

Overview: EPCRA is All About Your Community's Right to Know

EPCRA is all about putting critical information quickly into the hands of the public about chemical hazards in their community, whether stored at facilities, or in the event of a spill or release of hazardous chemicals. An overview of the structure of EPCRA reaffirms this.

There are thirteen sections of the statutes.

- The first section sets up the infrastructure of the state and local emergency planning agencies to house chemical inventory reports that will be laid out in a later section of the statutes and tasks them with planning ahead to respond to a chemical emergency.
- The second section sets forth which hazardous chemicals are more dangerous and are designated as Extremely Hazardous Substances (EHS). And it also sets forth the special notification requirements to the public and responders in the event of a large spill of any of these EHSs, **which constitutes a chemical emergency, by definition.** Facilities must report that they have an EHS stored on-site in large enough quantities to the state emergency response commission (SERC), local emergency planning committee (LEPC), and fire department. Preparatory to a response to a spill of an EHS in large enough quantities ("Reportable Quantity" or RQ), planning agencies and fire departments will know in advance what is in inventory at facilities and where it is stored on-site.
- The third section sets up the requirements for the comprehensive emergency plans that Local Emergency Planning Committees must prepare and update, and requires the State Emergency Response Commissions to coordinate these LEPC plans. These plans all require a mechanism to notify the public that a release has occurred, as well as methods to determine that a "release" has occurred.
- The fourth section sets up the emergency notification requirements in the event a facility has a "Reportable Release" of an EHS, and a requirement for a "written follow up report." **This written follow up report is the most important document required by all of EPCRA.** It is designed to put critical information into the hands of the public when a chemical emergency has happened with information about the released EHS, the amount released, what distance the chemical traveled, and possible health effects information. Treatment for EHS exposure can be very specific, so physicians and the general public need this information to get the best possible care in the event of a potential chemical exposure.
- The fifth section sets up training requirements for teaching responders how to handle chemical emergencies, as well as reviews of emergency response systems and emergency planning efforts.
- The sixth section sets forth the requirement that facilities must provide the Material Safety Data Sheets (MSDS) required under OSHA to the SERC, the LEPC, and fire department with jurisdiction if they store sufficient amounts of these EHS or other substances on-site. The public can request a facility's MSDSs through their LEPC under this section.
- The seventh section sets forth the requirement for facilities to file a chemical inventory report, updated annually, listing the chemicals stored on site, so that

preparatory to a response to a spill of dangerous chemicals, planning agencies and fire departments will know in advance what is stored and in inventory at facilities. It also sets up an **automatic provision** of this information to the public, upon written request during normal business hours.

- The eighth section sets up the Toxics Release Inventory, which tracks certain types of manufacturing and processing facilities' routine releases to the environment of a few hundred toxic substances. It requires EPA to collect this data and place it electronically on a site for public access.
- The ninth section explains the relationship of EPCRA to other laws.
- The tenth section sets forth methods to protect trade secrets, if a facility has some reason to withhold information that would otherwise be available through EPCRA. Since 1986, when the statutes were passed, this has been used only a handful of times because of its stringent requirements.
- The eleventh section sets up a method for physicians to gain certain chemical information so they can treat people who have been exposed to chemicals during a chemical emergency or its aftermath.
- The twelfth section sets forth the availability of all EPCRA information and reports to the public, and requires notice to the public annually that these documents are available.
- The thirteenth section deals with enforcement of the law, including civil and criminal penalties for not reporting in compliance with EPCRA.
- The fourteenth section sets up the authority to bring civil actions in federal court, starting with what the public can enforce against facilities and government entities for failure to comply with EPCRA (citizen suit).
- The fifteenth section sets up exemptions to EPCRA.
- The sixteenth section sets up the process for EPA to prescribe regulations to implement and update EPCRA requirements.
- The seventeenth section sets for the definitions of certain EPCRA-related terms.