

## Emergency Planning and Community Right-to-Know Act Unraveled



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The Emergency Planning and Community Right-to-Know Act (EPCRA) was enacted after a number of catastrophic chemical events across the world raised awareness of the need for communities to be prepared for chemical emergencies and to be adequately equipped to respond to incidents in order to minimize the effects of chemical spills, fires and explosions, and other hazards associated with these types of events. It also addresses the right of the public to know the types and quantities of hazardous materials that are used in their communities.

EPCRA is divided into sections that address specific types of chemical risks. The Environmental Protection Agency's List of Lists, found at [www.epa.gov](http://www.epa.gov), can help you find reportable chemicals and reporting thresholds for each of these sections.

### Section 302 Emergency Response Plans

**Purpose:** Plan for potential releases of extremely hazardous substances.

**How It Works:** Facilities notify their State Emergency Planning Commission (SERC) or Tribal Emergency Response Commission (TERC) and their Local Emergency Planning Committee (LEPC) if they have Extremely Hazardous Substances (EHS) above their Threshold Planning Quantity (TPQ) at any single time. The agencies become responsible for creating a plan to manage emergencies that could involve these substances. This is a one-time notification and must be made within 60 days of a chemical exceeding its TPQ.

### Section 304 Emergency Notifications

**Purpose:** Report releases of hazardous or extremely hazardous substances.

**How It Works:** Facilities notify their SERC or TERC and their LEPC or, in the event of a transportation emergency, call 911 or the operator for any release of an EHS above its Section 302 TPQ, or above the Section 304 EHS Reportable Quantity (RQ). A release can be an event that lasts up to 24 hours. The initial notification includes the chemical name, whether it is an EHS, time and duration of the release, quantity released, potential health risks, precautions to be taken by first responders, and the name and phone number of the facility contact person. The facility must send a written follow-up report to SERC or TERC and LEPC after the event.

### Sections 311-312

**Purpose:** Provide information on chemical hazards to planning and response agencies.

**How It Works:** The chemicals to which these Sections apply are EHS identified in Sections 302 and 304, and hazardous chemicals; "hazardous chemicals" for Sections 311 and 312 are defined as any chemical or mixture for which OSHA requires a safety data sheet (SDS). There are two parts to this notification.

**Section 311:** This is a one-time notification to the SERC or TERC, LEPC, and local fire department that requires facilities to either send a list of hazardous chemicals or submit an SDS for each hazardous chemical that is present on site. Updates are required whenever new chemicals or new information on existing chemicals are received.

**Section 312:** Facilities subject to Section 311 also must submit an emergency and hazardous chemical inventory to their SERC or TERC, LEPC, and local fire department by March 1 of each year for chemicals that were present on site the previous calendar year in quantities exceeding their respective thresholds. The reporting threshold is 500 pounds for EHS and 10,000 pounds for hazardous chemicals. Reporting is made using either a Tier I form or a Tier II form, although most states require use of the Tier II form because it contains more specific chemical information. The SERC, TERC or LEPC will make Section 312 report information available to public, upon request.

### Section 313

**Purpose:** Track the management of toxic chemicals that pose a threat to human health and the environment.

**How It Works:** There are two steps associated with Section 313.

**Step 1:** Facilities determine if they are required to report by identifying the amount of the reportable chemicals or chemical categories that were manufactured, processed, or otherwise used in the previous calendar year. There are more than 650 chemicals and chemical categories covered by Section 313, and many of the cleaning solvents and other chemicals used by printers – glycol ethers and water dissociable nitrates, for example – are subject to Section 313. Note that some chemicals that are identified by category may not be listed in the List of Lists; the EPA has published separate lists

for many of these categories. Complete the reporting in Step 2 for each chemical that exceeds a reporting threshold. Step 1 should be completed and documented every year, even if you don't have to file a report.

**Step 2:** For each chemical that exceeds a reporting threshold, the facility is required to calculate releases to the air, wastewater, storm water, the amount of the chemical recycled or treated on site, or sent off site for treatment for the previous calendar year. The facility will complete a Toxic Release Inventory (TRI) report through the EPA's Central Data Exchange (CDX) by July 1 (some states and tribes have additional reporting requirements). TRI submissions are made available to the public by the EPA.

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## EPCRA GUIDE

Section	302	304	311/312	313
<b>Chemicals Covered</b>	355 Extremely Hazardous Substances (EHS)	>1,000 Substances	Approximately 500,000 hazardous chemicals	>650 Toxic Chemicals and Chemical Categories
<b>Thresholds</b>	Threshold Planning Quantity (TPQ)	Reportable Quantity (RQ) released in a 24-hour period	EHS: 500 pounds or TPQ, whichever is less.  <b>Retail fuel in underground storage tanks:</b>  Gasoline 75,000 gallons Diesel 100,000 gallons  <b>All other chemicals:</b> 10,000 pounds	<b>Manufactured or processed:</b> 25,000 pounds <b>Otherwise used:</b> 10,000 pounds  Persistent Bioaccumulative Toxins* (PBTs) have lower thresholds; here are some examples:  Dioxin and dioxin-like compounds (N150): 0.1 grams;  Mercury and mercury compounds (N458): 10 pounds; Polychlorinated biphenyl PCB (1336-36-36): 10 pounds;  Polycyclic aromatic compounds PAC (N590): 100 pounds;  Lead and lead compounds (N420): 100 pounds  *See EPA website for complete PBT and category lists
<b>Report Type</b>	Written Notification	Verbal with written follow up	Tier I or Tier II Report	Toxic Release Inventory (TRI)
<b>Report To</b>	SERC or TERC  LEPC	SERC or TERC  LEPC	Wisconsin: WOPRS  Illinois: IEMA  Indiana: Indiana Emergency Response Commission  <i>Check instructions - some fire departments do not have direct access to state report and you may be required to send a copy to them.</i>	EPA Central Data Exchange
<b>Frequency</b>	One-time	Only if a release occurs	Annual	Annual
<b>Deadline</b>	Within 60 days of new EHS or new information about an EHS on site	Immediate verbal at time of release; written follow-up	March 1	July 1