United States
Environmental Protection
Agency

Office of Solid Waste
and Emergency Response
Washington DC 20460

September 1988

OSWER 88005

EPA

Community Right-to-Know and Small Business

Understanding Sections 311 and 312 of the Emergency Planning and Community Right-to-Know Act of 1986

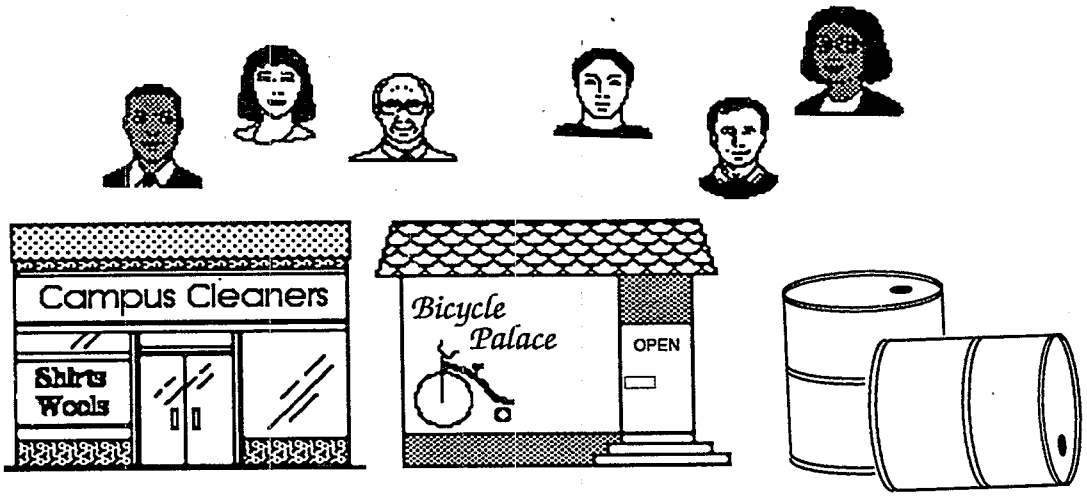

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Table of Contents

This brochure has been developed to provide small businesses with important information on whether to report, and how and what to report under Sections 311 and 312 of the Emergency Planning and Community Right-To-Know Act of 1986. The document is not intended to replace any regulations written in support of the law. It is intended to assist the small business owner with compliance. Also, the brochure does not detail all of the sections of the Emergency Planning and Community Right-To-Know Act of 1986. You may face other requirements under this law.

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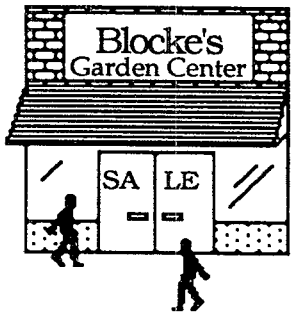
Historical Background

In December 1984, a cloud of highly toxic methyl isocyanate spewed from a chemical plant in Bhopal, India, blanketing the surrounding area in poison. The result—over 2,000 people dead and thousands more injured. Damaged lungs, reduced oxygen flow, severe headaches and temporary blindness accompanied these deaths. Even today, poor health continues to afflict that community. The gravity of this tragedy opened the eyes of the world to the dangers of chemical accidents. Eight months later, a less toxic derivative of that chemical escaped from a West Virginia plant, bringing these same concerns home to the United States.

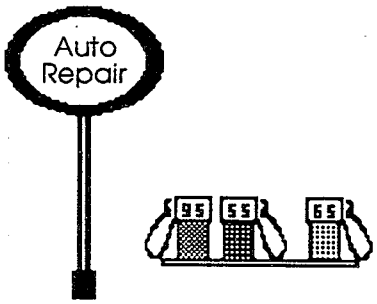
Accidents can happen—at any facility in the appropriate circumstances. In Bhopal, prevention equipment had been installed and a local evacuation plan developed. Unfortunately, the equipment was not in service, and the neighboring community was not aware of the plans. The lack of knowledge proved fatal.



Chemicals serve our world well. Paints, plastics, medical supplies, cleaning fluids and countless other necessities play integral roles in our lives. The manufacturing processes for these goods and the goods themselves often involve hazardous chemicals, but knowledge of the hazards and proper use of the substances help ensure safe factories and businesses. Until recently, that seemed sufficient. However, as Bhopal demonstrated, the general public also needs such knowledge in preparation for chemical accidents.

Title III and Its Purpose

The United States Congress understood this need and responded with the Emergency Planning and Community Right-To-Know Act of 1986. This law, also known as Title III of the Superfund Amendments



and Reauthorization Act (SARA), involves four complementary activities:

1. *Emergency planning (Sections 301-303)*
Local Emergency Planning Committees must organize collected chemical information and develop emergency response plans for their community. Facilities where extremely hazardous substances are present above specified threshold planning quantities (see pages 5-6) must be among those who participate in this planning process.

2. *Emergency notification (Section 304)*
Facilities must report accidental releases of certain hazardous substances above specified reportable quantities to State Emergency Response Commissions and Local Emergency Planning Committees.

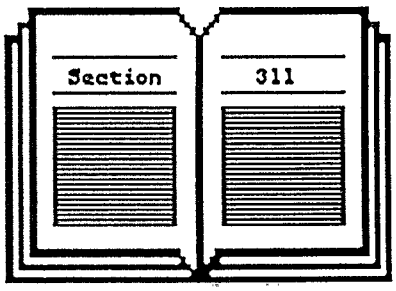
3. *Community right-to-know reporting (Sections 311-312)*
Facilities required to prepare or have available a Material Safety Data Sheet for hazardous chemicals must submit detailed information to the State Emergency Response Commission, a Local Emergency Planning Committee, and the local fire department.

4. *Toxic chemical release reporting (Section 313)*
Manufacturing facilities that release certain toxic chemicals must report the total amount of emissions to the Environmental Protection Agency in Washington, D.C and to State officials.

Together, Title III creates a working partnership, consisting of industry and small business, state and local government officials, public health and emergency response representatives, and other interested citizens. Through this interaction and information-sharing, a safer community can result. Indeed, all parties share the responsibility for Title III, and everyone will benefit.

Community Right-To-Know

Sections 311 and 312 of Title III—popularly named community right- to-know—are the focus of this brochure. These provisions, which affect facilities where hazardous chemicals are present, require submission of data on the amount, type and location of those substances. The collected data serve as an essential informational tool for local planners and response personnel, providing the basis for the emergency planning process of Title III.



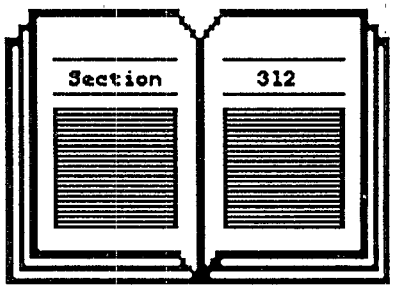
Perhaps most important, fire departments and health officials can tap this wealth of knowledge. At present, firefighters face great risks in battling chemical blazes at factories, small businesses, hospitals, schools. Many chemicals demand special precautions and techniques. If used correctly, Title III information can provide emergency workers with vital data, enabling them to respond safely to chemical accidents. Likewise, medical personnel require ready access to such storage data. Unusual symptoms caused by chemical spills demand immediate attention. Title III will help.

Sections 311 and 312 also create a new entitlement. The public in every state now has the "right-to-know" about hazardous chemicals present at facilities located in the community. Now, any citizen can request such detailed information. Never before have data on chemical use been so accessible to the public. And never before have so many businesses been potentially affected by a reporting regulation. All companies, large or small, manufacturing or non-manufacturing, may be subject to this inventory reporting.

Since the law includes a sector unaccustomed to such reporting requirements—the small business community—special help is being offered in this brochure.

These opening pages provide a brief overview of Title III. The bulk of the brochure details in step-by-step fashion the community right-to-know requirements and allows you, the small business owner, to determine whether you must report, and if so, what. The final pages provide other help, such as an index of the terms and acronyms used in the brochure, and a reference guide of useful contacts, phone numbers and addresses.

Every effort has been taken to clarify the community right-to-know reporting requirements of Title III. The goal is to assist you in complying with the law—an action serving everyone's interests. Though the reporting responsibilities will require extra effort on your part, you will gain through emergency response plans for your facility, improved relations with your community, and perhaps, better management and chemical handling practices. And compliance with Title III will save you from fines of up to $25,000 per day.



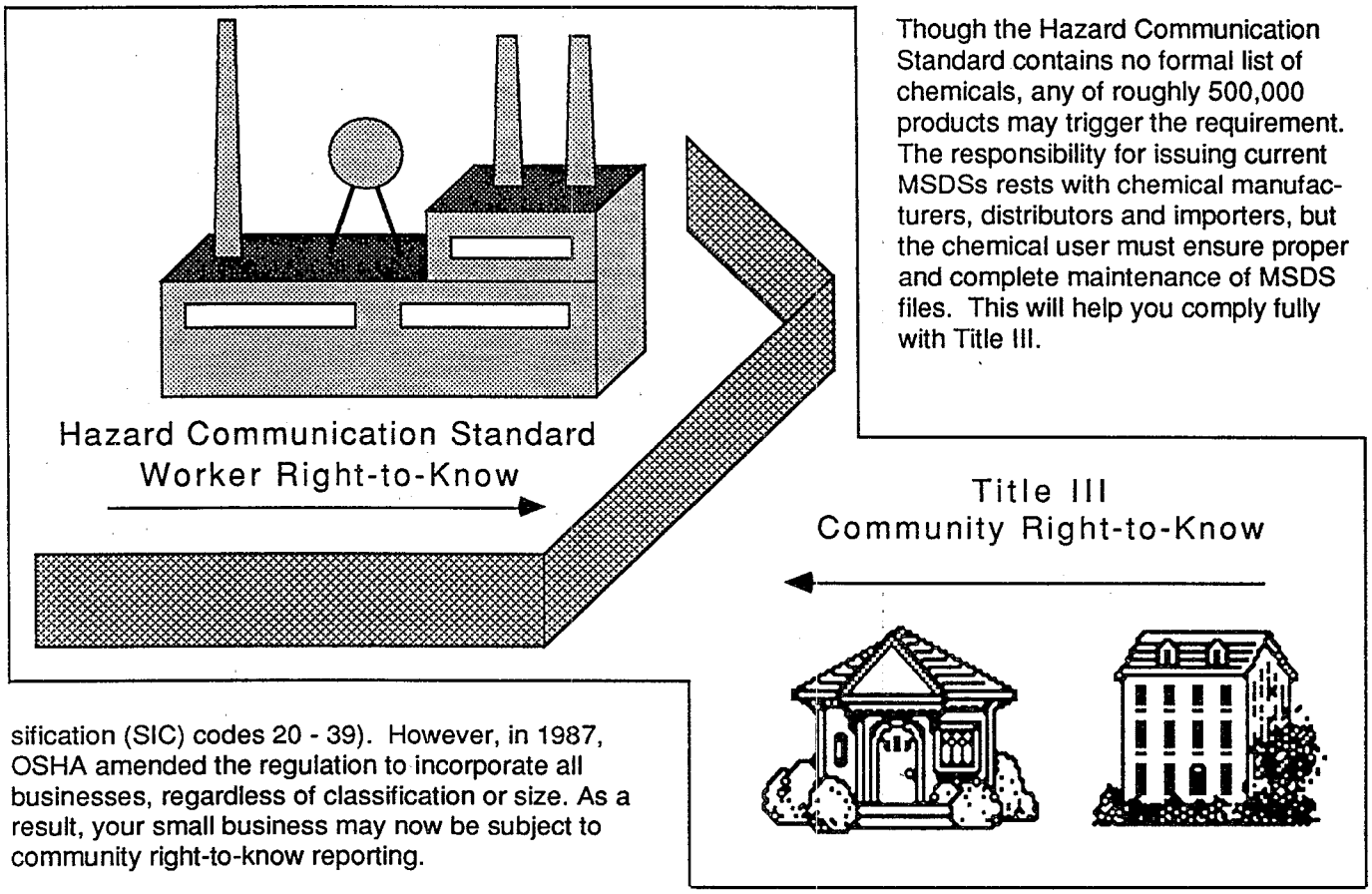
NOTICE

Under Title III, states have the authority to go beyond the reporting requirements written in the law. Title III is the base for right-to-know reporting—it is the minimum. Since your state law may be stricter than Title III, please check wiith your State Emergency Response Commission to make sure that your submissions meet all necessary requirements.

Reporting Requirements

Background - Hazard Communication Standard

The community right-to-know reporting requirements build on the Occupational Safety and Health Administration's (OSHA) Hazard Communication Standard (HCS). The hazardous chemicals defined by the HCS are the hazardous chemicals of Sections 311 and 312. Initially, the HCS applied only to manufacturers (designated by the Standard Industrial Classification (SIC) codes 20 - 39). However, in 1987, OSHA amended the regulation to incorporate all businesses, regardless of classification or size. As a result, your small business may now be subject to community right-to-know reporting.



Under the Hazard Communication Standard, chemical manufacturers and importers must research the chemicals they produce and import. If a substance presents any of the physical and health hazards specified in the HCS, then the manufacturer or importer must communicate the hazards and cautions to their employees as well as to "downstream" employers who purchase the hazardous chemical. The goal behind the HCS is a safer workplace—workers, informed of the hazards they encounter on the job, can create that environment.

One of the required tools of hazard communication is the Material Safety Data Sheet (MSDS). These documents provide many valuable details on the hazardous chemicals regulated by OSHA. Quite likely, you are already familiar with these useful documents. If not, you must become so. The MSDS contains health and safety information for you, and due to the relationship of Title III and the Hazard Communication Standard, having an MSDS indicates that you have a hazardous chemical which may require reporting under Sections 311 and 312.

Though the Hazard Communication Standard contains no formal list of chemicals, any of roughly 500,000 products may trigger the requirement. The responsibility for issuing current MSDSs rests with chemical manufacturers, distributors and importers, but the chemical user must ensure proper and complete maintenance of MSDS files. This will help you comply fully with Title III.

Congress chose to link Title III's community right-to-know rules to the Hazard Communication Standard because both share a common goal of safety—Title III for the community and the HCS for the workplace. Understanding that connection is helpful. Although the community right-to-know rules are associated with the HCS, the Title III provisions are not redundant requirements. Instead, Title III extends the information sharing of workplace right-to-know to the entire community, especially to emergency response personnel.

Do I Have To Report?

To answer the question "Do I have to report?" you should examine four criteria—type of facility, presence of hazardous chemicals, amount present, and any applicable exemptions. As you consider each of these, the chart below will help you determine your reporting status. Simply proceed through the brochure, referring to the chart as necessary.

Note: this section details "automatic" reporting only. Facilities which are not required to report automatically must still report when citizens request data. (See page 15)

1. Facility

As noted earlier, due to the expansion of the Hazard Communication Standard, all businesses may be

1. Type of Facility

Manufacturer (Standard Industrial Classification codes 20 - 39)	Non-manufacturer (Regulated under the expansion of the Hazard Communication Standard i.e. outside SIC codes 20 - 39)
Follow first set of dates on page 7.	Follow second set of dates on page 7.

CRITERIA		RESULT *	
		MUST REPORT (all "Yes")	DO NOT REPORT (any "No")
2.	Do you have a hazardous chemical (includes extremely hazardous substances) present at your facility requiring a Material Safety Data Sheet under the Hazard Communication Standard? (see page 5)	YES	NO STOP
3.	Do you have a hazardous chemical (includes extremely hazardous substances) at your facility not exempt under the five exemptions of Title III? (see page 5)	YES	NO STOP
4.	Do you have an extremely hazardous substance or other hazardous chemical at your facility with its maximum amount greater than the relevant threshold? (see pages 5-6) EHS-500 pounds or the chemical-specific threshold planning quantity, OR Hazardous (Non-EHS) - 10,000 pounds	YES All YES Report	NO STOP

* If you answer "NO" to any of the three questions (2-4), then you are not required to report automatically under Sections 311 and 312 of Title III. If you answer "YES" to all of these three questions, then you must submit the reports to your State Emergency Response Commission, Local Emergency Planning Committee and local fire department.

subject to community right-to-know reporting. However, the Sections 311 and 312 reporting deadlines for manufacturers (designated by SIC codes 20-39) differ from the deadlines facing the non-manufacturing community. The non-manufacturers' deadlines lag behind those for the manufacturers by almost one year. All the pertinent dates for the two sectors are noted on page 7.

Beyond these differences in dates, though, all facilities are treated alike. Any business with one or more hazardous chemicals may have to report under community right-to-know.

2. Substances

The Material Safety Data Sheet (MSDS) serves as the indicator of hazardous chemicals at your facility. If you are not required to prepare or keep any MSDSs, then you have no hazardous chemicals, as defined by the Hazard Communication Standard, at your facility. You do not need to report. The "No" in the "Do Not Report" column indicates that you have fulfilled the mandatory reporting requirements for Sections 311 and 312. On the other hand, if you must prepare or maintain any MSDSs, mark down a "Yes" to the question and continue reading. You may be required to report.

3. Exemptions

There are five exemptions from reporting requirements for community right-to-know. Some apply to specific chemicals and some to specific chemical uses.

1) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration (FDA) is exempt from reporting. With regard to food additives, a chemical is a food additive only when in use as a food additive, and not when it is stored or used for other purposes, or is being sold to another business for use as a food additive.

2) Any hazardous chemical present as a solid in a manufactured item to the extent exposure to that chemical does not occur under normal conditions of use is exempt. For example, steel would be exempt in its solid form until you weld it, cut it, grind it or do anything else that could cause exposure to hazards such as lead, dusts or hazardous fumes.

3) Any substance used for personal, family or household purposes, or if present in the same form and concentration as a product packaged for distribution to and use by the general public. Packaging, not use, triggers the exemption. Regardless of actual use and intended distribution, if the substance is packaged in a similar way and in the same concentration as it is when used by the general public, then that substance is exempt. For example, a cleaner used by your business and packaged for home use remains exempt no matter how you use it. However, the same cleaner, packaged in bulk amounts not intended for sale to home users, must be reported.

4) Any substance is exempt to the extent it is used in a research laboratory, hospital or other medical facility under the direct supervision of a technically qualified individual. Quality assurance labs meet the exemption, but pilot testing labs, where manufacturing of a product takes place, do not.

5) Any substance used in routine agricultural operations or any fertilizer held for sale by a retailer to the ultimate customer is exempt. Again, this exemption applies only if you are the user of the chemical, or in the case of fertilizers, if you are a retailer holding the fertilizer for sale to the ultimate customer.

Please note, there are additional exemptions in the Hazard Communication Standard (HCS) governing the preparation and maintenance requirements for Material Safety Data Sheets. However, the five exemptions noted here are the only ones that limit the scope of the HCS. So, if all of the hazardous chemicals present at your facility are exempt, then insert a "No" in that column of the chart. If any of your hazardous chemicals fail to meet these exemptions, then enter a "Yes" and proceed.

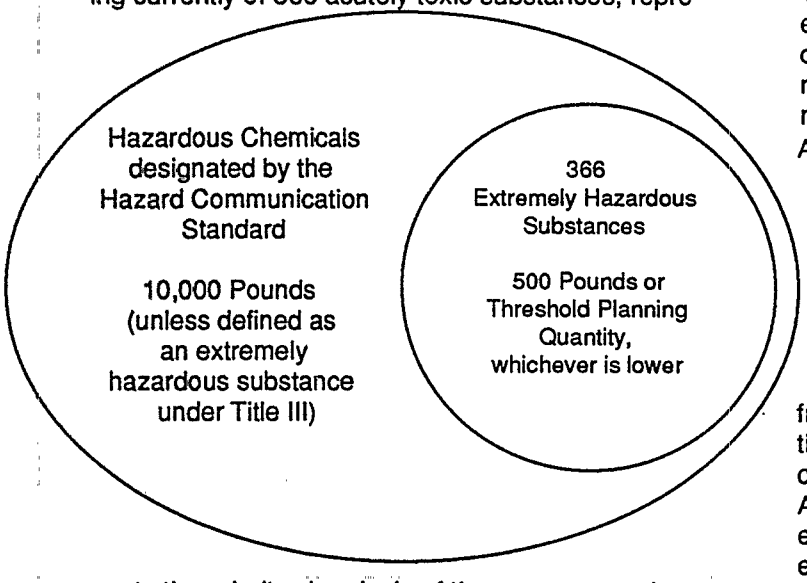
4. Thresholds

To ease everyone's information management burden created under community right-to-know, the Environmental Protection Agency (EPA) established reporting thresholds for the first two years of reporting. That means that any chemical present at your facility, always in an amount less than its threshold level, does not need to be automatically reported (examples page 6).

In addition to the "hazardous chemicals" (those indicated by a Material Safety Data Sheet), you need

to be aware of a subset of these chemicals, the List of Extremely Hazardous Substances (EHS). The extremely hazardous substances—all included as "hazardous chemicals" under the Hazard Communication Standard (i.e. all require a MSDS)—were listed initially in the November 17, 1986 Federal Register. Since then, 40 of them have been removed from the list after public comment. Revised lists can be obtained from your State Emergency Response Commission (SERC) or Local Emergency Planning Committee (LEPC). Also, you can write the Emergency Planning and Community Right-To-Know Information Line for a copy. That address and those for the SERCs are noted in the Appendices at the back of this brochure.

This list of extremely hazardous substances, consisting currently of 366 acutely toxic substances, represents the priority chemicals of the emergency planning effort. Accordingly, reporting thresholds are lower for the extremely hazardous substances than for the non-EHS hazardous chemicals, and each EHS chemical boasts its own threshold planning quantity (TPQ). The TPQ stipulates a storage level of concern for the substance if the entire quantity of that substance were released. Based on the toxicity and mobility of the chemical, the TPQ provides a reporting threshold reflecting health and safety concerns. The TPQ for each of these chemicals is noted on the List of Extremely Hazardous Substances.



When considering thresholds, you must first determine whether or not the hazardous chemical is an extremely hazardous substance. Reporting thresholds vary between these two groups. Those chemicals on the *EHS list* trip the threshold if present *above 500 pounds or the chemical-specific TPQ, whichever is lower.* Those *hazardous chemicals* not on the EHS list require reporting if stored *above 10,000 pounds.* For example, if you own a dry cleaning facility and never store perchloroethylene (a hazardous chemical) in a quantity greater than 5,000 pounds, then you are not required to report because the threshold for that chemical of 10,000 pounds was not exceeded. However, a recreational swimming pool with 5,000 pounds of chlorine (an extremely hazardous substance) surpasses the relevant 500 pound threshold and its threshold planning quantity of 100 pounds. (For EHS, always use the lower of 500 pounds or the TPQ).

After determining the "maximum amount" (see page 12 of the Questions & Answers) of all your non-exempt extremely hazardous substances and hazardous chemicals, check the chart for thresholds and respond appropriately. A "No" signifies that you do not need to report under community right-to-know. A "Yes" means you may need to report.

Please note, after the first two years of Title III reporting—for manufacturers October 1989, and for non-manufacturers September 1990-- these threshold levels may change. Also, since the thresholds depend on pounds of the substance present at your facility, you may need to convert the measure of some gases and liquids from volume to weight (see page 13 of the Questions & Answers). A similar discussion of mixtures can be found on page 16 of the Q & A Appendix. Again, it must be emphasized that if your inventory ever exceeds the threshold ("maximum amount" exceeds the threshold), for any length of time, then your reporting requirement is triggered.

In summary, if you answered "No" to any of the questions in the chart, then you are not required to report under Sections 311 and 312 of Title III. In other words, if you maintain no MSDSs, store no extremely hazardous substances and no hazardous chemicals above their respective thresholds, or are exempt for every reportable chemical at your facility, then you need not report automatically under community right-to-know. However, if you answered "Yes" to all of the questions, then you must report.

PLEASE NOTE: An average 55-gallon drum of chemicals weighs approximately 500 lbs., the EHS threshold.

How Do I Report?

Community right-to-know is a multi-step process for reporting, with different deadlines for manufacturers and non-manufacturers. Non-manufacturers report one year later than the manufacturers. The dates noted below highlight the timing for right-to-know requirements.

The reporting provisions of Sections 311 and 312 require submission of information to the State Emergency Response Commission (SERC), the Local Emergency Planning Committee (LEPC) and the local fire department. Both your SERC and your LEPC are newly formed under Title III. They are the heart of the system. To obtain the addresses of these groups, check the Appendix at the end of this brochure for State Emergency Response Commissions and EPA Regional Offices. The SERC should be able to supply you with the address of your LEPC. Or, you could contact the appropriate Regional Office of the Environmental Protection Agency and obtain the information on the SERC and LEPC there.

Though Section 311 requires no special forms, you are responsible for obtaining the necessary report forms for Section 312. The Local Emergency Planning Committee and/or your State Emergency Response Commission will serve as the key contacts. For Section 312 reports, you will need one of two annual inventory forms, namely a Tier I form or a Tier II form. A facility must submit only one Tier I form annually. However, if you submit a Tier II instead, entries must be made for each reportable chemical at your facility. Since each Tier II form provides room for only three chemicals, you may need several copies.

1987 October 17

Manufacturing facilities subject to reporting under Sections 311-312 (see pages 4-6) submit either Material Safety Data Sheets or a **list** of the reportable hazardous chemicals present at their facility to the State Emergency Response Commission, Local Emergency Planning Committee and fire department.

1988 March 1

Beginning March 1, 1988 and continuing annually thereafter.... Manufacturing facilities subject to reporting under Sections 311-312 (see pages 4-6) submit either Tier I or **Tier II** forms to the State Emergency Response Commission, Local Emergency Planning Committee and fire department.

Key Reporting Dates for Manufacturers
(Standard Industrial Classification codes 20 - 39)

1988 Sept. 24

Non-manufacturing facilities subject to reporting under Sections 311-312 (see pages 4-6) submit either Material Safety Data Sheets or a **list** of the reportable hazardous chemicals present at their facility to the State Emergency Response Commission, Local Emergency Planning Committee and fire department.

1989 March 1

Beginning March 1, 1989 and continuing annually thereafter.... Non-manufacturing facilities subject to reporting under Sections 311-312 (see pages 4-6) submit either Tier I or **Tier II** forms to the State Emergency Response Commission, Local Emergency Planning Committee and fire department.

Key Reporting Dates for Non-manufacturers
(outside Standard Industrial Classification codes 20 - 39)

What Do I Report?

Now that you have learned of your reporting responsibility, you must choose the best method for reporting. Though Sections 311 and 312 of Title III share both a foundation in the Hazard Communication Standard and the thresholds for reporting, the two provisions entail separate reporting requirements. Section 311 involves a one-time submission (with any necessary updates) naming the reportable hazardous chemicals present at your facility. Section 312 remains an annual responsibility, demanding more

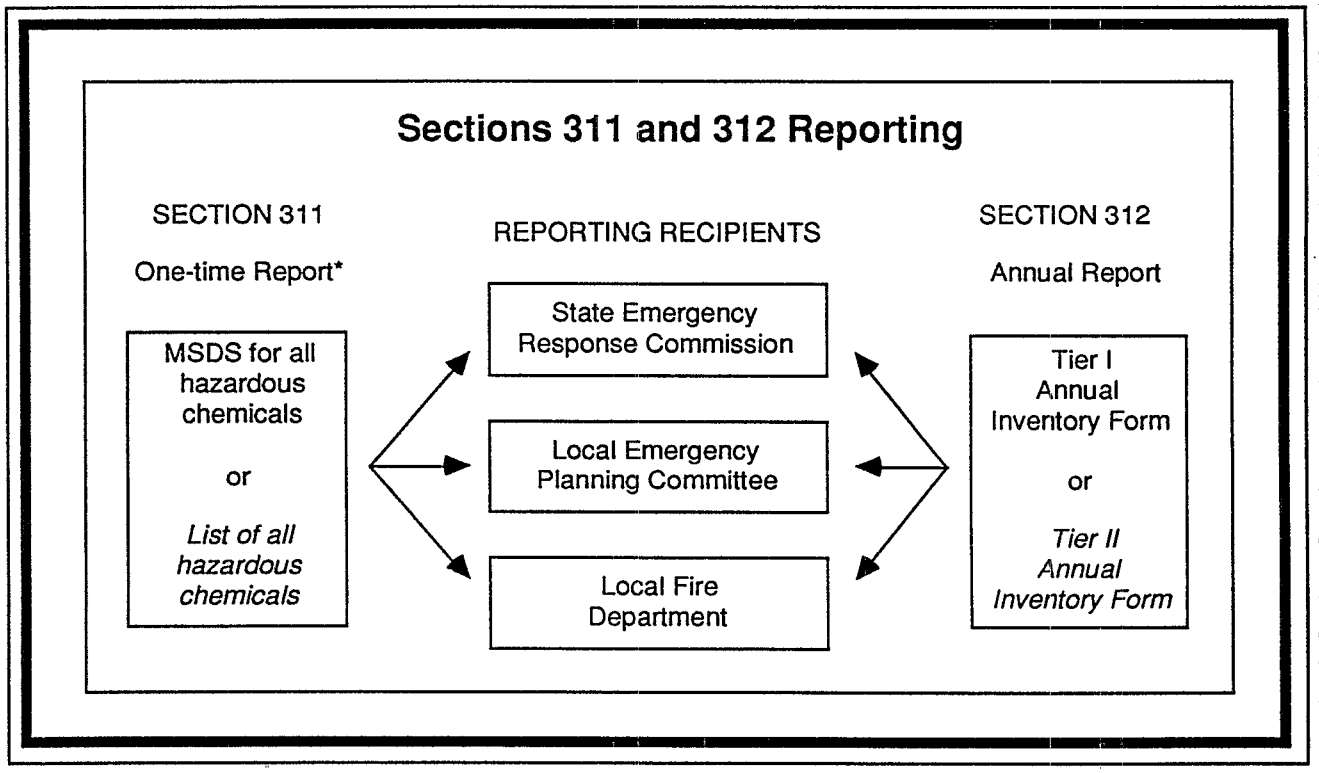
detailed information on your chemical hazards and handling practices.

Section 311

Again, you need no special forms under Section 311. Instead, the Material Safety Data Sheets at your facility are your key resources. Simply compile all of these MSDSs. After taking out those hazardous chemicals exempted by Title III and those present below their thresholds, submit either copies of the remaining MSDSs or a single list of these chemicals, grouped by hazard category, to your State Emergency Response Commission (SERC), Local Emergency Planning Committee (LEPC) and local fire department.

EPA recommends that you supply the list of your reportable chemicals rather than the actual MSDSs. The list will reduce your effort by removing the necessity of copying in triplicate all reportable MSDSs. It will also enhance the capacity of the three recipients—SERC, LEPC and fire department—to manage your data responsibly and effectively. However, if you do opt for submitting the list, then when necessary, the Local Emergency Planning Committee can request substantiating MSDSs as supplemental information. You have a 30 day period to comply with such a request. As noted above, the list must also be grouped by hazard category (described on page 14 of the Questions & Answers). Despite these added steps, the chemical list should greatly ease your reporting effort.

Both the list and the Material Safety Data Sheets should include the reportable hazardous chemicals present at your facility on your date of compliance.



* with updates within 90 days of when you obtain a new, non-reported substance or when a hazardous chemical in your inventory exceeds its threshold for the first time

The list or MSDSs were first due for the manufacturing sector on October 17, 1987, and are now required for non-manufacturing businesses no later than September 24,1988. If at any time after this initial submission you obtain a new, non-reported substance, or a hazardous chemical in your inventory exceeds its threshold for the first time, then either an updated list or the relevant MSDS must be sent to the State Emergency Response Commission, Local

Emergency Planning Committee and fire department. You have 3 months to comply with this provision.

Section 312

Section 312, unlike Section 311, is an annual reporting requirement and cannot be fulfilled by a one-time submission. Each year on March 1 (beginning for manufacturers in 1988 and for non-manufacturers in 1989), reporting facilities must submit reports on their inventories of hazardous chemicals. The reports, which cover the preceding year, can be submitted either on the Tier I or Tier II form. Though Title III requires the Tier I submission, facilities may opt for the Tier II instead. **The Environmental Protection Agency strongly recommends submission of the Tier II.**

The Tier I and Tier II forms solicit similar information, including facility identification, types of substances by hazard category (see page 14 of Questions & Answers), and amounts and locations of hazardous chemicals in storage. Tier I simply compiles the information by hazard category, whereas Tier II asks for specific details on each hazardous chemical. The Tier II form demands more data, but actually serves as a first step to the Tier I. The Tier II offers another advantage—updating your inventory upon receipt of a new hazardous chemical builds more easily from the Tier II base than from the Tier I .

Therefore, while a Tier I report satisfies the law just as fully, you will probably choose to submit the Tier II in its place. By-passing the Tier I submission with the Tier II may save your company valuable time.

HOW DO I REPORT-SUMMARY

If you must report under community right-to-know—i.e. you store, use or produce chemicals, requiring maintenance of a Material Safety Data Sheet under the Hazard Communication Standard, that are present at your facility in excess of the appropriate threshold, and are not exempt under Title III—then you must submit both Section 311 and Section 312 information.

Section 311
- copies of the MSDSs of all those chemicals requiring reporting, OR
- **a single list of all those chemicals requiring reporting, grouped by hazard category,**

must be sent to the State Emergency Response Commission, Local Emergency Planning Committee and the local fire department, one time, with updates to reflect changes in your inventory.

Section 312
- the aggregate Tier I information on all those chemicals requiring reporting, grouped by hazard category, OR
- **the chemical-specific Tier II data on all those chemicals requiring reporting,**

must be sent to the SERC, LEPC and the local fire department, annually every March 1.

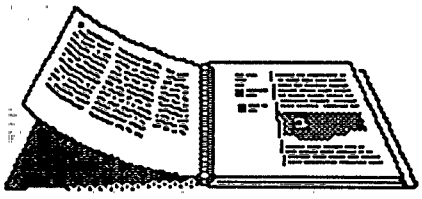
Because the inventory reports involve so much effort and provide such value, a detailed Question & Answer section focusing on the Tier I and Tier II forms is included at the end of this brochure. These hints coupled with the instructions on each form should cover all of your concerns. If not, then please contact either your LEPC or SERC, or the Emergency Planning and Community Right-To-Know Information Line. All SERC addresses and that of the Information Line are noted in the Appendices.

How Will This Information Be Used?

Now that you have fulfilled the reporting requirements of Sections 311 and 312, you understand the enormity of the information flow generated by Title III. With roughly 5 million facilities in the country as potential reporters, community right-to-know will create a wealth of chemical information. Effective management and use of that data must follow.

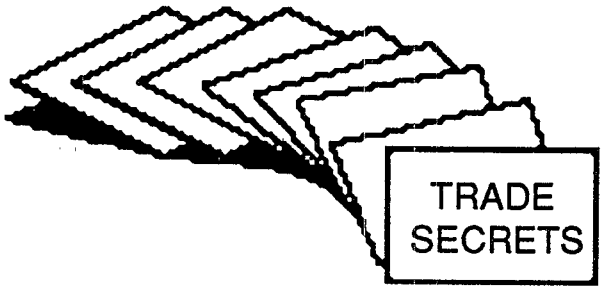
Exactly what groups and uses will community right-to-know reporting serve? As noted earlier, the **lists** (or Material Safety Data Sheets) of your reportable chemicals and your **Tier II** (or Tier I) data must be sent to three recipients—the State Emergency Response Commission, the Local Emergency Planning Committee and your local fire department. Each of these groups performs a role in Title III. The SERC integrates all the chemical-user data gathered across the state, enabling the accomplishment of state-wide goals. The LEPC, including all the affected sectors in the community (your neighbors), develops emergency response plans for the community. Fire departments, who also participate actively in the planning phase, can learn methods and precautions required in various emergencies. And public health officials, though not direct data recipients, will gain from Title III information.

The LEPCs' emergency response plans play the critical role in the Title III effort. These plans are designed to identify the major chemical dangers facing communities, so in the event of an accident, full knowledge of the hazards and proper emergency preparation will be readily available to the emergency responders. Community right-to-know reporting suppports that process by collecting the essential data.



In addition to the established groups in the Title III structure, there will be another key participant—the general public. Perhaps, most important of all, Title III gave the community its right-to-know about chemical usage in the neighborhood. **Even if you have no chemicals that trigger thresholds, you, the small business owner, may be required to provide your community with information about chemical usage and storage practices.** Anyone can request your Material Safety Data Sheets and Tier II forms by writing their Local Emergency Planning Committee, and you have 30 days to respond.

Just as the public can make requests beyond Title III reporting requirements, the State Emergency Response Commissions, Local Emergency Planning Committees and fire departments can ask for extra data on your chemicals, too. Only through broad access to chemical data can public officials plan fully for accidents and chart possible long-term health problems caused by hazardous chemicals. Though such right-to-know requirements can be burdensome, the value justifies the effort of the participants.



Trade Secrets

In some manufacturing processes and business practices, strict confidentiality must be maintained as protection against competitor firms. Section 311 and 312 disclosures can threaten that secrecy. For this reason, companies can claim a chemical identity as a trade secret and modify this reporting requirement. Section 311 and 312 information must still be reported to the State Emergency Response Commission, Local Emergency Planning Committee and fire department, but the detail of the submission is reduced. A valid trade secret claim can protect the name of your hazardous chemical. Please note, since trade secrets can be claimed by suppliers, some downstream businesses may find themselves lacking the specific chemical identity information on their hazardous chemicals. In these instances, businesses can simply use the trade name of the substance in reporting under Sections 311 and 312. They will not need to make a trade secret claim.

Trade secret claims must be legitimate and must be substantiated upon submission of your community right-to-know information. This is accomplished through completion of a trade secret substantiation form, which you can obtain from EPA Headquarters in Washington, D.C. The actual trade secret claims and substantiations should be sent to the following address.

Emergency Planning & Community Right-to-Know
P.O. Box 79266
Washington, D.C. 20024-0266

In making any trade secret claims, please follow the guidelines in the Federal Register (see page 20) explicitly. Incorrect submissions will not only jeopardize your trade secret claim, but may also result in a fine. All justifications--safeguards taken to protect your secret, the harm incurred in the event of disclosure, and proof that no other federal or state law requires the information and that discovery of the secret is impossible through reverse engineering--must be sent to the address above. There are strict rules in making trade secret claims, and your requests may be challenged by the public or reviewed by the EPA, so deny access to data only under vital and certain circumstances. Trade secret claims found to be frivolous can result in a fine of $25,000.

Conclusion

Community right-to-know reporting creates many new responsibilities and tasks for you, the small business owner--from the time involved in reporting to any emergency planning duties resulting from your storage of extremely hazardous substances. However, the value of the program justifies this endeavor.

You and your community will benefit from enhanced safety. The emergency response plans developed from community right-to-know data will serve small businesses well. Now, in the event of an accident at your facility, fire fighters can protect you better; medical personnel can treat unusual chemical symptoms faster; property and lives may be saved. Also, the communication channels between chemical users and the public will be more effective. Finally, Title III may teach you valuable lessons about the hazardous chemicals used at your business. In fact, you may decide to substitute certain less hazardous substances for those you currently store, or you may simply improve your handling practices. And you can also avoid the costly fines threatened under Title III.

Community right-to-know was designed to fill a void of knowledge concerning chemical usage in our neighborhoods. Many hazardous chemicals play indispensible roles in our society. We cannot completely eliminate the risks, but we can prepare adequately for accidents to minimize their danger. We must all work together through effective preparation to prevent or minimize the devastation of a severe chemical accident. In this challenge, small businesses, along with all the other participants in Title III, will play a part. The combined effort can enhance all of our lives.

Remember

Non-manufacturing facilities must report Section 311 data to the State Emergency Response Commission, Local Emergency Planning Committee and fire department by **September 24, 1988.** Section 312 reports will be due later.

Questions & Answers
For Sections 311 and 312 Reporting

1. Do I have to submit both Tier I and Tier II forms?

No. Title III requires facilities with reportable chemicals* to submit only the Tier I form to the State Emergency Response Commission, Local Emergency Planning Committee, and the local fire department. The Tier II form must be submitted only when these groups or the public request additional information. **However, the Tier II form is actually a first step to the Tier I and serves as a useful worksheet for Tier I. Since Title III allows submission of the Tier II in place of the required Tier I, EPA recommends that facilities use the Tier II.** This approach should ease your reporting effort.

2. How do I determine the "maximum amount"?

You should start with the Tier II form. On the Tier II form, you must consider the daily (weekly, monthly) amounts (in pounds) of each reportable chemical at your facility. The amounts should vary as shipments increase your inventory and regular use depletes it. The "maximum amount" occurs for each chemical when its storage level reaches its highest point for that year. Enter the appropriate two-digit code on the front of the form. The two-digit codes provide broad ranges (factors of ten) for indicating your storage levels. You need be no more exact than these ranges. Please note, reporting thresholds depend on the "maximum amount" (see page 6).

If you do submit the Tier I, use the same procedure outlined above. Then for every reportable chemical, separate them into the five hazard categories (see page 14). Add up all of the "maximum amounts" for the chemicals in each hazard category. Chemicals that overlap several categories will be counted more than once. Using this total, enter the appropriate two-digit code on the form for each of the five categories.

Additional instructions are attached to both forms.

3. How do I calculate the "average daily amount"?

Again, the Tier II form should be completed first. Weights of reportable chemicals may be measured daily, weekly or monthly as appropriate to your type of operation. On the Tier II form, for every reportable chemical, consider the number of days (weeks, months) that chemical is at your facility and compute its daily (weekly, monthly) storage weight. Then, total these numbers and divide by the number of days (weeks, months) the chemical is on-site. Enter the appropriate two-digit code for the "average daily amount." These codes offer broad ranges, and you need to calculate your "average daily amount" only to an exactness within these ranges.

On the Tier I form, use the same procedure. Separate all of the reportable chemicals into their hazard categories. Then, total the "average daily amounts" of the chemicals in each category and enter the appropriate two-digit code on the form. Chemicals overlapping several categories will be counted more than once.

4. What is the Chemical Abstrract Service (CAS) number and where can I find it?

The Chemical Abstract Service (CAS) number is requested on the Tier II form as an informational aid for the Local Emergency Planning Committees and State Emergency Response Commissions. Though many chemical labels do not display the CAS number, Material Safety Data Sheets should. Also, the List of Extremely Hazardous Substances and the List of Toxic Chemicals (Section 313) cite the CAS numbers of their chemicals.

* "reportable chemical" refers to hazardous chemicals and extremely hazardous substances present at your facility in excess of the relevant reporting threshold and not exempt under the five exemptions of Title III.

For mixtures (which frequently do not have a specific CAS number), note the CAS numbers of as many of the components in the mixture as possible. If you are unable to locate the CAS number for a chemical, then submit the form without it. This requirement should not stop you from reporting accurately.

5. How specific must I be in reporting "general location"? Is a site plan necessary?

For both the Tier I and Tier II forms, you must indicate at least the building, lot, warehouse, shed, tank, field, etc. where the chemical is stored. On the Tier II form, where practical, the specific room in a building or quadrant of a field should also be noted. On the Tier I form, all the locations of each chemical contained in the hazard category must be reported. For example, if you store flammables in both warehouse A and lot C, cite both locations.

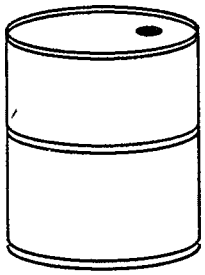
The Environmental Protection Agency recommends that you use a site-plan to indicate where chemicals are stored at your facility. Simply copy the facility plans and mark all appropriate storage areas for your reportable chemicals. Show all symbols and abbreviations in a complete, clear notation key.

If you submit Tier II information, you may request the LEPC, SERC and fire department to withhold location information from the public by using the "Confidential Location Information Sheet."

6. How do I convert volumes of liquids and gases into weight (pounds)?

Density of Water
8.3 pounds per gallon 2.2 pounds per liter

Only the weight of the substance needs to be reported and not the weight of the container.



The average weight of a full 55-gallon drum of chemicals is approximately 500 pounds

Most gases and liquids are sold by the pound, and these weights should be noted on the label. If so, then the weight of liquids can easily be estimated by multiplying the weight of the liquid in a full container by the fraction of the volume remaining. If the liquid is not labeled in pounds, then you can calculate its weight by multiplying the volume of the liquid by its density. The density (mass per unit volume) should be noted on the Material Safety Data Sheet. If not, then simply estimate the weight by the density of water. Be careful with your units of measure (gallons, liters, pounds, kilograms).

If the weight of the gas is listed on the cylinder's label, base your calculation on this measure. You can obtain the "tare weight" (the weight of the cylinder without the gas) either from the label or by subtracting the listed weight of the gas from the total weight of the full cylinder. Knowing the tare weight, you can chart the weight of the gas remaining in the cylinder by subtracting the cylinder's tare weight from its total weight at that time. This procedure can be used for both liquified and fixed gases.

If these methods fail, contact your supplier for assistance.

7. How can I locate my Standard Industrial Classification code? My Dun & Bradstreet number?

Every type of business can be categorized by a Standard Industrial Classification (SIC) code. These codes range in specificity from two digits to seven. Title III requires the four-digit number. If you are not familiar with your facility's code, then check the front of most Dun & Bradstreet publications, such as the Million Dollar Directory, which should be located in your public library.

Every individual facility can be assigned a Dun & Bradstreet (D & B) number. These numbers code the facility for financial purposes. If you have a D & B number but have forgotten it, you can retrieve it from your local Dun & Bradstreet office (check the White Pages). If your facility does not subscribe to the D & B service, then you can obtain a "support number" from the Dun & Bradstreet center located in Allentown, Pennsylvania (telephone: (215) 391-1886).

8. What if I fail to report under these requirements?

In addition to losing the benefits Title III offers your facility—emergency response plans, improved public relations and potentially better management and chemical handling practices—failure to report can trigger costly fines. Under Title III, failure to submit the list of reportable chemicals or the appropriate

Material Safety Data Sheet (Section 311) results in penalties up to $10,000. Penalties associated with Tier I and Tier II information (Section 312) range as high as $25,000 per violation. All fines can be assessed on a daily basis.

9. What is a hazard category? How can I determine the appropriate hazard category?

Under Title III, there are five such physical (3) and health (2) categories—Fire Hazard, Sudden Release of Pressure, Reactivity, Immediate (acute) and Delayed (chronic). Hazard categories allow emergency responders to classify broadly the reportable chemicals present at your facility.

Many employers are already familiar with the physical and health categories designated under the Occupational Safety and Health Administration's (OSHA) Hazard Communication Standard (HCS). In addition, many Material Safety Data Sheets note a hazardous chemical's appropriate OSHA hazard category. For these reasons, the chart on this page, comparing the Title III categories with the HCS categories should be useful. The link between Title III's five categories and the twenty-three of OSHA is not exact, so use caution as you report. Contact your supplier for any additional assistance.

Hazard Category Comparison
For Reporting Under Sections 311 and 312

Environmental Protection Agency's Hazard Categories	Occupational Safety and Health Administration's Hazard Categories
Fire Hazard	Flammable Combustible Liquid Pyrophoric Oxidizer
Sudden Release of Pressure	Explosive Compressed Gas
Reactive	Unstable Reactive Organic Peroxide Water Reactive
Immediate (Acute) Health Hazard	Highly Toxic Toxic Irritant Sensitizer Corrosive Other hazardous chemicals with an adverse effect on a target organ that generally occurs rapidly as a result of short term exposure and with a short duration
Delayed (Chronic) Health Hazard	Carcinogens Other hazardous chemicals with an adverse effect on a target organ that generally occurs as a result of long term exposure and with a long duration

As noted in the text, Section 311 lists and Section 312 Tier I forms require you to compile information by category.

10. How do I respond to requests for information from the public?

If a request for information from the public comes directly to you, you can supply the information if you wish, or you can refer the person to the LEPC. Under Title III, the Local Emergency Planning Committee (LEPC) serves as the channel for public access. Citizens can request both the Material Safety Data Sheets and the Tier II information on your hazardous chemicals. If a citizen requests information on a chemical already reported to the LEPC, then they can address the concern immediately. Otherwise, the LEPC will request the information from you. You will have 30 days to respond.

Even information on those hazardous chemicals present below the reporting thresholds can be obtained by the public. Again, you have 30 days beginning with the date on which you receive any such request to respond.

11. Who can serve as an emergency contact?

Anyone who can be reached at all times to aid responders in the event of an emergency can serve as the emergency contact. Many small firms already post an emergency or "after hours" telephone number. That would be appropriate here. The emergency contact does not need to be an expert on chemical hazards, but must be able to act as a referral for responders. In case one emergency contact is not sufficient for 24-hour coverage, both the Tier I and Tier II forms have spaces for two emergency contacts.

12. Must I report a hazardous chemical that is on-site for less than 24 hours?

Yes. Under community right-to-know reporting, any hazardous chemical on site for any length of time in excess of the established reporting threshold (and not exempt under Title III) must be reported.

13. What is the List of Extremely Hazardous Substances? How can I obtain a copy?

The List of Extremely Hazardous Substances (EHS) currently contains 366 chemicals which present known acute health hazards. All of the chemicals are included under the Occupational Safety and Health Administration's definition of hazardous chemical—they are a subset. These chemicals were selected, as stipulated under Section 302 of Title III, as the priority chemicals of the emergency planning process. Due to this higher priority, these substances have a lower reporting threshold than other hazardous chemicals and also have chemical-specific threshold planning quantities, indicative of health concerns (see the text page 6).

Facilities where extremely hazardous substances are present incur another responsibility, namely participating in the emergency planning process. Under Section 302, these facilities had to notify the State Emergency Response Commission (SERC). They were required to designate a facility contact and provide the name to the Local Emergency Planning Committee (LEPC).

The initial List of Extremely Hazardous Substances, published as a final rule in the Federal Register on April 22, 1987, contained 406 chemicals. Since that time 40 chemicals have been delisted, 4 of which were noted in the Federal Register on December 17, 1987, and the other 36 in the Federal Register on February 25, 1988. Updated lists can be compiled from these sources, or you can request them by writing your SERC, LEPC or from the Emergency Planning and Community Right-to-Know Information Hotline. These addresses are noted in the Appendix.

14. What do the storage codes "ambient" pressure and temperature, and "cryogenic conditions" mean?

"Ambient pressure" means the pressure of the surrounding area. So, materials stored at ambient pressure are stored at the same pressure as that of the surrounding area. Most drums, bags, boxes, cans, etc. fit this category. Any gases stored in high-pressure containers should be reported as greater than ambient pressure.

Similarly, ambient temperature means that the material is stored in the same temperature range as that of the surrounding area. Outdoor storage tanks that are heated or cooled to counter the variation in

temperature should also be classified as ambient. However, a tank maintained at a high (or low) temperature not close to the normal range of temperatures of the region should be noted as greater (or less) than ambient temperature.

Some gases are stored under "cryogenic conditions," that is, they are stored at very low temperatures (-130 degrees Fahrenheit or less). Examples of gases that may be stored this way include air, argon, carbon monoxide, ethylene, fluorine, helium, hydrogen, methane, nitrogen and oxygen.

For assistance in determining a chemical's storage conditions, contact your supplier or your local trade association. The Material Safety Data Sheet should also have some helpful data.

15. Do I have to report the hazardous components of a mixture?

Under Title III, the owner of a facility can choose to report all the components of a mixture separately or the mixture as a whole. The decision is yours and should be made on the basis of the substances at your facility.

For example, you can report the entire quantity of a particular paint stored at your facility as a bulk weight, noting the paint by its trade name in both the Section 311 and 312 reports. Alternatively, you could break down the various hazardous chemicals contained in the paint and calculate their respective weights. To do so, simply multiply the total weight of the mixture by the percentage composition of each hazardous chemical in the mixture. So, if compound A comprised 5% of the paint by weight, and the quantity of the paint at your facility was 10,000 pounds, then the amount of compound A would be 0.05 x 10,000 pounds, or 500 pounds. Again, the choice is yours.

STATE EMERGENCY RESPONSE COMMISSIONS

Alabama

Alabama Emergency Response Commission
Department of Environmental Management
1751 Federal Drive
Montgomery, Alabama 36109
(205) 271-7700

Alaska

Alaska Emergency Response Commission
P.O. Box 0
Juneau, Alaska 99811
(907) 465-2600

American Samoa

Territorial Emergency Management Coordination Office
American Samoan Government
Pago Pago, American Samoa 96799
International # (684) 633-2331

Arizona

Arizona Emergency Response Commission
Division of Emergency Services
5636 East McDowell Road
Phoenix, Arizona 85008
(602) 244-0504

Arkansas

Arkansas Hazardous Materials Emergency Response Commission
P.O. Box 9583
8001 National Drive
Little Rock, Arkansas 72219
(501) 562-7444

California

California Emergency Response Commission
Office of Emergency Services
2800 Meadowview Road
Sacramento, California 95832
(916) 427-4201

Colorado

Colorado Emergency Planning and Community Right-to-Know Commission
Division of Disaster Emergency Services
Camp George West
Golden, Colorado 80401
(303) 273-1624

Commonwealth of Northern Mariana Islands

Office of the Governor CNMI
Saipan, CNMI 96950
International # (670) 322-9529

Connecticut

Connecticut Emergency Response Commission
Department of Environment Protection
State Capitol Building
Room 161
165 Capitol Avenue
Hartford, Connecticut 06106
(203) 566-4017

Delaware

Delaware Commission on Hazardous Materials
Department of Public Safety
Administration Center
Dover, Delaware 19901
(302) 834-4531 or 736-4321

District of Columbia

Office of Emergency Preparedness
2000 14th Street, NW 8th Floor
Washington, D.C. 20009
(202) 727-6161

Florida

Florida Emergency Response Commission
Florida Department of Community Affairs
2740 Centerview Drive
Tallahassee, Florida 32399
(904) 487-4915

Georgia

Georgia Emergency Response Commission
Georgia Department of Natural Resources
205 Butler Street, SE
Floyd Towers East
Atlanta, Georgia 30334
(404) 656-4713

Guam

Civil Defense
Emergency Services Office
Government of Guam
P.O. Box 2877
Aguana, Guam 96910
FTS 550-7230

Hawaii

Hawaii Emergency Response Commission
Hawaii Department of Health
Environmental Epidemiology Program
P.O. Box 3378
Honolulu, Hawaii 96801
(808) 548-2076 or 548-5832

Idaho

Idaho Emergency Response Commission
Department of Health & Welfare
State House
Boise, Idaho 83720
(208) 334-5898

Illinois

Illinois Emergency Response Commission
Illinois Emergency Services & Disaster Agency
Attn: Hazmat Section
110 E. Adams Street
Springfield, Illinois 62706
(217) 782-4694

Indiana

Indiana Department of Environmental Management
Emergency Response Branch
5500 West Bradbury Street
Indianapolis, Indiana 46241
(317) 243-5176

Iowa

Iowa Emergency Response Commission
301 East 7th Street
Des Moines, Iowa 50319
(515) 281-6175

Kansas

State Emergency Response Commission
Kansas Department of Health and Environment
Forbes Field, Building 728
Topeka, Kansas 66620
(913) 296-1690

Kentucky

Kentucky Emergency Response Commission
Kentucky Disaster and Emergency Services
Boone National Guard Center
Frankfort, Kentucky 40601
(502) 564-8682

Louisiana

Louisiana Emergency Response Commission
Department of Transportation
Environmental Safety Section
P.O. Box 66614
Baton Rouge, Louisiana 70896
(504) 925-6113

Maine

Bureau of Labor Standards
Attn: SARA
State Office Building
Station 82
Augusta, Maine 04333
(207) 289-4291

Maryland

Governor's Management Advisory Council
Maryland Emergency Management & Civil Defense
2 Sudbrook Lane East
East Pikesville, Maryland 21208
(301) 486-4422

Massachusetts

Title Three Emergency Response Commission
Department of Environmental Quality Engineering
One Winter Street
Boston, Massachusetts 02108
SERC (617) 292-5851
LEPC Info (617) 875-1381

Michigan

Michigan Department of Natural Resources
Environmental Response Division
Title III Notification
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-9893

Minnesota

Minnesota Emergency Response Commission
Division of Emergency Services
State Capitol Room B-5
St. Paul, Minnesota 55155
(612) 296-2233

Mississippi

Mississippi Emergency Response Commission
Mississippi Emergency Management Agency
P.O. Box 4501
Fondren Station
Jackson, Mississippi 39216-0501
(601) 352-9100

Missouri

Missouri Emergency Response Commission
Missouri Department of Natural Resources
P.O. Box 3133
Jefferson City, Missouri 65102
(314) 751-7929

Montana

Montana Emergency Response Commission
Environmental Sciences Division
Department of Health & Environmental Sciences
Cogswell Building A-107
Helena, Montana 59620
(406) 444-3948

Nebraska

Nebraska Emergency Response Commission
Nebraska Department of Environmental Control
Technical Services Section
P.O. Box 94877
State House Station
Lincoln, Nebraska 68509
(402) 471-4230

Nevada

Nevada Division of Emergency Management
2525 South Carson Street
Carson City, Nevada 89710
(702) 885-4240 or 885-5300

New Hampshire

State Emergency Management Agency
State Office Park South
107 Pleasant Street
Concord, New Hampshire 03301
(603) 271-2231

New Jersey

New Jersey Emergency Response Commission
SARA Title III Project
Department of Environmental Quality
CN-402
Trenton, New Jersey 08625
(609) 292-6714

New Mexico

New Mexico Emergency Response Commission
New Mexico Department of Public Safety
P.O. Box 1628
Santa Fe, New Mexico 87504-1628
(505) 827-9226

New York

New York Emergency Response Commission
New York State Department of Environmental Conservation
Bureau of Spill Prevention & Response
50 Wolf Road, Room 326
Albany, New York 12233-3510
(518) 457-4107

North Carolina

North Carolina Emergency Response Commission
Division of Emergency Management
North Carolina Department of Crime Control and Public Safety
116 West Jones Street
Raleigh, North Carolina 27611
(919) 733-2126

North Dakota

North Dakota State Department of Health
1200 Missouri Avenue
P.O. Box 5520
Bismarck, North Dakota 58502-5520
(701) 224-2370

Ohio

Ohio Emergency Response Commission
Ohio Environmental Protection Agency
Office of Emergency Response
P.O. Box 1049
Columbus, Ohio 43266-0149
(614) 481-4300

Oklahoma

Oklahoma Emergency Response Commission
Office of Civil Defense
P.O. Box 53365
Oklahoma City, Oklahoma 73152
(405) 521-2481

Oregon

Oregon Emergency Response Commission
c/o State Fire Marshall
3000 Market Street Plaza
Suite 534
Salem, Oregon 97310
(503) 378-2885

Pennsylvania

Pennsylvania Emergency Response Commission
SARA Title III Officer
PEMA Response & Recovery
P.O. Box 3321
Harrisburg, Pennsylvania 17105
(717) 783-8150

Puerto Rico

Puerto Rico Emergency Response Commission
Environmental Quality Board
P.O. Box 11488
Santurce, Puerto Rico
(809) 722-1175 or 722-2173

Rhode Island

Rhode Island Emergency Response Commission
Rhode Island Emergency Management Agency
State House M. 27
Providence, Rhode Island 02903
(401) 421-7333

South Carolina

South Carolina Emergency Response Commission
Division of Public Safety Programs
Office of the Governor
1205 Pendleton Street
Columbia, South Carolina 29201
(803) 734-0425

South Dakota

South Dakota Emergency Response Commission
Department of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
(605) 773-3151

Tennessee

Tennessee Emergency Response Commission
Tennessee Emergency Management Agency
3041 Sidco Drive
Nashville, Tennessee 37204
(615) 252-3300
(800) 258-3300

Texas

Texas Emergency Response Commission
Division of Emergency Management
5805 Lamar
Austin, Texas 76752
(512) 465-2138

Utah

Utah Hazardous Chemical Emergency Response Commission
Department of Health
288 North 1460 West
P.O. Box 16690
Salt Lake City, Utah 84116-0690
(801) 538-6101

Vermont

Department of Labor and Industry
120 State Street
Montpelier, Vermont 05002
(802) 828-2286

Virgin Islands

U.S. Virgin Islands Emergency Response Commission
Title III
179 Altona
St. Thomas, VI 00802
(809) 774-3320 Ext. 169 or 170

Virginia

Virginia Emergency Response Council
Department of Waste Management
James Monroe Building
11th Floor
101 North 14th Street
Richmond, Virginia 23219
(804) 225-2999

Washington

Washington Emergency Response Commission
Division of Emergency Management
4220 East Martin Way,
Mailstop PT-11
Olympia, Washington 98504
(206) 753-5255

West Virginia

West Virginia Emergency Response Commission
Department of Natural Resources
Capitol Building, Room 669
1800 Washington Street, East
Charleston, West Virginia 25305
(304) 348-2754

Wisconsin

Division of Emergency Governor
4802 Sheboygan Avenue
Room 99A
P.O. Box 7865
Madison, Wisconsin 53707
(608) 266-3232

Wyoming

Wyoming Emergency Management Agency
Comprehensive Emergency Management
5500 Bishop Boulevard
P.O. Box 1709
Cheyenne, Wyoming 82003
(307) 777-7566

EPA REGIONAL OFFICES

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4 -- Florida
4 -- Georgia
9 -- Guam
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10 -- Idaho
5 -- Illinois
5 -- Indiana
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6 -- Louisana
1 -- Maine
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Contact the Preparedness Coordinator at the Regional Office

Region 1

EPA - Region 1
New England Regional Laboratory
60 Westview Street
Lexington, MA 02173
(617) 860-4300 Ext. 221

Region 2

EPA - Region 2
Woodbridge Avenue
Edison, NJ 08837
(201) 321-6656

Region 3

EPA - Region 3
841 Chestnut Street
Philadelphia, PA 19107
(215) 597-0807

Region 4

EPA - Region 4
345 Courtland Street, NE
Atlanta, GA 30365
(404) 257-3931

Region 5

EPA - Region 5
230 South Dearborn Street
Chicago, IL 60604
(312) 886-1964

Region 6

EPA - Region 6
Allied Bank Tower
1445 Ross Avenue
Dallas, TX 75202-2733
(214) 655-2270

Region 7

EPA - Region 7
726 Minnesota Avenue
Kansas City, Kansas 66101
(913) 236-2806

Region 8

EPA - Region 8
One Denver Place
999 18th Street
Suite 1300
Denver, CO 80202-2413
(303) 293-1723

Region 9

EPA - Region 9
215 Fremont Street
San Francisco, CA 94105
(415) 974-7460

Region 10

EPA - Region 10
1200 6th Avenue
Seattle, WA 98101
(206) 442-1263

Acronyms

with page number where the acronym first appears

CFR -- Code of Federal Regulations p. 21
D & B -- Dun & Bradstreet p. 13
EHS -- Extremely Hazardous Substances p. 6
EPA -- Environmental Protection Agency p. 5
FDA -- Food and Drug Administration p. 5
HCS -- Hazard Communication Standard p. 3
LEPC -- Local Emergency Planning Committee p. 6
MSDS -- Material Safety Data Sheet p. 3
OSHA -- Occupational Safety and Health Administration p. 3
Q & A -- Questions & Answers p. 6
SARA -- Superfund Amendments and Reauthorization Act of 1986 p. 1
SERC -- State Emergency Response Commission p. 6
SIC -- Standard Industrial Classification code p. 3
Title III -- Title III of the Superfund Amendments and Reauthorization Act of 1986 p. 1
TPQ -- Threshold Planning Quantity p. 6

Terms

with introductory page and/or key pages of discussion

ambient pp. 15, 16
Average Daily Amount p. 12
Chemical Abstract Service Number pp. 12, 13
Community Right-to-Know pp. 2, 3, 10
cryogenic p. 16
Dun & Bradstreet Number p. 13
emergency contact p. 15
emergency response plan pp. 1, 2, 10
extremely hazardous substance pp. 5, 6, 15
hazard category pp. 8, 9, 14
hazardous chemical pp. 3, 5
List of Extremely Hazardous Substances pp. 6, 15
Local Emergency Planning Committee p. 7
manufacturer pp. 3, 4, 7
Material Safety Data Sheet pp. 3, 5, 7-9
Maximum Amount pp. 6, 12
mixture pp. 13, 16
non-manufacturer pp. 3, 4, 7
reportable chemical p. 12
Sections 311 and 312 pp. 1, 2, 7-9
Standard Industrial Classification code pp. 3, 4, 13
State Emergency Response Commission p. 7
threshold pp. 5, 6
Tier I and Tier II forms pp. 7-9, 12
Title III p. 1
trade secret pp. 10, 11
Worker Right-to-Know p. 3

For Further Information

Emergency Planning & Community Right-to-Know Information Hotline

Emergency Planning & Community Right-to-Know
U. S. Environmental Protection Agency OS-120
401 M Street, S.W.
Washington, D.C. 20460

For all document requests, please write the Hotline at the above address.

(800) 535-0202
(202) 479-2449 in Washington, D.C.

Other questions and inquiries can be addressed by phone.

The final rule for Sections 311 and 312 of the Emergency Planning and Community Right-to-Know Act of 1986 was published in the Federal Register on October 15, 1987. It contains a detailed discussion of the reporting requirements of Sections 311 and 312, the Tier I and Tier II report forms, and instructions for these forms.

"Emergency and Hazardous Chemical Inventory Forms and Community Right-to-Know Reporting Requirements; Final Rule" Federal Register October 15, 1987; 40 CFR Part 370. Environmental Protection Agency.

The final rule on Trade Secrets was published in the Federal Register on July 29, 1988; 40 CFR Part 350: "Trade Secrecy Claims for Emergency Planning and Community Right-to-Know Information."

For additional information on the OSHA Hazard Communication Standard, contact your local OSHA Area Office. If you do not know the Area Office location or telephone number, contact the OSHA Office of Information Consumer Affairs at (202) 523-8151.

Example of a Hypothetical Facility

The owner of a hypothetical facility has five substances for which he maintains Material Safety Data Sheets. None of these substances are exempt under the five Title III exemptions. As a result, he must calculate their maximum amounts to determine if the substances trigger the reporting thresholds. The owner considers whether each substance is an extremely hazardous substance or simply a hazardous chemical, and whether it is a mixture. Then, the substance's largest storage level at the facility (maximum daily amount) must be determined. This process must be performed once (with any necessary updates) for Section 311 and annually for Section 312 (sample on page 22).

Calculations

I. Chloroform is an extremely hazardous substance (EHS) stored at the facility in two 55-gallon drums.* With two drums (1,000 pounds), the facility exceeds the threshold for EHS (500 pounds or the threshold planning quantity (TPQ), whichever is lower), even though the TPQ for chloroform is 10,000 pounds. One drum is used at the main plant, and a back-up is kept at the warehouse.
Maximum Daily Amount (MDA) = 2 drums X 500 lbs = 1,000 lbs
Average Daily Amount (ADA) =
(1 full drum + 1 half-filled drum) X 500 lbs = 750 lbs
Hazards: immediate, delayed, and sudden release of pressure

II. Chlorine is an EHS stored at the facility in as many as eight 50-pound cylinders. The maximum amount is 400 pounds. Although present in a quantity less than 500 pounds, the chlorine must be reported because that TPQ is just 100 pounds. The owner has chlorine on-site only six months of the year and on average has only five cylinders.
MDA = 8 cylinders X 50 lbs = 400 lbs
ADA = 5 cylinders X 50 lbs = 250 lbs
Hazards: immediate, reactivity, and sudden release of pressure

III. "Stick-E" is a mixture containing 2% toluene (a hazardous chemical) by weight. The owner always keeps twenty-five 55-gallon drums of "Stick-E", and no more, on-site. Instead of calculating the components of the mixture individually, the owner chooses to report this industrial glue as a product. Its maximum amount of 12,500 pounds exceeds the threshold for hazardous chemicals (10,000 pounds). The owner must report "Stick-E".
MDA = 25 drums X 500 lbs = 12,500 lbs
ADA = 25 drums X 500 lbs = 12,500 lbs
Hazards: fire, immediate, and delayed

IV. "Solvent-C" is a mixture with 0.5% tabun (an EHS) by weight. It is stored at the facility in two 55-gallon drums. Though tabun's TPQ is a mere 10 pounds, when it is calculated as a component of the mixture, the maximum amount is only 5 pounds--less than 500 pounds and the TPQ. The owner does not report "Solvent-C".
MDA = 0.005 X 2 drums X 500 lbs = 5 lbs

V. Turpentine is a hazardous chemical stored at the facility in a 1,000-gallon tank. The density of turpentine is less than water's density (0.87 g/cc versus 1.00 g/cc), so the owner can use the density of water (8.3 lbs/gallon) to estimate the weight of the turpentine in the tank. Since the tank is 1,000 gallons, the maximum amount is less than 8,300 pounds. The owner does not report.
MDA = 8.3 lbs/gallon X 1,000 gallons = 8,300 lbs

NOTE: This example is not intended to replicate any specific facility nor any standard handling practices for the substances cited. Also, "Stick-E" and "Solvent-C" are both fictitious trade names.

* An average 55-gallon drum of chemicals weighs approximately 500 pounds

Section 311 List

Hazardous Chemical	Fire	Sudden Release of Pressure	Reactivity	Immediate Health Hazard	Delayed Healith Hazard
chloroform		X		X	X
chlorine		X	X	X	
"Stick-E"	X			X	X

Note: Neither the amount of the substance nor its location at the facility is noted on the Section 311 submission. The list (or the Material Safety Data Sheets) of the reportable substances at a facility must be submitted to the State Emergency Response Commission, Local Emergency Planning Committee and local fire department once, with any necessary updates. (see pages 7-9)

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