "Controlled Hazardous Substances".

In subsection (a) of this section, the former