

EMERGENCY PLANNING & COMMUNITY RIGHT-TO-KNOW ACT

The Emergency Planning & Community Right-To-Know Act of 1986 (EPCRA), also known as SARA Title III, established requirements for Federal, State, local governments and industry regarding emergency planning and community right-to-know reporting on hazardous and toxic chemicals. The provisions help increase the public's knowledge and access to information on chemicals at individual facilities, their uses and releases into the environment. States and communities, working with facilities, can use the information to improve chemical safety and protect public health and the environment.

The first part of EPCRA - Emergency Planning - contains two sections, Section 302 and 304, which directly involve industry.

SECTION 302 - Emergency Planning: The EPA came up with a list of 356 Extremely Hazardous Substances (EHS) for which it established Threshold Planning Quantities (TPQ)(minimum limits) for each substance.

The EPA can revise the list and TPQ's based on information such as toxicity, reactivity, volatility, dispersability or flammability of a substance. At the present time, most composites fabricators are **NOT** going to have substances from this list present in their facilities at the threshold planning quantities. But each time your facility begins using a new substance, this list should be checked. For example, if your facility switches to a TDI-based foam instead of an MDI-based foam, you would only have 60 days after receiving a shipment of the substance on-site to comply with this section.

1. If it is determined that your facility has EHS's present in TPQ's, the owner or operator must notify the appropriate State Emergency Response Commission (SERC) and Local Emergency Planning Committee (LEPC). If the EHS's are components of a mixture, the quantity of the EHS must be aggregated for the entire facility to determine whether TPQ's have been met.
2. The owner or operator must designate a facility representative to participate with the LEPC as emergency response coordinator.
3. This is a one-time notification requirement, unless there are any significant changes at the facility which may be relevant to emergency planning.

The LEPCs must have an emergency response plan based on EHSs initially. This is why a facility should update the SERC and LEPC should there be a change of the amounts of EHS's on-hand.

A current list of EHS's can be located on the EPA's web-site at www.epa.gov/ceppo/ehs/ehsalpha.html.

SECTION 304 - Emergency Release Notification: This requirement covers a more extensive list of chemicals (>1,000), CERCLA hazardous substances. Become familiar with this list, for now the universe of chemicals has increased dramatically, potentially affecting every composites fabricator! Acetone, Dimethylaniline and Styrene are all included. A “Reportable Quantity” (RQ) is determined for each substance, which triggers a notification requirement if there were to be a release. A list of CERCLA hazardous substances can be located at www.epa.gov/ceppo/pubs/title3.pdf. This publication is the “List of Lists”, providing a consolidated list of chemicals subject to EPCRA and Section 112(r) of the Clean Air Act.

1. If there is a release into the environment equal to or greater than the RQ within any 24-hour period, the National Response Center (800/424-8802), the LEPC and the SERC must be immediately notified.
2. The emergency notification should include:
 - the chemical name
 - indication whether substance is extremely hazardous
 - estimate of quantity released into the environment
 - the time and duration of release
 - whether release occurred into air, water and/or land
 - any known health risks associated with emergency and medical advice (keep your MSDSs up-to-date!!)
 - proper precautions, such as evacuation
 - name and telephone number of contact person
3. A written follow-up notice must also be submitted to the SERC and LEPC as soon as practicable after the release:
 - update information included in initial release
 - provide information on actual response actions taken and advice regarding medical attention necessary for exposed individuals

The next three sections deal with the community-right-to-know part of EPCRA.

SECTION 311 - MSDS Reporting: First of all, determine whether your facility needs to report:

- Are Extremely Hazardous Substances present at your facility at one time in quantities of 500 lbs. or the Threshold Planning Quantity, whichever is less?
- For all other hazardous chemicals, are any present at the facility at any one time in amounts equal to or greater than 10,000 lbs.?

Please note that all other hazardous chemicals is not determined by any list of chemicals. If

a Material Safety Data Sheet (MSDS) is required under the Occupational Safety and Health Administration (OSHA), then it falls into this group. The EPA estimates that 500,000 products are subject to this requirement.

To determine the level of 10,000 lbs., the calculation may be based on one of two ways:

- by component of a mixture (in weight % > 1% or 0.1% if carcinogenic) multiplied by the mass (in lbs.)
- by the total quantity of the mixture

Example: You have 20 drums of resin on hand weighing 500 lbs. each, with 40% Styrene as a component:

- If you choose the first way, you would not have a reporting threshold present: 20 (drums) x 500 (lbs.) X .40(%) = 4,000 (lbs.)
- If you choose the second way, you would have a reporting threshold present: 20 (drums) x 500 (lbs.) = 10,000 (lbs.)

THE NUMBER OF EMPLOYEES PLAYS NO ROLE IN THIS REQUIREMENT.

Quantity of hazardous chemicals is the only criteria.

If your facility qualifies:

1. There is basically a one-time reporting requirement. If your facility becomes subject to this requirement, there is a 90-day period before reporting is mandatory.
2. The owner or operator must submit an MSDS on each hazardous chemical, as described above, to the SERC, the LEPC and the local fire department.
3. Instead of submitting MSDSs, a facility may submit
 - a list of the hazardous chemicals for which the MSDS is required grouped by hazard category: fire; sudden release of pressure; reactive; acute health; delayed health
 - the chemical or common name of each chemical as provided on the MSDS
 - except for reporting of mixtures, any hazardous component of each hazardous chemicalThe facility must submit a copy of the MSDS for any chemical on the list upon the request of the LEPC or SERC.
4. A revised MSDS must be provided to update the original MSDS if significant new information is discovered about the hazardous chemical.

Information which was gathered for Section 311 should be kept, for Section 312 is based on the same information.

SECTION 312 - Inventory Reporting (Tier II Chemical Inventory Reports):

1. A facility must submit an emergency and hazardous chemical inventory form annually on or before March 1 for the preceding calendar year if the reporting thresholds are met as described under Section 311.
2. The emergency and hazardous chemical inventory form must be submitted to the SERC, LEPC and local fire department. Each state may incorporate the federal contents into their own forms or have additional requirements. Therefore, the Tier I/II forms should be obtained from the SERC. To obtain the current Tier II reporting procedures of your state, go to www.epa.gov/ceppo/tier2.htm.
3. Basically, the report will require the following information for each substance subject to this ruling:
 - the chemical name or common name as indicated on the MSDS
 - an estimate (in ranges) of the maximum amount of the chemical at any time during the preceding calendar year
 - an estimate (in ranges) of the average daily amount of the chemical during the preceding calendar year
 - a brief description of the manner of storage of the chemical
 - the location of the chemical at the facility
 - an indication of whether the owner of the facility elects to withhold location information from disclosure to the public

The EPA developed new software, Tier2 Submit, released in January, 2002, to help you prepare an electronic report. A downloadable program and Tier2 Submit User Manual can be located at www.epa.gov/ceppo/tier2.htm.

Please call Composites One's Department of Health, Safety & Environment at 800/621-8003 should you need information on the SERC's or Tier II forms.

SECTION 313 - Toxic Chemical Release Reporting (Form R): The purpose of this requirement is to inform the public and government about routine releases of toxic chemicals to the environment. The Toxic Chemical Release Inventory Form (Form R or TRI) is due annually by July 1 for reporting releases during the preceding calendar year.

Unlike Section 312, the annual reports are to be submitted to the United States EPA as well as the designated state agencies. The public has access to this information database. It can be located at www.epa.gov/tri.

Just like Section 302 and 304, there is a specific list of chemicals on which the EPA is focusing. 650 toxic chemicals and categories are presently listed. A current list can be found on the EPA's "List of Lists" at www.epa.gov/ceppo/pubs/title3.pdf. Styrene is listed,

so most fabricators will have to report if they fit the following profile.

The rules of when Form R's must be prepared are totally different from the other sections:

- Is your facility in SIC codes 20 through 39? You are manufacturing, so the answer to this is probably yes -- read on!
- **DOES THE FACILITY HAVE 10 OR MORE EMPLOYEES** (defined as 20,000 hours or more on payroll)? If yes, read on! If no, you do not have to report at all.
- Now refer to the list. Have you processed or manufactured (such as Styrene in resin and gel coat) any of these chemicals in excess of 25,000 lbs. in 1989 and/or any year thereafter?
- Again, refer to the list. Have you otherwise used any of these chemicals (such as possibly Methyl Ethyl Ketone) in quantities over 10,000 lbs. in a calendar year?
- Have you met the lower annual reporting threshold for lead and lead compounds of 100 lbs.?

If your facility meets the above criteria, you must file this report. If your facility uses about 2 drums of resin and/or gel coat each week, this report will probably be required unless you have less than 10 employees.

The EPA has revised and updated the Toxic Chemical Release Form since it was first published in 1988. You may call the EPCRA Call Center at 800/424-9346 to obtain answers and guidance to questions about completing the TRI forms.

The standard form is five pages long. A reporting modification of only two pages has been established for facilities meeting TRI reporting thresholds for a listed chemical that does not exceed 500 lbs. for the **total annual reportable amount**. In the composites industry, MDI found in two-part foam might fit this criteria, for example.

The standard forms as well as TRI reporting software and guidance documents can be downloaded from the EPA's web-site at www.epa.gov/tri/report/index.htm. The initial report is time-consuming to complete, but much of the requested information will already be necessary when completing annual air emissions reports. Some of the required information follows:

- name, location and type of business
- whether the chemical is manufactured, processed or otherwise used at the facility
- an estimate of the maximum amounts of the chemical present at any one time
- quantity of the chemical entering the air, land and water annually
- off-site locations to which the facility transfers **toxic** chemicals in waste
- waste treatment/disposal methods and efficiency of methods for each waste stream
- source reduction and recycling activities
- certification by a senior management official that the report is complete and accurate

EPCRA Penalties: Civil and administrative penalties ranging up to \$10,000 - \$75,000 per violation or per day per violation may be issued when facilities fail to comply with the

reporting requirements. Criminal penalties up to \$50,000 or 5 years in prison apply to any person who knowingly and willfully fails to provide emergency release notification.

Should you need help in attaining information on the various chemical lists or have questions on how to prepare any of the reporting forms, please call Composites One's Department of Health, Safety & Environment at 800/621-8003.