



AMENDMENTS TO EMERGENCY PLANNING AND NOTIFICATION; EMERGENCY RELEASE NOTIFICATION AND HAZARDOUS CHEMICAL REPORTING. 40 CFR Parts 355 and 370.

On October 17th, 2008, EPA finalized several changes to the Emergency Planning and Community Right-to-Know Act (EPCRA) regulations (40 CFR Parts 355 and 370). These changes were proposed on June 8, 1998 (63 FR 31268). Facilities subject to these regulations, State Emergency Response Commissions (SERCs), Local Emergency Planning Committees (LEPCs) and fire departments should become familiar with the new regulation.

All sections of 40 CFR Parts 355 and 370 will be in plain language, using a question and answer format.

There are only minor changes to the emergency planning and emergency release notification sections. For hazardous chemical reporting regulations, there are changes regarding the Tier I and Tier II forms, as well as changes in how to report hazardous chemicals in a mixture.

Tier I and Tier II Forms

- The Tier I and Tier II forms and their instructions have been removed from the code of federal regulations (CFR). They may now be found on EPA's Web site: www.epa.gov/emergencies.
- The revised regulation includes a description of the requirements for Tier I and Tier II. Facilities are now required to report their North American Industry Classification System (NAICS) code on the Tier I or Tier II form.
- Also, the chemical or common name of the chemical as provided on the Material Safety Data Sheet must be provided on the Tier II form.

EPA encourages facilities to contact their State to determine whether any additional requirements or formats are required by the State.

Hazardous Chemical Inventory Reporting for Chemicals in Mixtures

- When determining whether the threshold quantity of an **extremely hazardous substance (EHS)** has been met, facilities must include the total quantity of that EHS present in the pure form as well as in any mixture, even if any mixture including the EHS is also being reported as a hazardous chemical.
- For hazardous chemicals that are mixtures and do **not** contain any **extremely hazardous substance**, facilities have an option when determining whether the threshold quantity is present: (1) add together the quantity present in its pure form and as a component in all mixtures (even if the mixture is also being reported as a hazardous chemical), **or** (2) consider the total quantity of each mixture separately.

Where can I go for more information?

- Consult our Web site: www.epa.gov/emergencies.
- Sign up for our list serve to receive periodic updates: www.epa.gov/emergencies/newsroom.htm#listservs
- Call the Superfund, TRI, EPCRA, RMP, and Oil Information Center: 800-424-9346 or 703-412-9810; TDD 800-553-7672 or 702-412-3323.