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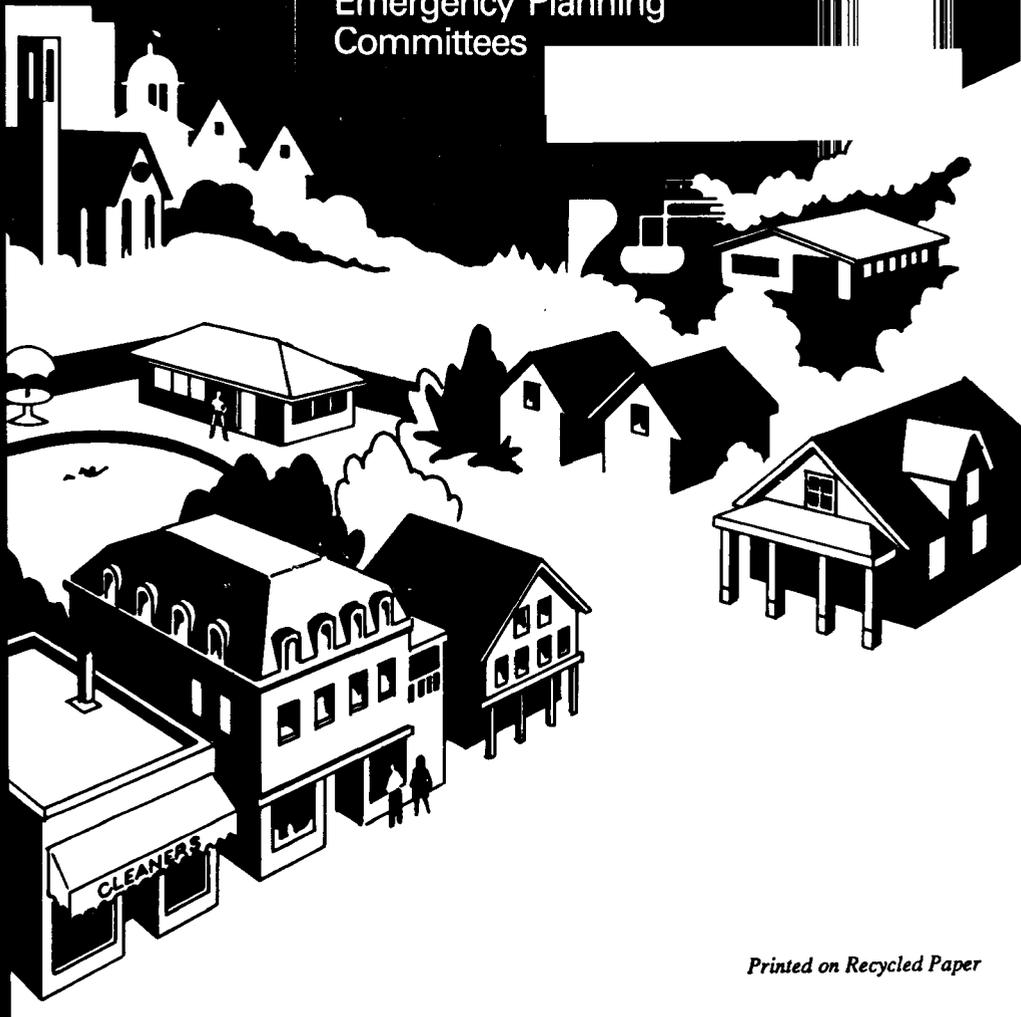
September 1989

Solid Waste And Emergency Response (OS-120)

# When All Else Fails

## Enforcement Of The Emergency Planning And Community Right-To-Know Act

A Self Help Manual  
For Local  
Emergency Planning  
Committees



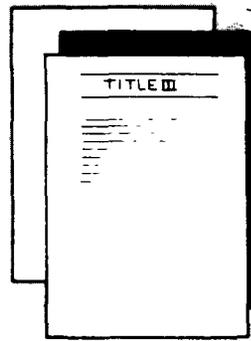
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**D**oes your emergency plan address the key preparedness problems in your area? Do your first responders know what chemical hazards they face when arriving at the scene of an emergency? Has missing information limited your emergency preparedness? Have all affected facilities reported? What steps are you planning to take in the future to improve emergency preparedness? What can you do to ensure that facilities are complying with the law?

During the next few years, many Local Emergency Planning Committees (LEPCs) will look to improve the quality of their communities' chemical emergency response plans and to reduce chemical risks. One of the most significant ways to improve overall planning is to ensure that all the facilities have reported and, where appropriate, are participating in the emergency planning process. Only then can the local community completely understand and prepare for potential chemical accidents.

The Emergency Planning and Community Right-to-know Act (EPCRA or SARA Title III) grants specific state and local authority to request information from facilities and to take enforcement actions in those situations where voluntary compliance has not occurred. This pamphlet contains information on these authorities and provides tips to help LEPCs ensure that facilities covered by SARA Title III are complying with the law. The material presented outlines the enforcement authorities granted to citizens, local governments, States, and EPA.



Under this law, facilities that store extremely hazardous substances are required to report the presence of those substances and participate in the planning process. Your experience may indicate that there are facilities in your community that have not yet come forward with the required information. As an LEPC, you have many options for promoting voluntary compliance or compelling compliance.

**What is the role of the LEPC in obtaining compliance?** This question can only be answered by the LEPC itself. The Act offers many opportunities and obligations. It also provides enforcement mechanisms. In addition, citizens may compel you to obtain information for them. How actively you choose to pursue these opportunities or how you will respond to citizen inquiries will depend on your situation. As you work to implement the program, you will find that some facilities have not complied with the law. There will be two main reasons. Either the facility was unaware that it was subject to the law, or the facility simply did not report based on the assumption it would not be found and penalized. As LEPCs,

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you may find the lack of cooperation from some facilities frustrating. You can do something about it — you have options. You may want to take an enforcement action or work with the State and EPA to enforce the provisions of the Act.

**What is the role of the SERC?**

Under SARA Title III, the State Emergency Response Commission (SERC) is the focal point for emergency planning at the State level. You should look upon your SERC as a resource that can provide support. The law requires SERCs to provide oversight and coordination of LEPCs. They will be able to serve as your link to State law enforcement and emergency management offices. They should also be your link to the federal government (i.e., EPA) for enforcement requests.

**Why does facility noncompliance matter?**

Facility compliance with reporting requirements is central to what the Act is all about: emergency preparedness and right-to-know. Since the enactment of SARA Title III in 1986, LEPCs across the country have spent considerable time and energy assessing the chemical hazards in their communities. To a great degree, this planning has enhanced the safety of the emergency responders and citizens of the community. Yet, many facilities still present unnecessary risks to those who arrive first on the scene of a chemical accident and to the community by not providing the required information on chemical use and storage. The quality of your plan may be compromised by the missing information. The safety of your local fire fighters may be in

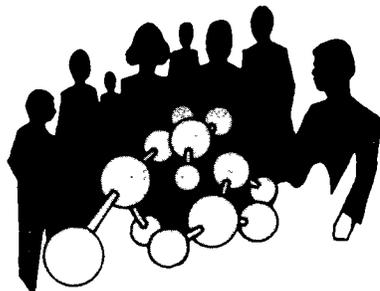
jeopardy because a facility has not complied. Additionally, a facility that refuses to cooperate or that fails to report denies you and citizens in your community your legal right to have that information.

**How can compliance be achieved?**

In the context of SARA Title III and the local emergency planning committees, encouraging compliance can include many types of activities— from outreach to enforcement. LEPCs can work with local organizations such as Chambers of Commerce to get the message out to small businesses, as well as large companies, to encourage their compliance. Site visits and community meetings may be helpful. LEPCs, SERCs, State and local governments, and citizen groups can use informal mechanisms such as warning letters and are given authority to file civil enforcement actions in the U.S. District Courts. The Act provides, and State and local laws may further provide, other mechanisms to be used by State and local committees to compel facility compliance with the law. Knowledge of your authorities under the law will help you in your efforts to gain the cooperation you need.

## Where To Start— Education And Outreach

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The process of improving facility compliance may involve four steps: outreach to inform facilities of requirements; identification of facilities required to report; communication, education and persuasion; and enforcement actions where necessary.

Everyone prefers that facilities comply voluntarily. Voluntary compliance depends, in part, on efforts made to educate local facility owners about the Act, its reporting requirements, and how the information collected can benefit the community. Enlisting the local news media, cable television stations, fire departments, the Chamber of Commerce, local Rotary clubs and any other business organizations is a starting point. Speaking to meetings of these groups and using their newsletters can help get the message out effectively and inexpensively. Some LEPCs have conducted extensive letter-writing campaigns. Others have visited facilities and spoken directly to the owners about their reporting obligations. Once owners learn of their reporting obligations, most will provide the necessary information quickly and accurately.

## What Next — Identifying And Persuading Noncompliers

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To reach facilities that are not complying, you can use general outreach or target your efforts to facilities that may be covered. Unfortunately, no comprehensive set of data exists that will identify every facility that is required to comply. However, sources of information such as water permits, air permits, SARA Title III §313 toxic release inventory reports, and other data housed by your State or local authorities (e.g., hazardous materials permits) may help to identify facilities potentially required to report. Working in coordination with local fire departments will also help identify facilities that store large quantities of chemicals.

In addition, EPA has developed a cross-listing of Standard Industrial Classification (SIC) Codes and the SARA Title III §302 extremely hazardous substances (EHS). This list, together with county or city specific information on businesses, should aid in identifying facilities that may be required to report under the planning provisions. Contact your SERC for copies of the SIC code/EHS cross-listing.

**When you identify a facility that is out of compliance, what are your options?** Direct contact with the facility owner or operator may be the easiest and most effective way to persuade the facility to comply. If the facility comes into compliance and the LEPC has received all the information it needs, no further action may be necessary. However, if the LEPC is unsatisfied with the results of its efforts or the facility refuses to comply, the LEPC may want to take further action.

**What tools does the law provide to help the LEPC obtain information from a facility?** Two provisions in SARA Title III authorize the LEPC to obtain information from facilities. If the LEPC needs additional information from a facility to assist the LEPC in its planning, the authority of SARA Title III §303(d)(3) can be used. Section 303(d)(3) requires facilities to promptly provide information the LEPC deems necessary for developing and implementing its emergency response plan. This authority is broad in the sense that it may be used to obtain a variety of information related to the identity and location of extremely hazardous substances, existence of facility emergency plans, and additional information needed to develop the LEPC plan.

Section 303(d)(3) is an enforceable provision. Failure to comply with the LEPC request could result in a penalty of up to \$25,000 per day. An LEPC should document the information request in a letter to the company. The request letter should: be sent to the owner or operator; cite the authority the LEPC has to request information (§303(d)(3)); be as specific as possible regarding the information requested; allow the facility a reasonable amount of time in which to reply (e.g., 30 days); and inform the facility owner or operator that failure to comply with the request is a violation of the law which could result in a \$25,000 per day penalty. LEPCs should consider the use of certified mail (return receipt requested) for these requests.



Many facilities required to report under the planning provisions are also covered by SARA Title III §312. Under §312, covered facilities must report to the SERC, LEPC, and fire department annually (every March 1) their inventories of hazardous chemicals. Section 312 also authorizes the SERC, LEPC, or a fire department to request information from a facility. Specifically, §312(e) authorizes these groups to request chemical specific forms on hazardous chemicals present at the facility above (§312(e)(3)(B)) or below (§312(e)(3)(C)) the 10,000 pound threshold.

Section 312(e) can be a powerful tool to get information from facilities that have not been cooperating with the LEPC. Like §303(d)(3), this, too, is an enforceable provision. If the owner or operator fails to provide the information, he or she may be liable for a penalty of up to \$25,000 per violation per day.

As with other requests made of a facility, the LEPC, SERC or fire department should formally request the information in a letter, cite the proper authorities, give ample time for the facility to reply (e.g., 30 days) and cite the potential penalty for failure to comply. Use of certified mail may again be appropriate.

If a company has filed a report under §312, SARA Title III authorizes local fire departments to inspect the facility to determine the specific location of hazardous

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chemicals. LEPC members may want to accompany the fire department to promote a better understanding of the SARA Title III reporting requirements and to obtain information for planning purposes. In planning inspections, try to give the owner or operator advance notice. Should you encounter problems gaining access to the facility, contact your SERC and the Regional EPA office that has jurisdiction in your area.

These "enforcement" tools may never be needed if a facility is cooperating in the planning process. However, they are available to SERCs, LEPCs, and fire departments should a specific facility be unwilling to provide the necessary information.

**If a facility fails to respond to your information request, what are the next steps?** If your attempts to obtain information are disregarded or the information is not submitted in a timely manner, you have several options. First, you can work with your SERC to try to get the facility to cooperate. Second, you can notify the facility of your intention to:

- File a civil action in the U.S. District Court for violations of SARA Title III; or
- Assist the SERC and EPA in the enforcement of the provision(s) violated.

If an LEPC decides to cooperate with the SERC and EPA in an enforcement action, it is important that its efforts to bring the facility into compliance be documented. Establishing a record of efforts will aid the State and EPA in taking an enforcement action. LEPCs should maintain records of phone contacts, direct contacts, any letters that were sent to the company, etc. In developing enforcement actions, EPA will need your support in providing any evidence you have that the facility is in violation. The Agency will also request affidavits from you certifying that the required reports were not filed by the appropriate deadline. Contact your SERC and the Regional EPA office for additional information.

EPA is looking forward to cooperating with SERCs and LEPCs in the effort to make the Emergency Planning and Community Right-to-Know Act a success. EPA wants to establish enforcement ties with every SERC. This network of people will help to set priorities for enforcement actions within the State and provide a mechanism through which LEPCs can elevate and resolve compliance problems. It is only through our combined efforts that facilities will come to know and comply with this important law.

## Enforcement Authorities

SARA Title III contains provisions to ensure that citizens' rights to information are backed by the legal tools needed to obtain cooperation of facility owners and operators. Congress included stiff penalties for failure of owners and operators to comply with the law's reporting requirements.

SARA Title III contains two sections dealing with enforcement: §325 Federal Enforcement and §326 Civil Actions. Actions initiated by LEPCs would likely fall under the civil category, but as described above, LEPCs could cooperate with the State and EPA.



## Civil Actions (§326)

SARA Title III provides States, local groups, and citizens the authority to file civil actions in the U.S. District Court against owners and operators if they fail to comply with the law. The Act gives the public the right to access information and the legal remedies to make information available if an owner or operator is unwilling to cooperate in the emergency planning process or submit the required reports. These provisions emphasize that everyone has a role in ensuring that facilities comply with the Act.

**Citizen Suits.** Under SARA Title III §326(a)(1), any person has the authority to file a civil action in the U.S. District Court against owners or operators of facilities for their failure to submit: §304(c) follow-up reports; §311 MSDSs or lists of MSDSs; §312 Tier I forms; and §313 Toxic Chemical Release forms.

For any civil action described above, the plaintiff must notify the EPA, the State in which the alleged violation occurs, and the alleged violator 60 days prior to initiating a suit. On January 26, 1989 EPA issued a Proposed Rule on Prior Notice for Citizen Suits under CERCLA and SARA Title III (See the Federal Register Vol. 54 Page 3913). Consult this rule if you plan to bring a civil suit.

## FEDERAL ENFORCEMENT (§325)



**State and Local Suits.** Section 326(a)(2) authorizes State and local suits. State and local governments have the authority to bring civil actions in the U.S. District Court for: failure to notify under §302; failure to provide information under §303; failure to submit MSDSs or a list of MSDSs as required under §311; and failure to submit Tier I information required under §312. These actions do not require notification prior to commencement.

SARA Title III §329(7) defines "person" as any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, *State, municipality, commission, political subdivision of a State, or interstate body* [emphasis added]. Because §326 authorizes any "person" to bring a civil action against owners and operators for their failure to submit reports specified under §326(a)(1), this definition suggests that State and local governments, SERCs, and LEPCs could take action under the citizen suit provisions in addition to the suits authorized under §326(a)(2).

Under SARA Title III §325, the Federal government has the authority to bring administrative, and civil or criminal judicial actions against violators. EPA's ability to handle SARA Title III cases administratively means that the delays and expenses associated with judicial cases can be avoided. The enforcement authorities available to EPA and the maximum penalties vary by each reporting requirement.

Section 325(a) authorizes the EPA Administrator to order owners or operators of facilities to comply with §§302 and 303. The local U.S. District Court has jurisdiction to enforce the order and assess a civil penalty of up to \$25,000 per violation for each day the violation continues. EPA cannot assess these penalties administratively.

Violation of the §304 emergency notification requirements can be addressed through administrative or judicial enforcement. SARA Title III also establishes criminal penalties for knowingly and willfully failing to provide notice or providing false or misleading information. Section 304 violations can carry a Class I civil penalty of not more than \$25,000 per violation or a Class II civil penalty of not more than \$25,000 per violation per day. In the case of subsequent violations, Class II penalties of up to

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\$75,000 for each day a violation continues may be assessed. Any person who knowingly and willfully fails to provide notice in accordance with SARA Title III §304 could receive a fine of up to \$25,000 or be imprisoned for not more than two years, or both. For second or subsequent convictions, the violator will be subject to a fine of not more than \$50,000 or imprisoned for not more than five years, or both.

For violations of SARA Title III §§311, 312, and 313, EPA can assess civil penalties by issuing administrative orders or by filing actions in the U.S. District Court to enforce compliance and assess penalties. Violation of §311 subjects the violator to a civil penalty of up to \$10,000 for each violation. Sections 312 and 313 violations subject the violator to civil penalties of not more than \$25,000 for each violation. The statute establishes that every day a violation continues is considered a separate violation.

Under §325(d), EPA may assess a penalty of \$25,000 for each trade secret claim that is found to be frivolous. The statute also provides criminal penalties for disclosure of trade secret information. Any person who knowingly and willfully divulges trade secret information will be subject, upon conviction, to a fine of not more than \$20,000 or to imprisonment for not more than one year, or both.

SARA Title III provides a special enforcement authority for health professionals. Whenever an owner or operator of a facility fails to provide information to the health professional as required under §323

of the Act, the health professional may bring action in the U.S. District Court to require the owner or operator to comply. The U.S. District Court has the jurisdiction to issue orders and take other actions as may be necessary to enforce §323.

## **It's In The *Federal Register***

You can find detailed information on the various provisions of the Emergency Planning and Community Right-to-know Act in the *Federal Register*, which is available at public or university libraries. Here are the citations for the EPA regulations covering various sections of the Act.

- Sections 301-303 (emergency planning): April 22, 1987; December 17, 1987; February 25, 1988 (40 CFR 300 and 355)
- Section 304 (emergency release notification): April 22, 1987; December 17, 1987; February 25, 1988 (40 CFR 300 and 355)
- Sections 311-312 (hazardous chemical reporting): October 15, 1987; August 4, 1988 (40 CFR 370)
- Section 313 (toxic chemical release reporting): February 16, 1988; June 20, 1988 (40 CFR 372)
- Section 322 (trade secrets): July 29, 1988 (40 CFR 350)
- Section 325 (Federal Enforcement) May 16, 1989 (40 CFR 22)
- Section 326 (Citizen Suits): January 26, 1989 (40 CFR 373 and 374)

## Conclusion

The Emergency Planning and Community Right-to-know Act is unique among Federal environmental statutes in providing numerous opportunities for active participation at the local level. It is designed to enhance local emergency preparedness and awareness of chemical hazards at the community level. The benefits of a successful program can be many, ranging from reducing the potential for injuries and deaths relating to chemical accidents to designing effective city planning standards for air, water and waste management.

The LEPC is the focus of this effort for a community to better understand and prevent chemical accidents. Understanding the authorities that SARA Title III provides will make you better able to carry out an effective chemical awareness and emergency planning program.

Your efforts to implement the program need not be hindered by facilities that are unwilling to cooperate. SARA Title III provides the information gathering and enforcement tools you need to ensure that you can obtain the information that you and your community have a right to know.

**Who can I contact for more information or enforcement assistance?** For more information or assistance with a specific enforcement-related problem, contact the State Emergency Response Commission of your State and/or your U.S. EPA regional office. There are ten EPA regional

offices that serve the States and U.S. territories. Consult the following list to identify the EPA office for your State.

### **EPA Region 1**

Preparedness Coordinator  
617/860-4385  
ME, VT, NH, MA, CT, RI

### **Region 2**

Preparedness Coordinator  
201/321-6656  
NY, NJ, Puerto Rico, Virgin Islands

### **Region 3**

Preparedness Coordinator  
215/597-3184  
PA, WV, VA, DE, DC, MD

### **Region 4**

Preparedness Coordinator  
404/347-3931  
NC, SC, GA, FL, TN, MS, KY, AL

### **Region 5**

Preparedness Coordinator  
312/886-1964  
MI, WI, MN, IN, OH, IL

### **Region 6**

Preparedness Coordinator  
214/665-2277  
NM, TX, OK, AR, LA

### **Region 7**

Preparedness Coordinator  
913/236-2806  
NE, KS, IA, MO

### **Region 8**

Preparedness Coordinator  
303/293-1723  
ND, SD, WY, CO, UT, MT

### **Region 9**

Preparedness Coordinator  
415/974-7477  
CA, AZ, NV, HI, Guam, American Samoa,  
Commonwealth of the Northern Mariana  
Islands

### **Region 10**

Preparedness Coordinator  
206/442-1263  
WA, ID, OR, AK

## State Emergency Response Commission Telephone Numbers

Alabama	(205) 834-1375 (205) 271-7700	New Mexico	(505) 827-3375
Alaska	(907) 465-2600	New York	(518) 457-2222
American Samoa	(684) 633-2331	North Carolina	(919) 733-3867
Arizona	(602) 244-0504	North Dakota	(701) 224-2348 (701) 224-2111
Arkansas	(501) 562-7444	Ohio	(614) 644-2260
California	(916) 427-4201	Oklahoma	(405) 521-2481
Colorado	(303) 273-1622 (303) 331-4600	Oregon	(503) 378-3473
Connecticut	(203) 566-4856	Pennsylvania	(717) 783-8150
Delaware	(302) 736-4321	Puerto Rico	(809) 725-5140 (809) 722-1175
District of Columbia	(202) 727-6161	Rhode Island	(401) 421-7333
Florida	(904) 488-1900	South Carolina	(803) 734-0442
Georgia	(404) 656-3500	South Dakota	(605) 773-3153
Guam	(671) 477-9841	Tennessee	(615) 252-3300
Hawaii	(808) 548-5832	Texas	(512) 465-2138
Idaho	(208) 342-0031	Utah	(801) 533-5271 (801) 538-6121
Illinois	(217) 782-2700	Vermont	(802) 828-2286
Indiana	(317) 243-5176	Virgin Islands	(809) 774-3320
Iowa	(515) 281-6175	Virginia	(804) 225-2667
Kansas	(913) 296-1690	Washington	(206) 753-2200
Kentucky	(502) 564-8680	West Virginia	(304) 348-2755
Louisiana	(504) 925-6113	Wisconsin	(608) 266-3232
Maine	1-800-452-8735		
Northern Mariana Islands	(670) 322-9274		
Maryland	(301) 225-5780		
Massachusetts	(617) 727-7775 (617) 875-1381 (617) 292-5810		
Michigan	(517) 373-8481		
Minnesota	(612) 296-0481		
Mississippi	(601) 960-9000		
Missouri	(314) 751-7929		
Montana	(406) 444-3111		
Nebraska	(402) 471-4230		
Nevada	(702) 885-5375		
New Hampshire	(603) 271-2231		
New Jersey	(609) 882-2000 (609) 292-6714		

## State Designated TRI Contacts

Alabama	(205) 271-7931	Oklahoma	(405) 521-2481
Alaska	(907) 465-2600	Oregon	(503) 378-2885
American Samoa	(684) 633-2682	Pennsylvania	(717) 783-8150
Arizona	(602) 244-0504	Puerto Rico	(809) 724-6045
Arkansas	(501) 562-7444	Rhode Island	(401) 277-2808
California	(916) 324-8124	South Carolina	(803) 734-0425
Colorado	(303) 331-4858	South Dakota	(605) 773-3153
Connecticut	(203) 566-4856	Tennessee (Within State)	800 1 262-3300
Delaware	(302) 736-4764	(Out of State)	800 1 258-3300
District of Columbia	(202) 727-6161	Texas	(512) 463-7727
Florida	(904) 487-4915	Utah	(801) 538-6121
Georgia	(404) 656-6905	Vermont	(802) 863-7281
Guam	(671) 646-8863	Virginia	(804) 786-3017
Hawaii	(808) 548-6505	Virgin Islands	(809) 774-3320
Idaho	(208) 334-5898	Washington	(206) 459-6303
Illinois	(217) 782-3637	West Virginia	(304) 348-2901
Indiana	(317) 243-5167	Wisconsin	(608) 266-3232
Iowa	(515) 281-5385	Wyoming	(307) 777-7566
Kansas	(913) 296-1522		
Kentucky	(502) 564-8684		
Louisiana	(504) 342-6363		
Maine	(207) 289-4080		
Northern Mariana Islands	(670) 234-6984		
Maryland	(301) 225-5780		
Massachusetts	(617) 556-1029		
Michigan	(517) 373-8481		
Minnesota	(612) 296-0481		
Mississippi	(601) 352-9100		
Missouri	(314) 751-7929		
Montana	(406) 444-3948		
Nebraska	(402) 471-4230		
Nevada	(702) 885-4240		
New Hampshire	(603) 271-2231		
New Jersey	(609) 292-6714		
New Mexico	(505) 827-3375		
New York	(518) 457-4107		
North Carolina	(919) 733-3867		
North Dakota	(701) 224-2374		
Ohio	(614) 481-7050		

## Title III EPCRA Enforcement Authorities

Requirement	Federal	State and Local	Citizen
§302(c) o/o with EHS>TPQ notify SERC by 5/17/87 (or 6 mos. after EHS>TPQ becomes present) that facility is subject to Act.	§325(a) EPA may order o/o to comply. USDC has authority to enforce and assess a penalty of up to \$25k per day	§326(a)(2)(A)(i) State & Local Governments can file civil action in USDC for failure of o/o to notify SERC	No authority under §326(a)(1)
§303(d) o/o must appoint facility representative to participate in planning by 9/17/87 & provide info for planning when requested.	§325(a) EPA may order o/o to comply. USDC has authority to enforce and assess a penalty of up to \$25k per day.	§326(a)(2)(B) SERC or LEPC can file civil action in USDC against o/o for failure to provide information	No authority under §326(a)(1).
§304(b) o/o must notify SERC & LEPC immediately after release of EHS or CERCLA HS RQ. §304(c) o/o must provide follow-up report as soon as practicable.	§325(b)(1) & (b)(2) Class I & Class II penalties of up to \$25k/day (up to \$75k/day for second or after) by Administrative Order or in USDC Criminal penalty: up to \$25k per day and/or 2 years.	No authority under §326(a)(2) See §326(a)(1)	§326(a)(1)(A)(i) any person can file civil action in USDC against o/o for failure to submit follow-up report
§311 o/o who must prepare MSDS for OSHA must submit MSDS/list to SERC, LEPC & fire department by 10/17/87 or 3 months after newly subject to OSHA	§325(C)(2),(4) EPA can assess penalty of up to \$10k per violation per day by Administrative Order or in USDC.	§326(a)(2)(A)(ii) & (iii) State & Local Governments can file civil action in USDC against o/o for failure to submit MSDS or list or make available information requested under §311(c).	§326(a)(1)(A)(ii) any person can file civil action in USDC against o/o for failure to submit MSDS or list
§312(a) o/o who must prepare MSDS under OSHA must also submit Tier 1 form on 3/1/88, then annually. For newly covered facilities, first forms due 3/1/90.	§325(c)(1),(4) EPA can assess penalty of up to \$25k per violation per day by Administrative Order or in USDC	§326(a)(2)(A)(iv) State & Local Governments can file civil action in USDC against o/o for failure to submit Tier 1 form §326(a)(2)(B) SERC & LEPC can file action for failure to submit Tier II form under §312(e)(1).	§326(a)(1)(A)(iii) any person can file civil action in USDC against o/o for failure to submit Tier 1 information.
§313 o/o of facility that manufactured, processed or used a toxic chemical in previous year must submit TRI form annually starting 7/1/88.	§325(c)(1),(4) EPA can assess penalty of up to \$25k per violation per day by Administrative Order or in USDC	No authority under §326(a)(2). See §326(a)(1)	§326(a)(1)(A)(iv) anyone can file a civil action in USDC against an o/o for failure to submit a TCR form under §313.
§322(a)(2) o/o must submit information to support a trade secret claim.	§325(c)(2) EPA can assess a penalty of up to \$10k per violation per day by Administrative Order or in USDC	No authority.	No Authority.
§325(d) claim must not be frivolous	§325(d)(1) EPA can assess penalty of \$25k per claim for claim that is unsubstantiated or not a trade secret and frivolous by Administrative Order or in USDC.	No Authority	No Authority
§323(b) o/o must submit a MSDS, inventory form, and a TCR form to physician who requests information in an emergency situation.	§325(c)(2) EPA can assess a penalty of up to \$10k per violation by Administrative Order or in USDC	No Authority	§325(e) Health professional can file action in USDC to compel o/o to comply. USDC may issue order and enforce

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