

EPCRA Reporting Requirements

EPCRA does not place limits on which chemicals can be stored, used, released, disposed, or transferred at a facility. It only requires a facility to document, notify, and report information. Each section of the law, however, applies different requirements, has different deadlines and covers a different group of chemicals.

Emergency Planning (Sections 301-303)

These sections are to ensure that state and local communities are prepared to respond to potential chemical accidents. As a first step, each state had to establish a State Emergency Response Commission (SERC). In turn, the SERC designated local emergency planning districts. For each district, the SERC appoints, supervises and coordinates the activities of a Local Emergency Planning Committee (LEPC). The LEPC must, in turn, develop an emergency response plan for its district and review it annually. The membership of the LEPC includes representatives of public and private organizations as well as a representative from every facility subject to EPCRA emergency planning requirements.

The plan developed by the LEPC must:

- identify affected facilities and transportation routes;
- describe emergency notification and response procedures;
- designate community and facility emergency coordinators;
- describe methods to determine the occurrence and extent of a release;
- identify available response equipment and personnel;
- outline evacuation plans;
- describe training and practice programs and schedules; and
- contain methods and schedules for exercising the plan.

Determining if a facility is subject to the EPCRA emergency planning requirements is straightforward. The [Environmental Protection Agency](#) (EPA) has published a list of "extremely hazardous substances (EHS)." For each EHS, the list includes the name, the [Chemical Abstract Service number](#) of the substance, and a number called a threshold planning quantity (TPQ). The TPQ, expressed in pounds, is the critical number. If a facility has within its boundaries an amount of an extremely hazardous substance equal to or in excess of its threshold planning quantity, the facility is subject to the EPCRA emergency planning requirements and must notify both the SERC and the LEPC of this fact. The facility must also appoint an emergency response coordinator who will work with the LEPC on developing and implementing the local emergency plan at the facility.

Emergency Release Notification (Section 304)

A facility may be subject to these reporting requirements even if it is not subject to the provisions of Sections 301-303. This section applies to any facility which stores, produces or uses a "hazardous chemical" (any chemical which is a physical hazard or a health hazard) and

releases a reportable quantity (RQ) of a substance contained in either of the following two tables published by the EPA in the Code of Federal Regulations:

- list of extremely hazardous substances; and
- list of [CERCLA](#) hazardous substances.

The RQ is the critical number that determines if a release must be reported. This is a number expressed in pounds that is assigned to each chemical in the above-mentioned tables. If the amount of a chemical released to the environment exceeds the reportable quantity, the facility must immediately report the release to the appropriate LEPC and SERC and provide a written follow-up as soon as practicable.

Of course there are exceptions. A release which results in exposure to persons solely within the facility boundary or is a federally permitted release does not have to be reported. Also, continuous pesticide and radionuclide releases meeting specified conditions are exempt.

Emergency Training and Review of Emergency Systems: (Section 306)

Authorization to provide training and education programs for Federal, State, and local personnel in hazard mitigation; review of emergency systems for monitoring, detecting and preventing releases of extremely hazardous substances. Compile reports on status of technological capabilities, public emergency alert devices or systems, technical and economic feasibility of establishing, maintaining, and operating perimeter alert systems, make recommendations on improving devices/systems or new and improved technologies.

Community Right-to-Know Reporting Requirements (Sections 311-312)

The purpose of these requirements is to increase community awareness of chemical hazards and to facilitate emergency planning. This section applies to any facility that is required by the [Occupational Safety and Health Administration](#) (OSHA) under its Hazard Communication Standard to prepare or have available a [Material Safety Data Sheet](#) (MSDS) for a hazardous chemical (See II above for definition) or that has on-site, for any one day in a calendar year, an amount of a hazardous chemical equal to or greater than the following threshold limits established by the EPA:

- 10,000 pounds for hazardous chemicals; or
- lesser of 500 pounds or the threshold planning quantity (TPQ) for extremely hazardous substances.

If a facility is subject to reporting under these sections, it must submit information to the SERC, the LEPC and the local fire department with jurisdiction over the facility under two categories: MSDS reporting and inventory reporting.

Toxic Chemical Release Inventory Reporting (Section 313)

The data gathered will assist in research and development of regulations, guidelines, and standards. Under this section, The EPA is required to establish the [Toxics Release Inventory](#) (TRI), an inventory of routine toxic chemical emissions from certain facilities. The original data requirements for the TRI, specified in SARA Title III, have been greatly expanded by the Pollution Prevention Act of 1990. The TRI must now also include information on source reduction, recycling and treatment.

To obtain this data, EPCRA requires each affected facility to submit a Toxic Chemical Release Inventory Form (Form R) to the EPA and designated state officials each year on July 1. A facility must file a Form R if it:

- has 10 or more full-time employees;
- is in a specified Standard Industrial Classification Code; and
- manufactures more than 25,000 lb/year of a listed toxic chemical; or
- processes more than 25,000 lb/year of a listed toxic chemical; or
- otherwise uses more than 10,000 lb/year of a listed toxic chemical; or
- manufactures, processes or otherwise uses a listed persistent bioaccumulative toxic (PBT) chemical above the respective PBT's reporting threshold. PBT reporting thresholds can vary anywhere from 0.1 grams for dioxin compounds to 100 pounds for lead.

On October 29, 1999, EPA published a final rule (64 FR 58666) adding certain chemicals and chemical categories to the EPCRA section 313 list of toxic chemicals and lowering the reporting threshold for persistent bioaccumulative toxic (PBT) chemicals. On January 17, 2001 EPA published a final rule (66 FR 4500) that classified lead and lead compounds as PBT chemicals and lowered their reporting thresholds.

In December 2006, the EPA finalized a new TRI Rule which expands eligibility for use of the Form A Certification Statement in lieu of the more detailed Form R. Details about this final rule can be found on the EPA website under TRI Reporting.

Relationship to Other Law: (Section 321)

Nothing in this title shall preempt any State or Local Law.

Trade Secret Information: (Section 322)

Information may be withheld if the specific chemical identity is likely to cause substantial harm to the competitive position and the substance is not readily discoverable through reverse engineering.

Provision of Information to Health Professionals, Doctors and Nurses: (Section 323)

Facilities subject to Sections 311, 312, 313 must provide specific chemical identity, upon written request from a health professional.

Public Availability of Plans, Data Sheets, Forms, and Followup notices: (Section 324)

LEPC's shall annually publish a notice in local newspapers that the emergency response plan, MSDS and inventory forms have been submitted and are available for viewing. Facilities may request the location of a specific chemical be withheld from disclosure.

Civil penalties for emergency planning: (Section 325)

Civil, administrative and criminal penalties for emergency notification; civil and administrative penalties for reporting requirements; civil, administrative and criminal penalties with respect to trade secrets; special enforcement provision for information required by health professionals.

Exemptions: (Section 327)

Except as provide in Section 304 this Title does not apply to transportation.