

Emergency Planning and Community Right-to-Know Act (EPCRA) 1986

Community Preparedness for Chemical Accidents

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Today's Topics:

- Welcome and Purpose of Tribal Webinars – Nick Nichols
- A Brief Overview of the Emergency Planning and Community Right-to-Know Act (EPCRA) – EPCRA 101 – Sicy Jacob
 - Facility Reporting Requirements
 - Community Preparedness and Planning
- TRI Tracker Tools – Tina Guthrie
- Tribal Lands & EPCRA – David Deutsawe, Chair, Pueblo of Laguna Tribal Emergency Response Commission

Why is EPCRA Important??

- Video – December 2, 1984, Bhopal, India Incident

<https://www.youtube.com/watch?v=lwPSDMUtNmk>

- August 1985 – Institute WV Incident

Placeholder for Bhopal Video

Intro Video to the EPCRA Program

New members of the Tribal organizations & Elected Officials:

EPCRA Intro Video – Protecting Communities from Chemical Accidents

<https://www.epa.gov/epcra/protecting-communities-chemical-accidents-emergency-planning-and-community-right-know-act>

Purpose of EPCRA ??

Prepare and protect the community, including first responders from chemical accidents.

Provide access to potential chemical hazards to citizens in the community.

To meet these goals:

- **TERCs:** Tribal Emergency Response Commissions (appointed by the Chief Executive Officer of the Tribe)
- **TEPCs:** Tribal Emergency Planning Committees (established by TERCs)
- **SERCs:** State Emergency Response Commissions (appointed by State Governors)
- **LEPCs:** Local Emergency Planning Committees (established by SERCs)

Other Stakeholders

- **EPA:** Publish Regulations, List of Chemicals and Reporting Thresholds
- **Industry handling hazardous chemicals:** Submit reports on the presence and releases of hazardous chemicals to Tribal, State, and Local EPCRA implementing agencies

Key Provisions

Sections 301 to 303: Emergency Planning

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graph TD; A[Sections 301 to 303: Emergency Planning] --> B[Section 304: Emergency Notification]; B --> C[Sections 311 & 312: Community Right-to-Know]; C --> D[Section 313: Toxic Release Inventory]; D --> E[Section 322: Trade Secrets];
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Section 304: Emergency Notification

Sections 311 & 312: Community Right-to-Know

Section 313: Toxic Release Inventory

Section 322: Trade Secrets

Section 301

Establish:

Tribal Emergency Response Commissions (TERCs)

State Emergency Response Commissions (SERCs)

Establish:

Tribal Emergency Planning Committees (TEPCs)

Local Emergency Planning Committees (LEPCs)

A Tribal Nation may join a LEPC

Tribal Nation may enter an MOU with SERC

Tribal Nation may join other Tribal Nations to form a consortium

Formation of a TERC/TEPC

- **Tribal Executive Officer establish a TERC/TEPC**

- Membership – Tribal elected officials; Emergency planning & response agencies(e. g. Fire fighters); Medical Personnel; Facility owners/operators; Law enforcement; Environmental groups; Media
- All members in the organization should jointly develop an emergency response plan for chemical emergencies or include it as part of local emergency plan/all-hazards plan.

If resources allow:

- Develop emergency plan and response procedures – inform citizens to shelter-n-place; evacuation etc.
- Request assistance from facility personnel to develop and exercise the emergency plan; response equipment, etc.
- Manage reports submitted by facilities.
- Provide access to the citizens in the community to EPCRA information submitted by facilities

EPCRA Key Stakeholders – TEPC Organizations

Elected State and Local Officials	Law Enforcement	Civil Defense	Transportation
Broadcast and Print media	Hospital	Fire Fighters	First Aid
Local Environmental	Health	Community Groups	Facility Owners and Operators

Sections 302 - 303

Facility (Industry) responsibilities:

- Report on the presence of Extremely Hazardous Substances (EHSs) on-site at any one time at or above their Threshold Planning Quantities.
 - *Note: EHSs are substances that cause significant risks upon release of such substances – immediate concerns.*
- Participate/assist in the emergency planning process.
- Provide name of a representative as the facility emergency coordinator.

TEPC/TERC/LEPC:

- Develop emergency response plan (ERP) to prepare and protect the community from potential chemical accidents.
- Review ERP annually or frequently as changes occur in the community.
- Request industries located on tribal land/region to assist with ERP and assist in communicating potential risks to the citizens in the community.
- All-hazard plan or local emergency operations plan is acceptable but preparing for potential chemical accidents should be part of any emergency operations plan.

Elements of an Emergency Response Plan

(EPCRA Section
303)

Identify facilities with Extremely Hazardous Substances (EHSs) and identify routes of transportation of EHSs.

Describe training program for emergency response and medical personnel to respond to release.

Designate community emergency and facility emergency coordinator to implement the plan.

Outline notification procedures for facilities to notify community emergency coordinator to inform the public of the release and provide proper procedures.

Describe community and industry resources available for response.

Describe response procedures for facilities, local emergency and medical personnel.

Outline notification procedures.

Describe schedules for exercising plans.

Outline evacuation plans.

Lack of Resources (Funding, Personnel, etc.)

Tribes that have facilities in their region handling (using) or storing hazardous chemicals, but unable to develop emergency response plan or exercise the plan for your community:

- Encouraged to join neighboring LEPC(s) in emergency planning process
- Enter into a cooperative agreement with State/SERC if tribes would need support on chemical emergency planning and collecting/managing EPCRA reports submitted by facilities.
- Join other Tribes to form a consortium to develop plan for potential chemical hazards or prepare all-hazards plan.

Emergency Response Plan

- Free-standing EPCRA plan: Focus only on hazardous chemical risks

OR

- All-Hazard plan: An annex for hazardous chemicals/hazardous materials

Section 304: Emergency Release Notification

Purpose:

EPCRA section 304 supplements CERCLA 103 release notification.

Facilities are required to notify their TERC & TEPC releases of certain substances (EPCRA EHSs and CERCLA Hazardous Substances). In addition, facilities are required to submit a follow-up written report within 30 days of the incident.

- **TERC and TEPC are notified of releases in addition to the National Response Center**
- **TEPCs can activate emergency response plan to protect the community (ex: evacuation, shelter-in-place etc.)**

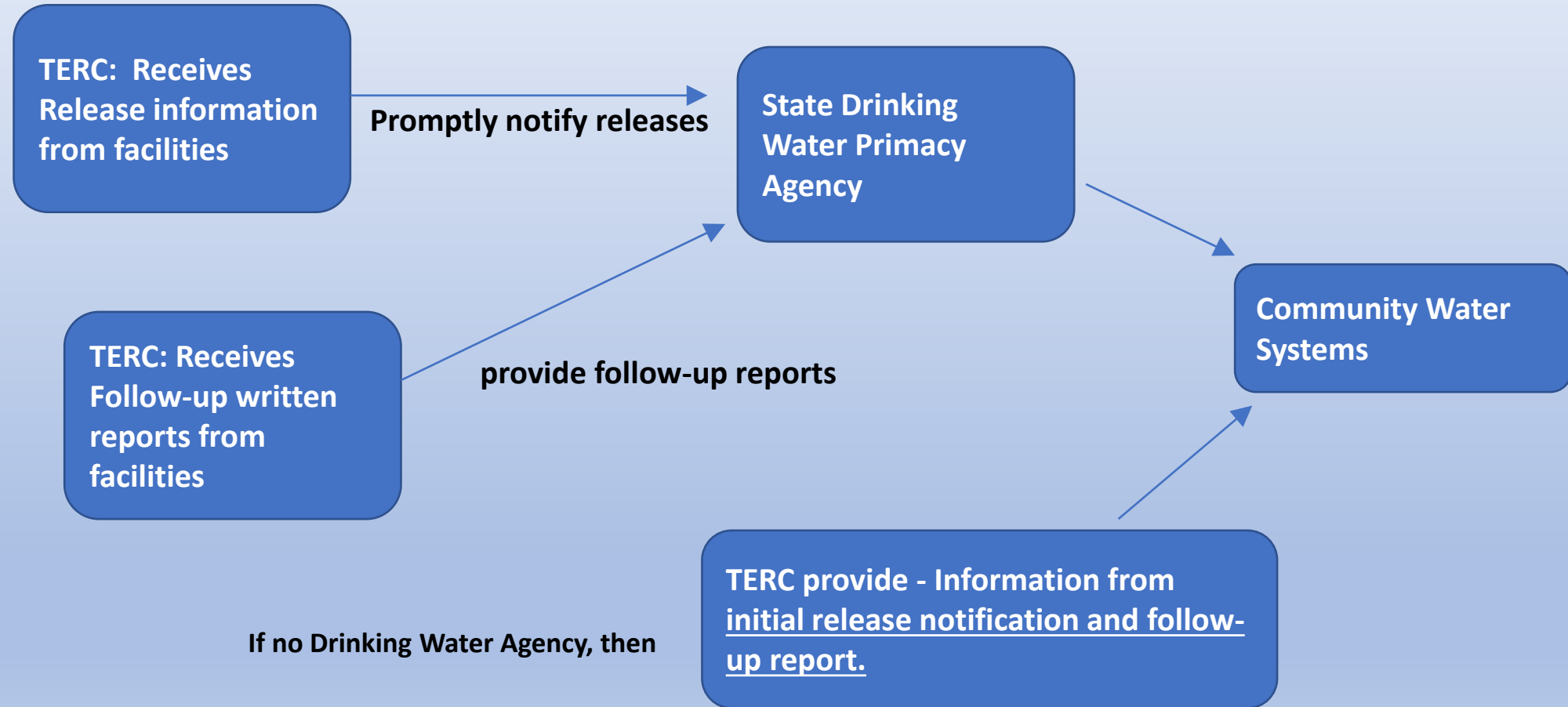
2014 – Freedom Industries Incident

A leak originating from a storage tank at Freedom Industries, WV contaminated the local water supply leaving thousands of West Virginia residents without clean drinking water.

2018 – Congress passed the America's Water Infrastructure Act (AWIA):

- Amended EPCRA Section 304 – TERC/TEPC promptly notify the Drinking Water Agencies & Community Water Systems (CWS) of any release notification received so CWS can take action to prevent contaminated water getting into drinking water systems.

EPCRA Section 304 – Information Flow under AWIA amendments



Sections 311
and 312:

Hazardous
Chemical
Inventory
Reporting

Section 311

MSDSs (SDSs)

or

List of Hazardous Chemicals

TERC, TEPC and local fire
department

One-time reporting requirement

Within 3 months of acquiring a new
chemical/significant new
information

Section 312

Tier I Inventory Form

or

Tier II Inventory Form

TERC, TEPC and local fire department

March 1 Annually

Tier II Inventory Form

Submitted by industries annually by March 1

Contents:

- Name of the hazardous chemical
- Amount and locations
- Potential hazards: Flammable, Explosive, Self-Reactive, Combustible dust, etc.

Tier II Inventory Form (page 1)

Check if information below is identical to the information submitted last year. Reporting Period: January 1 to December 31, 20

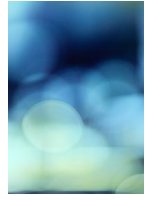
Tier Two Emergency and Hazardous Chemical Inventory				<i>For Official Use Only</i>	
<i>Specific Information by Chemical</i>				<i>State ID#: Date Received</i>	
Facility Identification					
Name		Maximum No. of Occupants:		<input type="checkbox"/> Manned <input type="checkbox"/> Unmanned	
		<input type="checkbox"/> N/A			
Street		County	City	State	Zip
Latitude		Longitude	NAICS Code	Phone Number (optional) ()	
Dun & Bradstreet Number		TRI Facility ID:		RMP Facility ID:	
		<input type="checkbox"/> N/A		<input type="checkbox"/> N/A	
Subject to Emergency Planning under Section 302 of EPCRA (40 CFR part 355)?				<input type="checkbox"/> Yes <input type="checkbox"/> No	
Subject to Chemical Accident Prevention under Section 112(r) of CAA (40 CFR part 68, Risk Management Program)?				<input type="checkbox"/> Yes <input type="checkbox"/> No	
Owner or Operator Information			Parent Company Information (optional)		
Name			Name Dun & Bradstreet Number:		
Address			Address		
Phone Number		Email		Phone Number	
()		()		()	
Facility Emergency Coordinator (if applicable)			Tier II Information Contact		
Name		Title		Name	
Email Address				Email Address	
Phone Number		24-hour Phone		Phone Number	
()		()		()	
Emergency Contacts					
Name			Name		
Title			Title		
Phone Number		24-hour Phone		Phone Number	
()		()		()	
Email Address			Email Address		
Certification (Read and sign after completing all sections)			Reporting Ranges Weight Range in pounds		
<p>I certify under penalty of law that I have personally examined and am familiar with the information submitted in pages one through _____, and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate and complete.</p> <p>_____ Name and official title of owner/operator OR owner/operator's authorized representative</p> <p>_____ Signature Date Signed</p>			Range Code	From	To
			01	0	99
			02	100	499
			03	500	999
			04	1,000	4,999
			05	5,000	9,999
			06	10,000	24,999
			07	25,000	49,999
			08	50,000	74,999
			09	75,000	99,999
			10	100,000	499,999
			11	500,000	999,999
			12	1,000,000	9,999,999
13	10,000,000	Greater than 10 million			
<p>The public reporting and recordkeeping burden for this collection of information is estimated to range from 6 to 120 hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.</p>					

Tier II Inventory Form (page 2)

Chemical Description	Physical Hazards	Health Hazards	Inventory	Type of Storage	Storage Conditions (Pressure, Temperature)	Storage Locations	Additional Reporting Information (Optional)
<input type="checkbox"/> Check if information below is identical to the information submitted last year. Chemical Name: CAS No. EHS: Yes <input type="checkbox"/> No <input type="checkbox"/> <input type="checkbox"/> Solid <input type="checkbox"/> Liquid <input type="checkbox"/> Gas <input type="checkbox"/> Trade Secret	<input type="checkbox"/> Explosive <input type="checkbox"/> Flammable (gases, aerosols, liquids, or solids) <input type="checkbox"/> Oxidizer (liquid, solid or gas) <input type="checkbox"/> Self-reactive <input type="checkbox"/> Pyrophoric (liquid or solid) <input type="checkbox"/> Pyrophoric Gas <input type="checkbox"/> Self-heating <input type="checkbox"/> Organic peroxide <input type="checkbox"/> Corrosive to metal <input type="checkbox"/> Gas under pressure (compressed gas) <input type="checkbox"/> In contact with water emits flammable gas <input type="checkbox"/> Combustible Dust <input type="checkbox"/> Hazard Not Otherwise Classified	<input type="checkbox"/> Acute toxicity (any route of exposure) <input type="checkbox"/> Skin corrosion or irritation <input type="checkbox"/> Serious eye damage or eye irritation <input type="checkbox"/> Respiratory or skin sensitization <input type="checkbox"/> Germ cell mutagenicity <input type="checkbox"/> Carcinogenicity <input type="checkbox"/> Reproductive toxicity <input type="checkbox"/> Specific target organ toxicity (single or repeated exposure) <input type="checkbox"/> Aspiration hazard <input type="checkbox"/> Simple Asphyxiant <input type="checkbox"/> Hazard Not Otherwise Classified	Maximum Amount Range Code: Average Daily Amount Range Code: No. of days on site:			Confidential: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Below Reporting Thresholds (optional) <input type="checkbox"/> State or Local Requirements
<input type="checkbox"/> Check if information below is identical to the information submitted last year. Mixture or Product Name: CAS No. <input type="checkbox"/> Not Available <input type="checkbox"/> Solid <input type="checkbox"/> Liquid <input type="checkbox"/> Gas <input type="checkbox"/> Trade Secret EHS: Yes <input type="checkbox"/> No <input type="checkbox"/> EHS(s) Name (if applicable): CAS No. Non-EHS(s) Name (optional):	<input type="checkbox"/> Explosive <input type="checkbox"/> Flammable (gases, aerosols, liquids, or solids) <input type="checkbox"/> Oxidizer (liquid, solid or gas) <input type="checkbox"/> Self-reactive <input type="checkbox"/> Pyrophoric (liquid or solid) <input type="checkbox"/> Pyrophoric Gas <input type="checkbox"/> Self-heating <input type="checkbox"/> Organic peroxide <input type="checkbox"/> Corrosive to metal <input type="checkbox"/> Gas under pressure (compressed gas) <input type="checkbox"/> In contact with water emits flammable gas <input type="checkbox"/> Combustible Dust <input type="checkbox"/> Hazard Not Otherwise Classified	<input type="checkbox"/> Acute toxicity (any route of exposure) <input type="checkbox"/> Skin corrosion or irritation <input type="checkbox"/> Serious eye damage or eye irritation <input type="checkbox"/> Respiratory or skin sensitization <input type="checkbox"/> Germ cell mutagenicity <input type="checkbox"/> Carcinogenicity <input type="checkbox"/> Reproductive toxicity <input type="checkbox"/> Specific target organ toxicity (single or repeated exposure) <input type="checkbox"/> Aspiration hazard <input type="checkbox"/> Simple Asphyxiant <input type="checkbox"/> Hazard Not Otherwise Classified	Maximum Amount (Total Mixture) Range Code: Average Daily Amount (Total Mixture) Range Code: No. of days on site: Maximum Amount of each EHS in the Mixture Range Code:			Confidential: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Below Reporting Thresholds (optional) <input type="checkbox"/> State or Local Requirements

Optional Attachments:

 I have attached a site plan I have attached a list of site coordinate abbreviations I have attached a description of dikes and other safeguard measures



Emergency Planning: All Hazardous Chemicals

Tier II form (submitted annually) would provide information on ALL OSHA hazardous chemicals:

Amount stored on site	Potential hazards	Method of storage	Location
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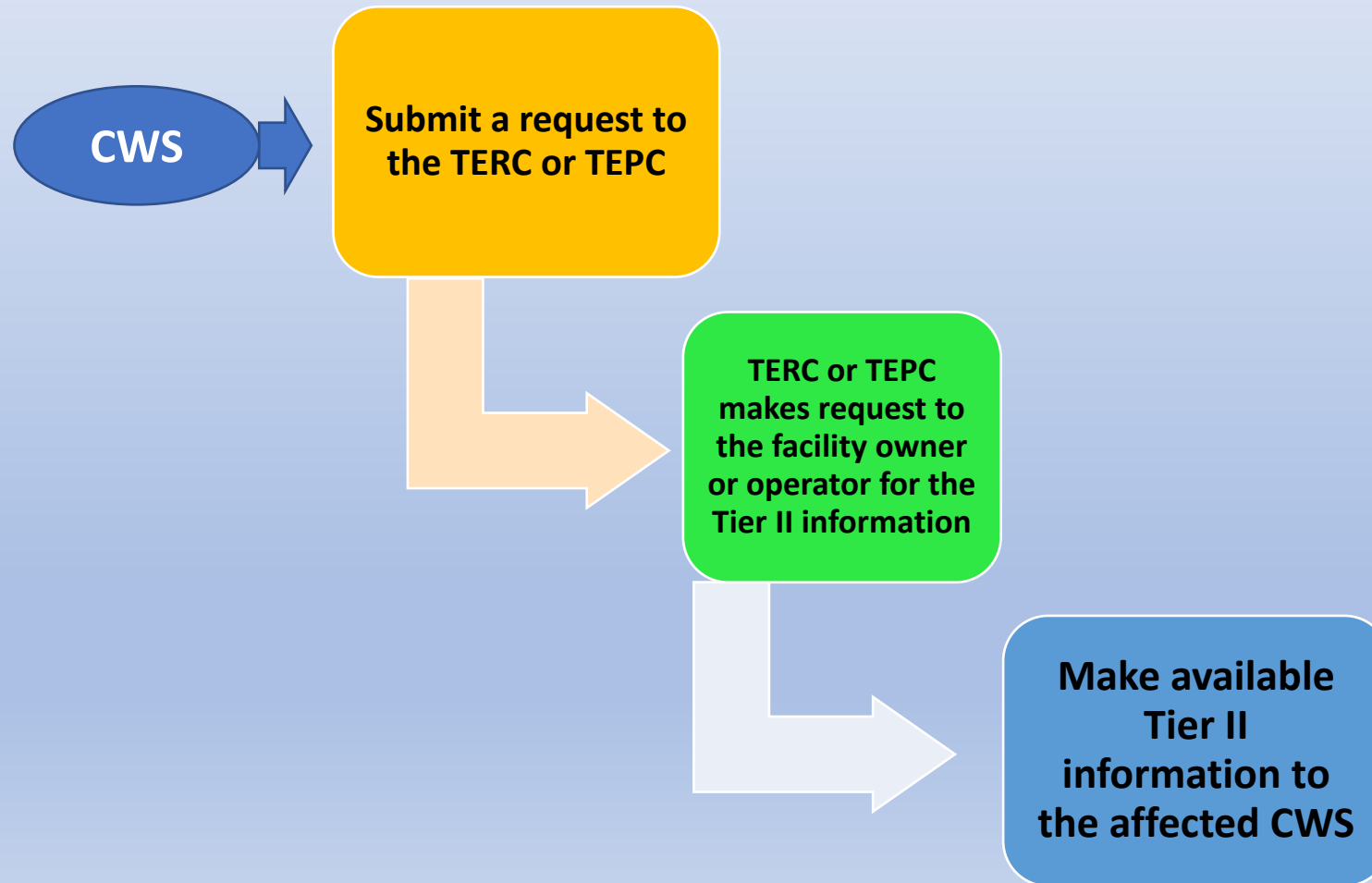
Note: OSHA Hazardous Chemicals (include EHSs for which planning was required under Section 303)



Fire Department Inspection of Tier II Facilities

- Under EPCRA Section 312(f), facilities must allow fire department to conduct on-site inspection.
- Facilities must provide specific locations of all hazardous chemicals to the fire department during inspection.

Sharing Tier II Information with Community Water Systems



Public Access: EPCRA Section 324

TERCs and TEPCs should set up procedures and processes for providing access to the public.



EPCRA Section 324 provides that: emergency response plan; follow-up written report; MSDSs (SDSs); Tier II inventory information must be made available to the public.

Summary

EPCRA Sections 302 - 312

Facilities

Section 302 & 303

Report all EHSs on site to TERC and TEPC for emergency planning purposes. Participate in the planning process and provide any information requested by TERC/TEPC for planning purposes.

Section 304

Notify of releases of EPCRA EHSs and submit follow up written reports to the TERC and TEPC.

Sections 311 & 312

Report all OSHA hazardous chemicals including EHSs on site to TERC, TEPC, and the local fire department

TEPCs

Develop and update Emergency Response Plan (ERP); conducts ERP exercises; Discuss ERP with citizens in the community

Manage information submitted by facilities on OSHA Hazardous Chemicals including EHSs ("Tier II Form"); and follow-up written reports on releases

Set up procedures and processes for receiving and processing requests from the public

Provide information to public

TERCs

Review Emergency Response Plans (ERP); Supervises and coordinate activities of TEPCs.

Manage information submitted by facilities on OSHA Hazardous Chemicals including EHSs ("Tier II Form"); and follow-up written reports on releases

Set up procedures and processes for receiving and processing requests from the public

Provide information to public

National LEPC-TEPC handbook

<https://www.epa.gov/epcra/national-lepc-tepc-handbook>

Part I

- EPCRA - Statutory Text (**Implementation Responsibilities - SERCs, TERCs, LEPCs, TEPCs**)
- EPCRA Statutory and Regulatory (**Requirements for Facilities**)
 - Interpretation of requirements
 - Exemptions (Examples/FAQs)
- Overview of other EPA Regulations

Part II

- Guidance/Resources for Implementing EPCRA
 - Overview of other Federal programs
- Appendix & Resources
 - Technical Resources (ex: sample emergency plans; sample By-Laws; commodity flow studies, etc.)

Resources

EPCRA Factsheets:

https://www.epa.gov/sites/default/files/2020-10/documents/guide_to_epcra.pdf

A guide for State, Tribal, and Local Implementing Agencies:

https://www.epa.gov/sites/default/files/2015-07/documents/state_tribal_local_guide_factsheet_7-10-2015_2.pdf

National LEPC-TEPC Handbook:

<https://www.epa.gov/epcra/national-lepc-tepc-handbook>

Comprehensive On-Line Training:

<https://www.epa.gov/epcra/epcra-non-section-313-online-training-states-tribes-lepcs-local-planners-and-responders>

SERC-TERC Monthly Updates:

<https://www.epa.gov/epcra/serc-terc-monthly-updates>

EPA Regional EPCRA Coordinators:

<https://www.epa.gov/epcra/epcra-regional-contacts>

NASTTPO (National Association of SARA Title III Program Officials):

www.nasttpo.com

Questions???

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