TIER II REPORTING & AVOIDING COMMON MISTAKES PART 2

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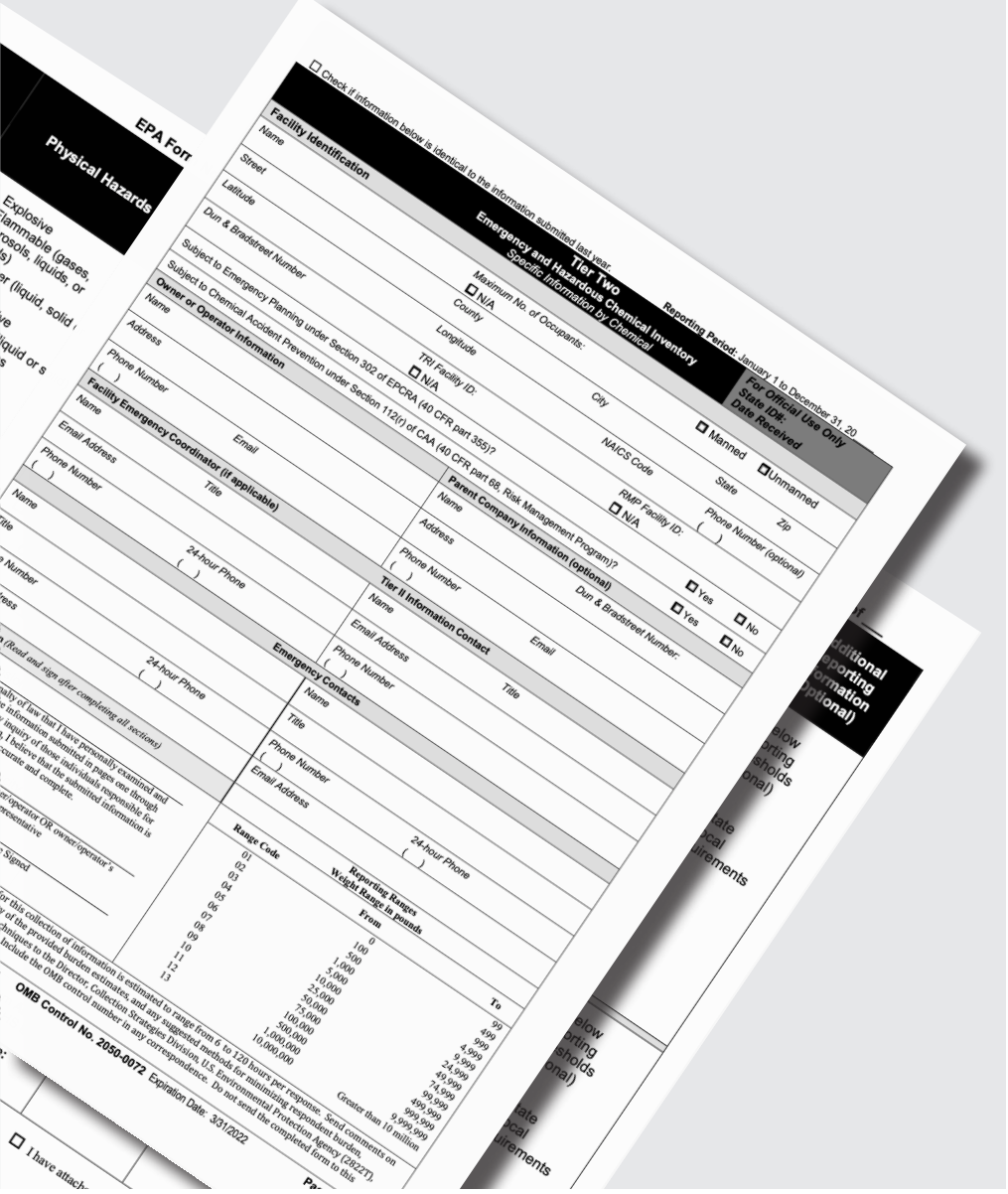
In part one of this article, we spent some time reviewing the background and basic requirements of EPCRA Tier II Reporting, as well as evaluating some of the factors that determine how reporting can be completed in your respective state. In this article, we will take a look at some ideas to help avoid some of the more common errors associated with Tier II Reporting.

The first, and most obvious, error is simply a failure to complete the Tier II Report by the deadline, or failing to complete it altogether. This may seem like an unlikely occurrence (and hopefully it is for you). However, Tier II Reporting is something that can be lost in the shuffle of tasks that make up a busy calendar for a compliance professional. The annual Tier II Reporting deadline of March 1st (unless otherwise directed by your state) should be tracked in some manner to ensure that it does not sneak up on you, or you completely forget about it. This can be done by entering recurring tasks in your personal calendar or into a computerized maintenance management system (CMMS), so that reminders are generated as you approach the submittal deadline. The downside to using a personal calendar is that it is ineffective if the person leaves. Perhaps the individual who had been responsible for Tier II Reporting has retired or maybe they no longer work at the facility. For this reason, a recurring work order built into the facility CMMS, should you be lucky enough to have one, is often a better approach. However, be careful that the work order is not automatically assigned to specific personnel. Much like the personal calendar, if they leave the company and their duties were not properly reassigned, the work order may become frozen in cyberspace, so to speak. This is a common cause for a facility failing to complete their annual Tier II Report.

Other common mistakes that occur are related to chemical inventories. The chemical inventory of your facility is something that may vary greatly depending upon the type of facility and associated processes. For example, a cold storage facility is typically going to have fewer chemicals that need to be reported in their chemical inventory than a food and beverage processing plant. This is often due to the large quantities of "clean-in-place" or CIP chemicals that are used and stored at food and beverage processing plants. Regardless of the size



of your chemical inventory, it is important to maintain accurate chemical inventory lists throughout the year, especially as chemicals are changed.

Maintaining an accurate chemical inventory, and having a thorough understanding of what chemicals are being used or stored at your facility can help avoid the mistake of over-reporting. In an effort to be thorough, it is not uncommon for chemicals to be included in a Tier II Report that do not meet reporting threshold requirements. Updating chemical inventory records and site maps to include accurate storage locations as changes are made will make the Tier II Reporting process easier as well. In the event that the Tier II Reporting deadline is fast approaching, maintaining an accurate chemical inventory can save you from the stress that comes with having to scramble to compile chemical inventory information as the Tier II submittal deadline approaches.

Chemicals classified as Extremely Hazardous Substances (EHS) contained in a mixture present yet another common error on Tier II Reports. These are often overlooked and either not reported, or they are reported incorrectly. EHS chemicals within a mixture must be reported if they exceed threshold quantities. There are two options for reporting EHS chemicals in a mixture. The total quantity of the chemical mixture containing the EHS chemical must be multiplied by the percentage of EHS chemical within the mixture to get the actual quantity of "pure" EHS chemical on hand. If this amount exceeds the threshold quantity this amount can be reported on the Tier II Report as "pure," or the entire mixture can be reported, and the individual chemical components of the mixture can be listed. This is especially important to note for dairy plants or other facilities who utilize CIP chemicals containing nitric acid, peracetic acid, or other EHS chemicals.

Once you have gathered and verified your chemical inventory information, the next step is entering this information into your report as well as the necessary administrative information (owner/operator information, emergency contact information etc.). This task seems easy enough, yet it is all too common for information to be entered incompletely or incorrectly. The Tier II Report from the previous year is used as a starting point for the current report. While this is not a bad idea, and makes completion of the report easier, the danger is that there is a tendency to fail to properly verify all of the information in the report. This is particularly important when it pertains to emergency contact personnel and contact information. When using the previous year's report, it is always a good idea to print out the previous year's report, verify the administrative information line-by-line, and redline/update accordingly.

Almost all of the reporting mistakes related to missing or incorrect administrative information can be eliminated, or at least greatly reduced, by allowing yourself time to gather the necessary information prior to preparing the Tier II Report, and always be sure to have at least one more set of eyes review the report. This additional set of eyes should be a person that is knowledgeable of the Tier II requirements for the state to which the report is being submitted.

As with most of the tasks in the life of a compliance professional, strong preparation and allowing adequate time to be thorough will eliminate some, if not all, of the common errors of Tier II Reporting, and greatly reduce the stress that comes with trying to complete your Tier II Report at the last minute.

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