National LEPC-TEPC Handbook

EMERGENCY PLANNING

for

RELEASES OF HAZARDOUS CHEMICALS

EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW ACT

Office of Emergency Management
U.S. EPA
Washington, D.C.

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PREFACE

This guidance is intended to strengthen community preparedness for accidental chemical releases. It does so by increasing understanding of the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 and its amendments under the America's Water Infrastructure Act (AWIA) of 2018. The information provided in this guidance will be helpful for all communities that endeavor to better prepare for chemical accidents and other emergencies. It will also be valuable for new and existing members of the tribal and local organizations responsible for implementing EPCRA.

Background

After the December 1984 Union Carbide incident in Bhopal, India,[1,2] the President signed into law the Superfund Amendments and Reauthorization Act (SARA) on October 17, 1986. Title III of SARA is also known as EPCRA. The law mandates emergency planning efforts at the state, tribal and local levels and provides citizens and emergency responders with information concerning potential chemical hazards present in their communities.

This guide is organized to provide the reader with an understanding of the EPCRA requirements for facilities handling hazardous chemicals, implementing responsibilities for Local Emergency Planning Committees (LEPCs) and Tribal Emergency Planning Committees (TEPCs), and guidance on how to maintain an effective LEPC or TEPC organization in each community.

Organization

This document is divided into two parts, followed by a series of appendices.

Part I of this document discusses statutory and regulatory requirements for facilities that handle or accidentally release hazardous chemicals and state, tribal and local agencies' responsibilities for collecting information, developing emergency response plans for the community and providing public access to information. Part I also includes statutory text from 1986 EPCRA legislation and amendments to EPCRA under the America's Water Infrastructure Act of 2018.

Part I discusses only the requirements provided in the federal EPCRA statute, its implementing regulations and EPA's interpretations of the federal law. Please refer to your state or tribal right-to-know program for state-specific or tribal-specific requirements.

States and tribes have always given the flexibility to implement EPCRA as necessary for their communities and meet the goals of EPCRA, which are to prepare for and respond to releases of hazardous substances and provide the public with information on potential chemical risks in their communities. This flexibility includes adding more chemicals, lower reporting thresholds, state-specific reporting forms or formats, etc. EPA is aware that some states follow the federal EPCRA program and others have more stringent EPCRA programs.

[1] https://www.youtube.com/watch?v=sMHmy-95MrI

[2] https://en.wikipedia.org/wiki/Bhopal_disaster

Since 1986, there have been many changes, as LEPCs and TEPCs have assumed additional responsibilities for community preparedness, including state or tribal requirements for all-hazard planning and response. Therefore, your state or tribal emergency management organization or other federal agencies may require you to develop an emergency operations plan (EOP) for all hazards (i.e., flood, hurricane, earthquake, terrorism, etc.). While you may be required to plan for all hazards, preparing your community for chemical releases, required by EPCRA, should be part of the all-hazard plan. Alternatively, you may prepare a stand-alone emergency plan for potential chemical accidents.

One key thing has not changed. LEPCs and TEPCs are the key to success in achieving the goals of EPCRA. They hold the primary authority for gaining the information necessary to prepare and protect their communities from chemical accidents.

Part II of this document provides guidance to LEPCs and TEPCs on organizational structure, how to perform their duties to meet the requirements under the law and suggestions for implementing EPCRA requirements, including developing an emergency response plan for your community. Recognizing that the people who serve on LEPCs and TEPCs also are involved in implementing other environmental laws and all-hazards emergency planning/management, this document will provide guidance on coordinating these efforts. This part of the document also provides information on tools and resources available to LEPCs and TEPCs to assist with implementing EPCRA requirements.

Part II of this document also provides an overview of other federal regulatory programs that LEPCs and TEPCs may need to be familiar with, as the information reported by facilities under these programs may also be useful in community preparedness.

The **Appendices** in this document contain sample LEPC by-laws, how to hold an effective meeting, sample LEPC mission statements, etc. that LEPCs and TEPCs may want to follow.

This document also contains a list of several resources that LEPCs and TEPCs may refer to for implementing EPCRA requirements.

Abbreviations

ACC	American Chemistry Council
ALOHA®	Areal Locations of Hazardous Atmospheres
AWIA	America's Water Infrastructure Act
CAA	Clean Air Act
CAMEO®	Computer-Aided Management of Emergency Operations
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CEPP	Chemical Emergency Preparedness Program
CFATS	Chemical Facility Anti-Terrorism Standards
CMA	Chemical Manufacturers Association
CSB	U.S. Chemical Safety Board
DHS	Department of Homeland Security
DOT	U.S. Department of Transportation
EHS	Extremely Hazardous Substance
EPA	U.S. Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-to-Know Act
ERP	Emergency Response Plan
FEMA	Federal Emergency Management Agency
GDC	General Duty Clause
HAZWOPER	Hazardous Waste Operations and Emergency Response
HCS	Hazard Communication Standard
HMEP	Hazardous Materials Emergency Preparedness
HHFT	High Hazard Flammable Trains
ICP	Integrated Contingency Plan (also known as the "One Plan")
LEPC	Local Emergency Planning Committee
MARPLOT	Mapping Application for Response, Planning, and Local Operational Tasks
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NRT	National Response Team
OSH Act	Occupational Safety and Health Act
OSHA	Occupational Safety and Health Administration
RCRA	Resource Conservation and Recovery Act
RMP	Risk Management Program (or Risk Management Plan)
RRT	Regional Response Team
SARA	Superfund Amendments and Reauthorization Act
SDS	Safety Data Sheet
SERC	State Emergency Response Commission
SPI	Safety Performance Indicators
TEPC	Tribal Emergency Planning Committee
TERC	Tribal Emergency Response Commission
TPQ	Threshold Planning Quantity
TRI	Toxics Release Inventory
TSDF	Treatment, Storage, and Disposal Facility

History, Purpose and Basic Requirements of EPCRA

History

The Emergency Planning and Community Right-to-Know Act (EPCRA), also known as "SARA Title III," was passed on October 17, 1986, in response to concerns regarding environmental and safety hazards posed by the storage and handling of hazardous chemicals. These concerns were triggered by two major chemical incidents.

Bhopal, India: December 1984

Late on December 2, 1984, a faulty valve at a Union Carbide facility allowed water to mix with a tank of methyl isocyanate (MIC), resulting in a vigorous exothermic reaction in the tank. At around 1:00 AM on December 3, a safety valve failed, releasing a plume of toxic gases, including MIC. By dawn, thousands of people were dead, along with buffaloes, cows, dogs and birds. Local hospitals were soon overwhelmed with the injured, a crisis further compounded by a lack of knowledge of exactly what gases were involved and what their effects were. Estimates of the number of people killed in the first few days by the plume run as high as 10,000, with 15,000 to 20,000 premature deaths reportedly occurring in the subsequent two decades. The government reported that more than half a million people were exposed to the gas.[3]

Institute, West Virginia: August 1985

Shortly after the Bhopal disaster, a chemical release from another Union Carbide facility further demonstrated that these types of incidents could happen anywhere and that many communities could be facing similar or worse catastrophic risks. A release of aldicarb oxime with other chemicals from this facility sent more than 125 people to the hospital and again highlighted the lack of information on industrial chemicals and their risks available to communities. This incident increased national attention to hazardous chemicals in

New York Times

Late Edition

NEW YORK, MONDAY, AUGUST 12, 1985 30 CENTS

TOXIC CLOUD LEAKS AT CARBIDE PLANT IN WEST VIRGINIA

AT LEAST 135 ARE INJURED

Gas Escapes From Area Used to Process Chemical That Killed 2,000 in Bhopal

By BEN A. FRANKLIN

CHARLESTON, W.Va., Aug. 11 — A small cloud of toxic chemicals escaped from a Union Carbide plant near here this morning, and at least 135 residents were treated for eye, throat and lung irritation.

Twenty-eight of the injured were admitted to hospitals here.

The chemical that escaped today was first identified as aldicarb oxime. Tonight, however, company officials said aldicarb oxime was only one constituent of the cloud of gas that also contained several other chemicals.

Aldicarb oxime is combined with methyl isocyanate, or MIC to produce aldicarb, a compound used in pesti-

Paramedics moving patients to hospitals after treating them yesterday at an emergency medical center that was set up in a park to deal with effects of chemical leak at Union Carbide plant in Institute, W.Va.

Figure 1. Front page of the *New York Times,* August 12, 1985, showing the Union Carbide incident in Institute, West Virginia.

[3] https://ehjournal.biomedcentral.com/articles/10.1186/1476-069X-4-6

communities and spurred Congressional action.[4]

Purpose of EPCRA

The main purpose of EPCRA (also known as "SARA Title III") is to:

- Ensure first responders and citizens are prepared for an accidental chemical release.
- Increase the public's knowledge of and access to information on:
  - The presence of hazardous chemicals in their communities.
  - Releases of hazardous chemicals into the environment.

The dual legislative purposes of EPCRA are reflected in its name: emergency planning and community right-to-know. The first part of the law requires facilities to report the presence and release of hazardous chemicals to federal, state, tribal and local authorities. The second part of the law is community right-to-know provisions, which require facilities to report inventories of hazardous chemicals and releases of toxic chemicals.

Basic Requirements of EPCRA

Congress enacted EPCRA to establish requirements for federal, state, tribal and local governments and industry regarding emergency planning and release notification, community right-to-know, and reporting on hazardous and toxic chemicals. These requirements are essential to meeting EPCRA's goal of improving local emergency preparedness and increasing community awareness of chemical hazards.

EPCRA has four provisions related to preparing the community for chemical accident releases, divided into Subtitles A and B:

- Subtitle A: Establishing the framework for state, tribal and local emergency planning.
  - Emergency Planning Notification (Section 302)
  - Emergency Release Notification (Section 304)
- Subtitle B: Mechanism for informing the public of the presence of chemicals and releases of toxic chemicals
  - Hazardous Chemical Inventory Reporting (Sections 311 and 312)
  - Toxic Chemical Release Reporting (Section 313)

Subtitle C contains provisions related to providing public access to EPCRA information, enforcement, and civil actions for failure to comply with requirements of EPCRA (Sections 324 to 326).

[4] Environ Health. 2005;4(1):6. Published 2005 May 10. doi:10.1186/1476-069X-4-6; Sharma DC. Bhopal: 20 Years On. Lancet. 2005; 365:111–112. DOI: 10.1016/S0140-6736(05)17722-8.

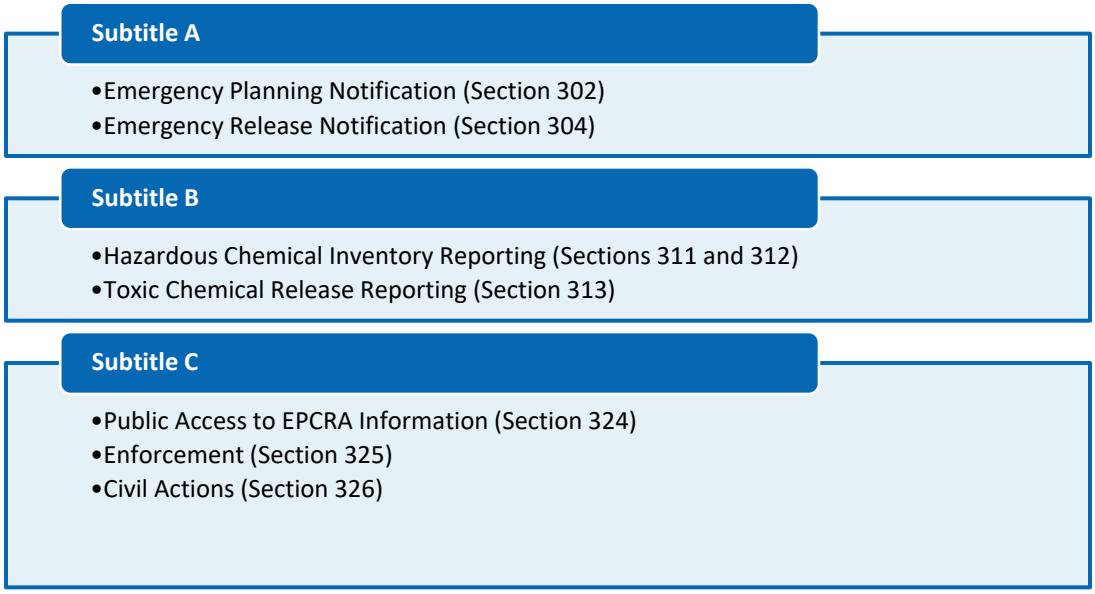


Figure 2. EPCRA provisions.

Precursors to EPCRA

Prior to EPCRA, federal, state and local programs assumed the responsibility for responding to chemical incidents. Emergency response was delegated to the National Response Team (NRT),[5] Regional Response Teams (RRTs), and state and local response teams. A few of these programs are discussed below.

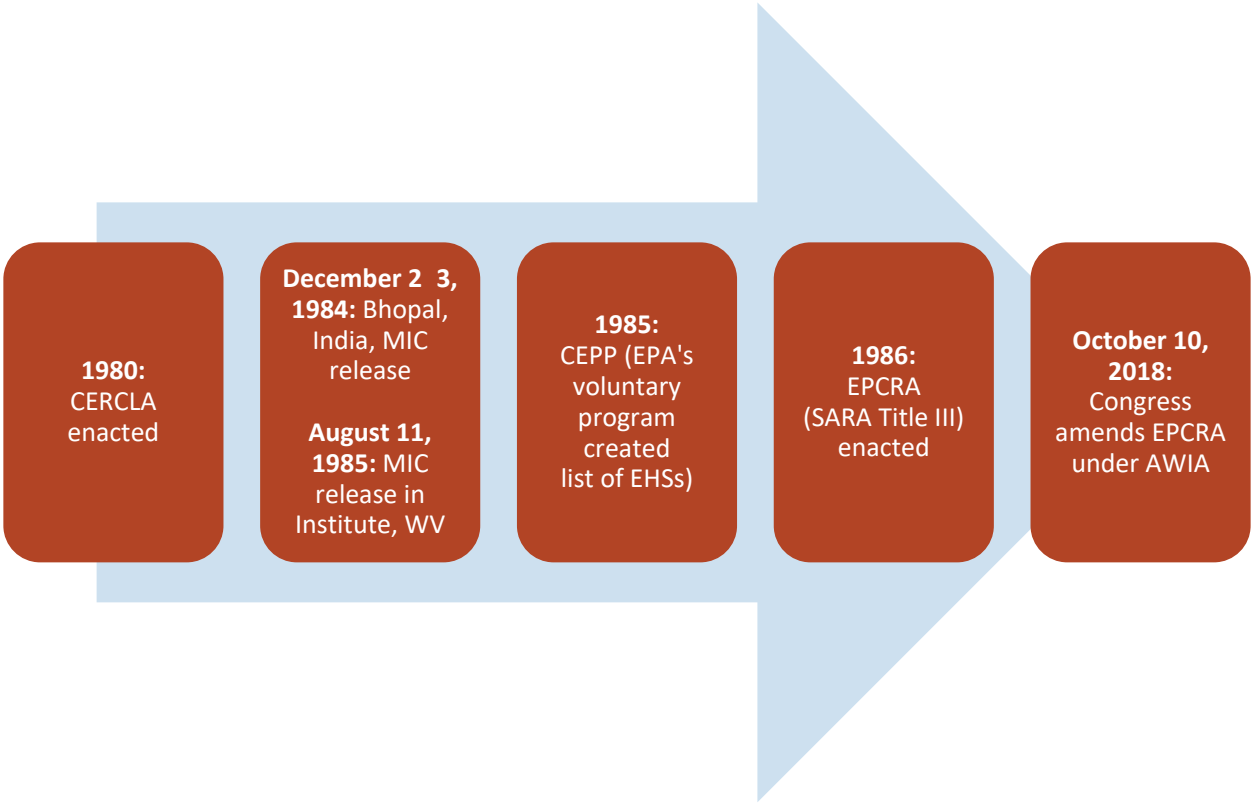


Figure 3. Timeline of the development of EPCRA, its precursors, and its amendments.

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980—otherwise known as CERCLA or Superfund—provides a federal "superfund" to clean up uncontrolled or abandoned hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. Through CERCLA,

[5] The NRT is composed of representatives of 15 federal agencies with responsibilities for emergency preparedness and response. EPA and the U.S. Coast Guard (USCG) serve as Chair and Vice Chair, respectively. The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and the Code of Federal Regulations (40 CFR part 300) outline the role of the NRT and RRTs. RRTs consist of regional representatives of the federal agencies on the NRT, as well as state emergency response and preparedness officials.

EPA has authority to seek out those parties responsible for any releases and assure their cooperation in the cleanup.

EPA cleans up sites even if potentially responsible parties cannot be identified or located, or when they fail to act. Through various enforcement tools, EPA obtains private party cleanup through orders, consent decrees, and other small party settlements. EPA also recovers costs from financially viable individuals and companies once a response action has been completed.

EPA is authorized to implement the Act in all U.S. states and territories. Superfund site identification, monitoring and response activities in states are coordinated through the state and tribal environmental protection or waste management agencies.

CERCLA was the first federal law designed to address the release of chemicals in the environment, prior to the enactment of EPCRA. However, CERCLA did not address chemical preparedness in local communities. For example, CERCLA **did not** account for:

- Identifying on-site chemical storage at facilities.
- Pre-planning at state, tribal, and local levels.
- Training local emergency and medical personnel to deal with incidents involving exposure to chemicals.

In addition, the public did not have access to chemical inventory information under CERCLA.

The Superfund Amendments and Reauthorization Act (SARA) of 1986 reauthorized CERCLA to continue cleanup activities around the country. Section 103(a) of CERCLA "as amended" requires that the person in charge of a vessel or facility immediately notify the National Response Center whenever a reportable quantity (RQ) or more of a CERCLA hazardous substance is released in any 24-hour period, unless the release is federally permitted. The purpose of this requirement is to notify federal government officials of potentially dangerous releases so that they can evaluate the need for a response action.

Voluntary Chemical Emergency Preparedness Programs Prior to EPCRA

Prior to 1986, a mandatory national emergency response program and comprehensive state and local programs to address chemical accidents were lacking in communities throughout the country.

The Bhopal tragedy prompted the initiation of several programs; some were voluntary. A few are discussed below.

EPA’s Chemical Emergency Preparedness Program

Although emergency response programs such as CERCLA were in existence to respond to releases of hazardous substances and oil, there was no federal mandate to plan and prepare the community for chemical accidents. The Bhopal, India, tragedy demonstrated that substances that are acutely toxic and have a high potential for becoming airborne posed a hazard to the community. In many cases, public health and the environment may be impacted before

emergency response personnel arrive on the scene of a release. For these types of releases, comprehensive emergency planning to prepare for the possibility of a release is vital to effectively protect the public and the environment. To address this, in June 1985, EPA initiated the voluntary Chemical Emergency Preparedness Program (CEPP) as part of the Agency's Air Toxics Strategy for addressing both continuing and accidental releases of toxic substances into the air.

This voluntary program's goals were to:

- Increase community awareness of chemical hazards.
- Better coordinate federal activities.
- Develop state and local response plans for dealing with chemical accidents.

Under CEPP, EPA developed a list of substances and guidance materials to help local communities focus their planning efforts. The list of chemicals developed under the CEPP program later became the list of extremely hazardous substances (EHSs) established under EPCRA Section 302, which will be discussed in Chapter 2.

Industry and State Programs

At the same time as EPA established the voluntary CEPP program, the Chemical Manufacturers Association (now known as the American Chemistry Council (ACC)) also set up a voluntary program called Community Awareness and Emergency Response (CAER) for member companies to become more involved in their local community by explaining their plant's operations and participating in local emergency planning.

More than 30 states passed laws (some even before the Bhopal tragedy) giving workers and citizens access to information about hazardous substances in their workplaces and communities. Some of the state programs required reporting of toxic chemical releases and the presence of hazardous substances. A few required information to be available to the public.

PART I

Statutory and Regulatory Requirements for Facilities, States, Tribes and Local Agencies

Part I provides an overview of state, tribal and local organizations established under EPCRA and these agencies' implementation responsibilities. This part explains the federal EPCRA statute and its implementing regulations for facilities handling hazardous chemicals.

Your state or tribal organization may have more stringent reporting requirements than the federal EPCRA program for facilities that handle hazardous chemicals. Refer to your state or tribal EPCRA program for state-specific requirements.

Many states adopted the federal EPCRA program, while others developed a more stringent program according to the needs of their community. EPA is also aware that states and tribes and other federal agencies now require all-hazard planning (e.g., hurricane, tornado, terrorism, etc.); however, planning for chemical emergencies should be an important part of this. This handbook provides EPCRA statutory requirements, as well guidance and suggestions on how to plan for chemical emergencies to protect your community and first responders from potential chemical hazards.

In addition, this handbook will provide references to other federal agencies' requirements for planning for all hazards and will provide links to the related documents.

Chapter 1. EPCRA Section 301: Establishment of State Commissions, Planning Districts, and Local Committees

EPCRA places full responsibility on state, tribal, and local agencies to prepare for, respond to, and protect the community from chemical accidents. To fulfill these responsibilities, EPCRA requires states to establish certain organizations. These organizations and their responsibilities are provided in Section 301 of the law.

Note: Provisions from the EPCRA statute are provided in text boxes throughout this document.

1.1 State Emergency Response Commissions

EPCRA Section 301(a): Establishment of State emergency response commissions

Not later than six months after October 17, 1986, the Governor of each State shall appoint a State emergency response commission. The Governor may designate as the State emergency response commission one or more existing emergency response organizations that are State-sponsored or appointed. The Governor shall, to the extent practicable, appoint persons to the State emergency response commission who have technical expertise in the emergency response field. The State emergency response commission shall appoint local emergency planning committees under subsection (c) and shall supervise and coordinate the activities of such committees. The State emergency response commission shall establish procedures for receiving and processing requests from the public for information under section 324 of this title, including tier II information under section 312 of this title. Such procedures shall include the designation of an official to serve as coordinator for information. If the Governor of any State does not designate a State emergency response commission within such period, the Governor shall operate as the State emergency response commission until the Governor makes such designation.

As required, the state emergency response commission (SERC) was established for each state by the governor in an executive order or by state law. The SERC then established local emergency planning districts and a local emergency planning committee (LEPC) for each district.

Section 301 states that the governor may choose an existing state organization as the SERC and must appoint persons who have technical expertise in the emergency response field. As required by the law, SERCs were established within months after the law was passed.

Some states formed SERCs from existing organizations, such as state environmental, emergency management, transportation, or public health agencies. In others, they were new organizations with representatives from public agencies and departments, along with various private groups and associations.

1.2 Tribal Emergency Response Commissions (TERCs)

All federally-recognized tribes have the same responsibilities as states for implementing EPCRA. A final rule on July 26, 1990 (55 FR 30632), designated tribes as the implementing authority for EPCRA on all lands in Indian Country.

The chief executive of the tribe, typically a president or chairman, is responsible for the same functions as the state governor under EPCRA Section 301, including the appointment of an emergency response commission of the tribe, designation of local emergency planning districts, and the appointment of an emergency planning committee for each district. That person acts as the TERC if one has not been established or a cooperative agreement is not developed to authorize the state to implement EPCRA.

If a tribe is not prepared to undertake the EPCRA program, a cooperative agreement may be developed to authorize the state to implement EPCRA in tribal region. Alternatively, a tribe may choose to enter into a cooperative agreement with another tribe or a consortium of tribes in which its lands are located.

1.3 SERC and TERC Responsibilities

Section 301(a) to (c) describes SERCs' responsibilities. (*See text box above for legislative language in Section 301(a) and below for Section 301(b) and (c).)* While not specifically stated in the statute, TERCs have the same responsibilities as SERCs.

- Establish local emergency planning districts.
- Appoint LEPCs and TEPCs.
- Supervise and coordinate the activities of the LEPCs/TEPCs in their state or tribe.
- Establish procedures for receiving and processing requests from the public for information listed in Section 324, including Tier II[6] information collected under Section 312, as well as emergency response plans. Chapter 8 discusses requirements under EPCRA Section 324.

Each of these responsibilities is explained below.

Establishment of Local Emergency Planning Districts

> ***EPCRA Section 301(b): Establishment of emergency planning districts***
>
> *Not later than nine months after October 17, 1986, the State emergency response commission shall designate emergency planning districts in order to facilitate preparation and implementation of emergency plans. Where appropriate, the State emergency response commission may designate existing political subdivisions or multijurisdictional planning organizations as such districts. In emergency planning areas that involve more than one State, the State emergency response commissions of all potentially affected States may designate*

[6] Tier II information is submitted by facilities under EPCRA Section 312, hazardous chemical inventory reporting requirements, which will be covered in Chapter 5 of this document.

emergency planning districts and local emergency planning committees by agreement. In making such designation, the State emergency response commission shall indicate which facilities subject to the requirements of this subchapter are within such emergency planning district.

Within nine months after the law was passed, EPCRA Section 301(b) required SERCs to designate emergency planning districts to facilitate preparation and implementation of emergency plans, generally by existing political subdivisions, counties or townships.

Section 301(b) also states that if emergency planning areas involve more than one state, SERCs of all potentially affected states may designate emergency planning districts and LEPCs by agreement. If such designations are made, SERCs should indicate which facilities would be within the emergency planning district.

TERCs are also responsible for designating emergency planning districts and naming the facilities that would be included within each planning district. If TERCs are not established, the chief executive of the tribe may reach out to the SERC to establish a cooperative agreement with the state to implement EPCRA in the tribal region. The tribe may enter into an agreement with the state to implement certain provisions of EPCRA or for full implementation.

As required, local emergency planning districts were established in each state within the time provided in the statute.

Appoint LEPCs and TEPCs

EPCRA Section 301(c): Establishment of local emergency planning committees

Not later than 30 days after designation of emergency planning districts or 10 months after October 17, 1986, whichever is earlier, the State emergency response commission shall appoint members of a local emergency planning committee for each emergency planning district. Each committee shall include, at a minimum, representatives from each of the following groups or organizations: elected State and local officials; law enforcement, civil defense, firefighting, first aid, health, local environmental, hospital, and transportation personnel; broadcast and print media; community groups; and owners and operators of facilities subject to the requirements of this subchapter. Such committee shall appoint a chairperson and shall establish rules by which the committee shall function. Such rules shall include provisions for public notification of committee activities, public meetings to discuss the emergency plan, public comments, response to such comments by the committee, and distribution of the emergency plan. The local emergency planning committee shall establish procedures for receiving and processing requests from the public for information under section 324 of this title, including tier II information under section 312 of this title. Such procedures shall include the designation of an official to serve as coordinator for information.

EPCRA Section 301(d): Revisions

A State emergency response commission may revise its designations and appointments under subsections (b) and (c) as it deems appropriate. Interested persons may petition the State emergency response commission to modify the membership of a local emergency planning committee.

Within 30 days after the designation of the emergency planning districts, Section 301(c) requires SERCs and TERCs to appoint members of an LEPC or TEPC for each emergency planning district.

Section 301(d) allows SERCs and TERCs to revise the designation of emergency planning districts and LEPCs and TEPCs as necessary for each community. Any person may petition the SERC or TERC to modify the membership of an LEPC or TEPC. (*See text box provided below for legislative language of EPCRA Section 301(c) and (d)).*

Supervise and Coordinate the Activities of the LEPCs and TEPCs

SERCs and TERCs should assist their LEPCs and TEPCs to meet their responsibilities, as prescribed in the EPCRA statute, to protect their communities from chemical accidents. In addition, states and tribes may have their own requirements for community preparedness, including all-hazard planning. EPA encourages SERCs and TERCs to provide proper direction for LEPCs and TEPCs to meet these requirements. You may develop guidance, attend LEPC (or TEPC) meetings regularly, assist in conducting exercises to implement the emergency response plan, assist in explaining potential risks to the community, etc. In addition, SERCs and TERCs should develop guidance or fact sheets to inform LEPCs and TEPCs of any new statutory requirements, regulations or policies set by the state, and EPA and other federal agencies' regulations that may apply to them and to the regulated facilities in their community.

Establish Procedures for Receiving and Processing Requests from the Public for Information

EPCRA requires facilities to submit information on the presence and releases of extremely hazardous substances, releases of hazardous substances listed under CERCLA, and the inventory of hazardous chemicals. EPCRA also requires facilities to provide follow-up written reports of any chemical releases. *See Figure 4.*

SERCs and TERCs are required to make information submitted by facilities noted in Figure 4 available to the public as provided in EPCRA Section 324. (*See Chapter 8 for more*

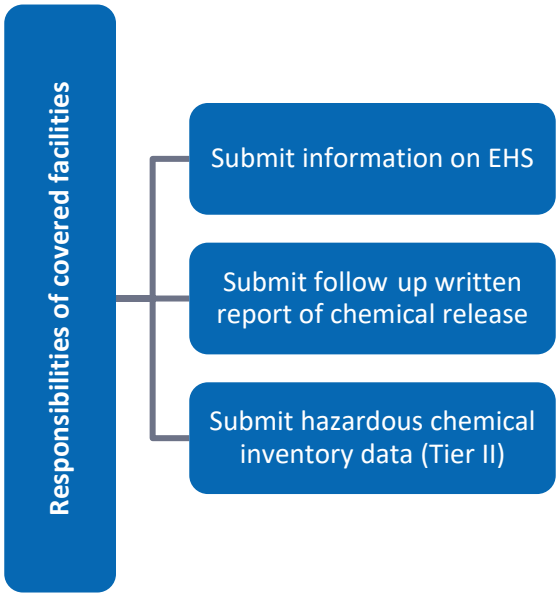


Figure 4. Reports submitted by EPCRA facilities. (*See Chapter 2,Chapter 4, and Chapter 5 for more details.*)

details.) To meet this requirement, SERCs and TERCs should establish procedures for public requests, which may include setting up reading rooms, hours of operation, charges for copying information, etc.

As prescribed in EPCRA Section 301(a) (see statutory text provided in section 1.1 of this chapter), SERCs and TERCs should also designate an official to be the information coordinator, to collect information submitted by facilities under EPCRA and to disseminate information requested by the public.

1.4 Establishment of LEPCs and TEPCs

As required by EPCRA Section 301(c) (*see statutory text provided in section 1.3 of this chapter*), within 10 months after the law was passed, SERCs nationwide established approximately 3,500 LEPCs. As mentioned earlier in this chapter, for tribes that may not have the resources to implement EPCRA—including establishing a TEPC for each district—tribal representatives may join neighboring LEPCs to coordinate emergency planning and response to protect citizens in their community. EPA is aware that few tribes are already part of their neighboring LEPC. EPA encourages other tribes to join neighboring LEPCs or form TERCs and TEPCs to implement EPCRA.

Section 301(c) specifies that each LEPC and TEPC organization should include, at a minimum, representatives from each of the following groups:

State/Local Officials	Commissioner, sheriff, county clerk, attorney, mayor, state representative, state emergency management or environmental agency official
Law Enforcement	Police officers, police chief, sheriff, deputies
First Responders	Fire chief, firefighters
Emergency Management	Emergency preparedness coordinator, emergency coordinators for businesses
Health	County health department, doctors, mental health hospital, hospital administrator/director, poison control center
Broadcast/ Communications Media	Newspaper, website developers, public information, RACES, ham radio clubs, local weather reporters
Print Media	Daily or weekly newspaper editors, reporters, trade journal editors/reporters
Emergency Medical Services	Director of county ambulance, EMS technicians
Transportation	Highway department, school bus director, airport authority, trucking company, transit
Local Environmental Groups	County extension office, Environmental Groups (ex: Sierra Club, conservation groups, Audubon Society), school environmental program director
Community Groups	Red Cross, Salvation Army, special needs groups, Animal Shelters, Ministerial Alliance, Chamber of Commerce, Garden Club, Rotary Club, Kiwanis, Lion's Club; groups focused on environmental justice issues
Facility Owners/Operators	Any representative from a facility using/storing hazardous materials within your county
Other	Residents, home-owners association, ministers, school administrators, science teachers

Figure 5. Representatives of LEPC (or TEPC) organizations.

While EPCRA Section 301(c) specifies that each LEPC and TEPC organization should include representatives from each of these groups, EPA recognizes that this is not possible in all communities. Check with your SERC and TERC for guidance on building membership.

EPCRA Section 301(c) also specifies how an LEPC or TEPC should function as an organization:

- Appoint a chairperson for the committee.
- Establish committee rules, including:
  - Provisions for public notification of committee activities.
  - Public meetings to discuss the emergency plan, public comments, response to such comments by the committee and distribution of the emergency plan.
- Establish procedures for receiving and processing requests from the public for information listed under Section 324, including Tier II information collected under Section 312.
- Designate an official to serve as coordinator for information, which includes receiving EPCRA reports from facilities and to disseminate information requested by the public.

The procedures for processing requests from the public can be similar to the SERCs' and TERCs' described above.

1.5 LEPC and TEPC Primary Responsibilities

Under EPCRA, the LEPC's and TEPC's main responsibility is to develop an emergency response plan to prepare and protect the community and emergency responders from chemical accidents. In addition, LEPCs and TEPCs have other responsibilities, directed by their states and federal agencies, to develop community preparedness plans for all hazards, which may include planning and responding to natural hazards (e.g., tornadoes, hurricanes, flooding), including pandemics. LEPCs and TEPCs should reach out to SERC or TERC for assistance and guidance in meeting these additional responsibilities.

EPCRA expressly intends that the LEPCs and TEPC serve as a focal point in the community for information and discussion about hazardous chemical emergency planning and health and environmental risks. They also play a key role in effective all-hazard planning.

The community preparedness process followed today by most state, tribal, and local agencies is:

- Identify the hazards in a community
- Identify the community's capability for addressing the hazards
    - The "community" includes all community members, not just emergency response agencies.
    - "Capability" includes awareness of the hazards and the degree to which all community members are prepared to take action to protect themselves, families and property.

Gaps in "capabilities" will often be obvious, and it is the function of these agencies to strategically plan to fill these gaps in order to improve community preparedness.

EPCRA Sections 301 and 303 provide the following responsibilities for LEPCs and TEPCs:

- Appoint a chairperson for the committee.
- Establish rules by which the committee shall function.
- Develop an emergency response plan for their community.
- Update the emergency response plan at least once a year, or more frequently as changes occur in the community.
- Evaluate the need for resources necessary to develop, implement and exercise the emergency plan.
- Establish procedures for receiving reports from facilities in the community.
- Establish procedures for processing requests from the public for EPCRA reports, emergency response plan, etc.

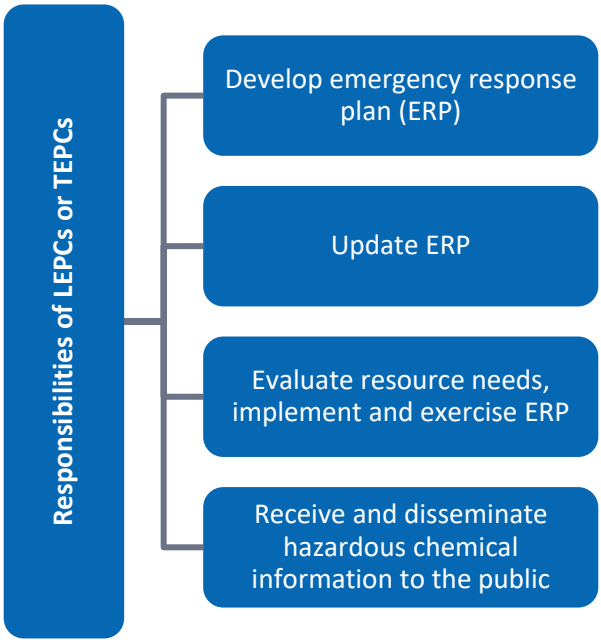


Figure 6. Primary responsibilities of LEPCs and TEPCs.

Details of LEPC and TEPC responsibilities under EPCRA Section 303 are provided in Chapter 3, as well as in Part II of this document.

1.6 State and Tribal EPCRA Programs

States and tribes are given the flexibility to implement the EPCRA program as necessary for their community, provided that at least minimum federal requirements are met. EPA is aware that some communities may not have any facilities that handle hazardous chemicals and that an LEPC or TEPC may be composed of one or two representatives from first-response organizations. If your community is lacking resources or technical expertise in planning for chemical emergencies, EPA encourages you to reach out to your state (or tribal) emergency management agency or EPA EPCRA Regional Coordinators.

Here is the contact information for EPA EPCRA Regional Coordinators: https://www.epa.gov/epcra/epcra-regional-contacts.

Chapter 2. EPCRA Section 302: Emergency Planning Notification

The purpose of EPCRA Section 302 is to establish and identify a list of substances of concern and gather information on the presence of these substances at each facility in the community for emergency planning and response. Specifically, this section of the law requires EPA to publish a list of extremely hazardous substances (EHSs) and their threshold planning quantities (TPQs) and requires facilities that handle these substances to notify their SERC or TERC and LEPC or TEPC that the facilities are subject to emergency planning.

Note: As in the previous chapter, the legislative language is provided in the text boxes.

2.1 List of Extremely Hazardous Substances

EPCRA Section 302(a)(2): List of extremely hazardous substances

Within 30 days after October 17, 1986, the Administrator shall publish a list of extremely hazardous substances. The list shall be the same as the list of substances published in November 1985 by the Administrator in Appendix A of the ''Chemical Emergency Preparedness Program Interim Guidance''.

EPCRA Section 302(a)(3): Thresholds

(A) At the time the list referred to in paragraph (2) is published the Administrator shall—
(i) publish an interim final regulation establishing a threshold planning quantity for each substance on the list, taking into account the criteria described in paragraph (4), and
(ii) initiate a rulemaking in order to publish final regulations establishing a threshold planning quantity for each substance on the list.
(B) The threshold planning quantities may, at the Administrator's discretion, be based on classes of chemicals or categories of facilities.
(C) If the Administrator fails to publish an interim final regulation establishing a threshold planning quantity for a substance within 30 days after October 17, 1986, the threshold planning quantity for the substance shall be 2 pounds until such time as the Administrator publishes regulations establishing a threshold for the substance.

The list of EHSs was originally developed as part of EPA's voluntary Chemical Emergency Preparedness Program (1985) to raise state and local awareness of the potential for accidents involving EHSs and foster development of state and local emergency plans. EPA identified 402 substances that could cause serious irreversible health effects from accidental releases. Congress established this list as the List of Extremely Hazardous Substances.

EPCRA Section 302 (a)(2) and (a)(3) requires the Administrator of EPA to publish the list of EHSs and their TPQs for each substance. As required, EPA published the list of EHSs and their TPQs in a *Federal Register* notice on November 17, 1986 (interim final rule), and on April 22, 1987, EPA published the final rule. EPA has since deleted several EHSs from the original 1987

list. Currently, there are 355 EHSs. https://www.ecfr.gov/current/title-40/chapter-I/subchapter-J/part-355#Appendix-A-to-Part-355.

The TPQ established for each EHS triggers planning notification if the chemical is present **at any one time,** regardless of location, number of containers, or storage method.

Here are a few examples of the types of facilities in a community that may handle EHSs. EHSs and their TPQs are also provided.

Type of Facility	Ammonia (100 lbs)	Chlorine (100 lbs)	Sulfuric Acid (500 lbs)	Aldicarb* (100 lbs/10,000 lbs)
Farms	×			×
Frozen food processing facilities	×			
Pesticide distributors				×
Plumbing, heating, and air conditioning companies	×			
Pulp and paper plants		×	×	
Water treatment plants		×	×	
Swimming pools (county/city)		×		

***** *TPQ for aldicarb is 100 pounds for fine powders or solutions, otherwise, 10,000 pounds.*

Figure 7. Types of facilities where certain EHSs might be present above their TPQs.

The list of EHSs and their TPQs are intended to help the local community focus on the chemicals and facilities of the most immediate concern from a community emergency planning and response perspective. While this list of EHSs includes many of the chemicals that may pose an immediate hazard to a community upon release, it is not considered a list of all chemicals that are hazardous enough to require community emergency response planning. There are thousands of chemicals and mixtures in commerce that, under certain circumstances, would pose danger to the community and the environment. Similarly, the TPQs established for EHSs are not absolute levels above which the EHSs are dangerous and below which they pose no threat at all. For this reason, many LEPCs currently use information received annually under EPCRA Section 312 of all Occupational Safety and Health Administration (OSHA) hazardous chemicals (including EHSs) to improve their community emergency response plan. The reporting requirements and the chemicals subject to EPCRA Section 312 are covered in Chapter 5.

An effective method to access information on EHSs and other chemicals is by using Computer-Aided Management of Emergency Operations (CAMEO) Chemicals, which can be downloaded on any electronic device. Details on CAMEO software are discussed in 16.27.

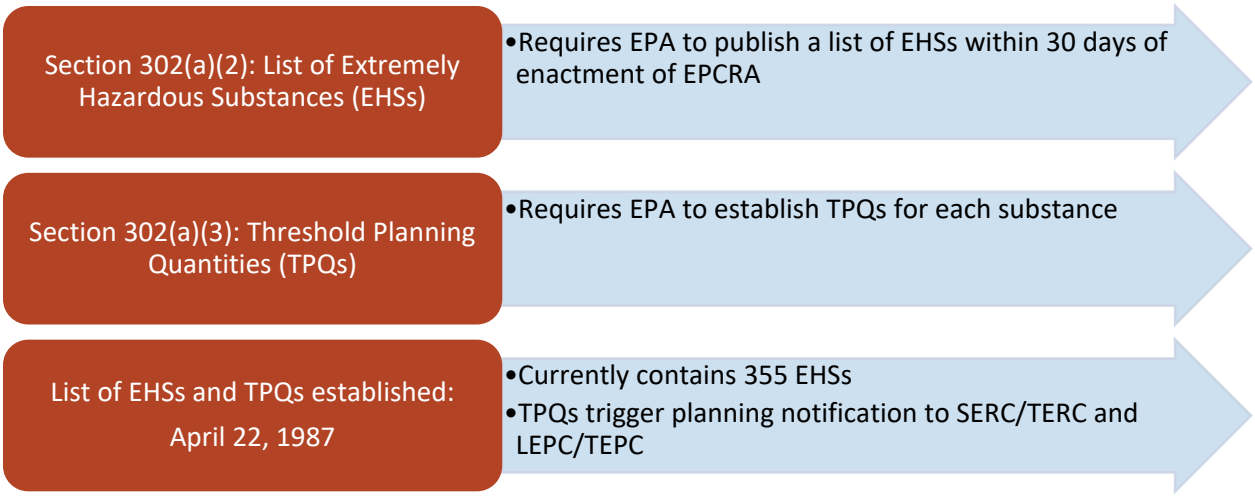


Figure 8. EPCRA Section 302 requires the EPA Administrator to publish the list of EHSs and TPQs as a first step to plan and protect communities from chemical accidents.

2.2 Emergency Planning Notification

The following is a summary of the requirements set out in the statute under Section 302 for each stakeholder—facilities, SERCs, TERCs, LEPCs and TEPCs.

2.2.1 Facility Responsibilities—Emergency Planning Notification

As stated in EPCRA Section 302(c), any facility (e.g., refineries, chemical manufacturing facilities, warehouses, federal facilities, farms) that has any EHS above its TPQ present **on-site at any one time** is required to notify their SERC or TERC and LEPC or TEPC. Facilities are also required to notify within 60 days if a new EHS becomes present at the facility at or above its TPQ. Facilities that conduct subsurface operations (e.g., mining) also would be subject to the emergency planning notification if EHSs are handled at these types of operations. LEPCs and TEPCs should also include these operations in emergency response plans. Details of emergency response plans will be covered in Chapter 3.

EPCRA Section 302(c): Emergency planning notification

Not later than seven months after October 17, 1986, the owner or operator of each facility subject to the requirements of this subchapter by reason of subsection (b)(1) shall notify the State emergency response commission for the State in which such facility is located that such facility is subject to the requirements of this subchapter. Thereafter, if a substance on the list of extremely hazardous substances referred to in subsection (a) first becomes present at such facility in excess of the threshold planning quantity established for such substance, or if there is a revision of such list and the facility has present a substance on the revised list in excess of the threshold planning quantity established for such substance, the owner or operator of the facility shall notify the State emergency response commission and the local emergency planning committee within 60 days after such acquisition or revision that such facility is subject to the requirements of this subchapter.

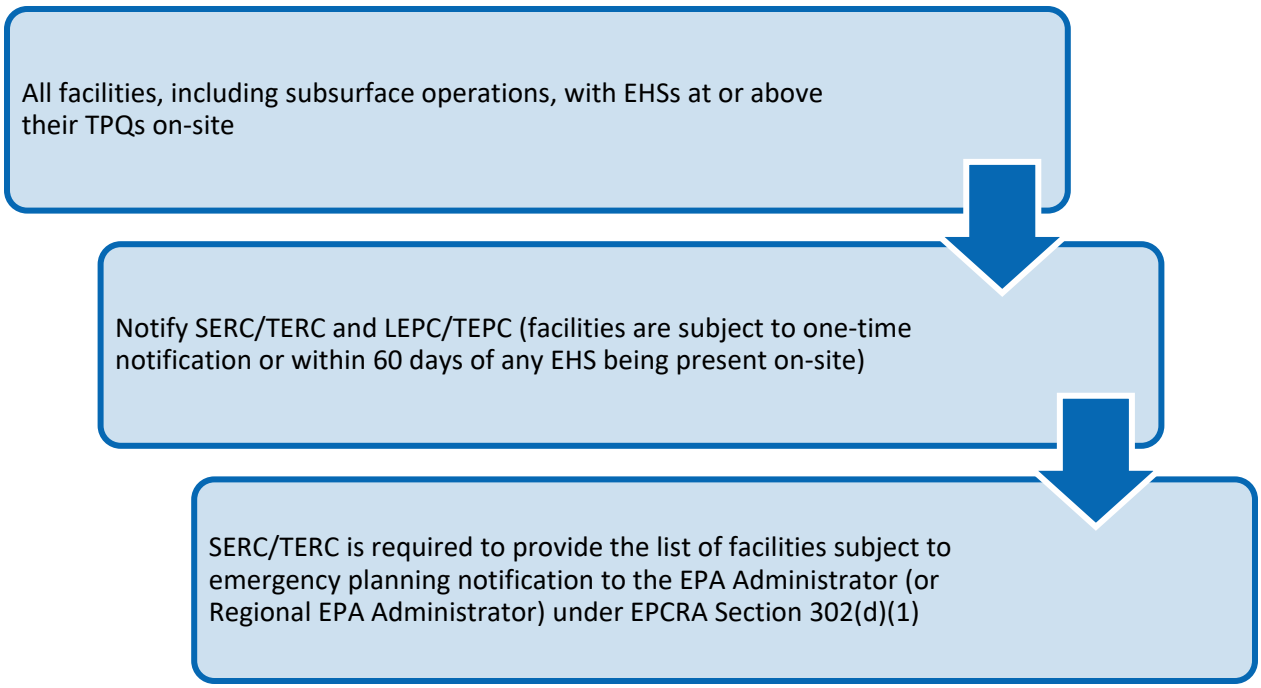


Figure 9. EPCRA Section 302(c): emergency planning notification process.

States may have additional requirements for the facility emergency planning notification process or require a certain format for providing this notification. LEPCs and TEPCs are encouraged to be well informed of state and tribal requirements.

Facilities covered under EPCRA Section 312 are required to indicate on their Tier II form (or format) if they are subject to emergency planning requirements. Details on EPCRA Section 312 requirements are covered in Chapter 5 of this document.

The implementing regulations and list of EHSs and their TPQs are codified in 40 CFR part 355, Appendices A and B: https://www.ecfr.gov/cgi-bin/text-idx?SID=ad07b8b3d1a87a3cefc46c709a3669bb&mc=true&node=ap40.30.355_161.a&rgn=div9.

The list of EHSs and their TPQs can also be found on EPA's List of Lists: https://www.epa.gov/epcra/consolidated-list-lists-under-epcracerclacaa-ss112r-august-2020-version.

2.2.2 Additional Requirements for Facilities

Facilities with EHSs present on site above their TPQs are also required to:

- Designate a representative to be the facility emergency coordinator.
- Participate in the local emergency planning process.
- Provide any information to the LEPC or TEPC that is necessary for developing an emergency response plan.

- Notify the LEPC or TEPC of any changes that occur at the facility that would affect emergency planning.

These requirements are covered in detail in Chapter 3, "EPCRA Section 303: Comprehensive Emergency Response Plans."

2.3 Exemptions

There are **no** exemptions under EPCRA Section 302, except for substances in transportation or stored incident to transportation, https://www.epa.gov/epcra/section-302-notification-requirements-transportation-ehss Therefore, LEPCs and TEPCs are required to consider **all** facilities in their community that have EHSs present above their TPQs in the local emergency response plan.

2.4 Designation of Additional Facilities Subject to Emergency Planning

EPCRA Section 302(b)(2): Designate Additional Facilities

For purposes of emergency planning, a Governor or a State emergency response commission may designate additional facilities which shall be subject to the requirements of this subchapter, if such designation is made after public notice and opportunity for comment. The Governor or State emergency response commission shall notify the facility concerned of any facility designation under this paragraph.

EPCRA Section 302(b)(2) authorizes the governor of the state or the SERC or TERC to designate additional facilities subject to emergency planning notification. This means that, if the governor or the SERC or TERC designate facilities that have chemicals that are non-EHSs, these facilities would need to notify their SERC or TERC and their LEPC or TEPC of the presence of these chemicals.

Facilities with EHSs are not the only facilities that may pose hazards to a community, nor are EHSs the only chemicals of concern. For example, facilities that handle hazardous wastes may or may not have EHSs present on site, but these wastes may still pose significant risks to the community and emergency responders during an incident.

One example of an incident where a facility that did not have an EHS posed a significant risk to a community occurred on October 5, 2006, in Apex, North Carolina. A fire at the Environmental Quality Company (EQ) – a treatment, storage and disposal facility (TSDF)– caused 55-gallon drums of flammable hazardous waste to explode, sending fire balls in the air. The incident resulted in 30 people, including 13 first responders, sent to local hospitals for respiratory distress and nausea, but ultimately, no one was admitted to the hospital. However, approximately 3,300 residents were evacuated.

Photo: Wake County Fire/Rescue Services.

Figure 10. Environmental Quality Company after the October 5, 2006, fire at Apex, North Carolina.

TSDFs are also not covered under EPCRA Sections 311 and 312 (Hazardous Chemical Inventory Reporting) because of the exclusion under the OSHA Hazard Communication Standard (HCS). Therefore, SERCs or TERCs, LEPCs or TEPCs and fire departments would not be aware of any chemicals stored at these facilities, which could affect their ability to protect the community and first responders from potential chemical hazards.

EPA encourages SERCs and TERCs to designate facilities that do not handle EHSs but handle other chemicals, including hazardous wastes that may pose hazards to the community to be subject to emergency planning notification requirements. After such designation, LEPCs and TEPCs would also be able to include these facilities in their local emergency response plan.

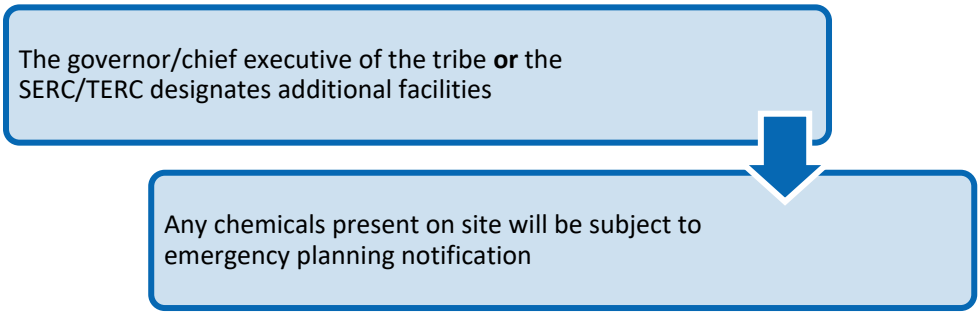


Figure 11. Designation of facilities storing and using non-EHS chemicals.

EPA was informed that some states already include TSDFs in their right-to-know program. Other states and tribes should also consider including these types of facilities.

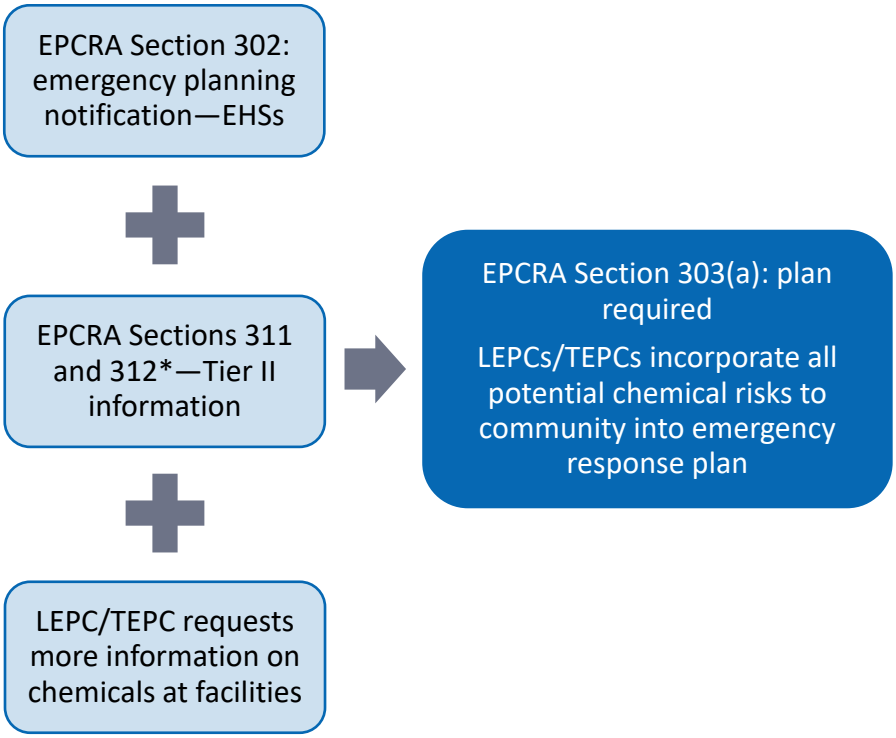
In addition, two new hazards facing a community may be marijuana-growing operations and ethanol production. EHSs and other hazardous chemicals may also be handled at these types of facilities, which LEPCs and TEPCs should consider including in your emergency response plan.

Chapter 3. EPCRA Section 303: Comprehensive Emergency Response Plans

EPCRA only requires emergency planning for chemical emergencies. As noted in Chapter 1, your state or tribe and other federal agencies (e.g., FEMA, Department of Homeland Security, DOT/PHMSA) may require communities to prepare local EOPs that cover all hazards or those specific to their regulatory programs. However, protecting the community from chemical hazards should be part of any EOP that states, tribes or other federal agencies may require. Contact your state or tribe for specific requirements for your community.

This chapter discusses the required elements for protecting communities from chemical hazards as provided in EPCRA Section 303. Chemical emergency response plan and the required elements can be an annex to the community all-hazard plan or a stand-alone plan. EPA encourages LEPCs and TEPCs to adopt a plan that is appropriate for your community.

Note: Chapter 12 through 16.27 in Part II of this document provide suggestions on LEPC and TEPC organizational structure, duties, how to effectively plan for chemical emergencies, etc.



* Discussed later in Chapter 5.

Figure 12. Section 303: developing an emergency response plan.

3.1 LEPCs and TEPCs: Planning for Chemical Risks in Communities

EPCRA Section 303: Comprehensive emergency response plans

(a) Plan required
Each local emergency planning committee shall complete preparation of an emergency plan in accordance with this section not later than two years after October 17, 1986. The committee shall review such plan once a year, or more frequently as changed circumstances in the community or at any facility may require.

(b) Resources
Each local emergency planning committee shall evaluate the need for resources necessary to develop, implement, and exercise the emergency plan, and shall make recommendations with respect to additional resources that may be required and the means for providing such additional resources.

EPCRA Section 303 assigns the following responsibilities to the LEPCs and TEPCs to ensure communities are prepared for and protected from chemical releases. Section 303 requires LEPCs and TEPCs to develop an emergency response plan for chemical risks for their community and review the plan annually or more frequently if changes occur in the community or at any facility in that community.

Section 303 also provides required elements of the local emergency response plan for chemical hazards, provides authority to LEPCs and TEPCs to collect additional information from facilities, and details facilities' responsibilities.

Specifically, LEPCs and TEPCs are required to:

- Develop an emergency response plan.
- Review and update the emergency plan at least annually, or more frequently as changes occur in the community or at any facility.
- Assess response capabilities.
- Conduct hazards analysis (*see Chapter 188 and Chapter 199 for more information*).
- Evaluate resources needed for developing, implementing and executing the emergency response plan (and ensure the resources evaluation report is forwarded to the SERC/TERC and the governor/tribal leader for their help in finding the needed resources).
- Conduct an emergency response exercise (a table-top or full-scale exercise) and update the emergency plan as necessary after the exercise based on the review of the emergency plan during the exercise. (An alternative is to review an actual event and use the lessons learned to update the community emergency plan.)

LEPCs and TEPCs should plan for chemical emergencies and protect the community from potential danger by using the information received under EPCRA Section 302, *Emergency Planning Notification* (*see Chapter 2*). In addition, LEPCs and TEPCs should also include facilities that store or handle other hazardous chemicals that may also pose a risk to the

community. Information on these facilities is received under EPCRA Sections 311 and 312. (*Note: Reporting requirements for other hazardous chemicals are covered in Chapter 5.*)

3.2 Facilities: Additional Responsibilities for Emergency Planning

EPCRA Section 303(d): Providing of information

For each facility subject to the requirements of this subchapter:

(1) Within 30 days after establishment of a local emergency planning committee for the emergency planning district in which such facility is located, or within 11 months after October 17, 1986, whichever is earlier, the owner or operator of the facility shall notify the emergency planning committee (or the Governor if there is no committee) of a facility representative who will participate in the emergency planning process as a facility emergency coordinator.

(2) The owner or operator of the facility shall promptly inform the emergency planning committee of any relevant changes occurring at such facility as such changes occur or are expected to occur.

(3) Upon request from the emergency planning committee, the owner or operator of the facility shall promptly provide information to such committee necessary for developing and implementing the emergency plan.

In addition to notifying the SERC or TERC and LEPC or TEPC that the facility is subject to emergency planning due to the presence of EHSs, EPCRA Section 303 includes additional requirements for facilities subject to emergency planning notification. This section also authorizes LEPCs and TEPCs to request any information from facilities subject to emergency planning, necessary for developing and implementing the emergency plan (see Section 303(d)(3)).

Additional responsibilities for facilities include:

- Designating a representative to be the facility emergency coordinator.
- Participating in the local emergency planning process.
- Providing any information to the LEPC or TEPC that is necessary for developing an emergency response plan.
- Notifying LEPC or TEPC of any changes that occur at the facility that would affect emergency planning.

Each of these provisions is explained below.

3.2.1 Facility Emergency Coordinator

EPCRA Section 303(d)(1) requires facilities to provide the name of a facility emergency coordinator to their LEPC or TEPC. This individual should become a member of the LEPC or TEPC organization, attend meetings and help other members of these organizations, particularly first responders, understand potential chemical risks. LEPCs and TEPCs should contact any

facilities that have not provided this information. The facility emergency coordinator is required to participate in the emergency planning process.

3.2.2 Changes Occurring or Expected to Occur at the Facility that Would be Relevant to Emergency Planning

If a facility increases the quantity of EHSs that have already been reported or if the location of the EHSs is moved to another area at the facility, then these changes may affect the emergency plan. Facilities are required to submit such information to their LEPC or TEPC.

LEPCs and TEPCs are encouraged to discuss such matters at their respective meetings and update the emergency plan as necessary.

3.2.3 Promptly Providing any Information upon Request to the LEPC or TEPC

Section 302 only requires facilities to provide notification to the LEPC or TEPC that they have EHSs present above their TPQs. They are not required to provide any specifics (e.g., the name of the chemical, the amount present on site, etc.). However, under Section 303(d)(3), facilities are required to provide any information that LEPCs or TEPCs request for emergency planning purposes.

Note: Specific information on EHSs is reported annually on the Tier II form but the information provided is for the previous year. The authority provided to LEPCs and TEPCs under EPCRA Section 303(d)(3) can be used to obtain current information from facilities on EHSs they handle.

It is necessary for industry to be a part of the LEPC or TEPC planning process to ensure facility plans, required under state right-to-know regulations or other federal regulations (e.g., Risk Management Program, Clean Air Act (CAA) Section 112(r)), are compatible with local emergency plans. Other federal laws and regulations may require additional information be provided to the LEPC/TEPC. With this additional information, LEPCs and TEPCs will be able to incorporate all potential chemical risks to the community into the local emergency response plan.

3.3 Elements of an Emergency Response Plan for Potential Chemical Hazards in Your Community

EPCRA Section 303(c): Plan provisions

Each emergency plan shall include (but is not limited to) each of the following:

(1) Identification of facilities subject to the requirements of this subchapter that are within the emergency planning district, identification of routes likely to be used for the transportation of substances on the list of extremely hazardous substances referred to in section 302(a) of this title, and identification of additional facilities contributing or subjected to additional risk due to their proximity to facilities subject to the requirements of this subchapter, such as hospitals or natural gas facilities.

(2) Methods and procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to any release of such substances.

(3) Designation of a community emergency coordinator and facility emergency coordinators, who shall make determinations necessary to implement the plan.
(4) Procedures providing reliable, effective, and timely notification by the facility emergency coordinators and the community emergency coordinator to persons designated in the emergency plan, and to the public, that a release has occurred (consistent with the emergency notification requirements of section 304 of this title).
(5) Methods for determining the occurrence of a release, and the area or population likely to be affected by such release.
(6) A description of emergency equipment and facilities in the community and at each facility in the community subject to the requirements of this subchapter, and an identification of the persons responsible for such equipment and facilities.
(7) Evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes.
(8) Training programs, including schedules for training of local emergency response and medical personnel.
(9) Methods and schedules for exercising the emergency plan.

Each of the elements that should be included in an emergency response plan are discussed in Chapter 16, as well suggestions for LEPCs and TEPCs to consider when developing a plan for their planning district. Additional guidelines and suggestions are provided in Appendix N, "Emergency Planning Checklist for LEPCs and TEPCs."

LEPCs and TEPCs should contact their states (or tribes) for additional requirements regarding planning for all hazards, including chemical emergencies.

Once the emergency response plan is developed, LEPCs and TEPCs should submit the plan to the SERC or TERC to review and update as necessary.

3.4 SERC, TERC and RRT: Review Emergency Response Plan

EPCRA Section 303(e): Review by State emergency response commission

After completion of an emergency plan under subsection (a) for an emergency planning district, the local emergency planning committee shall submit a copy of the plan to the State emergency response commission of each State in which such district is located. The commission shall review the plan and make recommendations to the committee on revisions of the plan that may be necessary to ensure coordination of such plan with emergency response plans of other emergency planning districts. To the maximum extent practicable, such review shall not delay implementation of such plan.

EPCRA Section 303(f): Guidance Documents

The National Response Team, as established pursuant to the National Contingency Plan as established under section 105 of CERCLA, shall publish guidance documents for preparation and implementation of emergency plans. Such documents shall be published not later than five months after October 17, 1986.

EPCRA Section 303(g): Review of plans by regional response teams

The regional response teams, as established pursuant to the National Contingency Plan as established under section 9605 of this title, may review and comment upon an emergency plan or other issues related to preparation, implementation, or exercise of such a plan upon request of a local emergency planning committee. Such review shall not delay implementation of the plan.

The SERC and TERC should review their LEPCs and TEPCs plan and make recommendations, as well as coordinate plans with neighboring emergency planning districts.

LEPCs and TEPCs may also request that their RRT, established under the National Contingency Plan, CERCLA Section 105, review and coordinate responses. RRTs can provide technical assistance, equipment, or human resources to respond to an emergency situation. They may also identify any gaps in the plan and assist in improving it or conducting exercises. For more information on RRTs, visit https://www.epa.gov/emergency-response/regional-response-teams.

3.5 Public Access to Emergency Response Plan

As required by EPCRA Section 324, discussed in Chapter 8, LEPCs and TEPCs should provide the community with access to the emergency response plan. There may also be requests to explain potential chemical risks to the community, as well as to hold meetings to explain evacuation and/or shelter-in-place procedures.

Chapter 4. EPCRA Section 304: Emergency Release Notification

Prior to EPCRA, there were other programs, such as CERCLA Section 103, that required facilities to notify federal authorities of releases of hazardous substances defined under CERCLA. However, these programs did not require facilities to notify the authorities at the community level that would be affected by the release.

EPCRA Section 304 emergency notification supplements CERCLA Section 103 release notification by requiring facilities to notify the state, tribal and local authorities of any area(s) likely to be affected by any releases of CERCLA hazardous substances and EPCRA extremely hazardous substances. This notification allows the state, tribal and local authorities to receive release information as soon as releases occur in order to protect the community from potential hazards.

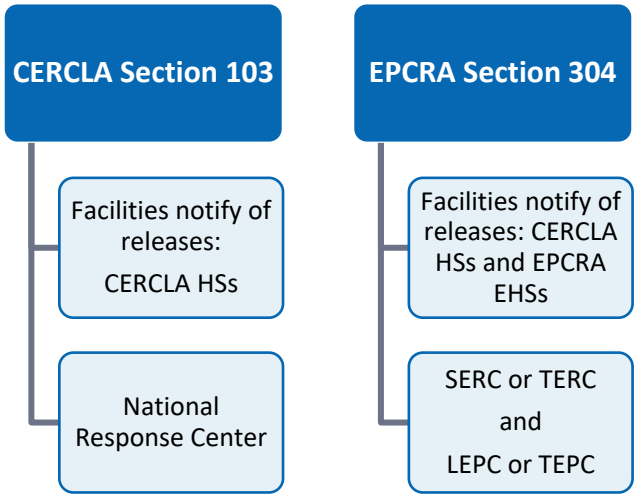


Figure 13. Release notification under CERCLA and EPCRA.

This chapter explains facilities' requirements for providing proper notification of releases, as well as suggestions for LEPCs and TEPCs to use the information to plan and prepare the community for potential future chemical releases.

In addition, this chapter will discuss the recent amendments to EPCRA Section 304 under the American Water Infrastructure Act of 2018, which places responsibilities on SERCs and TERCs as well state drinking water agencies.

Note: As in the previous chapters in this document, the italicized text boxes are provisions from the EPCRA statute.

4.1 Substances Covered in EPCRA Section 304 Release Notification

EPCRA Section 304(a) Types of Releases

(1) 302(a) substance which requires CERCLA notice
If a release of an extremely hazardous substance referred to in section 302(a) of this title occurs from a facility at which a hazardous chemical is produced, used, or stored, and such release requires a notification under section 103(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 [42 U.S.C. 9603(a)] (hereafter in this

section referred to as ‘‘CERCLA’’) (42 U.S.C. 9601 et seq.), the owner or operator of the facility shall immediately provide notice as described in subsection (b).

(2) Other 302(a) substance

If a release of an extremely hazardous substance referred to in section 11002(a) of this title occurs from a facility at which a hazardous chemical is produced, used, or stored, and such release is not subject to the notification requirements under section 103(a) of CERCLA [42 U.S.C. 9603(a)], the owner or operator of the facility shall immediately provide notice as described in subsection (b), but only if the release—

(A) is not a federally permitted release as defined in section 101(10) of CERCLA [42 U.S.C. 9601(10)],
(B) is in an amount in excess of a quantity which the Administrator has determined (by regulation) requires notice, and
(C) occurs in a manner which would require notification under section 103(a) of CERCLA [42 U.S.C. 9603(a)].

Unless and until superseded by regulations establishing a quantity for an extremely hazardous substance described in this paragraph, a quantity of 1 pound shall be deemed that quantity the release of which requires notice as described in subsection (b).

(3) Non-302(a) substance which requires CERCLA notice

If a release of a substance which is not on the list referred to in section 302(a) of this title occurs at a facility at which a hazardous chemical is produced, used, or stored, and such release requires notification under section 103(a) of CERCLA [42 U.S.C. 9603(a)], the owner or operator shall provide notice as follows:

(A) If the substance is one for which a reportable quantity has been established under section 102(a) of CERCLA [42 U.S.C. 9602(a)], the owner or operator shall provide notice as described in subsection (b).
(B) If the substance is one for which a reportable quantity has not been established under section 102(a) of CERCLA [42 U.S.C. 9602(a)]—
  (i) Until April 30, 1988, the owner or operator shall provide, for releases of one pound or more of the substance, the same notice to the community emergency coordinator for the local emergency planning committee, at the same time and in the same form, as notice is provided to the National Response Center under section 103(a) of CERCLA [42 U.S.C. 9603(a)].
  (ii) On and after April 30, 1988, the owner or operator shall provide, for releases of one pound or more of the substance, the notice as described in subsection (b).

(4) Exempted releases

This section does not apply to any release which results in exposure to persons solely within the site or sites on which a facility is located.

The first part of this chapter provides a brief explanation on the type of substances covered for release notification requirements under EPCRA Section 304. *See* ***Error! Reference source not found.***.

As provided in Section 304(a), there are two types of substances covered under the release notification. These are hazardous substances listed under Section 103(a) of CERCLA

("CERCLA HSs") and the extremely hazardous substances listed under Section 302 of EPCRA ("EPCRA EHSs"). Facilities are required to provide notification of releases of these substances, provided that the release(s) meet certain criteria and the releases are not exempted.

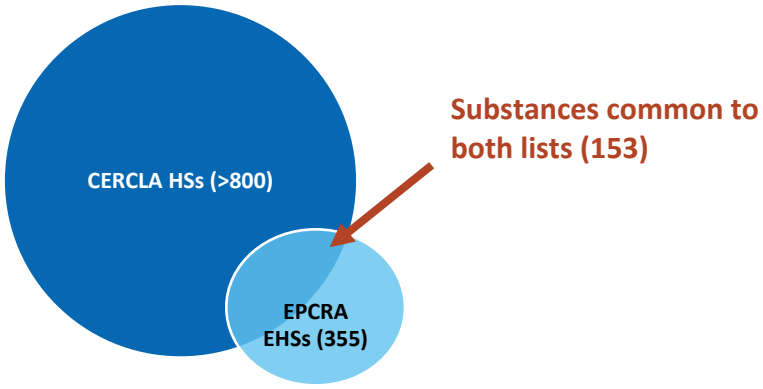


Figure 14. Substances subject to release reporting under EPCRA Section 304.

This chapter discusses the release notification process and provides suggestions for LEPCs and TEPCs on how to use the information received for planning for chemical releases and protecting the community from potential hazards. It does not include any details on the regulated substances. For details, refer to the online training "EPCRA Training for States, Tribes, LEPCs, Local Planners and Responders (Non-Section 313)," posted at https://www.epa.gov/epcra/epcra-training-states-tribes-lepcs-local-planners-and-responders-non-section-313.

Note: The legislative text for initial release notification process, as well as the entities that receive the notification and the contents of initial notification, is provided below.

4.2 Facilities: Initial Release Notification Process

EPCRA Section 304(b): Notification

(1) Recipients of notice
Notice required under subsection (a) shall be given immediately after the release by the owner or operator of a facility (by such means as telephone, radio, or in person) to the community emergency coordinator for the local emergency planning committees, if established pursuant to section 11001(c) of this title, for any area likely to be affected by the release and to the State emergency response commission of any State likely to be affected by the release. With respect to transportation of a substance subject to the requirements of this section, or storage incident to such transportation, the notice requirements of this section with respect to a release shall be satisfied by dialing 911 or, in the absence of a 911 emergency telephone number, calling the operator.

Section 304(b)(1) requires facilities to immediately notify the community emergency coordinator of the LEPC or TEPC and the SERC or TERC if there is a release into the environment of a hazardous substance that is equal to or exceeds the minimum reportable quantity set in the regulations. This requirement covers the 355 extremely hazardous substances as well as the more than 800 hazardous substances subject to the emergency notification requirements under CERCLA Section 103(a). The EPCRA Section 304 requirement supplements the reporting requirement under CERCLA Section 103. The implementing regulations of EPCRA Section 304, *Emergency Release Notification*, are codified in 40 CFR Part 355: https://www.ecfr.gov/cgi-bin/text-idx?node=sp40.30.355.c&rgn=div6.

4.2.1 Community Emergency Coordinator

The statute requires facilities to report releases to the community emergency coordinator of the LEPC or TEPC and SERC or TERC. LEPCs and TEPCs should assign a contact from their organization for receiving emergency release notification (initial telephone notification). Alternatively, LEPCs, TEPCs, SERCs, and TERCs may establish a call center/dispatcher/hotline that would be available 24 hours for facilities to timely report releases. It is important to provide this information to facilities in the planning district to ensure that proper notification is received.

One of the requirements in EPCRA Section 301 for LEPC and TEPC is that they should establish rules on its functionality, which may include designating a person who would be the community emergency coordinator. This person would handle all the release notifications from facilities and ensure that emergency response personnel would be notified and the LEPC or TEPC local emergency response plan can be activated (notify the community if necessary, activate evacuation or shelter in place, etc.). In some communities, the community emergency coordinator is the emergency management office in the county/district.

Generally, facilities can determine their LEPC or TEPC contact information from their SERC or TERC. Additionally, LEPCs and TEPCs can also update their websites with contact information.

EPA is aware that some communities may already have a certain process established for release notification. LEPCs and TEPCs should ensure that every facility in their district that handles any hazardous chemical has the LEPC or TEPC community emergency coordinator contact information or other release notification process information. If you need assistance in developing a pamphlet or other materials with phone numbers of the dispatch/community emergency coordinator for facility owners or operators in your planning district, reach out to states or EPA Regional EPCRA Coordinators.

It is also important for LEPCs and TEPCs to update emergency response plans with the contact information of all facility emergency coordinators in the district as changes occur. If the facility is subject to hazardous chemical inventory reporting requirements (*see Chapter 5 of this document*), the contact information for the facility emergency coordinator would be reported on the Tier II form annually. Facilities are required to update this information annually as necessary, however, EPA encourages LEPCs and TEPCs to contact all facility emergency coordinators in their district periodically to ensure that the contact information is current.

The Tier II form also includes facility 24-hour emergency contact information, which is important for first responders to have to reach out during any chemical emergency.

Note: As mentioned earlier in this document, some communities may not have representatives from every organization in the community as LEPC or TEPC members. In such cases, it may be beneficial to join a neighboring LEPC or TEPC to coordinate release notification and response.

4.2.2 Facilities: Contents of Initial Notification

EPCRA Section 304(b): Notification

(2) Contents

Notice required under subsection (a) shall include each of the following (to the extent known at the time of the notice and so long as no delay in responding to the emergency results):

(A) The chemical name or identity of any substance involved in the release.
(B) An indication of whether the substance is on the list referred to in section 302(a) of this title.
(C) An estimate of the quantity of any such substance that was released into the environment.
(D) The time and duration of the release.
(E) The medium or media into which the release occurred.
(F) Any known or anticipated acute or chronic health risks associated with the emergency and, where appropriate, advice regarding medical attention necessary for exposed individuals.
(G) Proper precautions to take as a result of the release, including evacuation (unless such information is readily available to the community emergency coordinator pursuant to the emergency plan).
(H) The name and telephone number of the person or persons to be contacted for further information.

As provided in EPCRA Section 304(b)(2), facilities are required to provide certain information while notifying the community emergency coordinator or their designee of the LEPC or TEPC or other established system and the SERC or TERC. The LEPC and TEPC should ensure that the person(s) receiving the notification are trained to collect all the information from facility representatives reporting the release. EPA suggests that the LEPC and TEPC develop a form with all the required elements provided in Section 304(b)(2) to ensure all the information is collected from the caller reporting the release.

4.3 Facilities: Follow-up Emergency Notice (Written Report)

EPCRA section 304(c): Followup emergency notice

As soon as practicable after a release which requires notice under subsection (a), such owner or operator shall provide a written followup emergency notice (or notices, as more information becomes available) setting forth and updating the information required under subsection (b), and including additional information with respect to—

(1) actions taken to respond to and contain the release,
(2) any known or anticipated acute or chronic health risks associated with the release, and
(3) where appropriate, advice regarding medical attention necessary for exposed individuals.

The law also requires facilities to provide a written follow-up report of the release as soon as practicable after the release (EPCRA Section 304(c)). EPA published guidance on July 13, 2010 (75 FR 39852), to define the term "as soon as practicable" as 30 days (https://www.govinfo.gov/content/pkg/FR-2010-07-13/pdf/2010-17031.pdf).

In the guidance, EPA provided flexibility to the states to require more stringent timeframes if they choose to do so. EPA is aware that a few states require fewer than 30 days for facilities to submit a written follow-up report.

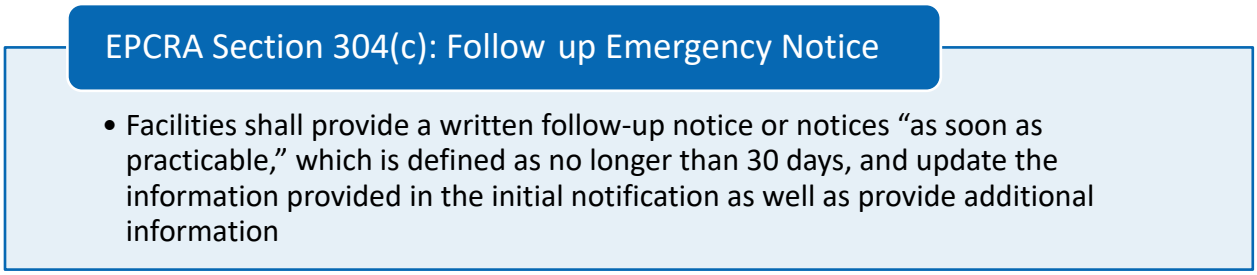


Figure 15. Written follow-up report.

The written follow-up report is required to be submitted to the SERC or TERC and LEPC or TEPC. This report would include any updates on the initial telephone notice and on actual response actions taken, as well as advice regarding medical attention necessary for citizens exposed. LEPCs and TEPCs should designate a person to receive this report and inform the facilities where to send the follow-up report. Among other information collected under EPCRA, the written follow-up report should also be available to the public as required under EPCRA Section 324, which will be covered in Chapter 8.

LEPCs and TEPCs are encouraged to use the information provided in the immediate notification and the written follow-up report to plan for possible future incidents. Table-top exercises of actual events can be useful tools for this purpose.

4.4 Transportation Related Releases

If any chemical releases occur during transportation or occur while chemicals are stored incident to transportation, facilities and/or the vehicle operator are required to contact 911 or the local telephone operator as provided in Section 304(b)(1) (see statutory language provided in section 4.1 of this chapter). LEPCs and TEPCs should train local telephone and 911 operators, as well as dispatch system or other personnel, on how to get complete information from the caller so they can notify emergency responders appropriately. Development of a form outlining the needed information that operators can use to record information from the person providing the release notification would be highly useful.

Under the federal EPCRA regulations, facilities (or transportation operators) are not required to submit follow-up reports for transportation related releases. (See 40 CFR 355.40(b): https://www.ecfr.gov/cgi-bin/text-idx?node=sp40.30.355.c&rgn=div6#se40.30.355_140.)

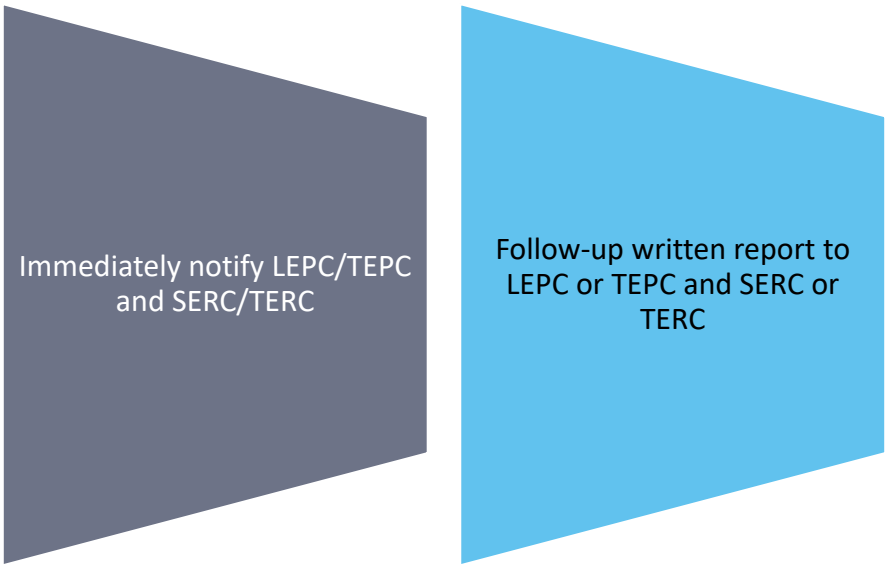


Figure 16. Facility responsibilities under EPCRA Section 304 for releases of EPCRA EHSs and CERCLA HSs.

4.5 America's Water Infrastructure Act of 2018

Recent incidents prompted amendments to certain provisions under EPCRA.

On January 9, 2014, 11,000 gallons of crude methylcyclohexane methanol (MCHM) and polyglycol ethers (PPH, stripped) were released into the Elk River in Charleston, West Virginia. This release compromised the drinking water of approximately 300,000 residents in nine counties for more than two weeks.[7] A leaking aboveground storage tank at Freedom Industries released the MCHM, which traveled 1.5 miles downstream to the intake of the West Virginia

[7] U.S. Chemical Safety and Hazard Investigation Board. (2016). Chemical Spill Contaminates Public Water supply in Charleston, West Virginia. Report No. 2014-01-I-WV. Available at https://www.csb.gov/freedom-industries-chemical-release-/.

American Water (WVAW) water treatment facility, inundating the drinking water filtration system servicing Charleston and the surrounding areas. The incident resulted in the issuing of a "Do Not Use" order to the community and caused approximately 600 residents to seek medical attention. A closer examination of over half of their medical charts show that the contamination resulted in skin, eye and respiratory tract irritation, consistent with crude MCHM exposure.

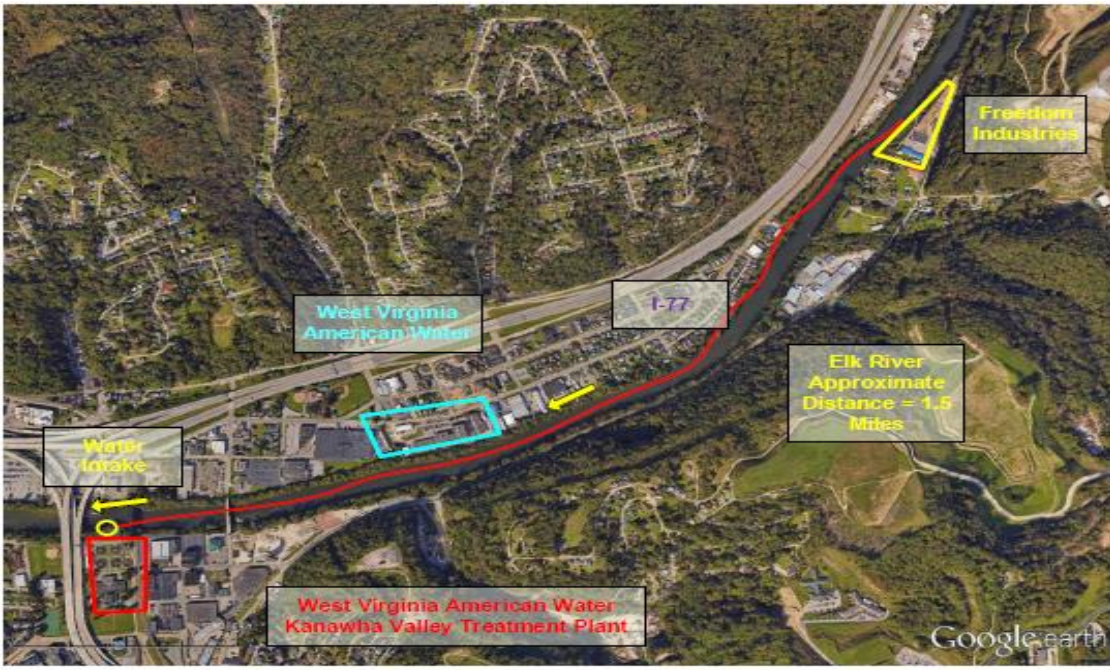


Photo: Chemical Safety Board.

Figure 17. Freedom Industries aboveground storage tanks released 11,000 gallons of crude MCHM and PPH into the Elk River on January 9, 2014, contaminating the drinking water of 300,000 residents in and around Charleston, WV.

Due to this and other incidents that affected community water systems, the America's Water Infrastructure Act (AWIA) amended EPCRA Section 304 on October 23, 2018. The amendments require states and tribal agencies to notify the drinking water primacy agency, or community water systems if there is no drinking water primacy agency, of any reportable releases.

AWIA Section 2018(a) amends EPCRA Section 304 to add a new subsection, Section 304(e), *Addressing Source Water used for Drinking Water*. This new subsection requires SERCs and TERCs to perform the following actions to provide information to the drinking water primacy agency:

- Promptly notify the state agency of any reportable release.
- Provide all the information collected under Section 304(b)(2) from the initial notification.
- Provide the follow-up written report received under Section 304(c).

EPCRA Section 304(e): Addressing source water used for drinking water

(1) Applicable State agency notification

A State emergency response commission shall—

(A) promptly notify the applicable State agency of any release that requires notice under subsection (a);

(B) provide to the applicable State agency the information identified in subsection (b)(2); and

(C) provide to the applicable State agency a written follow-up emergency notice in accordance with subsection (c).

(2) Community water system notification

(A) In general

An applicable State agency receiving notice of a release under paragraph (1) shall—

(i) promptly forward such notice to any community water system the source waters of which are affected by the release;

(ii) forward to the community water system the information provided under paragraph (1)(B); and

(iii) forward to the community water system the written follow-up emergency notice provided under paragraph (1)(C).

(B) Direct notification

In the case of a State that does not have an applicable State agency, the State emergency response commission shall provide the notices and information described in paragraph (1) directly to any community water system the source waters of which are affected by a release that requires notice under subsection (a).

(2) Definitions

In this subsection:

(A) Community water system

The term ‘‘community water system’’ has the meaning given such term in section 1401(15) of the Safe Drinking Water Act [42 U.S.C. 300f(15)].

(B) Applicable State agency

The term ‘‘applicable State agency’’ means the State agency that has primary responsibility to enforce the requirements of the Safe Drinking Water Act in the State.

While the AWIA amendments do not require LEPCs and TEPCs to directly notify the drinking water agency or the community water systems, EPA encourages the sharing of any information on releases that affect community water systems, especially releases involving transportation. EPA was informed by many states that notifications of transportation-related releases are provided either to the 911 operators or the local emergency response personnel. The LEPC and TEPC usually have local emergency responders as members who receive first-hand notification of any releases from fixed facilities, as well as transportation-related releases. EPA also encourages LEPCs and TEPCs to reach out to the community water systems to participate in implementing and exercising the local emergency response plan.

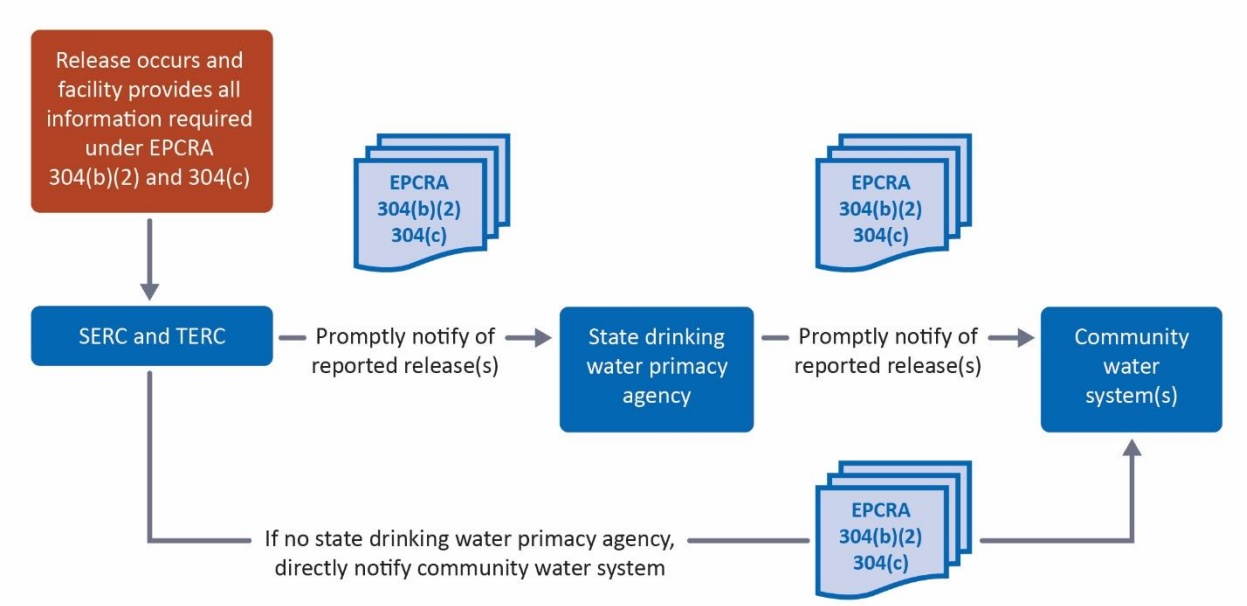


Figure 18. Information flow under the America's Water Infrastructure Act under EPCRA Section 304(e).

EPA developed a fact sheet that outlines AWIA amendments to EPCRA, Frequently Asked Questions, amendatory legislative language, etc.: https://www.epa.gov/epcra/amendments-epcra-americas-water-infrastructure-act.

4.6 Public Access to Follow-up Report

EPCRA Section 324 (*see Chapter 8*) requires LEPCs and TEPCs to provide public access to the follow-up reports on releases. As provided in Section 301, LEPCs and TEPCs should have procedures in place for processing requests from the public for information under EPCRA. This includes selecting an official to serve as information coordinator.

4.7 Facilities: Reporting Requirements for Continuous Releases of EHSs and CERCLA Hazardous Substances

CERCLA Section 103(f)(2) and EPA's implementing regulations at 40 CFR parts 302 and 355 provide a reduced reporting option for "continuous" releases of CERCLA HSs and EPCRA EHSs. This reduced reporting option applies to facilities that release CERCLA HSs or EPCRA EHSs that are "continuous" and "stable in quantity and rate." For these types of releases, reporting facilities can choose either to 1) report on a per occurrence basis, or 2) report as a "continuous" release.

Continuous release reporting (CRR) regulations for CERCLA and EPCRA are codified at 40 CFR 302.8 and 355.32, respectively. The final rule was published on July 24, 1990 (55 FR 30166): https://www.epa.gov/sites/production/files/2018-08/documents/continuous_release_fr_notice_-_final_rule.pdf.

The purpose of CERCLA Section 103(f)(2) is to reduce reporting of predictable release notifications. CERCLA Section 103(f)(2), however, does not eliminate the requirement to report. Government response officials need to receive notification of all releases that equal or exceed an RQ on a continuous basis, so that the releases can be evaluated and, if necessary, a response action can be taken.

4.7.1 Standard Reporting Requirements for facilities—CRR

The CRR requirements under CERCLA and EPCRA are slightly different. Figure 139 illustrates the type of notification and the information on where to submit continuous release reports for CERCLA HSs and EPCRA EHSs.

To begin the reporting process for continuous releases, the facilities must have a sufficient basis for establishing that the release is continuous and stable in quantity and rate. Once such a basis has been established, the initial telephone notification would be made to the appropriate federal, state, tribal and local officials.

Within 30 days of the initial telephone notification, any person in charge of a facility (or the owner or operator of a facility) is required to submit an initial written report to EPA, SERC or TERC, and LEPC or TEPC. Unlike CERCLA Section 103, EPCRA Section 304 or its implementing regulations do not require facilities to submit a first anniversary report to the state, tribal and local agencies. Figure 19 provides a summary of continuous release reporting requirements under EPCRA and CERCLA. Visit EPA's website for detailed information at https://www.epa.gov/epcra/cercla-and-epcra-continuous-release-reporting.

Continuous Release Reporting Requirements under CERCLA (CERCLA HSs)	Continuous Release Reporting Requirements under EPCRA (EPCRA EHSs and CERCLA HSs)
Step 1: Initial telephone notification to the NRC	**Step 1**: Initial telephone notification to the SERC or TERC and LEPC or TEPC
Step 2: Initial written notification within 30 days to EPA	**Step 2:** Initial written notification within 30 days to the SERC or TERC and the LEPC or TEPC
Step 3: A one-time first anniversary follow-up written report to EPA	**Step 3: No** anniversary report required under EPCRA continuous release reporting.
Step 4: SSI notification to the NRC	**Step 4:** SSI notification to the SERC or TERC and the LEPC or TEPC.

Figure 19. CRR requirements for facilities.

Chapter 5. EPCRA Sections 311 and 312: Hazardous Chemical Inventory Reporting

Sections 311 and 312 of EPCRA are known as community right-to-know reporting. Under these requirements, facilities report on all hazardous chemicals present on site, which include extremely hazardous substances established under Section 302 of EPCRA (*see Chapter 2 of this document*). Specifically, facilities are required to provide information on the physical and health hazards, as well as the amount and location of all hazardous chemicals, which can be useful for local emergency planning.

EPA is aware that some states adopted the federal EPCRA statute as their state right-to-know program. Other states have additional requirements. LEPCs and TEPCs should contact their state or tribe to be informed of specific requirements. This chapter only discusses federal EPCRA Sections 311 and 312 reporting requirements for facilities and the entities that receive information, SERC or TERC, LEPC or TEPC and the local fire department.

Here is the link to the SERCs: https://www.epa.gov/epcra/state-emergency-response-commissions-contacts. To find out what your state's Tier II reporting requirements are, visit https://www.epa.gov/epcra/state-tier-ii-reporting-requirements-and-procedures.

5.1 Facilities: Criteria for Reporting under Sections 311 and 312

The reporting requirements of Sections 311 and 312 apply to the owner or operator of any facility required to prepare or have available a Material Safety Data Sheet (MSDS) (or Safety Data Sheet (SDS)) for any hazardous chemical defined under the Occupational Safety and Health Act (OSH Act) and its implementing regulations. The requirements for MSDS (or SDS) can be found in the OSHA Hazard Communication Standard (HCS) in 29 CFR Part 1900.

Although OSHA currently uses the term "Safety Data Sheets," the EPCRA statute refers to the term "Material Safety Data Sheets." This document will use their acronyms, MSDS (SDS) to represent both.

OSHA does not have a list of hazardous chemicals, but they are defined as any chemical that is classified as a physical hazard or a health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified. OSHA estimates that there are approximately 800,000 hazardous chemicals and/or products used in the United States (March 26, 2012, final rule, 77 FR 17574) to which workers can be exposed while handling these chemicals at their workplace. As stated above, OSHA hazardous chemicals include EPCRA EHSs defined under EPCRA Section 302. *See Figure 20.*

EPCRA mainly focuses on protecting the community and emergency responders from accidental releases of hazardous chemicals. Although workers can be exposed when handling hazardous chemicals, the community or emergency responders may not be affected until an incident occurs, so LEPCs and TEPCs may need to focus only on planning for those hazardous chemical that go beyond the facility's boundary. Sections 311 and 312 require reporting of OSHA hazardous chemicals but EPCRA provides certain exemptions, detailed later.

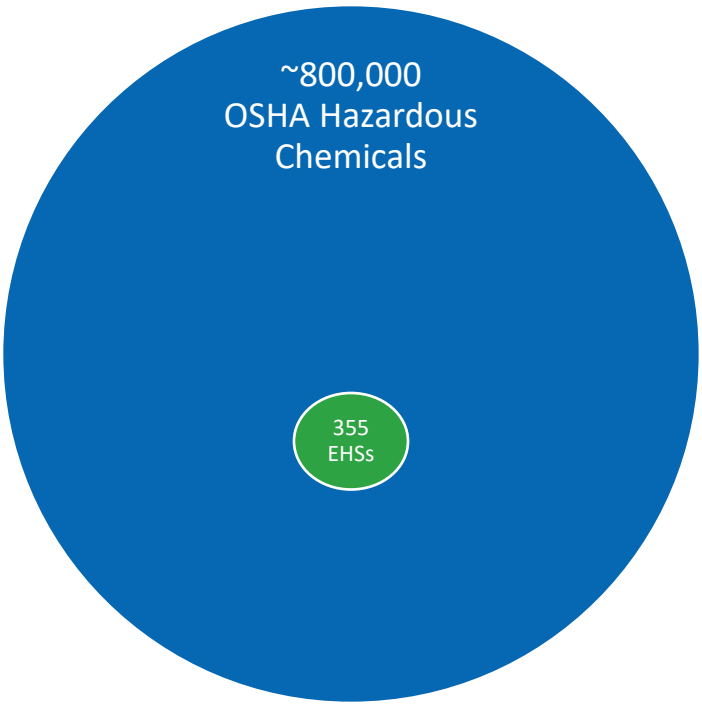


Figure 20. Chemicals subject to EPCRA Sections 311 and 312.

Under EPCRA Sections 302 and 303 (*see Chapter 2 & Chapter 3 of this document*), emergency planning initially focused on extremely hazardous substances (EHSs).. EHSs are a subset of hazardous chemicals subject to Sections 311 and 312 that will be captured in the hazardous chemical inventory reporting requirements.

Hazardous chemical reporting is a two-part requirement: 1) submission of MSDSs (or SDSs) or a list of hazardous chemicals and 2) submission of a hazardous chemical inventory form. This chapter covers facilities' reporting requirements, entities that receive the reports under EPCRA Sections 311 and 312, and information management by state and local implementing agencies. *See Figure 21*.

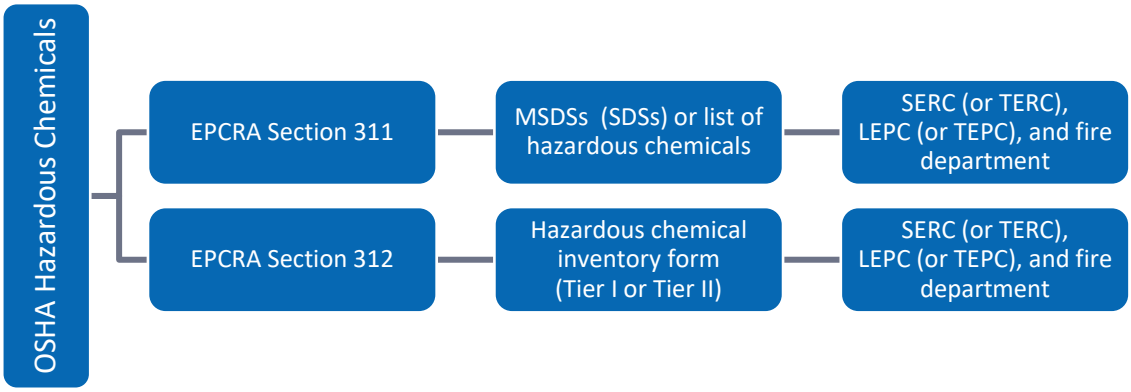


Figure 21. OSHA hazardous chemicals, which include EHSs, are reported under EPCRA Sections 311 and 312.

5.2 EPCRA Section 311: Material Safety Data Sheets (or Safety Data Sheets)

EPCRA Section 311(a): Basic requirement

(1) Submission of MSDS or list

The owner or operator of any facility which is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970 [29 U.S.C. 651 et seq.] and regulations promulgated under that Act shall submit a material safety data sheet for each such chemical, or a list of such chemicals as described in paragraph (2), to each of the following:

(A) The appropriate local emergency planning committee.
(B) The State emergency response commission.
(C) The fire department with jurisdiction over the facility.

(2) Contents of list

(A) The list of chemicals referred to in paragraph (1) shall include each of the following:
  (i) A list of the hazardous chemicals for which a material safety data sheet is required under the Occupational Safety and Health Act of 1970 [29 U.S.C. 651 et seq.] and regulations promulgated under that Act, grouped in categories of health and physical hazards as set forth under such Act and regulations promulgated under such Act, or in such other categories as the Administrator may prescribe under subparagraph (B).
  (ii) The chemical name or the common name of each such chemical as provided on the material safety data sheet.
  (iii) Any hazardous component of each such chemical as provided on the material safety data sheet.
(B) For purposes of the list under this paragraph, the Administrator may modify the categories of health and physical hazards as set forth under the Occupational Safety and Health Act of 1970 [29 U.S.C. 651 et seq.] and regulations promulgated under that Act by requiring information to be reported in terms of groups of hazardous chemicals which present similar hazards in an emergency.

(3) Treatment of mixtures

An owner or operator may meet the requirements of this section with respect to a hazardous chemical which is a mixture by doing one of the following:

(A) Submitting a material safety data sheet for, or identifying on a list, each element or compound in the mixture which is a hazardous chemical. If more than one mixture has the same element or compound, only one material safety data sheet, or one listing, of the element or compound is necessary.
(B) Submitting a material safety data sheet for, or identifying on a list, the mixture itself.

EPCRA Section 311 requires facilities that handle any OSHA hazardous chemical at or above the reporting thresholds to submit an MSDS (SDS) to their SERC or TERC, LEPC or TEPC and the local fire department with jurisdiction of the facility. Facilities may also choose to submit a list of hazardous chemicals in lieu of submitting MSDSs (SDSs). Certain chemicals are excluded from these requirements, which will be discussed later in this chapter.

Under the OSHA Hazard Communication Standard (HCS), manufacturers and importers are required to develop an MSDS (SDS) for any chemical that meets the definition of a hazardous chemical. Employers must maintain an MSDS (SDS) for any hazardous chemical that is used or stored in the workplace.

Facilities that are subject to EPCRA community right-to-know reporting are required to submit MSDSs (SDSs) to the state and local agencies. *See the statutory text provided above*.

Check with your state for the specific requirements regarding list of hazardous chemicals and MSDS/SDS reporting.

5.2.1 Reporting Thresholds

> ***EPCRA Section 311(b): Thresholds***
>
> *The Administrator may establish threshold quantities for hazardous chemicals below which no facility shall be subject to the provisions of this section. The threshold quantities may, in the Administrator's discretion, be based on classes of chemicals or categories of facilities.*

For facilities to comply with the reporting requirements, the following reporting thresholds were established by EPA as required by Section 311(b). *See legislative language above.*

- For an EHS defined under EPCRA Section 302, the threshold is 500 pounds or the threshold planning quantity, whichever is lower (EHSs and their TPQs are listed in 40 CFR Part 355, Appendix A and Appendix B).
- For gasoline (all grades combined[8]) at a retail gas station, the threshold level is 75,000 gallons (or approximately 283,900 liters), if the tank(s) was stored entirely underground and was in compliance at all times during the preceding calendar year with all applicable Underground Storage Tank (UST) requirements at 40 CFR Part 280 or requirements of the state UST program approved by the Agency under 40 CFR Part 281.
- For diesel fuel (all grades combined[9]) at a retail gas station, the threshold level is 100,000 gallons (or approximately 378,500 liters), if the tank(s) was stored entirely underground and the tank(s) was in compliance at all times during the preceding calendar year with all applicable UST requirements at 40 CFR Part 280 or requirements of the state UST program approved by the Agency under 40 CFR Part 281.
- For all other hazardous chemicals for which facilities are required to have or prepare an MSDS (SDS), the minimum reporting threshold is 10,000 pounds (or 4,540 kilograms).

These reporting thresholds are codified in the regulations at 40 CFR 370.10: https://www.ecfr.gov/cgi-bin/text-

[8] This threshold does not apply to E-85, M-85, or E-95. The reporting threshold for these is 10,000 pounds (February 11, 1999, 64 FR 7032): https://www.govinfo.gov/content/pkg/FR-1999-02-11/html/99-3255.htm.

[9] As discussed in the previous note, this threshold does not apply to E-85, M-85, or E-95, which have a reporting threshold of 10,000 pounds.

idx?SID=dc62dd3413b3490a101679e6db4b9c41&mc=true&tpl=/ecfrbrowse/Title40/40cfr370_main_02.tpl.

5.2.2 Submission of MSDSs (SDSs)

As specified under Section 311(a), facilities that have MSDSs (SDSs) for chemicals held above these reporting thresholds are required to submit either copies of their MSDSs (SDSs) or a list of hazardous chemicals to the SERC or TERC, LEPC or TEPC, and the local fire department with jurisdiction over the facility.

The following information can be typically found on an MSDS (or SDS):

- Product identification.
- Hazard identification.
- Composition of ingredients.
- Physical hazard information.
- Health hazard information.
- First-aid measures.
- Fire-fighting measures.
- Spill, leak, and disposal procedures.
- Personal protection, etc.

Here is a brief summary of SDS contents posted on OSHA's "Hazard Communication Standard: Safety Data Sheets" website: https://www.osha.gov/sites/default/files/publications/OSHA3514.pdf.

5.2.3 Submission of List of Hazardous Chemicals

If the facility owner or operator chooses to submit a list of hazardous chemicals in lieu of MSDSs (SDSs), the list is required to include the chemical name that appears on the MSDS (SDS) and identify the applicable hazard categories. *See statutory text provided in the beginning of this chapter.*

5.2.4 Availability of MSDS (SDS) upon Request by LEPC (or TEPC)

EPCRA Section 311(c): Availability of MSDS on request

(1) To local emergency planning committee
If an owner or operator of a facility submits a list of chemicals under subsection (a)(1), the owner or operator, upon request by the local emergency planning committee, shall submit the material safety data sheet for any chemical on the list to such committee.

As stated in section 311(c)(1), LEPCs and TEPCs may request MSDSs (SDSs) from facilities that submitted list of chemicals.

5.2.5 Provide MSDS (SDS) to the Public upon Request

If a member of the public requests an MSDS (SDS) for any hazardous chemical, then the LEPCs and TEPCs are required to provide it as required by EPCRA Section 311(c)(2). *(See legislative text provided above).* If the LEPC or TEPC does not have the MSDS (SDS), then the LEPC or TEPC may request it from the facility owner or operator and then make it available to the public.

(2) To public

EPCRA Section 311(c): Availability of MSDS on request

(2) To public
A local emergency planning committee, upon request by any person, shall make available a material safety data sheet to the person in accordance with section 324 of this title. If the local emergency planning committee does not have the requested material safety data sheet, the committee shall request the sheet from the facility owner or operator and then make the sheet available to the person in accordance with section 324 of this title.

5.2.6 Initial Submission and Updating of MSDS (SDS)

As provided in EPCRA Section 311(d), if a facility acquires a **new** hazardous chemical that exceeds its reporting threshold, the facility is required to submit the MSDS (SDS) within three months to their SERC or TERC, LEPC or TEPC and the local fire department with jurisdiction over the facility. *See Section 311(d)(1)(B).*

If a facility discovers any **significant new information** about a chemical, then the facility is required to provide a revised MSDS (SDS) to replace the original MSDS (SDS) within three months. *See Section 311(d)(2).*

EPCRA Section 311(d): Initial submission and updating

(1) The initial material safety data sheet or list required under this section with respect to a hazardous chemical shall be provided before the later of—
(A) 12 months after October 17, 1986, or
(B) 3 months after the owner or operator of a facility is required to prepare or have available a material safety data sheet for the chemical under the Occupational Safety and Health Act of 1970 [29 U.S.C. 651 et seq.] and regulations promulgated under that Act.
(2) Within 3 months following discovery by an owner or operator of significant new information concerning an aspect of a hazardous chemical for which a material safety data sheet was previously submitted to the local emergency planning committee under subsection (a), a revised sheet shall be provided to such person.

5.2.7 Trade Secrets and MSDS (SDS)

If a manufacturer is making a trade secret claim for a hazardous chemical (pure or mixture) in accordance with trade secret provisions under EPCRA Section 322, the downstream user of the chemical may not be able to provide the MSDS (SDS) with the trade secret chemical identity revealed upon request to the LEPC or TEPC. However, the downstream user may provide the MSDS/SDS for the hazardous chemical to the LEPC or TEPC as it will contain a generic name as well as potential hazards, which would still be useful for planners and responders. Facilities are required to file trade secret claims with EPA. You may contact EPA to determine which facilities in your planning district submitted trade secret claims.

EPCRA Trade Secret provisions (Section 322) are covered in Chapter 6.

5.2.8 Exemptions from the Definition of "Hazardous Chemical"

EPCRA Section 311(e): "Hazardous chemical" defined

For purposes of this section, the term ''hazardous chemical'' has the meaning given such term by section 1910.1200(c) of title 29 of the Code of Federal Regulations, except that such term does not include the following:

(1) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.
(2) Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.
(3) Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public.
(4) Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual.
(5) Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

Although OSHA HCS may require an MSDS (SDS) for a hazardous chemical, EPCRA Section 311(e) provides five exemptions from the definition of "hazardous chemical." These exemptions

apply to specific substances only—how they are present or used at the facility. They are not for an entire facility, unless the only substances present at the facility are the ones noted in these exemptions. The five exemptions, as well as a few scenarios on how these exemptions may apply, are provided below. These and other frequently asked questions (FAQs) are posted on EPA's website at https://www.epa.gov/epcra/emergency-planning-and-community-right-know-act-frequent-questions.

Exemption 1: Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration	**Question:** Is FDA-regulated flour bleaching exempt? A facility owner/operator uses chlorine to bleach flour at his/her facility. Would this facility owner/operator be exempt from reporting the chlorine used to bleach flour under EPCRA Section 311/312?
	Answer: EPCRA Section 311(e)(1) exempts any food, food additive, drug, or cosmetic regulated by the FDA. EPA considers a substance to be regulated by the FDA as long as the substance is used in a manner that is consistent with the FDA regulations. FDA regulations (21 CFR part 137) regulate the bleaching of flour with chlorine. Chlorine, therefore, is exempt from reporting under EPCRA Sections 311/312 when its use at a facility is consistent with this FDA regulation (i.e., the bleaching of flour). However, if the facility uses part of the chlorine stored on site for other purposes, such as wastewater treatment or for cleaning process equipment, then that amount of chlorine should be considered for threshold determination. https://www.epa.gov/epcra/fda-regulated-flour-bleaching-exempt

Exemption 2: Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use	**Question:** Under EPCRA Section 311(e)(2), any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use is exempt from the definition of hazardous chemical and therefore need not be reported under EPCRA Sections 311 and 312. However, modifying any portion of the solid manufactured item where exposure to a hazardous chemical can occur negates the exemption. How does the facility determine compliance?
	Answer: Facilities only must include and count the amount of fumes or dust emitted or released from a piece of metal, brick, or any other manufactured solid item that undergoes a modification process (e.g., cutting, welding, etc.) to determine whether the EPCRA Sections 311 and 312 reporting thresholds have been reached. EPA believes it is unnecessary to count the weight of the entire solid manufactured item for emergency planning and community right-to-know purposes. (July 13, 2010, guidance and interpretations *Federal Register* notice (75 FR 39852).) https://www.epa.gov/epcra/determining-epcra-311-312-compliance-after-modifying-solid-manufactured-item

Exemption 3: Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public	**Question:** A facility sells automobile batteries wholesale. Are these batteries at the wholesaler's facility exempt from reporting under EPCRA Sections 311/312 due to the household product exemption under EPCRA Section 311(e)(3)?
	Answer: Section 311(e)(3) exempts from the definition of hazardous chemical "(a)ny substance to the extent is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public." This exclusion applies to household or consumer products either in use by the general public or in commercial or industrial use when the product has the same form and concentration as that intended for use by the general public. The term "form" refers to the packaging, rather than the physical state of the substance. Therefore, car batteries held for sale by a wholesaler are exempt from reporting since the hazardous chemicals contained are in the same form and concentration as batteries sold for use by the general public. https://www.epa.gov/epcra/are-automobile-batteries-wholesaler-exempted-epcra-311-and-312

Exemption 4: Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual	**Question:** There are exemptions for research laboratories and medical facilities under Sections 311 and 312. Are research laboratories and medical facilities exempt from reporting under Sections 311 and 312?
	Answer: Research laboratories and medical facilities are not exempt from the reporting requirements under Sections 311 and 312; rather, Section 311(c)(4) of Title III excludes from the definition of hazardous chemical "any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual." The exclusion applies to research laboratories**,** as well as quality control laboratory operations**,** located within manufacturing facilities. Laboratories that produce chemical specialty products or full-scale pilot plant operations are considered to be part of the manufacturing facility and therefore would not be "research laboratories." With respect to hospitals or medical facilities, the exemption applies only to hazardous chemicals that are used at the facility for medical purposes under the supervision of a "technically qualified individual." Veterinary facilities are included. https://www.epa.gov/epcra/exemption-research-laboratories-and-medical-facilities-under-311-and-312

Exemption 5: Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer	**Question:** Agricultural use exemption and fuels. Does the agricultural use exemption, Section 311(e)(5), apply to fuels used by harvesting services to transport crops from the farm to the market or the food processor? Does the agricultural use exemption apply to the fuel used by the farmer to transport crops from the farm to the market or the food processor?
	Answer: The exemption for routine agricultural use under Sections 311 and 312 is designed to eliminate the reporting of fertilizers, pesticides, and other chemical substances when applied, administered, or otherwise used as part of routine agricultural activities (October 15, 1987, 52 FR 38344). In other words, the agricultural exemption is intended primarily to cover hazardous chemicals used or stored at the farm facility. The term "agricultural" is a broad term encompassing a wide range of growing operations, farms, nurseries and other horticultural operations (52 FR 38344). Harvesting service is not considered to be part of the growing operation. Therefore, the fuel used by the harvesting service must be reported under Sections 311 and 312 if it exceeds the reporting threshold. However, fuel used by the farmer and that is located at the farm itself would be exempt. https://www.epa.gov/faqs/search/topics/emergency-planning-and-community-right-know-304487?search_api_views_fulltext=agricultural+use.

EPA was informed that the second portion of the exemption provided in Section 311(e)(5), "routine agricultural operations or is a fertilizer held for sale," is the most confusing to the regulated community. We have several FAQs on this exemption on our website at https://www.epa.gov/faqs/search/topics/emergency-planning-and-community-right-know-304487?search_api_views_fulltext=section+311%28e%29%285%29.

Planners and responders are encouraged to review these FAQs to be better informed about how certain activities and/or substances are covered and/or not covered under this exemption. If you believe that certain facilities—particularly retailers of fertilizers in your planning district—are not complying with Sections 311 and 312 reporting requirements, you should reach out to these facilities to ensure they comply so you can include these facilities in the emergency response plan.

5.3 EPCRA Section 312—Hazardous Chemical Inventory Forms

Sections 311 and 312 require reporting on the OSHA hazardous chemicals present at the facility. The reporting thresholds, and the entities that receive those reports, are the same for both Sections 311 and 312; however, the information reported and the reporting timelines are different for these sections.

The five exemptions provided in EPCRA Section 311(e), discussed in section 5.2.8 of this chapter, are also applicable to Section 312.

EPCRA Section 312: Emergency and hazardous chemical inventory forms

(a) Basic requirement

(1) The owner or operator of any facility which is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970 [29 U.S.C. 651 et seq.] and regulations promulgated under that Act shall prepare and submit an emergency and hazardous chemical inventory form (hereafter in this chapter referred to as an ''inventory form'') to each of the following:

(A) The appropriate local emergency planning committee.

(B) The State emergency response commission.

(C) The fire department with jurisdiction over the facility.

(2) The inventory form containing tier I information (as described in subsection (d)(1)) shall be submitted on or before March 1, 1988, and annually thereafter on March 1, and shall contain data with respect to the preceding calendar year. The preceding sentence does not apply if an owner or operator provides, by the same deadline and with respect to the same calendar year, tier II information (as described in subsection (d)(2)) to the recipients described in paragraph (1).

(3) An owner or operator may meet the requirements of this section with respect to a hazardous chemical which is a mixture by doing one of the following:

(A) Providing information on the inventory form on each element or compound in the mixture which is a hazardous chemical. If more than one mixture has the same element or compound, only one listing on the inventory form for the element or compound at the facility is necessary.

(B) Providing information on the inventory form on the mixture itself.

(b) Thresholds

The Administrator may establish threshold quantities for hazardous chemicals covered by this section below which no facility shall be subject to the provisions of this section. The threshold quantities may, in the Administrator's discretion, be based on classes of chemicals or categories of facilities.

(c) Hazardous chemicals covered

A hazardous chemical subject to the requirements of this section is any hazardous chemical for which a material safety data sheet or a listing is required under section 311 of this title.

(d) Contents of form

(1) Tier I information

(A) Aggregate information by category

An inventory form shall provide the information described in subparagraph (B) in aggregate terms for hazardous chemicals in categories of health and physical hazards as set forth under the Occupational Safety and Health Act of 1970 [29 U.S.C. 651 et seq.] and regulations promulgated under that Act.

(B) Required information

The information referred to in subparagraph (A) is the following:

(i) An estimate (in ranges) of the maximum amount of hazardous chemicals in each category present at the facility at any time during the preceding calendar year.

(ii) An estimate (in ranges) of the average daily amount of hazardous chemicals in each category present at the facility during the preceding calendar year.

(iii) The general location of hazardous chemicals in each category.

(C) Modifications

For purposes of reporting information under this paragraph, the Administrator may—

(i) modify the categories of health and physical hazards as set forth under the Occupational Safety and Health Act of 1970 [29 U.S.C. 651 et seq.] and regulations promulgated under that Act by requiring information to be reported in terms of groups of hazardous chemicals which present similar hazards in an emergency, or

(ii) require reporting on individual hazardous chemicals of special concern to emergency response personnel.

(2) Tier II information

An inventory form shall provide the following additional information for each hazardous chemical present at the facility, but only upon request and in accordance with subsection (e):

(A) The chemical name or the common name of the chemical as provided on the material safety data sheet.

(B) An estimate (in ranges) of the maximum amount of the hazardous chemical present at the facility at any time during the preceding calendar year.

(C) An estimate (in ranges) of the average daily amount of the hazardous chemical present at the facility during the preceding calendar year.

(D) A brief description of the manner of storage of the hazardous chemical.

(E) The location at the facility of the hazardous chemical.

(F) An indication of whether the owner elects to withhold location information of a specific hazardous chemical from disclosure to the public under section 324 of this title.

5.3.1 Tier I and Tier II Forms

EPCRA Section 312 requires facilities covered by Section 311 to submit an emergency and hazardous chemical inventory form ("Tier I" or "Tier II") to the SERC or TERC, LEPC or TEPC, and the local fire department, annually, by March 1.

As required by the statute, EPA first published Tier I and Tier II forms in 1987, which have been revised a few times since. The current forms are posted on EPA's website at

https://www.epa.gov/epcra/tier-i-forms-and-instructions

https://www.epa.gov/epcra/tier-ii-forms-and-instructions.

The Tier I inventory form only requires aggregate information for each applicable hazard category:

- An estimate (in ranges) of the maximum amount of hazardous chemicals for each category present at the facility at any time during the preceding calendar year.
- An estimate (in ranges) of the average daily amount of hazardous chemicals in each category.
- The general location of hazardous chemicals in each category.

The Tier II inventory form contains basically the same information as Tier I, but it lists the specific chemicals. The Tier II inventory form provides the following information for each chemical:

- The chemical name or the common name as indicated on the MSDS (SDS).
- An estimate (in ranges) of the maximum amount of the chemical present at any time during the preceding calendar year and the average daily amount.
- 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 elects to withhold location information from disclosure to the public.

Although the statute requires owners or operators to prepare both Tier I and Tier II forms, all states require detailed information in Tier II forms using a state-developed electronic format or Tier2 Submit (software developed by EPA and NOAA) (see section 5.3.4 of this chapter). The current Tier II form is shown below.

☐ 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** *Specific Information by Chemical*	***For Official Use Only*** ***State ID#:*** ***Date Received***

Facility Identification

Name	*Maximum No. of Occupants:* ☐ N/A	☐ Manned	☐Unmanned
Street	*County*	*City*	*State* *Zip*
Latitude	*Longitude*	*NAICS Code*	*Phone Number (optional)* ( )
Dun & Bradstreet Number	*TRI Facility ID:* ☐ N/A	*RMP Facility ID:* ☐ N/A	
Subject to Emergency Planning under Section 302 of EPCRA (40 CFR part 355)?		☐ Yes	☐ No
Subject to Chemical Accident Prevention under Section 112(r) of CAA (40 CFR part 68, Risk Management Program)?		☐ Yes	☐ No

Owner or Operator Information	**Parent Company Information (optional)**
Name	*Name* *Dun & Bradstreet Number:*
Address	*Address*
Phone Number *Email* ( )	*Phone Number* *Email* ( )
Facility Emergency Coordinator (if applicable)	**Tier II Information Contact**
Name *Title*	*Name* *Title*
Email Address	*Email Address*
Phone Number *24-hour Phone* ( ) ( )	*Phone Number* ( )
Emergency Contacts	
Name	*Name*
Title	*Title*
Phone Number *24-hour Phone* ( ) ( )	*Phone Number* *24-hour Phone* ( ) ( )
Email Address	*Email Address*

Certification *(Read and sign after completing all sections)*

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.

Name and official title of owner/operator OR owner/operator's authorized representative

Signature _____ Date Signed _____

Reporting Ranges
Weight Range in pounds

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

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.

EPA Form No. 8700-30 **OMB Control No. 2050-0072** Expiration Date: 03/31/2022 **Page 1 of ___**

Figure 22. Tier II form.

EPA Form No. 8700-30 OMB Control No. 2050-0072 Page __ of ___

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

Figure 22 (continued). Tier II form.

EPA learned that many LEPCs use the annual information received on the Tier II inventory form to modify or implement the local emergency response plan. The Tier II form contains up-to-date information on EHSs, as well as all other OSHA hazardous chemicals.

EPA adopted the hazard categories from OSHA HCS at 29 CFR 1900.10 to be used for reporting on the Tier II inventory form. *See Figure 23.*

The Tier II inventory form also requires facilities to provide contact information for the following individuals at each facility: Tier II information contact; facility emergency coordinator; and 24-hour emergency contacts. This information should be included in the local emergency response plan.

Physical Hazards	Health Hazards
•Flammable (gases, aerosols, liquids, or solids) •Gas under pressure •Explosive •Self-heating •Pyrophoric (liquid or solid) •Oxidizer (liquid, solid or gas) •Organic peroxide •Self-reactive •In contact with water emits flammable gas •Corrosive to metal •Hazard not otherwise classified (HNOC)	•Carcinogenicity •Acute toxicity (any route of exposure) •Reproductive toxicity •Skin corrosion or irritation •Respiratory or skin sensitization •Serious eye damage or eye irritation •Specific target organ toxicity (single or repeated exposure) •Germ cell mutagenicity •Aspiration hazard •Hazard not otherwise classified (HNOC)

Figure 23. Hazard categories for the Tier II inventory form, from OSHA HCS.

5.3.2 Reporting Thresholds

The reporting thresholds for chemicals subject to reporting under EPCRA Section 312 are the same as those covered by Section 311, discussed in section 5.2.1 of this chapter. The implementing regulations for Sections 311 and 312 are codified in 40 CFR Part 370. https://www.ecfr.gov/cgi-bin/text-idx?SID=b7c6bd9a09aa6969f5cb41d43efc3371&mc=true&node=pt40.30.370&rgn=div5

5.3.3 Exemptions from the Definition of "Hazardous Chemical"

The five exemptions provided in EPCRA Section 311(e) are also applicable to Section 312, *hazardous chemical inventory reporting (Tier II)*. These exemptions and their examples are provided in section 5.2.8 of this chapter.

Note: These exemptions do not apply to EPCRA Section 302, Emergency Planning Notification. As noted in Chapter 2, there are no exemptions in EPCRA Section 302, except for substances in transportation or stored incident to transportation.

5.3.4 Electronic Reporting: Tier2 Submit and State-Developed Reporting Software

Most states require facilities to submit the federal Tier II inventory form as a hard copy or using the Tier2 Submit software (https://www.epa.gov/epcra/tier2-submit-software). Others require facilities to use state-developed reporting software. See https://www.epa.gov/epcra/state-tier-ii-reporting-requirements-and-procedures for links to state reporting requirements.

5.3.5 Tier II Information Availability to State, Tribal and Local Officials and the Public

EPCRA Section 312(e): Availability of Tier II information

(1) Availability to State commissions, local committees, and fire departments

Upon request by a State emergency response commission, a local emergency planning committee, or a fire department with jurisdiction over the facility, the owner or operator of a facility shall provide tier II information, as described in subsection (d), to the person making the request. Any such request shall be with respect to a specific facility.

(2) Availability to other State and local officials

A State or local official acting in his or her official capacity may have access to tier II information by submitting a request to the State emergency response commission or the local emergency planning committee. Upon receipt of a request for tier II information, the State commission or local committee shall, pursuant to paragraph (1), request the facility owner or operator for the tier II information and make available such information to the official.

(3) Availability to public

(A) In general

Any person may request a State emergency response commission or local emergency planning committee for tier II information relating to the preceding calendar year with respect to a facility. Any such request shall be in writing and shall be with respect to a specific facility.

(B) Automatic provision of information to public

Any tier II information which a State emergency response commission or local emergency planning committee has in its possession shall be made available to a person making a request under this paragraph in accordance with section 324 of this title. If the State emergency response commission or local emergency planning committee does not have the tier II information in its possession, upon a request for tier II information the State emergency response commission or local emergency planning committee shall, pursuant to paragraph (1), request the facility owner or operator for tier II information with respect to a hazardous chemical which a facility has stored in an amount in excess of 10,000 pounds present at the facility at any time during the preceding calendar year and make such information available in accordance with section 324 of this title to the person making the request.

(C) Discretionary provision of information to public

In the case of tier II information which is not in the possession of a State emergency response commission or local emergency planning committee and which is with respect to a hazardous chemical which a facility has stored in an amount less than 10,000 pounds present at the facility at any time during the preceding calendar year, a request from a person must include the general need for the information. The State emergency response commission or local emergency planning committee may, pursuant to paragraph (1), request the facility owner or operator for the tier II information on behalf of the person making the request. Upon receipt of any information requested on behalf of such person, the State emergency response

commission or local emergency planning committee shall make the information available in accordance with section 324 of this title to the person.

(D) Response in 45 days

A State emergency response commission or local emergency planning committee shall respond to a request for tier II information under this paragraph no later than 45 days after the date of receipt of the request.

In addition to preparing the community for a chemical incident, EPCRA also requires SERCs, TERCs, LEPCs and TEPCs to provide public access to the information received on hazardous chemicals handled at each facility in their community. You may establish procedures for handling such requests from the public, such as setting up reading rooms as stated in EPCRA Section 301.

While all states require facilities to submit Tier II information (via electronic or hard copy), SERCs or TERCs, LEPCs or TEPCs, and fire departments may request Tier II information from facilities that have not complied with the reporting requirements.

The public can also request Tier II information from their SERC or TERC or LEPC or TEPC for a specific facility. If the facility in question had less than 10,000 pounds of the chemical at their facility in the preceding year, the requestor must include why the information is needed. The SERC or TERC and LEPC or TEPC must respond to these requests within 45 days.

Public access to EPCRA information is discussed in Chapter 8.

EPCRA Section 312(e) provides that any person may request Tier II information concerning a specific chemical at a facility through the LEPC or TEPC or SERC or TERC. If a facility has not submitted Tier II information for any hazardous chemical stored above the reporting thresholds, you may request it from the facility and provide it to the requestor (state or local official or to the public).

5.3.6 Confidential Location Information

EPCRA Section 312 allows the owner or operator of facilities to withhold the specific locations of hazardous chemicals on their Tier II inventory form if they submit a confidential location information sheet to their SERC or TERC and LEPC or TEPC. The confidential location information sheet must be submitted by facilities at the time they submit the Tier II inventory form (https://www.epa.gov/sites/production/files/2018-02/documents/t2_confidential_location_info_form_020818.pdf).

SERCs, TERCs, LEPCs, and TEPCs should not release the confidential location information of hazardous chemicals to the public if facilities submit the confidential location information sheet along with their Tier II report.

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

Figure 24. Section 312 allows facility owners or operators to withhold specific locations of hazardous chemicals on the Tier II Confidential Location Form located on the EPCRA website.

5.3.7 Fire Department Access

EPCRA Section 312(f): Fire department access

Upon request to an owner or operator of a facility which files an inventory form under this section by the fire department with jurisdiction over the facility, the owner or operator of the facility shall allow the fire department to conduct an on-site inspection of the facility and shall provide to the fire department specific location information on hazardous chemicals at the facility.

EPCRA Section 312(f) states that the owner or operator of any facility subject to the Section 312 reporting requirements must provide access to the local fire department to conduct inspections. The facility is also required to provide the specific location information of the hazardous chemicals stored on site. This requirement does not modify or preempt any fire codes that may apply.

LEPCs and TEPCs should encourage fire departments in their community to use their authority to conduct inspections of facilities in their jurisdiction so they may prepare and protect themselves and the community when responding to an emergency situation. LEPC and TEPC members may accompany fire department inspectors to learn more about the facilities in their community and the risks.

5.4 Amendments to EPCRA Section 312 under the America's Water Infrastructure Act of 2018

EPCRA Section 312(e)(4): Availability to community water systems

(A) In general
An affected community water system may have access to tier II information by submitting a request to the State emergency response commission or the local emergency planning committee. Upon receipt of a request for tier II information, the State commission or local committee shall, pursuant to paragraph (1), request the facility owner or operator for the tier II information and make available such information to the affected community water system.

(B) Definition
In this paragraph, the term ''affected community water system'' means a community water system (as defined in section 300f(15) of this title) that receives supplies of drinking water from a source water area, delineated under section 300j–13 of this title, in which a facility that is required to prepare and submit an inventory form under subsection (a)(1) is located.

In addition to amending EPCRA Section 304 (*see Chapter 4 of this document*), the America's Water Infrastructure Act (AWIA) also amended EPCRA Section 312 by adding paragraph (4) to Section 312(e).

These amendments require SERCs, TERCs, LEPCs and TEPCs to provide Tier II information to community water systems upon request. As stated in Chapter 4, community water systems should be encouraged to join the LEPC to ensure collaboration for protecting the community.

A fact sheet on AWIA requirements and answers to frequently asked questions are located on EPA's website at https://www.epa.gov/epcra/amendments-epcra-americas-water-infrastructure-act.

5.5 Summary of Sections 311 and 312: Reports, Chemical Covered, Entities Receiving the Reports

	Section 311	Section 312
Reports	MSDSs (or SDSs)	Annual Report of Chemical Inventory (Tier I or Tier II)
Chemicals Covered	Approximately 800,000 OSHA hazardous chemicals, which includes EPCRA EHSs	Approximately 800,000 OSHA hazardous chemicals, which includes EPCRA EHSs
Reporting Thresholds	• EHS: 500 pounds or the TPQ, whichever is less • Gasoline:* 75,000 gallons (or about 283,900 liters) • Diesel:* 100,000 gallons (or about 378,500 liters) • All other hazardous chemicals: 10,000 pounds.	• EHS: 500 pounds or the TPQ, whichever is less • Gasoline:* 75,000 gallons (or about 283,900 liters); • Diesel:* 100,000 gallons (or about 378,500 liters) • All other hazardous chemicals: 10,000 pounds.
How and When to Notify	MSDSs (SDSs) or list of chemicals within 3 months on site	Tier II Inventory Report annually by March 1
Whom to Notify	• SERC (or TERC) • LEPC (or TEPC) • Fire department with jurisdiction over facility	• SERC (or TERC) • LEPC (or TEPC) • Fire department with jurisdiction over facility

* *Note: These thresholds are only applicable for gasoline and diesel that was present at retail gas stations in tank(s) that were entirely underground and were in compliance at all times during the preceding calendar year with all applicable UST requirements at 40 CFR part 280 or requirements of the state UST program approved by the Agency under 40 CFR part 281.*

Figure 25. Summary of Sections 311 and 312.

Chapter 6. EPCRA Section 322: Trade Secrets

EPCRA Section 322(a). Authority to withhold information

(1) General authority

(A) With regard to a hazardous chemical, an extremely hazardous substance, or a toxic chemical, any person required under section 303(d)(2), 303(d)(3), 311, 312, or 313 of this title to submit information to any other person may withhold from such submittal the specific chemical identity (including the chemical name and other specific identification), as defined in regulations prescribed by the Administrator under subsection (c), if the person complies with paragraph (2).

(B) Any person withholding the specific chemical identity shall, in the place on the submittal where the chemical identity would normally be included, include the generic class or category of the hazardous chemical, extremely hazardous substance, or toxic chemical (as the case may be).

(2) Requirements

(A) A person is entitled to withhold information under paragraph (1) if such person—

(i) claims that such information is a trade secret, on the basis of the factors enumerated in subsection (b),

(ii) includes in the submittal referred to in paragraph (1) an explanation of the reasons why such information is claimed to be a trade secret, based on the factors enumerated in subsection (b), including a specific description of why such factors apply, and

(iii) submits to the Administrator a copy of such submittal, and the information withheld from such submittal.

(B) In submitting to the Administrator the information required by subparagraph (A)(iii), a person withholding information under this subsection may—

(i) designate, in writing and in such manner as the Administrator may prescribe by regulation, the information which such person believes is entitled to be withheld under paragraph (1), and

(ii) submit such designated information separately from other information submitted under this subsection.

(3) Limitation

The authority under this subsection to withhold information shall not apply to information which the Administrator has determined, in accordance with subsection (c), is not a trade secret.

Section 322 allows facilities to claim specific chemical identity as a trade secret from certain EPCRA reports submitted to the SERC, TERC, LEPC, TEPC and the fire department. The statute does not allow facilities to file trade secret claims under Section 304, emergency release notification.

Facilities that wish to file trade secret claims are required to submit the EPCRA report with the chemical identity and the substantiation to EPA. States and local agencies only receive the

sanitized (i.e. trade secret information removed) copies of the EPCRA reports and the substantiation form, and not the trade secret information itself.

EPCRA Section 322(b): Trade secret factors

No person required to provide information under this chapter may claim that the information is entitled to protection as a trade secret under subsection (a) unless such person shows each of the following:

(1) Such person has not disclosed the information to any other person, other than a member of a local emergency planning committee, an officer or employee of the United States or a State or local government, an employee of such person, or a person who is bound by a confidentiality agreement, and such person has taken reasonable measures to protect the confidentiality of such information and intends to continue to take such measures.

(2) The information is not required to be disclosed, or otherwise made available, to the public under any other Federal or State law.

(3) Disclosure of the information is likely to cause substantial harm to the competitive position of such person.

(4) The chemical identity is not readily discoverable through reverse engineering.

Before filing a trade secret claim, a facility must show that the chemical identity has not been disclosed to any other person other than:

- Members of the LEPC.
- A federal government employee or officer.
- A state or local government employee.
- A facility employee or other person bound by a confidentiality agreement.

The facility must also show the following on the substantiation form:

- Reasonable measures have been taken to protect the confidentiality of chemicals.
- Facilities intend to continue to take such measures.
- Information is not required to be disclosed to the public under any other federal or state law.
- Information is likely to cause substantial harm to the competitive position of the person or facility.
- Chemical identity is not readily discoverable through reverse engineering.

6.1 Trade Secret Regulations

EPCRA Section 322(c): Trade secret regulations

As soon as practicable after October 17, 1986, the Administrator shall prescribe regulations to implement this section. With respect to subsection (b)(4) of this section, such regulations shall be equivalent to comparable provisions in the Occupational Safety and Health Administration Hazard Communication Standard (29 C.F.R. 1910.1200) and any revisions of such standard prescribed by the Secretary of Labor in accordance with the final ruling of the courts of the United States in United Steelworkers of America, AFL–CIO–CLC v. Thorne G. Auchter.

As directed by EPCRA Section 322(c), EPA published *Trade Secret Regulations* on July 29, 1988, in a *Federal Register* notice (53 FR 28772), and subsequently, made minor revisions to these regulations. The implementing regulations are at 40 CFR Part 350, https://www.ecfr.gov/current/title-40/chapter-I/subchapter-J/part-350?toc=1

If trade secret claims are submitted to EPA, facilities are required to submit the sanitized copies of the EPCRA reports and the sanitized substantiation at the same time to the state and local authorities according to Section 322(a)(2)(ii) of the statute.

Except for release reporting under EPCRA Section 304, a facility may claim a trade secret for the specific chemical identity from the following EPCRA reports.

6.2 Facilities—Procedures for Filing Trade Secret Claims

The following is a brief description of which EPCRA reports allow a facility to claim specific chemical identity as a trade secret. SERCs, TERCs, LEPCs and TEPCs may check with EPA to find out which facilities in their state/tribe/planning district submitted a trade secret package to EPA. Details on these procedures can be found in the regulations at https://www.ecfr.gov/cgi-bin/text-idx?SID=1fe4d9656fd47e8a4a7d680552747675&mc=true&tpl=/ecfrbrowse/Title40/40cfr350_main_02.tpl.

The instructions and the substantiation forms are available on the EPA website at https://www.epa.gov/epcra/epcra-trade-secret-forms-and-instructions.

6.2.1 Trade Secrecy Claim for the Development of an Emergency Plan (EPCRA Section 303)

Under Section 303(d)(2), facilities are required to inform their LEPC or TEPC of any relevant changes to emergency planning that may or are about to occur. Under Section 303(d)(3), LEPCs and TEPCs may request facilities to provide any information for developing and modifying the emergency plan.

EPCRA Sections 303(d)(2) and (d)(3) only apply to facilities subject to emergency planning notification under Section 302—that is, facilities that have EHSs on site at or above their TPQs. The statute does not specify the format or any details of this notification (e.g., name of the EHSs,

the amount stored on site, etc.). Some facilities may volunteer to provide all details about the chemicals stored, location and the amount, etc. If facilities do not provide any details, LEPCs and TEPCs have the authority to request any information under Sections 302(d)(2) and (d)(3). However, due to the provisions under EPCRA Section 322, *Trade Secrets,* facilities can submit the trade secret claim package to EPA for the specific chemical identity.

A facility may claim the specific chemical identity as a trade secret when providing information under these two sections. Instead of providing the actual chemical name, the facility is required to provide LEPCs and TEPCs the generic chemical name, which would be descriptive of the actual identity of the chemical.

If LEPCs and TEPCs wish to know if a particular facility in their planning district has claimed trade secrets, they may contact EPA to confirm.

6.2.2 Trade Secrecy Claim for Hazardous Chemical Inventory Reporting—MSDS, List of Hazardous Chemicals and Tier II Form (EPCRA Sections 311 and 312)

The hazardous chemical inventory reporting provisions require facilities to submit MSDSs, (SDSs), a list of hazardous chemicals, and the inventory form (Tier II form or the state equivalent) to the SERC or TERC, LEPC or TEPC and the local fire department. Facilities may withhold a specific chemical identity from each of these submissions but must submit a trade secrecy claim package to EPA.

6.3 Public Petitions Requesting Disclosure of a Trade Secret Chemical

EPCRA Section 322(d): Petition for review

(1) In general
Any person may petition the Administrator for the disclosure of the specific chemical identity of a hazardous chemical, an extremely hazardous substance, or a toxic chemical which is claimed as a trade secret under this section. The Administrator may, in the absence of a petition under this paragraph, initiate a determination, to be carried out in accordance with this subsection, as to whether information withheld constitutes a trade secret.

(2) Initial review
Within 30 days after the date of receipt of a petition under paragraph (1) (or upon the Administrator's initiative), the Administrator shall review the explanation filed by a trade secret claimant under subsection (a)(2) and determine whether the explanation presents assertions which, if true, are sufficient to support a finding that the specific chemical identity is a trade secret.

(3) Finding of sufficient assertions
(A) If the Administrator determines pursuant to paragraph (2) that the explanation presents sufficient assertions to support a finding that the specific chemical identity is a trade secret, the Administrator shall notify the trade secret claimant that he has 30 days to supplement the explanation with detailed information to support the assertions.

(B) If the Administrator determines, after receipt of any supplemental supporting detailed information under subparagraph (A), that the assertions in the explanation are true and that the specific chemical identity is a trade secret, the Administrator shall so notify the petitioner and the petitioner may seek judicial review of the determination.

(C) If the Administrator determines, after receipt of any supplemental supporting detailed information under subparagraph (A), that the assertions in the explanation are not true and that the specific chemical identity is not a trade secret, the Administrator shall notify the trade secret claimant that the Administrator intends to release the specific chemical identity. The trade secret claimant has 30 days in which he may appeal the Administrator's determination under this subparagraph to the Administrator. If the Administrator does not reverse his determination under this subparagraph in such an appeal by the trade secret claimant, the trade secret claimant 1 may seek judicial review of the determination.

(4) Finding of insufficient assertions

(A) If the Administrator determines pursuant to paragraph (2) that the explanation presents insufficient assertions to support a finding that the specific chemical identity is a trade secret, the Administrator shall notify the trade secret claimant that he has 30 days to appeal the determination to the Administrator, or, upon a showing of good cause, amend the original explanation by providing supplementary assertions to support the trade secret claim.

(B) If the Administrator does not reverse his determination under subparagraph (A) after an appeal or an examination of any supplementary assertions under subparagraph (A), the Administrator shall so notify the trade secret claimant and the trade secret claimant may seek judicial review of the determination.

(C) If the Administrator reverses his determination under subparagraph (A) after an appeal or an examination of any supplementary assertions under subparagraph (A), the procedures under paragraph (3) of this subsection apply.

The public may request from EPA, in writing, the disclosure of the chemical identity claimed as trade secret. EPA will make a determination on the petition within nine months of receipt of such a petition.

EPA may review a trade secret claim to determine its validity upon receipt of a petition or may initiate such a review at any time. EPA will notify the facility if the trade secret claim package contains insufficient information and may request additional information from the submitter. EPA will also notify the submitter if the claim is valid.

6.4 Trade Secret Access for Health Professionals

EPCRA Section 322(e): Exception for information provided to health professionals

Nothing in this section, or regulations adopted pursuant to this section, shall authorize any person to withhold information which is required to be provided to a health professional, a doctor, or a nurse in accordance with section 323 of this title.

While EPCRA Section 322 allows facilities to file trade secret claims for specific chemical identities on certain EPCRA reports, EPCRA Section 323 authorizes health professionals to obtain this information as specified in the statute. Details on this are covered in Chapter 7 of this document.

6.5 Information Provided to the State

EPCRA Section 322(g) Information provided to State

Upon request by a State, acting through the Governor of the State, the Administrator shall provide to the State any information obtained under subsection (a)(2) and subsection (d)(3).

Any state may request access to trade secret claims, substantiations and additional information submitted to EPA. Under Section 322(g) of EPCRA, the governor of the state may request that EPA provide trade secret information, including specific chemical identities and substantiations that the facilities in their state submitted. However, under Section 325(d)(2), the governors are prevented from "knowingly and willfully" disclosing trade secret information to the public. The governor of a state that receives access to trade secret information may disclose it only to state employees.

EPA may provide access to any state if (a) the request is in writing; (b) the request is from the governor of the state; and (c) the state agrees to safeguard the information.

While EPA believes that it would be beneficial to state and local preparedness and planning to access information on trade secrets, it was determined that these potential advantages were outweighed by the possible consequences of unintended disclosure of bona fide trade secrets. Because SERCs, TERCs, LEPCs and TEPCs may include representatives from industry and the public, it could be very difficult to protect trade secrets from wider disclosure. Therefore, EPA determined that only state governors may be provided access to trade secret information.

If LEPCs and TEPCs wish to know which facilities in the planning district submitted trade secret claim packages, they may contact EPA.

6.6 Information on Adverse Effects

EPCRA Section 322(h) Information on adverse effects

(1) In any case in which the identity of a hazardous chemical or an extremely hazardous substance is claimed as a trade secret, the Governor or State emergency response commission established under section 11001 of this title shall identify the adverse health effects associated with the hazardous chemical or extremely hazardous substance and shall assure that such information is provided to any person requesting information about such hazardous chemical or extremely hazardous substance.

(2) In any case in which the identity of a toxic chemical is claimed as a trade secret, the Administrator shall identify the adverse health and environmental effects associated with the toxic chemical and shall assure that such information is included in the computer

database required by section 313(j) of this title and is provided to any person requesting information about such toxic chemical.

Although a trade secret claim for a chemical is submitted to EPA, if a member of the public requests information on adverse health effects of the chemical, the governor or the SERC shall provide the requestor access to that information.

Chapter 7. EPCRA Section 323: Provision of Information to Health Professionals, Doctors, and Nurses

EPCRA Section 323 consists of three provisions regarding access to chemical identity information by health professionals. These provisions require the facility owner or operator to disclose the chemical identity, including trade secret chemical identity, to a health professional for diagnosis and treatment in the following situations:

- Non-emergency diagnosis or treatment.
- Emergency situations.
- Preventive research studies and treatment measures.

These three situations are explained below following the italicized text from the statute. The health professional is required to sign a statement regarding his or her need for the chemical identity, and a confidentiality agreement prior to disclosure, **except** in emergency situations. These two documents may be completed later in emergency situations.

7.1 Non-Emergency Diagnosis or Treatment

EPCRA Section 323(a): Diagnosis or treatment by health professional

An owner or operator of a facility which is subject to the requirements of section 311, 312, or 313 of this title shall provide the specific chemical identity, if known, of a hazardous chemical, extremely hazardous substance, or a toxic chemical to any health professional who requests such information in writing if the health professional provides a written statement of need under this subsection and a written confidentiality agreement under subsection (d). The written statement of need shall be a statement that the health professional has a reasonable basis to suspect that—

(1) the information is needed for purposes of diagnosis or treatment of an individual,
(2) the individual or individuals being diagnosed or treated have been exposed to the chemical concerned, and
(3) knowledge of the specific chemical identity of such chemical will assist in diagnosis or treatment.

Following such a written request, the owner or operator to whom such request is made shall promptly provide the requested information to the health professional. The authority to withhold the specific chemical identity of a chemical under section 322 of this title when such information is a trade secret shall not apply to information required to be provided under this subsection, subject to the provisions of subsection (d).

Any health professional performing diagnosis or treatment, not solely doctors or nurses, is permitted access to a trade secret chemical identity in a non-emergency situation.

To gain access, the health professional should write a statement of need, such as "the chemical identity is needed for diagnosis or treatment of an individual or individuals who have been exposed to the chemical of concern." In addition, the health professional must also state that knowledge of the specific chemical identity will assist in diagnosis or treatment of the exposed individual(s).

The authority to withhold the specific chemical identity provided in EPCRA Section 322 (*Trade Secrets*) does not apply in this situation. The facility owner or operator must provide this information upon receiving the statement of need.

7.2 Medical Emergency Situations

EPCRA Section 323(b): Medical emergency

An owner or operator of a facility which is subject to the requirements of section 311, 312, or 313 of this title shall provide a copy of a material safety data sheet, an inventory form, or a toxic chemical release form, including the specific chemical identity, if known, of a hazardous chemical, extremely hazardous substance, or a toxic chemical, to any treating physician or nurse who requests such information if such physician or nurse determines that—

(1) a medical emergency exists,
(2) the specific chemical identity of the chemical concerned is necessary for or will assist in emergency or first-aid diagnosis or treatment, and
(3) the individual or individuals being diagnosed or treated have been exposed to the chemical concerned.

Immediately following such a request, the owner or operator to whom such request is made shall provide the requested information to the physician or nurse. The authority to withhold the specific chemical identity of a chemical from a material safety data sheet, an inventory form, or a toxic chemical release form under section 322 of this title when such information is a trade secret shall not apply to information required to be provided to a treating physician or nurse under this subsection. No written confidentiality agreement or statement of need shall be required as a precondition of such disclosure, but the owner or operator disclosing such information may require a written confidentiality agreement in accordance with subsection (d) and a statement setting forth the items listed in paragraphs (1) through (3) as soon as circumstances permit.

The second provision of Section 323 addresses providing information to any health professional (e.g., treating physician or nurse) during medical emergencies. The statute requires the facility owner or operator to provide a copy of the MSDS (SDS) and Tier II inventory form, including the specific chemical identity, if known, to the requesting medical personnel.

The treating physician or nurse must determine that:

- A medical emergency exists.
- The specific identity of the chemical of concern is necessary for or will assist in emergency or first-aid diagnosis or treatment.

- The individual or individuals being diagnosed or treated have been exposed to the chemical of concern.

The statute does not require the treating physician or nurse to submit a written confidentiality agreement or statement of need prior to receiving the trade secret chemical identity. The owner or operator disclosing such information may, however, require a written confidentiality agreement and statement of need as soon as circumstances permit.

The authority to withhold the specific chemical identity provided in EPCRA Section 322 (*Trade Secrets*) does not apply in this situation. The facility owner or operator **must** provide this information upon receiving the statement of need.

7.3 Preventive Research Studies and Treatment Measures

EPCRA Section 323(c) Preventive measures by local health professionals

(1) Provision of information

An owner or operator of a facility subject to the requirements of section 311, 312, or 313 of this title shall provide the specific chemical identity, if known, of a hazardous chemical, an extremely hazardous substance, or a toxic chemical to any health professional (such as a physician, toxicologist, or epidemiologist)—

(A) who is a local government employee or a person under contract with the local government, and

(B) who requests such information in writing and provides a written statement of need under paragraph (2) and a written confidentiality agreement under subsection (d). Following such a written request, the owner or operator to whom such request is made shall promptly provide the requested information to the local health professional. The authority to withhold the specific chemical identity of a chemical under section 322 of this title when such information is a trade secret shall not apply to information required to be provided under this subsection, subject to the provisions of subsection (d).

This provision allows local health professional access to information on chemicals to facilitate epidemiological and toxicological research and to render medical treatment for the effects of chemical exposures.

The health professional, such as a physician, toxicologist, or epidemiologist, may be a local government employee or under contract with a local government. They should submit a written statement of need and a confidentiality agreement.

The authority to withhold the specific chemical identity provided in EPCRA Section 322 does not apply in this situation. The facility owner or operator must provide this information when they get the statement of need.

7.4 Written Statement of Need

EPCRA Section 323(c) Preventive measures by local health professionals

(2) Written statement of need

The written statement of need shall be a statement that describes with reasonable detail one or more of the following health needs for the information:

(A) To assess exposure of persons living in a local community to the hazards of the chemical concerned.

(B) To conduct or assess sampling to determine exposure levels of various population groups.

(C) To conduct periodic medical surveillance of exposed population groups.

(D) To provide medical treatment to exposed individuals or population groups.

(E) To conduct studies to determine the health effects of exposure.

(F) To conduct studies to aid in the identification of a chemical that may reasonably be anticipated to cause an observed health effect.

According to the statute, the confidentiality agreement should show that the health professional will not use the information for any purpose other than the health needs asserted in the statement of need.

EPCRA Section 323(d): Confidentiality agreement

Any person obtaining information under subsection (a) or (c) shall, in accordance with such subsection (a) or (c), be required to agree in a written confidentiality agreement that he will not use the information for any purpose other than the health needs asserted in the statement of need, except as may otherwise be authorized by the terms of the agreement or by the person providing such information. Nothing in this subsection shall preclude the parties to a confidentiality agreement from pursuing any remedies to the extent permitted by law.

Chapter 8. EPCRA Section 324: Public Availability of Plan, Data Sheets, Forms, and Follow-up Notices

EPCRA Section 324(a) Availability to Public

Each emergency response plan, material safety data sheet, list described in section 311(a)(2) of this title, inventory form, toxic chemical release form, and follow-up emergency notice shall be made available to the general public, consistent with section 322 of this title, during normal working hours at the location or locations designated by the Administrator, Governor, State emergency response commission, or local emergency planning committee, as appropriate. Upon request by an owner or operator of a facility subject to the requirements of section 312 of this title, the State emergency response commission and the appropriate local emergency planning committee shall withhold from disclosure under this section the location of any specific chemical required by section 312(d)(2) of this title to be contained in an inventory form as tier II information.

EPCRA Section 324(a) states that certain information developed under EPCRA, as well as the reports submitted by facilities under EPCRA, should be available to the public, consistent with Section 322, Trade Secret Provisions. These provisions apply to SERCs, TERCs, LEPCs and TEPCs.

As required under Section 301 of EPCRA, SERCs, TERCs, LEPCs and TEPCs should set up procedures and processes for providing information to the community. These procedures may include setting up a reading room and its operating hours, costs for photocopying information, etc.

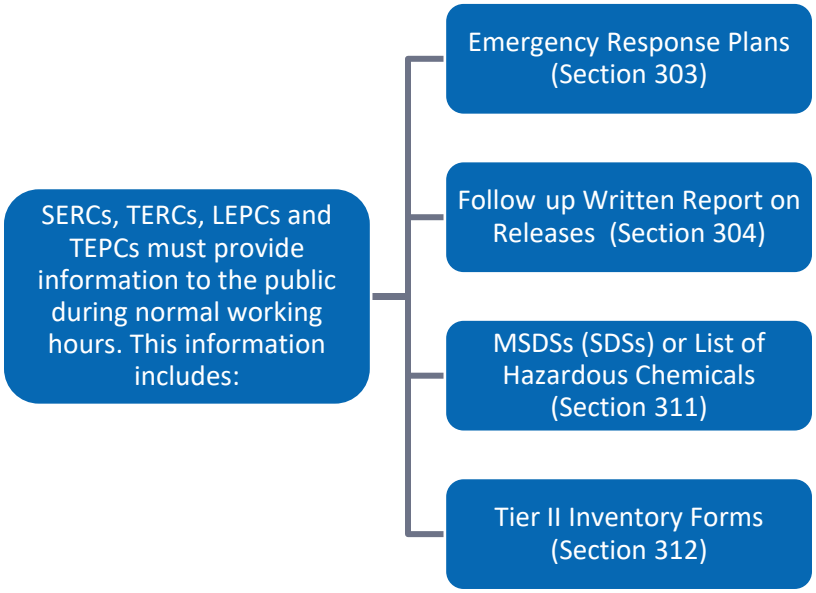

Figure 26. Public access to EPCRA information.

8.1 Public Access to EPCRA Reports

The following is a summary of information that should be available upon request to the public under EPCRA.

8.1.1 Emergency Response Plan Developed by LEPCs and TEPCs

LEPCs and TEPCs should provide citizens in their community access to the emergency response plan and encourage them to attend meetings to discuss procedures for citizens to follow in case of a chemical emergency. As required by the statute in EPCRA Section 301(c), one of the functions of the LEPCs and TEPCs are to establish rules for the organizations, which include holding public meetings to discuss the emergency plan. You can also prepare them on what to do during an emergency and how you will notify them (ex: tv or radio announcements).

8.1.2 Follow-up Emergency Notice (Follow-up Written Report)

As required under Section 304(c) of EPCRA, facilities are required to submit a follow-up report on any accidental releases of any EHSs or CERCLA hazardous substances for which they made an initial notification to the SERC or TERC and LEPC or TEPC. This follow-up report should be made available to the public. This report should be submitted by facilities within 30 days, but some states require fewer than 30 days.

8.1.3 Material Safety Data Sheet (MSDS) (or Safety Data Sheet (SDS)) or List of Hazardous Chemicals Received under Section 311(a)(2)

Citizens in your community may request MSDSs (SDSs) and/or the list of hazardous chemicals submitted by facilities near their home or local schools. Facilities have the option to either submit MSDSs (SDSs) or a list of hazardous chemicals held above the reporting thresholds. If LEPCs and TEPCs do not have the MSDSs (SDSs), they may request them from facilities.

8.1.4 Inventory Form Submitted Under Section 312 ("Tier II")

The hazardous chemical inventory form (Tier II or the state equivalent) received under Section 312 should also be made available to the public. However, community members must request information for a specific facility. SERCs, TERCs, TEPCs and LEPCs must respond to requests within 45 days after the request.

8.2 Notice of Public Availability

EPCRA Section 324(b): Notice of Public Availability

Each local emergency planning committee shall annually publish a notice in local newspapers that the emergency response plan, material safety data sheets, and inventory forms have been submitted under this section. The notice shall state that followup emergency notices may subsequently be issued. Such notice shall announce that members of the public who wish to review any such plan, sheet, form, or followup notice may do so at the location designated under subsection (a).

Section 324(b) of the statute states that LEPCs and TEPCs should publish a notice in local newspapers that the emergency plan, MSDSs (SDSs), and inventory forms are available for the community to review. Such notices shall include the location of the reading room, if established, and the hours of operation.

In addition to (or in lieu of) publishing a notice in local newspapers, EPA encourages LEPCs and TEPCs to develop a website for their organization of any activities planned, such as discussion of the emergency response plan, explanation of chemical risks and schedules for emergency plan exercises, etc. LEPCs and TEPCs may also post notices in public institutions, libraries, city hall and other places where the public normally gather or visit. You may also publish fact sheets or brochures to provide to the public. You may request assistance from your state/tribe or EPA.

Chapter 9. EPCRA Section 325: Enforcement

This chapter describes enforcement provisions of EPCRA, including types of violations and penalties.

The first part of the chapter discusses the civil, administrative and criminal penalties for facilities not complying with certain requirements of the law.[10]

The second part discusses the authority granted to state, tribal and local agencies to take enforcement actions in those situations where voluntary compliance has not occurred. LEPCs and TEPCs may either exercise enforcement action on their own or work with the state (or tribe) and EPA to enforce the provisions of the Act.

9.1 Violations of EPCRA Sections 302 and 303(d)

EPCRA Section 325(a): Civil penalties for emergency planning

The Administrator may order a facility owner or operator (except an owner or operator of a facility designated under section 302(b)(2) of this title) to comply with section 302(c) of this title and section 303(d) of this title. The United States district court for the district in which the facility is located shall have jurisdiction to enforce the order, and any person who violates or fails to obey such an order shall be liable to the United States for a civil penalty of not more than $25,000 for each day in which such violation occurs or such failure to comply continues.

EPCRA Section 325(a) authorizes the EPA to issue orders compelling compliance. The U.S. District Court for the district in which the facility is located has the authority to enforce the order and assess penalties of up to $59,107 per violation per day for each day in which such violation occurs or failure to comply with the order continues.

The EPA's authority to enforce violations of EPCRA Section 302(c) is limited to issuing an order to comply. This authority applies only to those facilities with EHSs present above the TPQs.

9.2 Violations of EPCRA Section 304 and CERCLA Section 103

EPCRA Section 325 (b): Civil, administrative, and criminal penalties for emergency notification

(1) Class I administrative penalty

(A) A civil penalty of not more than $25,000 per violation may be assessed by the Administrator in the case of a violation of the requirements of section 304 of this title.

(B) No civil penalty may be assessed under this subsection unless the person accused of the violation is given notice and opportunity for a hearing with respect to the violation.

[10] The EPA's Office of Enforcement and Compliance Assurance ensures facilities comply with EPCRA and its implementing regulations.

(C) In determining the amount of any penalty assessed pursuant to this subsection, the Administrator shall take into account the nature, circumstances, extent and gravity of the violation or violations and, with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit or savings (if any) resulting from the violation, and such other matters as justice may require.

(2) Class II administrative penalty

A civil penalty of not more than $25,000 per day for each day during which the violation continues may be assessed by the Administrator in the case of a violation of the requirements of section 11004 of this title. In the case of a second or subsequent violation the amount of such penalty may be not more than $75,000 for each day during which the violation continues. Any civil penalty under this subsection shall be assessed and collected in the same manner, and subject to the same provisions, as in the case of civil penalties assessed and collected under section 2615 of title 15. In any proceeding for the assessment of a civil penalty under this subsection the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents and may promulgate rules for discovery procedures.

(3) Judicial assessment

The Administrator may bring an action in the United States District 1 court for the appropriate district to assess and collect a penalty of not more than $25,000 per day for each day during which the violation continues in the case of a violation of the requirements of section 304 of this title. In the case of a second or subsequent violation, the amount of such penalty may be not more than $75,000 for each day during which the violation continues.

(4) Criminal penalties

Any person who knowingly and willfully fails to provide notice in accordance with section 304 of this title shall, upon conviction, be fined not more than $25,000 or imprisoned for not more than two years, or both (or in the case of a second or subsequent conviction, shall be fined not more than $50,000 or imprisoned for not more than five years, or both).

If the facility does not comply with the order, EPA may file a civil judicial action in the U.S. District Court to enforce compliance and to impose a penalty up to the statutory maximum at the time of the violation.

EPCRA 325(b)(1) authorizes the EPA to assess up to $25,000 in the case of a violation of the requirements of Section 304.

CERCLA 109(b)(1) authorizes the President to assess a penalty of up to $25,000 per day for each day during which a violation of CERCLA 103 continues.

For second or subsequent violations EPCRA Section 304, the EPA is authorized to assess a penalty, not to exceed $75,000 for each day in which the violation continues.

For second or subsequent violations of CERCLA Section 103, the President is authorized to assess a penalty, not to exceed $75,000 for each day in which the violation continues.

EPA periodically publishes a rulemaking to adjust the maximum civil penalty amount for inflation.[11]

9.3 Violations of EPCRA Sections 311, 312, 322(a)(2) and 323(b)

EPCRA Section 325(c): Civil and administrative penalties for reporting requirements

(1) Any person (other than a governmental entity) who violates any requirement of section 312 or 313 of this title shall be liable to the United States for a civil penalty in an amount not to exceed $25,000 for each such violation.

(2) Any person (other than a governmental entity) who violates any requirement of section 311 or 323(b) of this title, and any person who fails to furnish to the Administrator information required under section 322(a)(2) of this title shall be liable to the United States for a civil penalty in an amount not to exceed $10,000 for each such violation.

(3) Each day a violation described in paragraph (1) or (2) continues shall, for purposes of this subsection, constitute a separate violation.

(4) The Administrator may assess any civil penalty for which a person is liable under this subsection by administrative order or may bring an action to assess and collect the penalty in the United States district court for the district in which the person from whom the penalty is sought resides or in which such person's principal place of business is located.

EPCRA Section 325(c)(1) authorizes the EPA to assess a penalty not to exceed $25,000 per violation. Section 325(c)(3) states that each day a violation of EPCRA 312 continues constitutes a separate violation. The Civil Monetary Penalty Inflation Adjustment rule increased the maximum statutory civil penalty amount to $59,017.

EPCRA Section 325(c)(2) authorizes EPA to assess a penalty not to exceed $10,000 per violation. Section 325(c)(3) states that each day a violation of EPCRA 311, 323(b) and 322(a)(2) continues constitutes a separate violation. The Civil Monetary Penalty Inflation Adjustment rule increased the maximum statutory civil penalty amount to $23,607.

EPA has a major role to play in enforcing EPCRA; however, EPA does not receive or process information under EPCRA, aside from information required under EPCRA Section 313 and trade secret information required under Section 322. SERCs and LEPCs may initiate an enforcement action at state and local levels or refer any non-compliers to EPA. As provided in EPCRA Section 326, LEPCs and TEPCs can also take civil actions against facilities if they fail to provide the information required under EPCRA, which will be discussed in the next chapter.

[11] For example, on December 23, 2020 (85 FR 83818), EPA issued a Civil Monetary Penalty Inflation Adjustment rule to increase the level of the maximum statutory civil penalty amount from $25,000 to $59,017 for a first-time violation and from $75,000 to $177,053 for a second and subsequent violations.

Chapter 10. EPCRA Section 326: Civil Actions

EPCRA Section 326(a): Authority to bring civil actions.

(1) Citizen suits

Except as provided in subsection (e), any person may commence a civil action on his own behalf against the following:

(A) An owner or operator of a facility for failure to do any of the following:

(i) Submit a followup emergency notice under section 304(c) of this title.

(ii) Submit a material safety data sheet or a list under section 311(a) of this title.

(iii) Complete and submit an inventory form under section 312(a) of this title containing tier I information as described in section 312(d)(1) of this title unless such requirement does not apply by reason of the second sentence of section 312(a)(2) of this title.

(iv) Complete and submit a toxic chemical release form under section 313(a) of this title.

(B) The Administrator for failure to do any of the following:

(i) Publish inventory forms under section 312(g) of this title.

(ii) Respond to a petition to add or delete a chemical under section 312(e)(1) of this title within 180 days after receipt of the petition.

(iii) Publish a toxic chemical release form under 313(g) 1 of this title.

(iv) Establish a computer database in accordance with section 313(j) of this title.

(v) Promulgate trade secret regulations under section 322(c) of this title.

(vi) Render a decision in response to a petition under section 324(d) of this title within 9 months after receipt of the petition.

(C) The Administrator, a State Governor, or a State emergency response commission, for failure to provide a mechanism for public availability of information in accordance with section 324(a) of this title.

(D) A State Governor or a State emergency response commission for failure to respond to a request for tier II information under section 312(e)(3) of this title within 120 days after the date of receipt of the request.

EPCRA Section 326 allows citizens to initiate civil actions against EPA, SERCs or TERCs, and the owner or operator of a facility for failure to meet the EPCRA requirements. Citizens may bring civil actions against the owner or operator of a facility for failure to comply with certain requirements under EPCRA Section 326(a)(1)(A).

In addition, citizens may also bring civil action against the EPA Administrator; the state governor or the SERC; or the chief executive officer of the tribe or TERC for failure to fulfill certain requirements under the law, including not providing a mechanism for public availability of information as provided in EPCRA Section 324(a). The citizens may also bring civil action against the state governor or a SERC for failure to respond to a request for Tier II information under Section 312(e)(3). (*See Section 326(a)(1)(D), cited above.*)

10.1 State or Local Suits

EPCRA Section 326(a)(2): State or local suits

(A) Any State or local government may commence a civil action against an owner or operator of a facility for failure to do any of the following:

(i) Provide notification to the emergency response commission in the State under section 302(c) of this title.

(ii) Submit a material safety data sheet or a list under section 311(a) of this title.

(iii) Make available information requested under section 311(c) of this title.

(iv) Complete and submit an inventory form under section 312(a) of this title containing tier I information unless such requirement does not apply by reason of the second sentence of section 312(a)(2) of this title.

(B) Any State emergency response commission or local emergency planning committee may commence a civil action against an owner or operator of a facility for failure to provide information under section 303(d) of this title or for failure to submit tier II information under section 312(e)(1) of this title.

(C) Any State may commence a civil action against the Administrator for failure to provide information to the State under section 322(g) of this title.

Sections 302, 311 and 312 require facilities to submit certain information on the chemicals stored on site. In response to a failure to comply with these requirements, the SERC, TERC, LEPC, TEPC, state or local government may commence actions against an owner or operator of the facility. You may request assistance from EPA if you are unable to take enforcement actions against a facility.

Before taking any enforcement action, LEPCs and TEPCs may want to contact the facility owner or operator to encourage the facility to come into compliance. As noted in Chapter 5, there are certain provisions in EPCRA that grant authority to LEPCs and TEPCs to obtain information from a facility to assist in local emergency planning (Section 303(d)(3)). If a facility does not provide such information, the SERC or LEPC may take enforcement action, as stated in EPCRA Section 326(a)(2)(B) *(see statutory text provided above).* The request for information can be in a form of a letter to the owner or operator of the facility, citing the authority for requesting the information and inform the facility owner or operator that failure to comply with the request is a violation of the law that could result in a penalty, as described below.

Under the trade secret provisions, discussed in Chapter 6 of this document, EPCRA Section 322(g) states that the EPA Administrator should provide trade secret information filed by facilities upon request by a state or a tribe. For failure to provide this information, the state or tribe may take civil action against the EPA Administrator.

Chapter 11. Other EPA Regulations

There are other EPA programs or regulations that require facilities to submit information that LEPCs and TEPCs may use to plan for chemical emergencies. The Tier II form requires facilities to indicate if they are subject to regulations under the RMP and TRI. Some facilities in your planning district may also have to comply with federal or state hazardous waste regulations. You may reach out to facilities in your planning areas for more information on the chemicals handled at these facilities. This chapter will briefly detail other existing regulations.

11.1 Risk Management Program

When Congress passed the CAA Amendments of 1990, Section 112(r) required EPA to publish regulations and guidance for chemical accident prevention at facilities using substances that posed the greatest risk of harm from accidental releases. These regulations, found at 40 CFR Part 68, were built upon existing industry codes and standards and require companies of all sizes that use certain listed regulated flammable and toxic substances to develop a Risk Management Program, a program of activities designed to prevent an accidental chemical release from occurring. By June 21, 1999, a summary of the facility's Risk Management Program (known as a "Risk Management Plan" or "RMP") was to be submitted to EPA. The plans must be updated and resubmitted at least every five years. There are other circumstances described in the RMP regulations (and below), however, that may require a more frequent submission. New facilities must submit an RMP as soon as they have a covered chemical above the threshold quantity. Approximately 12,000 facilities are subject to Risk Management Program regulations.

11.1.1 Who Is Covered?

Owners and operators of a facility (stationary source) that manufactures, uses, stores or otherwise handles more than a threshold quantity of a listed regulated substance in a process must implement a Risk Management Program.

"Process" means any activity involving a listed regulated substance, including any use, storage, manufacturing, handling or on-site movement of such substances—or a combination of these activities.

11.1.2 What Chemicals Must Be Reported Under an RMP?

The regulation includes a list of regulated substances, including their synonyms and threshold quantities (in pounds) to help assess if a process is subject to the Risk Management Program rule. The regulated substances are listed in four tables at 40 CFR 68.130, two of which list the regulated toxic substances (alphabetically and by CAS number) and two of which list the regulated flammable substances (alphabetically and by CAS number). The substances can also be found in the List of Lists, which is a consolidated list of chemicals subject to:

- EPCRA.
- CERCLA.
- Section 112(r) of the CAA.

Thresholds for toxic substances range from 500 to 20,000 pounds. The threshold for all flammable substances is 10,000 pounds.

Where the CAA Section 112(r) program has been delegated to a state, that state may have additional requirements for the federally-listed chemicals and/or additional listed chemicals.

11.1.3 What Information Must an RMP Include?

Each facility's program should address three areas:

- Hazard assessment that details the potential effects of an accidental release, an accident history of the last five years, and an evaluation of worst-case and alternative accidental releases.
- Prevention program that includes safety precautions and maintenance, monitoring and employee training measures.
- Emergency response program that describes emergency health care, employee training measures and procedures for informing the public and response agencies (e.g., the fire department) should an accident occur.

11.1.4 How Is RMP Information Used?

The RMP information required from facilities helps local fire, police and emergency response personnel prepare for and respond to chemical emergencies. Making RMPs available to the public also fosters communication and awareness to improve accident prevention and emergency response practices at the local level.

11.1.5 What Are RMP Program Levels?

The rule defines three program levels based on processes' relative potential for public impacts and the level of effort needed to prevent accidents. For each program level, the rule defines requirements that reflect the level of risk and prevention requirements associated with the processes at that level. The program levels are as follows:

- **Program Level 1**: Processes that would not affect the public in the event of a worst-case release and with no accidents with specific offsite consequences within the past five years. Program 1 imposes limited hazard assessment requirements and minimal accident prevention and emergency response requirements.
- **Program Level 2**: Processes not eligible for Program 1 or subject to Program 3. Program 2 imposes streamlined accident prevention program requirements, as well as additional hazard assessment, management and emergency response requirements.
- **Program Level 3**: Processes that are not eligible for Program 1 and are either subject to OSHA's Process Safety Management (PSM) standard under federal or state OSHA programs or classified in one of 10 specified North American Industrial Classification System (NAICS) codes. Program 3 imposes OSHA's PSM standard as the accident prevention program, as well as additional hazard assessment, management and emergency response requirements.

Based on their limited potential for serious offsite consequences, facilities are not required to implement a prevention program, an emergency response program, or a management system for Program 1 processes. Facilities with processes in Program 2 and Program 3 must address each of the three RMP elements described above for those processes.

11.1.6 Have There Been Major Changes to the RMP Rule?

EPA conducted a multi-year review of potential improvements to the RMP rule, which culminated in 2019 in a set of enhancements to the emergency response provisions and other changes. These enhancements ensure first responders have access to all necessary safety information and resolve important security concerns. In short, the new requirements include:

- Conducting public meetings within 90 days of a qualifying accident with offsite impacts.
- Performing annual coordination activities with local emergency responders.
- Developing emergency response exercise plans and schedules.
- Conducting emergency response notification drills.
- Conducting emergency response tabletop exercises.
- Conducting emergency response field exercises.

Details of the new requirements and their corresponding compliance dates can be found here.

11.1.7 How Should Facilities Coordinate with Emergency Response Officials on Their Emergency Response Plans?

Once a facility determines that they have at least one RMP-covered process, they must have open communications with local emergency planning and response officials, including their local emergency planning committee (LEPC) if one exists, to ensure that response actions for an accidental release have been coordinated.

For facilities with Program 2- or 3- covered processes, per 40 CFR 68.93, emergency response coordination with local officials must occur at least annually—and more frequently if necessary—to address changes at the facility, in the emergency response plan or emergency action plan, and in the community emergency response plan. The purpose of the annual coordination is to allow facilities to update and discuss the information being provided to local authorities and to allow local authorities to provide facilities with updated information on how the source is addressed in the community emergency response plan.

Additionally, for facilities with Program 2- or 3- covered processes, per 40 CFR 68.96, emergency response exercises are required in order to increase chemical accident emergency response readiness for facility owners and operators and local responders. The required RMP emergency response exercise activities can be divided into two categories:

- Notification exercises:
    - Annual notification exercise of the facility's emergency response notification mechanisms; written record is prepared following the exercise.

- Emergency response exercise program:
  - Field exercises scheduled and conducted in consultation with local emergency response officials; evaluation report is prepared following the exercise.
  - Tabletop exercises scheduled and conducted in consultation with local emergency response officials at least every three years; evaluation report is prepared following the exercise.

These exercises can increase emergency readiness by ensuring that local public responders and facility response personnel know what actions to take during various chemical accident scenarios.

11.1.8 How Does the LEPC or Its Members Get Access to an RMP?

In addition to the required coordination and sharing of prepared chemical emergency response plans, a facility's RMP will be available through EPA's secure data system, the Central Data Exchange (CDX), to state and local officials involved in planning for and responding to chemical emergencies. Contact your regional EPA RMP representative to get access to RMPs for facilities under your jurisdiction.

However, the simplest way to identify an RMP facility in your state is look at a facility's Tier II form. That form will indicate whether the facility is an RMP facility and will have some information on the chemicals. The actual RMP report will include hypothetical accident scenarios and some information on past accidents and accident prevention efforts that may be useful for community preparedness.

11.2 Toxic Chemical Release Inventory

The TRI tracks the management of certain toxic chemicals that may pose a threat to human health and the environment. U.S. facilities in different industry sectors must report annually how much of each chemical is released to the environment and/or managed through recycling, energy recovery and treatment. (A "release" of a chemical means that it is emitted into the air or water or placed in some type of land disposal.)

The information submitted by facilities is compiled in the TRI. The TRI helps support informed decision-making by companies, government agencies, non-governmental organizations and the public. Section 313 of EPCRA created the TRI program.

11.2.1 What Are Classified as TRI Toxic Chemicals?

In general, chemicals covered by the TRI program are those that cause:

- Cancer or other chronic human health effects.
- Significant adverse acute human health effects.
- Significant adverse environmental effects.

The TRI program currently covers over 770 individually-listed chemicals and 33 chemical categories. Facilities that manufacture, process or otherwise use these chemicals in amounts above established levels must submit annual TRI reports on each chemical. The TRI chemical list does not include all toxic chemicals used in the United States.

11.2.2 What Types of Industries Are Included in TRI?

Facilities that report to TRI are typically larger facilities involved in manufacturing, metal mining, electric power generation, chemical manufacturing and hazardous waste treatment. Not all industry sectors are covered by the TRI program, and not all facilities in covered sectors are required to report to TRI.

11.2.3 What Does the TRI Program Provide for Communities?

Since the creation of the TRI program, TRI information has provided a way for citizens to better understand possible sources of pollution in their communities. This better understanding can be the basis for actions, such as communications with facilities releasing chemicals to the environment and with regulatory authorities that have oversight responsibilities. This concept of citizen empowerment is summed up by the slogan "A right to know, a basis to act."

Information that is often helpful to citizens in addition to TRI quantity information includes the health effects of the chemical in question, how the chemical is managed, and whether a relevant human exposure is likely. Additionally, many parties, including industry, are often interested in whether releases of a chemical can be minimized, reduced or eliminated at the source. The TRI program is committed to presenting as much of this information as possible to help inform the public. Please visit the TRI website at www.epa.gov/tri.

11.3 RCRA: Hazardous & Non-Hazardous Solid Waste

RCRA is the public law that creates the framework for the proper management of hazardous and non-hazardous solid waste. The law describes the waste management program mandated by Congress that gave EPA authority to develop the RCRA program. The term "RCRA" is often used interchangeably to refer to the law, regulations, and EPA policy and guidance.

11.3.1 How does RCRA work?

RCRA establishes the framework for a national system of solid waste control. Subtitle D of the Act is dedicated to non-hazardous solid waste requirements, and Subtitle C focuses on hazardous solid waste. Solid waste includes solids, liquids and contained gases and must be discarded to be considered waste.

11.3.2 Opportunities for Public Participation

The general public plays a key role in RCRA by providing input and comments during almost every stage of the program's development and implementation through rulemaking participation

and comments on treatment, storage and disposal facility permits. (Resources on Public Participation and the Hazardous Waste Permitting Process.)

States play the lead role in implementing non-hazardous waste programs under Subtitle D. EPA has developed regulations to set minimum national technical standards for how disposal facilities should be designed and operated. States can also take the lead role in implementing the hazardous waste program through the state authorization process. State authorization is a rulemaking process whereby EPA delegates the primary responsibility of implementing the RCRA hazardous waste program to individual states. This process ensures national consistency and minimum standards while providing flexibility to states in implementing rules, which can be more stringent than the federal program. States issue permits to ensure compliance with EPA and state regulations.

The regulated community is a large, diverse group that must understand and comply with RCRA regulations. These groups can include hazardous waste generators, government agencies and small businesses, and gas stations with underground petroleum tanks.

11.3.3 Subtitle C—Hazardous Waste

Hazardous waste is regulated under Subtitle C of RCRA. EPA has developed a comprehensive program to ensure that hazardous waste is managed safely from the moment it is generated to its final disposal (cradle-to-grave). Subtitle C regulations set criteria for hazardous waste generators; transporters; and treatment, storage and disposal facilities. This includes permitting requirements, enforcement, and corrective action or cleanup.

11.3.4 What Is a Hazardous Waste?

The hazardous waste management program uses the term "solid waste" to denote something that is a waste. EPA developed hazardous waste regulations that define in more detail what materials are solid waste for the purposes of RCRA Subtitle C (hazardous waste) regulation.

Simply defined, a hazardous waste is a waste with properties that make it dangerous or capable of having a harmful effect on human health or the environment. Hazardous waste is generated from many sources, ranging from industrial manufacturing process wastes to batteries, and may come in many forms, including liquids, solids, compressed gases and sludges.

EPA developed a regulatory definition and process that identifies specific substances known to be hazardous and provides objective criteria for including other materials in the regulated hazardous waste universe. This identification process can be very complex, so EPA encourages generators of wastes to approach the issue using the series of questions described below:

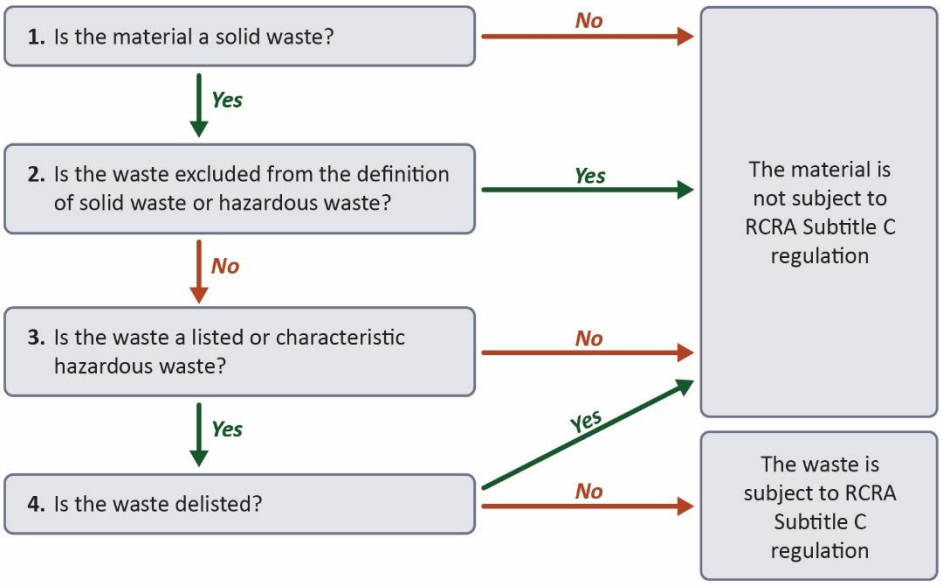

Figure 27. The hazardous waste identification process.

In order for a material to be classified as a hazardous waste, it must first be a solid waste. Therefore, the first step in the hazardous waste identification process is determining if a material is a solid waste.

The second step in this process examines whether or not the waste is specifically excluded from regulation as a solid or hazardous waste.

Once a generator determines that their waste meets the definition of a solid waste, they investigate whether or not the waste is a listed or characteristic hazardous waste. Finally, it is important to note that some facilities have petitioned EPA to delist their wastes from RCRA Subtitle C regulation. You can research the facilities that successfully petitioned EPA for a delisting in Appendix IX of Title 40 of the *Code of Federal Regulations* part 261.

11.3.5 EPA's Cradle-to-Grave Hazardous Waste Management Program

State regulatory requirements for generators may be more stringent than those in the federal program. Be sure to check your state's policies.

RCRA set up a framework for the proper management of hazardous waste. From this authority, EPA established a comprehensive regulatory program to ensure that hazardous waste is managed safely from "cradle to grave," meaning from the time it is created; while it is transported, treated and stored; and until disposal.

11.3.5.1 Hazardous Waste Generation

Under RCRA, hazardous waste generators are the first link in the hazardous waste management system. All generators must determine if their waste is hazardous and must oversee the ultimate fate of the waste. Furthermore, generators must ensure and fully document that the hazardous

waste they produce is properly identified, managed, and treated prior to recycling or disposal. The degree of regulation that applies to each generator depends on the amount of waste that a generator produces.

EPA provides detailed online information about the regulations applicable to generators of hazardous wastes.

11.3.5.2 Hazardous Waste Transportation

After generators produce a hazardous waste, transporters may move the waste to a facility that can recycle, treat, store or dispose of the waste. Since such transporters are moving regulated wastes on public roads, highways, rails and waterways, United States Department of Transportation hazardous materials regulations, as well as EPA's hazardous waste regulations, apply.

For more information on requirements pertaining to this issue, visit EPA's webpage on hazardous waste transportation.

11.3.5.3 Hazardous Waste Recycling, Treatment, Storage and Disposal

To the extent possible, EPA tried to develop hazardous waste regulations that balance the conservation of resources, while ensuring the protection of human health and environment. Many hazardous wastes can be recycled safely and effectively, while other wastes will be treated and disposed of in landfills or incinerators.

Recycling hazardous waste has a variety of benefits, including reducing the consumption of raw materials and the volume of waste materials that must be treated and disposed. However, improper storage of those materials might cause spills, leaks, fires, and contamination of soil and drinking water. To encourage hazardous waste recycling while protecting health and the environment, EPA developed regulations to ensure recycling would be performed in a safe manner.

Treatment Storage and Disposal Facilities (TSDFs) provide temporary storage and final treatment or disposal for hazardous wastes. Since they manage large volumes of waste and conduct activities that may present a higher degree of risk, TSDFs are stringently regulated. The TSDF requirements establish generic facility management standards, specific provisions governing hazardous waste management units, and additional precautions designed to protect soil, ground water and air resources.

Comprehensive information on the final steps in EPA's hazardous waste management program is available online, including webpages and resources related to:

- Hazardous waste recycling.
- Regulations that apply to treatment, storage and disposal facilities.
- Descriptions of land disposal restrictions.

Summary of EPCRA Regulations and Stakeholder Responsibilities

The two charts below summarize EPCRA regulations and each stakeholder's responsibilities.

	Section 302	Section 304	Section 311	Section 312	Section 313
Description	Emergency Planning Notification	Emergency Release notification	MSDSs or Lists of Hazardous Chemicals identifying their hazards	Tier I and/or Tier II (Annual reporting of hazardous chemical inventory)	Toxic Chemical Release Inventory
Chemicals Covered	355 extremely hazardous substances (EHSs)	>1,000 substances	Approximately 800,000 hazardous chemicals/ products/ mixtures	Approximately 800,000 hazardous chemicals/ products/ mixtures	>800 toxic chemicals and categories
Applicable Chemicals and Quantities	EHSs at or above their threshold planning quantity (TPQ)	Releases of any EHSs and CERCLA hazardous substances at or above their reportable quantity	500 pounds or the TPQ, whichever is lower, for EHSs; 10,000 pounds for all other hazardous chemicals *except* gasoline (75,000 gallons) and diesel (100,000 gallons) at retail gas stations	500 pounds or the TPQ, whichever is lower, for EHSs; 10,000 pounds for all other hazardous chemicals *except* gasoline (75,000 gallons) and diesel (100,000 gallons) at retail gas stations	25,000 pounds manufactured or processed in a year; 10,000 pounds otherwise used in a year; chemicals of special concern have lower thresholds
How to Notify and When	Within 60 days of acquiring any EHSs on site	Immediately by phone; follow-up report as soon as practicable (30 days or less)	MSDS or list of chemicals within three months on site	Tier II or State-equivalent inventory report annually by March 1	Annually by July 1
Whom to Notify	SERC or TERC and LEPC or TEPC	SERC or TERC and LEPC or TEPC or any notification system established by the state or local agency*	SERC or TERC, LEPC or TEPC, and fire department with jurisdiction over facility	SERC or TERC, LEPC or TEPC, and fire department with jurisdiction over facility	EPA and state or tribe

* CERCLA requires reporting to the National Response Center (NRC) for these releases.

Figure 28. Summary of EPCRA provisions, chemicals covered, reporting thresholds and deadlines under EPCRA.

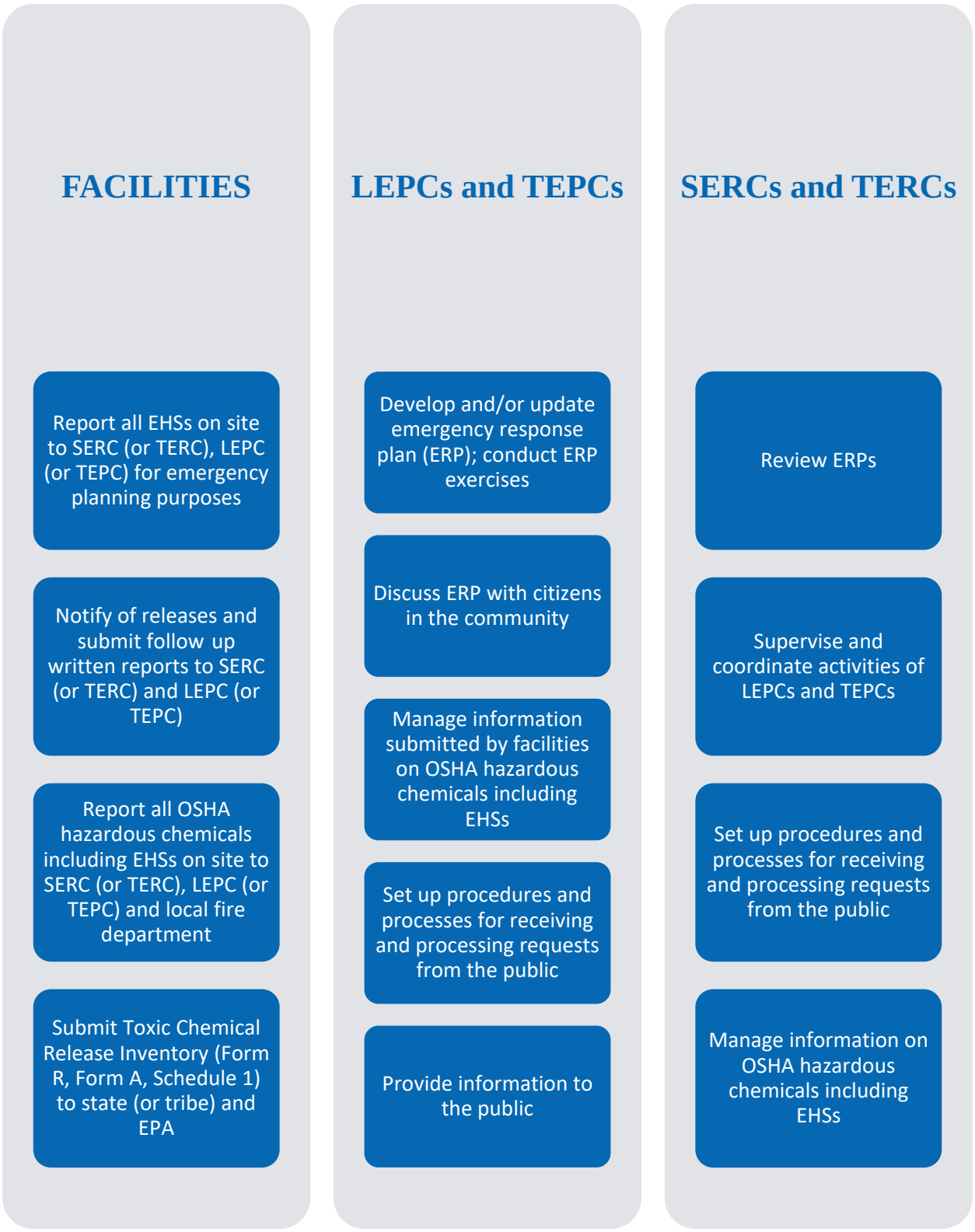

Figure 29. Stakeholder responsibilities under EPCRA.

PART II

Guidance and Resources for Implementing EPCRA

Part II of this document provides suggestions for LEPCs and TEPCs to implement EPCRA requirements, as well as guidance and resources available for planning and response. In addition, this part provides reference to planning documents and other federal regulations or requirements that LEPCs and TEPCs may have to comply with in addition to the EPCRA requirements discussed in Part I of this document.

LEPCs and TEPCs are encouraged to check with their state or tribal agency for guidance on any specific requirements for planning for chemical emergencies and other hazards.

Chapter 12. Organizational Structure of LEPCs and TEPCs

EPCRA was created to ensure that people have access to information about hazardous chemicals that are present in their communities. Understanding the potential risks from these chemicals can help communities prepare for accidental releases. LEPCs and TEPCs play a crucial role in protecting their community. Therefore, the law places major responsibilities on these entities. The LEPC and TEPC are also the designated entities the public turns to in the case of a significant chemical accident to answer any questions concerning a response and to address any issues associated with the response. This chapter outlines the organizational structure necessary to ensure LEPCs and TEPCs are set up to meet their responsibilities.

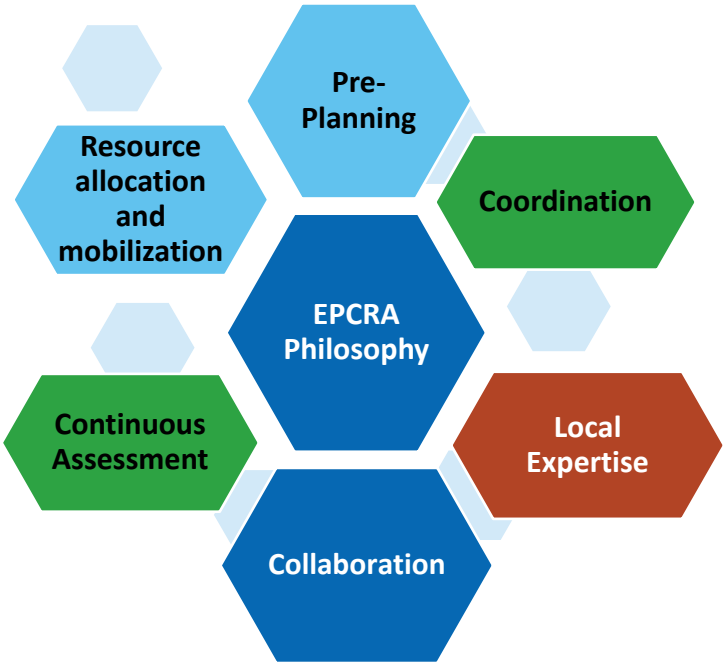

Figure 30. Underlying philosophy of LEPCs and TEPCs.

As stated in Part I of this document, EPCRA created LEPCs and TEPCs to be the repository of chemical hazard information in communities. In creating LEPCs and TEPCs, the statute effectively creates a space for pre-planning—taking into consideration these concepts that require coordination with local expertise, collaboration among LEPC or TEPC members and community stakeholders, continuous assessment, and cohesion to allocate and mobilize resources during an emergency. The more LEPC and TEPC members understand the roles and responsibilities ascribed under EPCRA, the better for the community it serves to protect from potential chemical hazards.

EPCRA only addresses chemical hazards. LEPCs and TEPCs should consult their state or tribal leaders on specific requirements to prepare for all hazards, including chemical hazards and others.

As discussed in Chapter 3 of this document, EPCRA Section 303 requires that LEPCs and TEPCs prepare and protect the community by developing an emergency response plan. LEPCs and TEPCs deal with topics such as identifying in advance the roles of the different response entities during a response; assisting with arranging the appropriate training, equipment, and drills; educating the public; and many other pieces of the emergency planning puzzle.

> ***What does it mean to be an LEPC or TEPC Member?*** *As an LEPC or TEPC member, you are part of a broad-based collaborative effort to prepare the planning district to respond to emergencies and incidents involving hazardous chemicals as well as any other hazard or emergency in the local area.*

12.1 LEPC and TEPC Organization

As stated under Section 301 of EPCRA, at a minimum, the LEPC and TEPC shall include representatives from the following groups or organizations shown in Figure 31. A single member may represent more than one of the listed groups or organizations. Similarly, a group may be represented by more than one member. Ideally, members should be interested in emergency planning and preparedness programs and community right-to-know activities. EPA is aware that in small planning districts, LEPC or TEPC organizations may not be able to have a representative from every organization listed below.

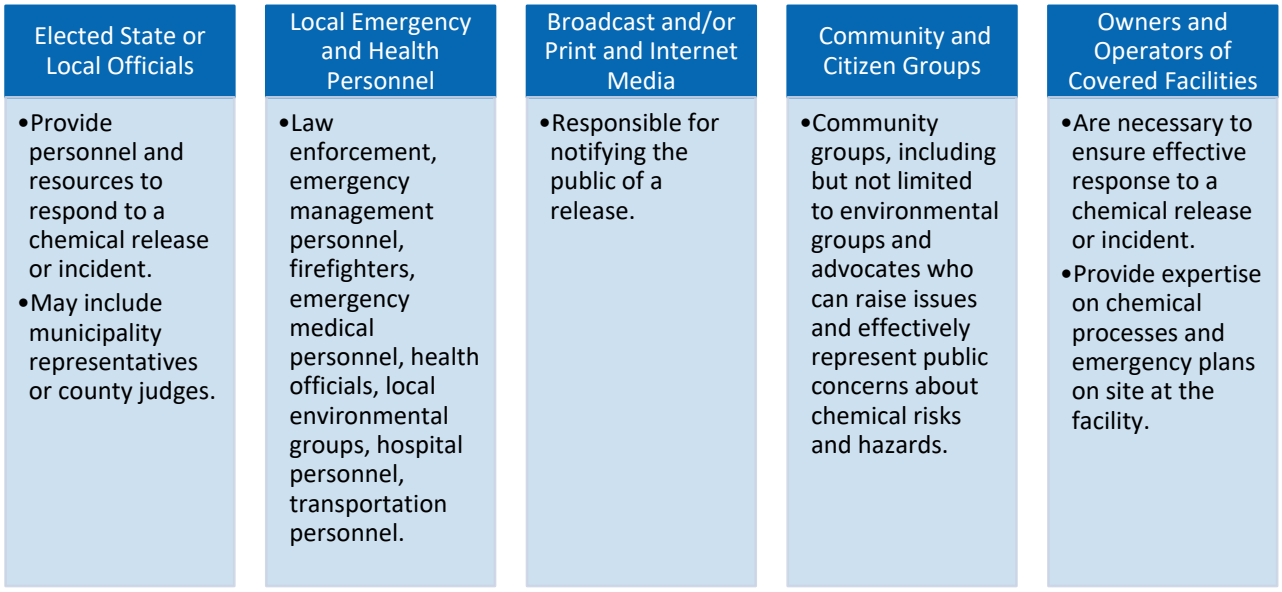

Figure 31. LEPC and TEPC membership.

Remember, every facility that has an EHS at or above its TPQ has to designate a facility emergency coordinator who will participate in the emergency planning process. Be sure to reach out to facilities in your district to request them to join your organization. They have the technical expertise on the chemicals they handle and how to respond to any incidents.

12.2 Diversity in Membership Is Essential to Successful Pre-Planning

The diversity of stakeholders provides a comprehensive understanding of the chemical hazards in a community and enables response planning to include all relevant local expertise. The diversity in LEPC or TEPC membership also enhances the planning effort by adding to the depth of the LEPC or TEPC effort and increasing the ability to adequately plan for a variety of different types of chemical releases and catastrophic incidents. Members who do not have a background in hazardous chemicals are encouraged to attend an emergency response or hazard awareness course.

To prepare communities for existing and new hazards, LEPC and TEPC members should answer the following questions:

- What are the goals of the LEPC or TEPC this year?
- Do certain topics require much discussion/research?
- Is it necessary to establish subcommittees?
    - If so, are there enough people, expertise and leadership among LEPC or TEPC members to maintain subcommittees?

12.2.1 Maintain Committee Representation

LEPCs and TEPCs should work with each political subdivision in the local emergency planning district to maintain committee representation and membership that satisfies statutory requirements (see EPCRA Section 301(c), discussed in Chapter 1) and maximizes the expertise on the LEPC and TEPC organization. Membership vacancies may be advertised in public gathering places (e.g., municipal buildings, library, church, etc.).

12.3 Role as an LEPC or TEPC Member

The level of engagement of LEPC or TEPC members determines the success of an LEPC or TEPC. EPCRA Section 301 provides that LEPC and TEPC organizations should appoint a chairperson, as well as establishing rules for how the organization should function and a process for providing information to the public, etc.

In addition, LEPCs and TEPCs should organize subcommittees and assign members to manage various functions. Members may serve on a subcommittee to help coordinate emergency planning activities that are consistent with their expertise. For example, a hospital official may serve on a subcommittee with fire department and county officials who review notification procedures for emergency rooms for chemical accidents.

The effectiveness of an LEPC or TEPC is dependent on its members and the commitment they bring to providing the comprehensive planning and response.

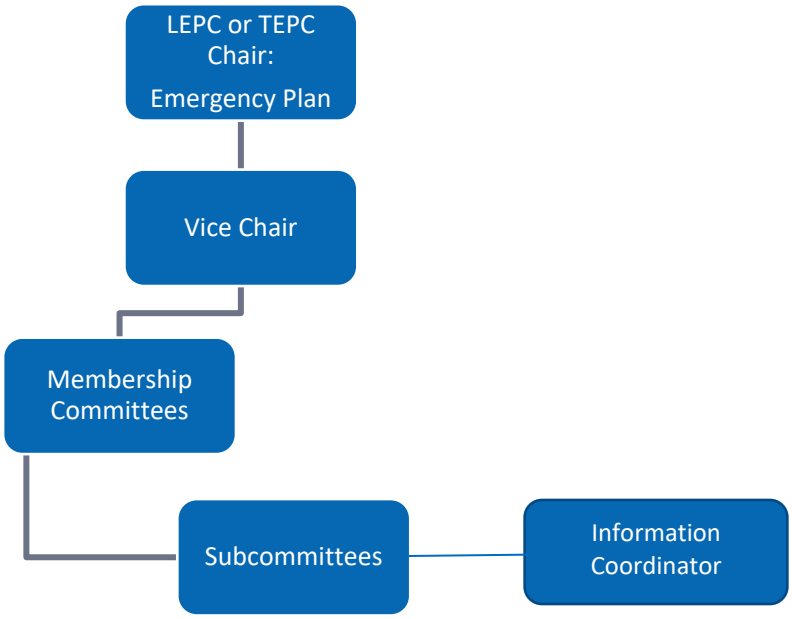

Figure 32. LEPC or TEPC organization structure.

12.4 Appointments

12.4.1 Chair and Vice-Chair of LEPC and TEPC

As stated in EPCRA Section 301, the LEPC and TEPC organizations shall appoint a chairperson. In addition, they may also appoint a vice chairperson and other officers. A term of office should be set but may vary in length according to the needs of each LEPC or TEPC. The chairperson can be any LEPC or TEPC member.

Some LEPCs have chosen political leaders, while others have selected chairs from emergency management, environmental groups, industry or civic organizations.

- Important factors to consider are the leader's availability, credibility, management skills, commitment to the program, and respect from other LEPC or TEPC members and the community.

The LEPC or TEPC chairperson should ensure that an emergency response plan is developed for the planning district. The chairperson may request vice-chair to be responsible for the subcommittees and ensure these committees meet their responsibilities.

The LEPC or TEPC chairperson and vice chairperson should be well informed of the federal EPCRA statute and regulations, as well as the state EPCRA program. EPA encourages these officials to be also aware of any revisions to the statute and regulations that may occur periodically. One important function of these officials would be to inform other LEPC or TEPC members of any new statutory and regulatory requirements to ensure compliance.

12.4.2 Information Coordinator

EPCRA Section 301(c) requires the LEPC or TEPC to appoint an information coordinator.

The information coordinator's job is to process requests from the public for certain information, including, but not limited to, hazardous chemical inventory information submitted by facilities, the community emergency response plan and the follow-up written report filed for chemical emergency releases.

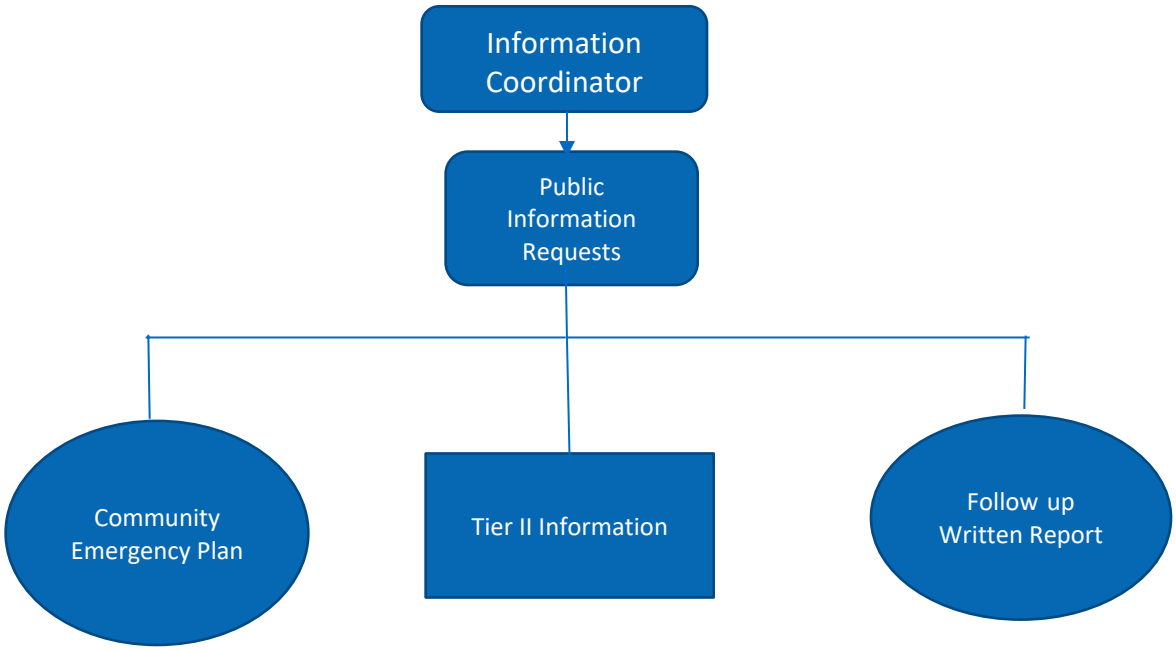

Figure 33. Information Coordinator's Responsibilities

12.4.3 Individuals with Expertise in Chemical Emergency Preparedness

Facility representatives have the technical expertise on the chemicals they handle. Industry trade associations may assist you in bringing technical experts to join the LEPC or TEPC organization.

12.4.4 Other Positions

Positions not required by law, but which have proven useful are:

- Vice chairperson, to assist the chairperson in managing the LEPC or TEPC organization, such as planning meetings; seeking resources to run the organization; and implementing the statutory requirements, etc.
- Secretary or treasurer, to manage funding or other resources.
- Chairpersons of subcommittees, to oversee if subcommittee members are fulfilling their responsibilities.

12.5 Term Limits

LEPC or TEPC membership term limits are not specified in EPCRA. A term of three to five years might be a good starting point. Terms of three to five years give new members time to become accustomed to their roles before the term expires.

The SERC or TERC should maintain a listing of LEPC or TEPC members and the subcommittees to which they belong. The LEPC and TEPC should keep their membership lists current, and SERCs or TERCs should be made aware of all membership changes.

12.6 Subcommittees

Establishing subcommittees allows for dividing the duties of LEPCs and TEPCs to facilitate planning and data management. Subcommittees create groups for members to specialize and enhance the effectiveness of the emergency planning and response process and allow LEPCs and TEPCs to advance several projects at once. Subcommittees may be formed and disbanded as occasions arise to accomplish initial and ongoing tasks. The number and type of subcommittees depends on the needs of the LEPC or TEPC and its members.

Chairpersons and vice chairpersons may serve as the head of the subcommittees. Each subcommittee may also elect one person to lead the group, or subcommittee chairpersons. These subcommittee chairpersons may sit on an executive committee with the LEPC or TEPC chairperson and vice chairperson.

In determining the type and number of subcommittees to establish, the LEPC or TEPC should examine current LEPC or TEPC status, future expectations and annual goals. Subcommittee membership is not limited to LEPC or TEPC members. The LEPC or TEPC is encouraged to invite persons from various sectors of the jurisdiction for input and expertise.

The LEPC and TEPC may appoint subcommittees for the following:

- Gathering and reviewing existing community and facility emergency plans annually.
- Coordinating emergency response capabilities of LEPC member organizations.
- Checking existing response equipment in the community.
- Identifying financial resources.
- Coordinating with other LEPCs and the SERC.
- Conducting hazards analysis.
- Managing and providing information for citizens.
- Managing information provided by facilities.
- Promoting public awareness of EPCRA and community chemical hazards.
- Coordinating with media to inform the public of any emergencies.

12.6.1 Subcommittee Structure

To ensure that work progresses effectively, subcommittees should also establish a micro-governance structure where each subcommittee member is assigned a role. Subcommittees should:

- Appoint a chairperson.
- Assign roles to subcommittee members. Roles include:
    - Note taker.
    - Presenter.
    - Discussion facilitator.
    - Manager of committee tasks and action status.

12.6.2 Standard Topics Addressed by Subcommittees

1. Conducting annual review of existing community plans.
2. Coordinating emergency response capabilities of LEPC or TEPC member organizations.
    - Checking existing response equipment in the community.
    - Coordinating with other LEPCs/TEPCs and the SERC/TERC.
    - Requesting local facilities to donate emergency response equipment or assist in response.
3. Public information.
    - Managing and providing information to community members.
    - Promoting public awareness of potential chemical hazards in the community.
    - Educating the community on the emergency response plan (e.g., radio/tv notification for shelter-in-place, evacuation, etc.).
4. Identifying financial resources (e.g., state and federal grants).
5. Emergency planning.
    - Conducting hazard analysis:
        - Developing and assisting in the revision of the emergency response plan for chemical accidents required under EPCRA Section 303. (*Note: Some states may have an all-hazards plan, and an EPCRA 303 plan may be a part of it*).
        - Establishing a vulnerability zone determination methodology.
6. Training and exercises.
    - Conducting training needs assessments.
    - Requesting training grants to provide necessary training for first responders.
    - Coordinating training programs.
    - Establishing an exercise schedule.

- Requesting training assistance from facilities in the community.

7. Public information management.
   - Writing and publishing public notices.
   - Establishing an information retrieval system.
   - Performing community outreach to inform the public of emergency plans.

12.6.3Additional Subcommittees

An LEPC or TEPC may create additional subcommittees to respond to and expand the needs/ideas generated from the current LEPC or TEPC membership. Some examples include:

An executive subcommittee, whose responsibilities may include:

- Appointing chairpersons for each subcommittee.
- Developing LEPC or TEPC long-term goals.
- Tending to LEPC or TEPC member needs.
- Reviewing LEPC or TEPC membership terms and soliciting volunteers to fill vacancies.
- Being familiar with state, local, and federal laws that impact the hazardous chemical planning process.
- Developing a work plan with timetables for the other subcommittees.

The executive subcommittee should also work with other subcommittees to develop by-laws on how the LEPC or TEPC should function; determine term limits for each of the LEPC or TEPC members; determine how often the organization should meet; etc.

A resource development subcommittee, whose responsibilities may include:

- Researching the community's resources for emergency response (e.g., various types of equipment, facilities, and expertise available).
- Identifying alternative resources upon which the community may draw in time of emergency or disaster.
- Updating the local resource inventory.
- Identifying other volunteer or in-kind assistance contributions (e.g., private sources such as local business/industry, non-profit agencies, etc.), which may be used for various types of responses.

An emergency response subcommittee, whose responsibilities may include:

- Developing emergency response procedures for local government personnel that may be utilized in hazardous chemical responses.
- Establishing local incident command system (ICS) procedures to strengthen and coordinate local government emergency response.

A finance subcommittee, whose responsibilities may include:

- Managing the LEPC or TEPC budget.
- Examining and recommending the use of funds.

A business/industry outreach subcommittee, whose responsibilities may include:

- Developing initiatives that will encourage active participation by all facilities that handle hazardous chemicals in each community.
- Updating reports on subcommittee meetings that can be made at the regularly scheduled LEPC or TEPC meetings.

Chapter 13. Duties of LEPCs and TEPCs

In addition to fulfilling responsibilities mandated by EPCRA for protecting the community from chemical emergencies discussed in Part I of this document, LEPCs and TEPCs have other duties to ensure proper functioning and maintain a healthy organization.

13.1 Adopt Rules of Operation (By-Laws)

Each LEPC and TEPC is required by law (see Chapter 1 of this document) to appoint a chair and establish rules by which the committee shall function, including provisions for public notification of committee activities, holding public meetings to discuss the emergency plan, addressing responses to public comments, distributing the emergency plan and designating an official to serve as coordinator for information.

In establishing rules of operation, each LEPC and TEPC should consider how it will perform its required duties. LEPCs and TEPCs may reach out to their SERC or TERC to assist them in developing rules of operation (by-laws). *See Appendix E for sample LEPC by-laws.*

The by-laws should include the following minimum provisions:

- Public notification of committee activities.
- Public meetings to discuss the emergency plan.
- Distribution of the emergency plan.
- Election of officers for the LEPC or TEPC organization.

Additional information that may be contained in the LEPC or TEPC by-laws includes:

- Changes to procedures for emergency response plan.
- Identification of covered facilities.
- Letter to covered facilities.

13.2 All-Hazards Emergency Planning

Your state, tribal or local agencies or other federal agencies may require you to develop an all-hazards plan. If so, LEPCs and TEPCs may fold emergency response plans for chemical emergencies required under EPCRA Section 303 into the county/local planning district's all-hazard plan. To accomplish this task, the LEPC and TEPC should work cooperatively with the political subdivisions in the planning district. The decision for an LEPC and TEPC to plan for all hazards must be made with cooperation and support of the local political subdivisions.

Many procedures for warning, evacuation, communications, etc., may be similar to procedures used for the EPCRA Section 303 plan. Though states, tribal or local agencies may require LEPCs or TEPCs to develop an all-hazards plan, at a minimum, that plan should include all nine elements required under EPCRA Section 303 (*See Chapter 3*).

Chapter 24 discusses compliance requirements for all-hazard planning under FEMA's National Incident Management System (NIMS). Local governments are eligible for FEMA grants if certain criteria are met. Discussions on NIMS training and grants are provided in Chapter 22.

13.3 Make Recommendations to Municipal and State Agencies

LEPCs and TEPCs should—to the extent considered advisable by the committee—make recommendations to political subdivisions, representatives of inter-jurisdictional disaster planning and service areas, and state agencies about the preparation of local, state and inter-jurisdictional plans.

13.4 Serve as Advisory Committee to Political Subdivisions

Each LEPC and TEPC should serve as an advisory committee to the political subdivisions within the emergency planning district or the inter-jurisdictional planning and service area with respect to emergency planning, training and response.

13.5 Meetings

While LEPCs and TEPCs are required to review the emergency response plan at least annually, the frequency of LEPC or TEPC meetings is not mandated. Regularly scheduled meetings that address diverse issues and work toward progress on key concerns are essential to maintaining a strong LEPC or TEPC.

LEPCs and TEPCs may consider determining their meeting schedule based on the population in their local planning district. *See suggestions in Figure 334 for scheduling meetings based on population size in your community.*

Frequency of LEPC/TEPC Meetings per Year	Population Size
1 meeting	<1,000 or less
2 meetings	1,000–10,000
4 quarterly meetings	10,000–100,000
Monthly/bimonthly	>100,000

Figure 33. Suggested frequency of LEPC and TEPC meetings.

You may also meet more frequently than monthly or quarterly, based on the needs of your community or changes that occur in your community (e.g., new facilities come into existence in your planning district, new EHSs or other hazardous chemicals are present at a facility, etc.).

Regular meetings are essential to:

- Address changes in the community (e.g., a new facility that handles hazardous chemicals began operation).
- Update key phone numbers and contact information of LEPC or TEPC members.

- Ensure that LEPCs or TEPCs are active in their community to review emergency response plans; review hazardous chemical information reported by facilities in the planning district; review and/or update emergency response plans as necessary; etc.

Below, Figure 345 provides some suggestions for pre-planning and conducting an effective and efficient LEPC or TEPC meeting.

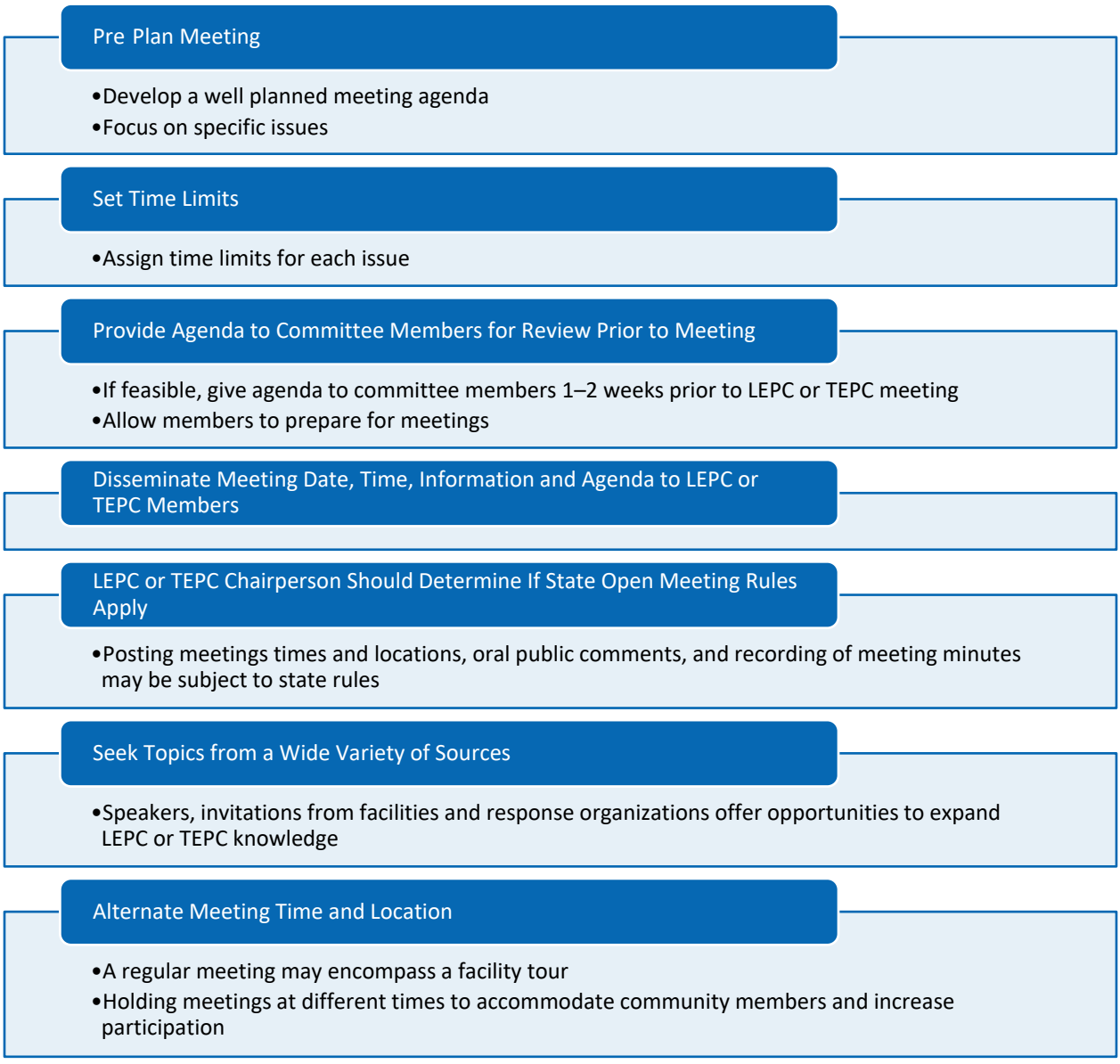

Figure 34. Effective LEPC (or TEPC) meeting strategies.

13.6 Maintenance of Records

At a minimum, LEPCs and TEPCs should maintain the following:

- Copy of local emergency response plan (all-hazard or hazard-specific).

- MSDSs or SDSs.
- Follow-up chemical spill release reports.
- Records of committee meetings.
- Membership list.
- Tier II reports for covered facilities.

Though not mandated by federal EPCRA law, retention of records by the LEPC and TEPC may be subject to state or tribal record retention rules. The local city or county attorney may advise LEPCs or TEPCs on record retention requirements. States or tribes may have recordkeeping requirements under the state or tribal EPCRA program.

LEPCs and TEPCs should also accomplish the following administrative activities, annually or more frequently, as necessary:

- Review and update local emergency response plan and conduct emergency response plan exercises (e.g., table-top, simulation, etc.). This may also include reviewing Tier II forms submitted by facilities annually, including extremely hazardous substances (EHSs), for which an emergency response plan is required.
- Publish location and hours of operation where information may be reviewed by the public in accordance with EPCRA Sections 301 and 324 (*see Chapter 1&8*). LEPCs and TEPCs may use both broadcast and print media for this or post notices in local libraries or other public gathering places.

Other activities that are not required, but are recommended to be done annually, include:

- Training review: What training was accomplished during the year? What needs to be done next year?
- Outreach review: Were the LEPC or TEPC activities advertised to the community through events and other avenues?
- Financial review: Have all funds that the LEPC or TEPC received through grants, fees, donations, etc., been expended? If not, how can leftover funds be used? What is needed for next year or future years?
- Membership review: Are there changes needed in the membership, such as fewer or more members? Does anyone have a conflict that will prevent them from fulfilling their responsibilities for the coming year? Should new members be nominated?

Chapter 14. How to Maintain a Healthy and Active LEPC and TEPC Organization

This chapter provides suggestions to maintain a healthy LEPC (or TEPC) organization and keep it active.

14.1 Maintaining a Healthy LEPC and TEPC

To maintain a healthy and successful LEPC and TEPC, the following strategies are effective:

- Have clearly defined goals.
- Train members on the requirements established in EPCRA legislation and know what is expected of them.
- Appoint and retain the right people so as to achieve a broad-based membership not dominated by the interests of one segment.
- Maintain engagement so that members:
  - Feel useful and believe they are helping the community.
  - Are given tasks according to interests and expertise.
  - Have been given challenging tasks.
  - Are recognized for their contributions.
  - Have a chance to develop their own skills.
- Be purpose-driven and have executive-level buy-in and support.
- Maintain a relationship with the state (or tribal) agencies responsible for the EPCRA program.
- Conduct meetings, which are scheduled at regular, convenient times.
- Adhere to the meeting agenda and be concerned with common interests.
- Demonstrate effective and strong leadership with a commitment of resources (e.g., staff, funding).

14.1.1 Regional LEPCs and TEPCs

In some areas, it may make sense for LEPCs and TEPCs to be more focused on local issues. For example, in Colorado, the Southwest Regional Emergency Planning Committee encompasses Archuleta, Dolores, La Plata, Montezuma and San Juan counties and the Ute and Southern Ute Tribes. These areas share common interests and issues, and combining their geographic focus helps ensure coverage across the region. Additionally, regular meetings solidify mutual aid agreements and keep all parties in the loop on ongoing concerns.

Peer Exchanges

Exchanging information in a structured way between LEPCs and TEPCs can provide invaluable insight and new ideas. Consider hosting an event with LEPCs or TEPCs in your surrounding area to discuss common problems and successes across your LEPC network.

Case Study: Utah LEPC Peer Exchange

Weber County, Utah, along with Davis County, sponsors an annual LEPC Peer Exchange. The LEPCs meet to learn more about each other's activities, regulations, chemical concerns, emergency planning and other topics. It is a communal time for the members of the LEPCs to share ideas amongst themselves. It is well attended each year, with upwards of 100 attendees. It has recently expanded to six counties and became a northern Utah conference.

14.2 Ideas to Help Keep Committees Active

The following provides some suggestions to help keep LEPCs and TEPCs active.

- **LEPC and TEPC Meetings.** One of the best ways to ensure LEPC or TEPC success is simply to meet regularly to discuss the emergency response plan and any changes occurring in the community that may affect the plan. Having a set date, meeting agenda and recurrence helps people plan to attend. Also, ensure you invite all the stakeholders you want to attend, including local facilities. You should also inform and invite your SERC or TERC and state/local elected officials to your meetings.
- **Conduct Annual Meeting to Review the Plan.** Provide an opportunity for each subcommittee in the LEPC or TEPC organization to review their roles and missions during a response, as detailed by the plan. This agenda item allows the committee to meet one of the EPCRA mandates (annual review of the plan).
- **Conduct Outreach with Facilities in Your Planning District Near the Tier II Report Deadline.** It is possible that some facilities in your community are not aware of EPCRA reporting requirements. You may use the EPCRA factsheet and the quick guide EPA developed to explain EPCRA and the facilities' reporting obligations: https://www.epa.gov/epcra/epcra-fact-sheets.
    - Additionally, you may utilize this meeting to provide assistance to facilities in completing Tier II forms. This process helps the LEPC and TEPC) receive accurate Tier II forms, and more importantly, it serves as a reminder to smaller industries that Tier II forms are due.
    - Other suggestions for outreach are provided below in section 14.3 of this chapter.
- **Invite Guest Speakers to Address Topics of Interest.** Topics that may be of interest to all members are cost recovery, district HazMat team response considerations, industry safety programs, and cleanup contractor considerations. Governmental agencies such as the State Division of Emergency Management, HazMat Team representatives, EPA, local industry, and cleanup contractor representatives may be willing to present on their program(s).

- **Conduct an After-Action Meeting for Incident Response.** Conducting a review of a local response to identify best practices—as well as lessons learned—is a unique opportunity to incorporate changes to the emergency response plan.
- **Conduct a Facility Process Review.** The review can serve as an awareness tool for the responder community. Having an industry explain how and why they use hazardous substances can be a beneficial means of improving awareness of the specific facility and the hazardous substances used. It also familiarizes the responders with where the various hazardous substances are used or stored.
- **Conduct a Review of any New Regulation or Law.** Reviewing new laws or regulations recently enacted by EPA and other federal agencies or governing standard organization, such as the National Fire Protection Association (NFPA), that impacts the LEPC and TEPC, allows members to keep current.
- **Conduct a Review of Available Software.** There are many software programs that are available to industry or the emergency response community to help with topics associated with committee activities. CAMEO and Tier2 Submit software are all public domain programs that can provide assistance to response agencies and the LEPC (*see 16.27*).
- **Facility-hosted Meetings/Conduct Tour of Facilities within the Jurisdiction.** A great way to get local industry involved in your LEPC or TEPC is to invite them to host meetings and conduct facility tours. Citizens in your community get access to the facility and facility emergency coordinator to continue conversations about preparedness, as well as getting a sense of the activities at the facilities.
    - Touring a regulated facility in the county is an effective way to connect the private and public sectors. It allows LEPC and TEPC) members to become more familiar with the hazardous chemicals within their jurisdiction.
- **Conduct Table-Top Exercises.** LEPC and TEPC meetings are the ideal time to discuss potential disaster scenarios and identify how each agency would coordinate with one another and respond to the disaster. By making the scenarios realistic, the input provided by the LEPC or TEPC members can be incorporated into the emergency response plan. Table-top exercises provide an opportunity to identify where additional planning is required. The most effective exercise scenarios are those that are inclusive of all the LEPC or TEPC members and the organizations they represent.

14.3 Other Suggestions for Outreach to Facilities in Your Planning District

14.3.1 Chemical Safety Workshops

One way to reach out to industry and the local community is to conduct workshops on various topics. You can invite your federal, state, and local regulators to discuss relevant regulations and current events, as well as having industry on the agenda to discuss planning and strategy. This can be a great venue to publicize your LEPC or TEPC and explore partnerships with organizations that you have not worked with before.

Case Study: South Dakota Chemical Safety Workshops

The issuance of Executive Order 13650, *Improving Chemical Facility Safety and Security*, created an Interagency Working Group co-chaired by EPA, DHS and OSHA. The Working Group met at the HQ-level, as well as separately at the regional-level. Within Region 8, the working group met regularly to discuss implementation and coordination activities, which included working with the regional state programs on how to educate the regulated community on best chemical safety practices.

Beginning in 2016, the South Dakota Department of Environment and Natural Resources, EPA, OSHA, and DHS have annually conducted a weeklong series of Chemical Safety Industry Workshops across South Dakota that reach hundreds of attendees across multiple locations and offer industry a direct line of communication with federal partners. The sessions include ample time for questions.

14.3.2 Trade Associations/Chambers of Commerce

Another way to reach out to industry is through their trade associations. You should contact national or regional trade associations and request assistance to involve local facilities to join your organization. You can also contact your local Chamber of Commerce, which should have good information on businesses in your area that you may want to target.

14.3.3 Non-Profit Partnerships

Foundation and donation-funded organizations can be a great resource to partner with. They have access to different funding sources and may be able to help you reach out to industry or local partners in innovative ways.

Case Study: Colorado Emergency Preparedness Partnership

One example of this is the Colorado Emergency Preparedness Partnership, which provides a platform for public, private and philanthropic organizations to work together on preparedness issues in the state of Colorado. The partnership collaborates on projects and programs that promote joint emergency planning and information sharing.

The partnership was created in 2008, just prior to the Democratic National Convention (DNC) in Denver. Its purpose was to connect the public and private sector during this event to ensure that the business community had situational awareness of planning efforts surrounding the DNC. It was recognized that this public-private collaboration contributed to the success of the DNC and was an important part of emergency preparedness planning efforts in Colorado.

Following the DNC, the partnership worked to provide the private sector with educational briefings and workshops on emergency preparedness topics. It also provided an avenue for government entities to interact with businesses and to gain a better understanding of the issues the private sector faces with regard to preparedness.

Over the past several years, the partnership has conducted programs in the Denver metro region, Fort Collins, Brighton, Loveland, Colorado Springs and Grand Junction. You can find more information at https://thecepp.org/index.html.

14.3.4 EPA Region 7 Newsletter

A newsletter, *Energize Your LEPC*, published by EPA Region 7 in collaboration with their states, is provided in Appendix K.

Chapter 15. EPCRA Program & Environmental Justice

EPA defines environmental justice as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies." Environmental justice is a major part of the agency's core mission of protecting human life and the environment.

The EPCRA program was created to protect all communities from potential chemical accidents. In communities nationwide, consequences from potential chemical accidents disproportionately affect vulnerable and disadvantaged people living adjacent to the fence-line of these facilities. Given these potential impacts, LEPCs and TEPCs should focus special attention on citizens living and working near facilities that handle hazardous chemicals. Some of the areas in which LEPCs and TEPCs are encouraged to account for vulnerable populations are as follows:

- LEPCs and TEPCs are required to develop emergency response plans for chemical hazards in their community. Chemical emergency plans required under EPCRA Section 303 includes methods for determining the occurrence of a release and the area or population likely to be affected. In this document, see Chapter 3 for the list of nine elements that must be included in the local emergency plan. Appendix N further explains each of these elements.

- Any hazard analysis conducted should consider the population, in terms of numbers, density, and types of individuals (e.g., facility employees; residents; people in hospitals, schools, nursing homes, prisons or day care centers, etc.) who could be within a vulnerable zone. *See Chapter 18, section 18.1.2, Vulnerability Analysis.*

  As stated in EPCRA section 301(c), LEPCs and TEPCs are required to establish rules on how these committees should function, which includes notifying the public of committee activities and holding public meetings to discuss the emergency plan.

  As noted in Chapter 16, every citizen in the community, including low-income residents and/or people of color should be invited to observe or participate in the local emergency response plan exercises. You may need to explain the emergency action plan and how the community will be notified of emergencies in multiple languages. The LEPC or TEPC should consider providing real-time translation services to engage non-English speaking members of the community during response plan exercises. Additionally, you may develop a factsheet or a quick guide to explain the emergency action plan in multiple languages depending on the diversity in your community.

  In addition to meetings for planning and preparing the community, you should also hold public meetings after an accident to explain the course of actions taken to respond to the release and any environmental/health impacts. *See Chapter 13, section 13.5 and Appendices G, L, and M for additional details.*

- LEPCs and TEPCs should ensure that whatever notification system is used for notifying the public of emergencies, it will reach all members of the community, especially vulnerable individuals, such as those with special medical needs, the elderly, disabled individuals, those with transportation limitations and those who have challenges with technology. You should ensure that the emergency notification (i.e. to seek protection from chemical releases, evacuation procedures, etc.) is timely enough to ensure protection of the public. Depending on the composition of the community, the notification to the public may have to be provided in multiple languages.

15.1 Communicating with your Community

Effective communication with the public can be an opportunity to develop robust emergency response efforts in your LEPC area. Relationships thrive and trust is gained when you consider the needs and challenges facing those potentially affected by accidents at your facility. Local environmental groups, particularly those who are trusted by the vulnerable communities, should be encouraged to join LEPC and TEPC organizations to get involved in planning for chemical emergencies as well as be informed of potential risks of hazardous chemicals present in facilities in the community. Such organizations include local advocacy groups, faith-based organizations, academia, etc. As members of LEPCs and TEPCs, these citizen and environmental group representatives would be able to assist in explaining potential risks or what to do in case of emergency to the public that may have physical and mental disabilities, elderly, low-income residents, people of color, those with transportation and digital challenges, individuals who are not proficient in English, etc. Just as important, as members of LEPCs and TEPCs, these citizen and environmental group representatives can aid committees in understanding the concerns and needs of impacted communities.

15.2 Cultural and Linguistic Considerations for Effective Communication

Understanding and adapting to cultural sensitivities will help in this effort and allow you to better coordinate with the community in which you operate. LEPCs and TEPCs should not only assess and understand the varied needs related to culture and language, but also recognize how other social disparities impact how well community members are able to participate in a response and how their needs are considered. These disparities may include limited access to transportation, healthcare, and the internet, as well as a lack of recognition of their stakeholder status in response issues. In addition, community stakeholders often do not have the technical understanding or assistance to effectively participate in environmental decisions that impact their lives.

A few considerations for communicating with surrounding communities to ensure that all community members are equitably informed include:

- ✓ Demonstrate respect for different cultural customs, norms, and gender roles. It is important to maintain honesty and integrity in the process and articulate goals, expectations, and limitations.
- ✓ Recognize the need to enhance the capacity of community members' understanding of the information to be disseminated:
    - Consider the readability of information before producing outreach materials
    - Explain technical information in lay terms

    - Clearly present information in a way that avoids misunderstandings
- ✓ Recognize community and indigenous knowledge
- ✓ Conduct community forums in accessible locations and at times accessible for community members
- ✓ Leverage non-traditional engagement and communication methods (such as social media) to engage members of the public in a participatory process. It is important to remember that social media and technology, should enhance, but not take the place of face-to-face engagement with community members
- ✓ Provide both verbal and written information when necessary
- ✓ LEPCs and TEPCs should ensure the availability of translation services to address language barriers
    - In some cases, students or faculty at local schools or universities may provide volunteer translation services
- ✓ Demonstrate respect for varied occupations and work schedules
- ✓ Avoid use of slang, fast-paced speech, and long monologues.

When communicating potential chemical risks and to prepare the public for chemical emergencies, LEPCs and TEPCs should consider these suggestions.

Chapter 16. Effective Planning for Chemical Emergencies

This chapter provides some suggestions on how to have an effective plan for chemical emergencies. As mentioned in other parts of this document, your state (or tribe) may have specific requirements to develop a plan for other hazards. You may include your chemical emergency plan as part of your all-hazards plan or have a stand-alone plan for chemical emergencies.

For the LEPC and TEPC emergency plan to be effective, a two-phased approach to planning should be considered:

- The LEPC and TEPC should coordinate its planning with the existing county or area EOP or emergency action guideline (EOP/EAG), if one exists. Of the required elements, those common to all sites should be included in the EOP.
- The LEPC and TEPC should develop off-site procedures for each facility to address the required elements that are unique to each site and work with the local emergency management coordinator to make sure all the off-site community response plans developed by the LEPC and TEPC are incorporated into the local jurisdiction's EOP.
    - For example: A community has three RMP facilities. Each one of them has developed an emergency response plan and is required to coordinate with local officials, including the LEPC (or TEPC). RMP Facility # 1 has evacuation procedures for their own employees directing them to go to certain areas outside the facility to gather for personnel accounting purpose. RMP Facility # 2 has evacuation procedures for their own employees directing all employees to go home and call back into a central number for personnel accounting. RMP Facility # 3 has evacuation procedures for their own employees directing all employees to stay on site but to go to a safe area, such as a well-protected building.
    - The LEPC and TEPC—working with the local emergency management agency—and fire departments will probably need to address each of these facilities slightly differently during coordination in advance of a response.
    - Fire department personnel will also need to consider separate procedures for each facility for search and rescue activities, as well as other response activities based on the facilities each having different evacuation procedures.

16.1 LEPC and TEPC Tasks for Effective Planning

1. **Develop a good working relationship with the local fire departments.**

   The local fire departments, who are part of the LEPC and TEPC) organization, may have similar planning responsibilities under the state right-to-know programs or state HAZWOPER regulations. They may already have collected significant information about the hazards in the community. Also, fire departments are the first responders to arrive at a

hazardous chemical incident and therefore must be involved in emergency response planning.

2. **Develop a good working relationship with local emergency management coordinators.**

   Each county, and many larger cities and townships, have appointed local emergency coordinators. A list of these coordinators may be available through the state emergency management programs. The local coordinator is responsible for the development of the local EOP/EAG, the document the LEPC (or TEPC) needs to build on in accomplishing its planning responsibilities. As with the fire departments, the local coordinator has already compiled significant information about the hazards in the community and its response procedures.

   Tribes that do not have a TERC/TEPC established may join neighboring LEPCs to learn about their organization and maintain good relationships. Tribes may request assistance from neighboring LEPCs to develop emergency response plans or to respond to emergency situations. Tribes may also reach out to EPA Regional coordinators for assistance with developing an emergency response plan or to be connected with neighboring LEPCs.

3. **Develop a good working relationship with the facility coordinators.**

   Under EPCRA Section 302, each facility for which planning is necessary is required to name a facility coordinator and participate in the LEPC (or TEPC) planning process (*see Chapter 2*). They are also required to inform the LEPC (or TEPC) of any changes occurring at the facility and provide information in response to the LEPC (or TEPC) requests as necessary for developing and implementing the plan. As mentioned in Chapter 3, EPCRA Section 303 allows LEPCs and TEPCs to request any information to develop or modify the plan from facilities that are subject to emergency planning notification requirements as provided in EPCRA Section 302 (i.e. Facilities that have EHSs on-site at or above their TPQs).

4. **Research community response capabilities.**

   The LEPC and TEPC should become familiar with existing resources and expertise. This should entail gathering information from the emergency coordinator, health department, fire departments, industrial groups, hospitals, and EMS organizations and response teams. The LEPC and TEPC needs to have a good background on local hazardous chemical incident response capabilities before the development of procedures can take place. In addition, the LEPC and TEPC should be informed on the response procedures of state and federal agencies.

5. **Review and update, if necessary, the community resource manual.**

   One of the elements listed in the law requires the LEPC and TEPC to identify resources that can be used during a hazardous chemical response. The local emergency coordinator is responsible for maintaining a comprehensive list of resources in the community. The LEPC and TEPC should review this list and make suggestions for revision, as necessary, based on the information it acquired in step 4 (above). EPCRA Section 303(b) requires the LEPC and TEPC to evaluate the need for additional resources. Certain grants are available from federal and state programs. The resource list should also contain resources

that are not necessarily available in the community but may be needed during a response. Once the LEPC and TEPC has reviewed the list, it must decide the best place to list resources. It can simply reference the list itself if it feels the list adequately meets the responders' needs. Alternatively, the LEPC and TEPC may choose to insert a specific list in each site-specific procedure it develops.

6. **Review and suggest revisions, if necessary, to the Emergency Operations Plan/Emergency Action Guideline (EOP/EAG).**

   The local emergency coordinator should have developed a hazardous incident response section within the community's EOP/EAG. The LEPC and TEPC should review and suggest revisions as necessary based on the information it has collected in step 4 (above) and develop the site-specific procedures based on the general policy found in the EOP/EAG. It is the local emergency management coordinator's responsibility to keep the EOP/EAG up to date.

7. **Obtain a copy of the Section 302 list.**

   Section 302 requires that facilities with any EHSs above a certain threshold amount make notification to the SERC or TERC and LEPC or TEPC within 60 days of acquiring the substance on-site. All facilities, farms, private industry, and sites owned by public agencies are subject to this requirement. It is these facilities for which the LEPC and TEPC must develop an emergency response plan applicable to its community as required under EPCRA Section 303. As discussed in Chapter 5 of this document, these facilities also report EHSs annually on their Tier II forms and indicate if the facility is subject to emergency planning.

8. **Compile existing information about facilities.**

   The first thing the LEPC and TEPC should do when beginning to plan is acquire information from fire departments. Each department may have already performed a survey of each site in the community where chemicals are located. The LEPC and TEPC should look at these surveys and sort out the Section 302 sites from them. They should use this information for preliminary planning. The LEPC and TEPC will need additional information, and it can develop its own survey form to send to facilities in the community, as described in step 9 (below). The Section 302 sites are priority planning sites for which LEPC and TEPC planning is required under the federal statute for chemical emergencies.

9. **Develop facility questionnaires.**

   Develop a form asking for the additional information needed. You may develop a form for each specific group of facilities. As mentioned above, the LEPC and TEPC has the authority under EPCRA Section 303 to request any information it feels it needs in accomplishing its duties. (*See Chapter 3*, EPCRA Section 303(d).) An example of a facility questionnaire is provided in Appendix H of this document.

   The list of facilities that have EHSs can also be identified from the Tier II forms. As discussed in Chapter 5 of this document, facilities are required to submit Tier II forms to their SERC or TERC, LEPC or TEPC and the local fire department.

10. **Conduct outreach with facilities in your community.**

Use the fire department surveys and other community information to identify other facilities that may be subject to the reporting requirements. The LEPC and TEPC can make direct contact with these facilities. A facility may be unaware of its reporting requirements under Section 302 or the Section 312 annual reporting requirement. EPCRA Section 312 provisions are discussed in Chapter 5.

11. Perform a vulnerability analysis for each facility.

Using the survey and other information, determine the worst-case incident scenario that could occur at each of these facilities. Alternatively, using a worst-case scenario, the LEPC and TEPC may want to modify its results based on the "most probable" incident. You may also review RMPs submitted by facilities in your planning district under Section 112(r) of the CAA, also known as the “Risk Management Program (RMP),” to identify worse-case scenarios. The reporting criteria for EPCRA Section 302 and RMP are slightly different; however, you may use the information from the RMP to identify facilities that may pose significant hazards to the community if a release occurs. A summary of the RMP regulations is provided in Chapter 11.

12. Rank the facilities.

Once a vulnerability analysis has been completed for each facility, the LEPC and TEPC should study the results and rank the facilities, starting with the one that poses the greatest risk to public health and safety. One facility should be identified as the first facility for which an off-site site-specific procedure will be developed. Ideally, this should be the facility that poses the greatest threat.

13. Collaborate with the relevant parties.

At a minimum, the fire chief of the jurisdiction in which the site is located, the facility emergency coordinator, and the local emergency management coordinator should be involved with the LEPC or TEPC in developing the site-specific procedure. These are the primary response entities. They must have input into developing the plan since they will be the ones who must use it. It is also recommended to hold a briefing with elected local government officials (or the chief executive officer of the tribe) on the importance of planning for chemical emergencies and to gain their support.

14. Divide up the work.

The LEPC and TEPC can write the emergency plan, appendices, and standard operating procedures (SOPs) in a number of ways. It can divide into subcommittees and assign a portion of the project to each subcommittee, or it can assign one person to write it with review and revision privileges retained by the LEPC or TEPC. In any case, the intent of the law is to have all parties who may be involved in the response participate in the writing of the plan.

15. Coordinate with other jurisdictions.

The law requires procedures for coordinating with other jurisdictions when the vulnerability zone overlaps jurisdictional boundaries. The LEPC (or TEPC) may need to hold a joint meeting with neighboring LEPCs (or TEPCs) to work out issues of direction and control, protective action orders, etc.

16. **Exercise the plan.**

    It is recommended that the LEPC and TEPC) hold an exercise after it has developed a draft of the procedures or plan. Often problems with a plan do not become apparent until its use is attempted. An exercise tests the plan and should be coordinated with the local emergency manager. The plan should be part of an annual review and exercise. Every citizen in the community, including low-income residents and/or people of color should be invited to observe or participate in the local emergency response plan exercises. You may need to explain the emergency action plan and how the community will be notified of emergencies in multiple languages.

17. **Get the plan signed.**

    Follow your state (or tribal) procedures on having the plan reviewed and approved. Normally, the highest official of the county/parish or municipality will be the signatory to the plan. However, several other persons also need to sign off on the plan (e.g., fire chief, local fire department representative, other emergency responders such as police or hospital staff). This signifies these persons have participated in the plan's development and, more importantly, they agree with the procedures contained within it.

18. **Incorporate comments.**

    The LEPC and TEPC should consider the comments as helpful tools for improving its plan. It can incorporate changes to the plan. As provided in EPCRA Section 303(e) (*see legislative text provided in Chapter 3*), the SERC or TERC is required to review the plan and make recommendations to improve the plan and coordinate with neighboring LEPC's or TEPC's plans.

19. **Annually review and update the plan.**

    Section 303(a) of EPCRA requires the LEPC and TEPC to review its plans annually, or more frequently if changes occur. It is recommended, at a minimum, the LEPC and TEPC annually review the emergency plan. This should be done with the emergency management coordinator, fire chief, and facility emergency coordinator. Suggested changes can then be included in the EOP/EAG and/or the site-specific procedures.

20. **Give public notice and hold a meeting.**

    The LEPC and TEPC must publish a notice stating the plan is available for review. It must also hold a meeting to discuss the emergency plan with the community. You should request assistance from facilities to explain the risks to the community. The LEPC and TEPC should incorporate comments, if any, from these meetings into the plan.

16.2 Required Elements of a Chemical Emergency Plan Provided in EPCRA Section 303

The following is a list of nine elements required under EPCRA Section 303(c) for chemical emergencies. Contact your state (or tribe) for additional requirements. EPCRA also requires LEPCs and TEPCs to submit the plan to your SERC or TERC to review the plan and coordinate the plan with neighboring LEPCs or TEPCs. If any LEPC or TEPC has limited resources or technical expertise, they may request to join the neighboring LEPC or TEPC.

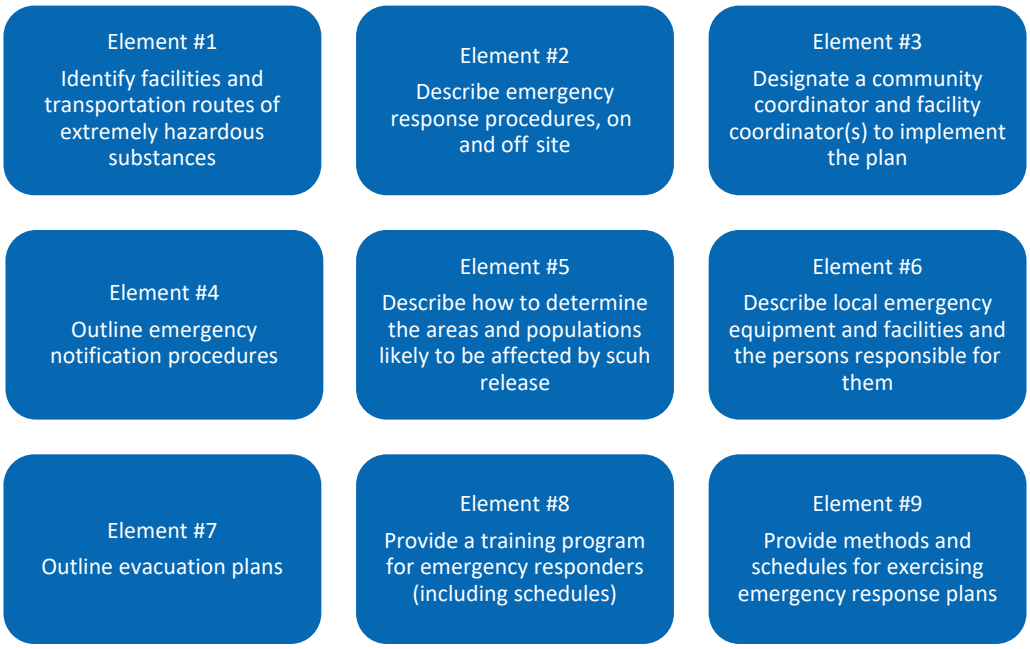

Figure 35. Elements of an emergency response plan (Section 303).

16.2.1 Section 303(c)(1)

(1) Identification of facilities subject to the requirements of this subchapter that are within the emergency planning district, identification of routes likely to be used for the transportation of substances on the list of extremely hazardous substances referred to in section 302(a) of this title, and identification of additional facilities contributing or subjected to additional risk due to their proximity to facilities subject to the requirements of this subchapter, such as hospitals or natural gas facilities.

This requirement is described below in greater detail.

Identification of Facilities That Have EHSs Within the Emergency Planning District

LEPCs and TEPCs should identify facilities that have EHSs from the notification received under EPCRA Sections 302(c) and 312. These facilities should also include those that conduct subsurface operations (mining), farms, federal facilities and any other facilities that may handle EHSs above their TPQs. See Chapter 5 for details on information reported under EPCRA Section 312.

Using the authority provided in EPCRA Section 303(d)(3), LEPCs and TEPCs may request any information from facilities subject to EPCRA Section 302, such as amounts and locations of all EHSs and other hazardous chemicals present on site, and potential hazards. Some facilities may have an emergency response plan prepared under other federal or state environmental

regulations. LEPCs and TEPCs may request these facilities share their plan or help coordinate the plan with the community emergency response plan.

The plan should also include vulnerable institutions or organizations (e.g., schools, daycare centers, churches, hospitals and nursing homes) and sensitive natural resources that may be affected by accidental chemical releases from facilities that handle EHSs or other hazardous chemicals. LEPCs and TEPCs may use Computer-Aided Management of Emergency Operations (CAMEO) and other tools discussed in Chapter 177 to assist in identifying affected populations in the community.

Identification of Additional Facilities Contributing or Subjected to Additional Risk Due to Their Proximity to Facilities Subject to the Requirements of Emergency Planning (e.g., Hospitals or Natural Gas Facilities)

Under the authority provided in EPCRA Section 302(b)(2), the governor of a state, SERC, or TERC may designate additional facilities that should be included in the local emergency plan due to the chemicals that are handled at these facilities or their proximity to vulnerable institutions (schools, assisted living, etc.).

In addition to the facilities with EHSs, LEPCs and TEPCs should also consider facilities that have other hazardous chemicals that may pose risks to the public. For instance, facilities subject to the Risk Management Program under CAA Section 112(r) are required to submit an RMP to EPA.

Facilities that are subject to EPCRA Section 302, Emergency Planning Notification, may also be subject to CAA Section 112(r). The RMP filed by these facilities may have information useful to LEPCs and TEPCs. LEPCs and TEPCs may request RMPs from EPA for facilities in their emergency planning district. Facilities that must submit under CAA Section 112(r) are required to coordinate their emergency response plan with the local response organization.

Under the Chemical Facility Anti-Terrorism Standards (CFATS), covered facilities are encouraged or required to coordinate with local responders. (*See Chapter 255 for information on CFATS and Emergency Planning for LEPCs and TEPCs.*)

Facilities that are subject to EPCRA Section 302 may also be subject to Section 313 of EPCRA or the TRI. A brief overview of the TRI program is provided in Chapter 2511. Facilities that submit reports under Section 313 identify the toxic chemical released, the amount released, the amount of the chemical on site, and where the release occurred. These reports are submitted to the state and EPA. LEPCs and TEPCs may request TRI reports from your state (or tribe) or EPA.

Although Section 303 focuses mainly on planning for EHSs, these are not the only chemicals that may pose serious risks to the community. Hazardous chemical information provided on Tier II forms, discussed in Chapter 5, is useful in identifying these other chemicals and facilities that may need to be included in the local emergency plan.

Identification of Potential Routes of Transportation of Extremely Hazardous Substances

EPCRA Section 304, discussed in Chapter 4, requires facilities to provide notification of releases that occur during transportation, as well as at fixed facilities. Therefore, it is important to include transportation routes for EHSs in the local emergency plan. Other hazardous chemicals may also be transported through the community via highways, local roads, pipelines, or railroads. LEPCs and TEPCs may also want to consider these chemicals and routes in their plan and then assess the potential impacts. Some states now collect the routes and transporter information on the hazardous chemical inventory report ("Tier II"). (*See Chapter 5 for discussion on Tier II reporting requirements.*). In addition, see discussion below on Information Sharing on High Hazard Flammable Trains to SERCs and TERCs required under DOT regulations.

Identification of Potential Routes of Transportation of Other Hazardous Chemicals

In addition to EHSs, there may be other hazardous chemicals that pass through each planning district via railroads or highways. LEPCs and TEPCs should also consider these chemicals and their transportation routes in the emergency response plan. Information regarding hazardous chemicals transported via railroads can be obtained from your SERC or TERC as required by Department of Transportation (DOT) regulations, which are discussed below. An LEPC/TEPC can assess the transportation routes and railroads. The LEPC/TEPC can also work with its state truck inspection service's agency to get information. DOT's Federal Railroad Administration (FRA) has information about hazardous materials on the rail lines (see below).

DOT Regulations (49 CFR 174.312): Information Sharing on High Hazard Flammable Trains (HHFTs) to SERCs and TERCs

The Pipeline and Hazardous Materials Safety Administration (PHMSA) of the DOT issued a final rule on February 28, 2019 (84 FR 6910) https://www.govinfo.gov/content/pkg/FR-2019-02-28/html/2019-02491.htm, requiring railroads to provide the SERC and the TERC or other state-delegated agency with certain information regarding HHFTs passing through the state or tribal region. The information must include the following:

- A reasonable estimate of the number of HHFTs that the railroad expects to operate each week through each county or tribal jurisdiction.
- The routes over which the HHFTs will operate.
- A description of the hazardous materials being transported, and all applicable emergency response information identified in the DOT regulations.
- An HHFT point of contact at the railroad (including name or email address, title, phone number and address) who has knowledge of the railroad's transportation of affected trains and who is responsible for serving as the point of contact for the SERC, TERC, or other state or tribal agency responsible for receiving the information.
- If a route is identified for the HHFTs and if they are subject to the comprehensive spill plan requirements (49 CFR Part 130, Subpart C), then certain information such as a description of the response zones (including counties and states) is required.

The railroads must also provide free emergency response training to the SERC, TERC, LEPC, TEPC, and other local response organizations. https://www.transportation.gov/briefing-room/emergency-order.

See 49 CFR Parts 130[12] and 174[13] for details on requirements for railroads carrying HHFTs.

(2) Methods and procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to any release of such substances.

The MSDS/SDS of a chemical would include response actions in case of an emergency. The LEPCs, TEPCs and facilities need to review Sections 4, 5, and 6 of the MSDS (or SDS). *See below for a description of each of these sections.*

- **Section 4: First-Aid Measures.** This section describes the initial care that should be given by untrained responders to an individual who has been exposed to the chemical. The required information consists of:
  - Necessary first-aid instructions by relevant routes of exposure (inhalation, skin and eye contact, and ingestion).
  - Description of the most important symptoms or effects and any symptoms that are acute or delayed.
  - Recommendations for immediate medical care and special treatment needed, when necessary.
- **Section 5: Firefighting Measures.** This section provides recommendations for fighting a fire caused by the chemical. The required information consists of:
  - Recommendations of suitable extinguishing equipment, and information about extinguishing equipment that is not appropriate for a particular situation.
  - Advice on specific hazards that develop from the chemical during the fire, such as any hazardous combustion products created when the chemical burns.
  - Recommendations on special protective equipment or precautions for firefighters.
- **Section 6: Accidental Release Measures.** This section provides recommendations on the appropriate response to spills, leaks, or releases, including containment and cleanup practices to prevent or minimize exposure to people, properties, or the environment. It may also include recommendations distinguishing between responses for large and small spills where the spill volume has a significant impact on the hazard. The required information may consist of recommendations for:

[12] Title 49 Subtitle B Chapter 1 Subchapter B Part 130: Oil spill Prevention and Response Plans https://www.ecfr.gov/cgi-bin/text-idx?SID=b9dcaf30ea5babe54205aaa16baaeb76&mc=true&node=pt49.2.130&rgn=div5.

[13] Title 49 Subtitle B Chapter I Subchapter C Part 174: Carriage by Rail. https://www.ecfr.gov/cgi-bin/text-idx?SID=b9dcaf30ea5babe54205aaa16baaeb76&mc=true&node=pt49.2.174&rgn=div5.

- Use of personal precautions (such as removal of ignition sources or providing sufficient ventilation) and protective equipment to prevent the contamination of skin, eyes and clothing.
- Emergency procedures, including instructions for evacuations, consulting experts when needed and appropriate protective clothing.
- Methods and materials used for containment (e.g., covering the drains and capping procedures).
- Cleanup procedures (e.g., appropriate techniques for neutralization, decontamination, cleaning or vacuuming; adsorbent materials; and/or equipment required for containment/clean up).

The emergency plan should include the name and contact information of the LEPC or TEPC community emergency coordinator for the facility's emergency coordinator to notify in the event of an emergency. This individual must then notify local emergency responders and inform local hospitals to prepare the staff, if necessary. The plan should also include procedures for the community emergency coordinator to notify the public to take proper precautions.

Most LEPCs/TEPCs have designated the 9-1-1 system to take the emergency call and pass the information to the emergency response community, as needed, based on the information received.

Procedures for Emergency Response, On Site and Off Site

Some large facilities may be able to respond to their own chemical emergencies, assist local emergency responders or provide emergency response equipment. The emergency plan should include this information.

Neighboring emergency planning districts may also be able to assist in emergency response. EPA encourages LEPCs and TEPCs to meet with other emergency planning districts and attend meetings to discuss coordination across jurisdictions.

(3) Designation of a community emergency coordinator and facility emergency coordinators, who shall make determinations necessary to implement the plan.

The emergency plan should include the contact information for each person in the planning district who would be the facility point of contact for emergency responders and the public during an emergency. The contact list should be updated periodically. This information should be provided annually in the Hazardous Chemical Inventory Form, also known as "Tier II." Details on the Tier II reporting requirements are covered in Chapter 5.

Under EPCRA Section 303(d)(1), facilities in your planning district that are subject to emergency planning notification in EPCRA Section 302 are required to provide the name of the facility emergency coordinator who should participate in the emergency planning process. LEPCs and TEPCs are encouraged to reach out to these individuals, as they have the expertise on

potential hazards of the chemicals stored at their facilities. These individuals may also assist in conducting exercises and explaining potential risks to the community.

An LEPC or TEPC should designate a community emergency coordinator. The facility owners and operators are required to notify this contact when there is a release of EHSs or CERCLA hazardous substances at the facility, as required by EPCRA Section 304, Emergency Release Notification (Section 304 requirements are explained in detail in Chapter 4). The community emergency coordinator should be trained to acquire as much information as possible from the person reporting the release to facilitate decisions on public notification and evacuation.

More than one individual should be named to ensure proper notification. It may be helpful to provide these individuals' contact information to each facility in the emergency planning district, whether or not the facilities have EHSs on site.

Most LEPCs have designated "9-1-1" to receive the initial emergency notification of a release.

Note: Under EPCRA Section 304, facilities are required to provide release notification of CERCLA HSs and EPCRA EHSs if certain criteria are met for release reporting. Therefore, LEPCs and TEPCs are encouraged to provide proper contact information of the community emergency coordinator or other established system (e.g., 9-1-1 or dispatch/call center) to the facilities in their planning district.

(4) Procedures providing reliable, effective, and timely notification by the facility emergency coordinators and the community emergency coordinator to persons designated in the emergency plan, and to the public, that a release has occurred (consistent with the emergency notification requirements of section 11004 of this title).

LEPCs and TEPCs should develop procedures so that facilities know to whom to report a chemical emergency (e.g., community emergency coordinator, local operator/9-1-1, or fire department personnel). These people should be trained to take accurate information from the caller (name of the substance released, date and time of release, quantity of the chemical, location(s) of the facility or transportation route(s), any injuries or evacuations, etc.).

The emergency plan should describe procedures for how the community emergency coordinator will oversee public notification that a release has occurred and methods of providing instructions to shelter in place or evacuate (e.g., broadcasting on radio or TV, use of reverse 9-1-1, and/or other mechanisms appropriate and most useful for the community). The plan should also include alerting the local fire department, traffic police for evacuation procedures, and local hospitals to prepare for treating any exposed individuals.

LEPCs and TEPCs should ensure that whatever system is used for notifying the public, it will reach all geographical areas of the community, including individuals with special medical needs (such as the elderly, disabled/handicapped individuals, children, and those with transportation challenges), and that the notification is timely enough to ensure protection of the public. Depending on the composition of the community, the notification to the public may have to be provided in multiple languages.

LEPCs and TEPCs may also request that facility owners and operators have a facility representative available when an incident occurs to provide first responders with the most up-to-date information about the chemicals at the facility. This individual would be the facility emergency coordinator discussed earlier in this section. This individual is also reported on the hazardous chemical inventory form (Tier II form) annually.

(5) Methods for determining the occurrence of a release, and the area or population likely to be affected by such release.

Hazards analysis for fixed facilities and transportation routes can be done by using CAMEO Data Manager and Areal Locations of Hazardous Atmospheres (ALOHA). (*See Chapter 177*.)

The Screening & Scenarios module in the CAMEO Data Managers is a planning tool to assess the hazards from accidental releases of hazardous chemicals for fixed facilities and transportation routes. Such an assessment is called a hazards analysis, and you can use the results of the analysis to prepare emergency response plans for your community.

In ALOHA, a facility's threat zone will appear as a shaded circle around the facility, with a radius equal to the threat zone radius shown on the Screenings & Scenarios record. A threat zone for a scenario also includes a small oval area representing the area that could potentially be affected if the wind blows from the direction you indicated on the scenario record. Threat zones for screenings do not include an oval area because wind direction is not specified in screenings.

In the case of a route, the threat zone will appear as a shaded corridor along the full length of the route, twice as wide at every point along the route as the calculated threat zone radius.

ALOHA can also be used for fixed facilities and transportation routes as a planning tool to assess the hazards from accidental releases of hazardous chemicals.

Each facility in the community has the responsibility to determine whether a release has occurred within their facility that triggers notifications to the federal government, SERC or TERC, and LEPC or TEPC. LEPCs and TEPCs should coordinate with each facility to determine what procedures and equipment (e.g., air monitors) the facility may have for determining the release magnitude and duration.

The LEPC and TEPC should also work to train 9-1-1 dispatchers and other responders to be mindful of calls that may come in from the public complaining of odors, burning eyes, or other indications of a release.

(6) A description of emergency equipment and facilities in the community and at each facility in the community subject to the requirements of this subchapter, and an identification of the persons responsible for such equipment and facilities.

The emergency plan should include which facilities in your community have emergency response equipment or are able to respond to emergency situations. These facilities may donate emergency response equipment to local fire departments and offer training.

(7) Evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes.

The plan should describe the places or buildings (e.g., schools, churches, municipal buildings, etc.) where the public should gather in the event of an emergency. This should also include traffic routes the public should avoid.

Coordinate with state, county and local police departments, as well as the Department of Public Works or DOT in the planning district, to develop evacuation procedures and identify traffic routes. The plan should include:

- Procedures to notify the public of the emergency.
- Shelter locations.
- Procedures to move persons that need special services.
- Evacuation routes.

(8) Training programs, including schedules for training of local emergency response and medical personnel.

Ensure that emergency response personnel, as well as medical personnel, are trained to deal with chemical emergencies. Your plan should include a training schedule.

There are training programs and tools developed by the Agency for Toxic Substances and Disease Registry (ATSDR) available to help communities develop sound, evidence-based assumptions in preparing for hazardous materials (HazMat) emergencies and disasters for Emergency Medical Services and Emergency Hospital Services (https://www.atsdr.cdc.gov/hazmat-emergency-preparedness.html).

Other areas that the LEPC and their emergency medical services, emergency hospital services and public health departments should review are sections 4 and 11 of the MSDS (or SDS). *See below for a description of these sections.*

- **SDS Section 4: First-Aid Measures.** This section describes the initial care that should be given to an individual who has been exposed to the chemical. The required information consists of:
    - Necessary first-aid instructions by relevant routes of exposure (inhalation, skin and eye contact and ingestion).
    - Description of the most important symptoms or effects and any symptoms that are acute or delayed.
    - Recommendations for immediate medical care and special treatment needed, when necessary.

- **SDS Section 11: Toxicological Information.** This section identifies toxicological and health effects information or indicates that such data are not available. The required information consists of:
    - Information on the likely routes of exposure (inhalation, ingestion, skin and eye contact). The SDS should indicate if the information is unknown.
    - Description of the delayed, immediate, or chronic effects from short- and long-term exposure.
    - The numerical measures of toxicity (e.g., acute toxicity estimates such as the LD50 (median lethal dose))—the estimated amount (of a substance) expected to kill 50 percent of test animals in a single dose.
    - Description of the symptoms. This description includes the symptoms associated with exposure to the chemical, including symptoms from the lowest to the most severe exposure.
    - Indication of whether the chemical is listed in the National Toxicology Program (NTP) Report on Carcinogens (latest edition) or has been found to be a potential carcinogen in the International Agency for Research on Cancer (IARC) Monographs (latest editions) or found to be a potential carcinogen by OSHA.

Your SERC or TERC is the primary contact to help you get the appropriate training for local emergency responders and medical personnel. In addition, chemical facilities in your community may be able to suggest or provide training specific to the chemical risks at their facility, and many industry trade associations offer free training for emergency responders.

(9) Methods and schedules for exercising the emergency plan.

The LEPC should use the Homeland Security Exercise and Evaluation Program (HSEEP): https://training.fema.gov/programs/hseep/roleofexercises.

The emergency plan should be exercised at least annually—and more frequently if there are changes that occur at the facilities that may affect it. These exercises might include call-down notification drills, tabletop exercises, and full-field exercises. The exercises can cover one facility or several facilities. Most active LEPCs currently exercise their plan at least twice a year, and some conduct exercises three to four times a year. The plan should include a schedule for such exercises.

Tabletop exercises should include all the members of the LEPC and TEPC. LEPCs and TEPCs should include the RRT and the state, county and local response community when conducting exercises. The public should be notified of these exercises and be invited to participate or observe.

The LEPC/TEPC plan must include a plan for at least an annual exercise. This exercise can be a table-top, full-scale exercise, or a call down of the phone numbers, including the emergency phone contact numbers in the plan. The after-action report or hot wash meeting can be used to identify areas that need to be updated.

While the EPCRA Section 303 emergency plan requirement is specific to facilities that handle EHSs, there are other facilities or chemicals in commerce that may also pose a threat to human life, including other health effects or injuries, or the environment. In addition, two new hazards facing a community may be marijuana-growing operations and ethanol production. Chemicals handled at these types of facilities should also be considered in your emergency response plan.

Chapter 17. Tools and Resources for Planning and Response

EPCRA requires planning for chemical emergencies for every community that has facilities handling hazardous chemicals.

This chapter describes various tools that LEPCs, TEPCs and other planners and responders may use for emergency planning and response.

17.1 Computer-Aided Management of Emergency Operations (CAMEO) Software Suite

The CAMEO software suite is a system of software applications used widely to plan for and respond to chemical emergencies. It is one of the tools developed by EPA and the National Oceanic and Atmospheric Administration (NOAA) to assist front-line chemical emergency planners and responders. They can use CAMEO to access, store, and evaluate information critical for developing emergency plans.

The CAMEO system integrates a chemical database and a method to manage the data, an air dispersion model, and a mapping capability. All modules work interactively to share and display critical information in a timely fashion. The CAMEO system is available in Macintosh and Windows formats.

For additional information on CAMEO, please visit https://www.epa.gov/cameo/what-cameo-software-suite.

CAMEO is a suite of four core programs that can be used together or separately:

- CAMEO Data Manager
- CAMEO Chemicals
- MARPLOT
- ALOHA

17.1.1 CAMEO Data Manager—Database and Information Management Tool

EPA: https://response.restoration.noaa.gov/cameochemicals.

NOAA: https://response.restoration.noaa.gov/oil-and-chemical-spills/chemical-spills/response-tools/cameo-software-suite.html.

CAMEO Data Manager is a database application that includes seven modules to assist with data management requirements under EPCRA. The system can be used to store information submitted by facilities, such as storage amounts, locations of chemicals on their site and the facility

personnel contact information. CAMEO Data Manager can also interact with MARPLOT and CAMEO Chemicals. CAMEO Chemicals—Chemical Response Datasheets and Reactivity Prediction Tool: https://response.restoration.noaa.gov/cameochemicals.

CAMEO Chemicals is available for free in multiple formats as a website, mobile website, mobile app, and desktop program. All of those formats use the same database, so the content is the same (see the development history for details about released versions). Most of the program functionality is the same across formats as well, as shown in the CAMEO Chemicals feature comparison chart.

Users can search through the extensive chemical database in CAMEO Chemicals to find chemical datasheets with critical response information, including physical properties, health hazards, information about air and water hazards, and recommendations for firefighting, first aid, and spill response. (The chemical datasheets also include links to related National Institute for Occupational Safety and Health (NIOSH) Pocket Guide datasheets and International Chemical Safety Cards.) When you add chemical datasheets to the MyChemicals collection, you can use the reactivity tool to predict what hazards could arise if the chemicals were to mix together.

Additionally, CAMEO Chemicals includes separate datasheets-based United Nations/North American (UN/NA) identification numbers that provide shipping information from the Hazmat Table (49 CFR 172.101) and response information from the Emergency Response Guidebook (ERG), including the ERG Response Guide PDFs in English, Spanish, and French.

CAMEO Chemicals has an extensive chemical database with critical response information for thousands of hazardous substances. Use the simple search to quickly find chemicals of interest by name, Chemical Abstracts Service (CAS) number, or UN/NA number—or use the advanced search with a variety of database fields for more complex queries. CAMEO Chemicals can also be used for:

- Reviewing chemical datasheets for physical properties, health hazards and information about air and water hazards; recommendations for firefighting, first aid and spill response; and regulatory information.
- Obtaining information from additional sources using the U.S. Coast Guard Chemical Hazards Response Information System (CHRIS) manual, the NIOSH Pocket Guide, and International Chemical Safety Cards links on many chemical datasheets.
- Accessing UN/NA datasheets for response information from the ERG and shipping information from the Hazardous Materials Table. ERG Response Guide PDFs are available in English, Spanish, and French.
- Predicting potential hazards that could arise if chemicals were to mix.

Other programs in the CAMEO software suite also deal with chemicals, but they do not have the extensive chemical database that CAMEO Chemicals does. Instead, those programs provide links to related CAMEO Chemicals datasheets, so that if you are working in another part of the CAMEO suite you can quickly switch over to chemical datasheets in CAMEO Chemicals to find out more about the hazardous chemicals.

17.1.2 MARPLOT—Mapping Application for Response, Planning, and Local Operational Tasks

https://www.epa.gov/cameo/marplot-software.

With MARPLOT's easy-to-use GIS interface, you can add your own objects (symbols, rectangles, circles, polylines and polygons) to maps, as well as view and edit data associated with those objects. You can choose between several base maps for the background image, and you can customize your map further with annotations and online Web Mapping Service (WMS) layers. You can also interact with the map in other ways, such as getting population estimates within an area, weather, coordinates, Flood Zones, River Stages, etc.

As part of the CAMEO software suite, MARPLOT can be used with other programs in the suite: you can link map objects to the CAMEO Data Manager program and easily display ALOHA threat zones for real emergency events or planning purposes. However, MARPLOT can also be run by itself as a general mapping program. MARPLOT runs on both Windows and Macintosh computers.

MARPLOT is a mapping application. The program comes with several global background base-map options, with maps in both street and satellite views. Users can add to the information shown on the map by drawing their own objects (such as chemical facilities, schools or response assets) or by importing layers of objects already created by other sources. Map objects can be linked to records in CAMEO Data Manager, in order to store additional information about these locations (such as emergency contact information or site plans). Additionally, the areas contaminated by potential or actual chemical release scenarios can be displayed on the maps to determine potential impacts and help users make decisions about the degree of hazard posed by the releases.

17.1.3 ALOHA—Areal Locations of Hazardous Atmospheres

https://www.epa.gov/cameo/aloha-software.

ALOHA is an atmospheric dispersion model used for evaluating releases of hazardous chemical vapors. ALOHA allows the user to estimate the downwind dispersion of a chemical cloud based on the toxicological/physical characteristics of the released chemical, atmospheric conditions, and specific circumstances of the release.

ALOHA can estimate threat zones associated with several types of hazardous chemical releases, including toxic gas clouds, fires and explosions. Threat zones can be displayed on MARPLOT maps to help users assess geospatial information, such as whether vulnerable locations (such as hospitals and schools) might be impacted by the release or whether other nearby factors (such as construction zones) might complicate the response.

17.1.4 Tier2 Submit Software

https://www.epa.gov/epcra/tier2-submit-software.

Completed Tier II forms are due by March 1, annually. Refer to the reporting requirements for your state for details of submission requirements. EPA developed Tier2 Submit to help facilities prepare an electronic chemical inventory report. Many states accept reports using Tier2 Submit, and the Tier II chemical inventory data can also be exported into the CAMEO Data Manager emergency planning software.

17.2 Guidance Documents for Planning

EPA and the National Response Team published a guidance document, *Hazardous Materials Emergency Planning Guide, NRT-1*, to help state and local officials develop emergency response plans. In addition, EPA, FEMA, and DOT published a follow-up document on hazards analysis that tells emergency planners how to determine the potential hazards of a chemical and its processes before there is an incident, so they can determine the priorities of chemical risks in their community and plan for them. Links to these documents are provided in the "Resources" section of this document.

Chapter 18. Conducting a Hazard Analysis

18.1 Hazard Analysis

The first step in a hazard analysis is to identify facilities containing EHSs or to identify transportation routes likely to be used for the transportation of these substances. An analysis will help you identify these and other hazards in your community. Emergency planners should try to answer the following questions:

- What are the major chemical hazards in our community?
- How can we determine the area or population likely to be affected by a release?
- What emergency response resources (personnel and equipment) does our community need?
- What kind of training do local responders need?
- How can we help prevent chemical accidents?

The hazard analysis process can assist local planners in answering these and other important planning questions.

There are three components of hazards analysis as it is applied to the EHSs. A brief overview is presented below.

18.1.1 Hazards Identification

Hazards identification typically provides specific information on situations that have the potential for causing injury to life or damage to property and the environment due to a hazardous materials spill or release. A hazards identification includes information about chemical identities:

- The locations of facilities that use, produce, process, or store hazardous materials.
- The type and design of chemical containers or vessels.
- The quantity of material that could be involved in an airborne release.
- The nature of the hazard (e.g., airborne toxic vapors or mists, which are the primary focus of this guide, as well as other hazards such as fire, explosion, large quantities stored or processed, or handling conditions) most likely to accompany hazardous materials spills or releases.

18.1.2 Vulnerability Analysis

A vulnerability analysis identifies areas in the community that may be affected or exposed; individuals in the community who may be subject to injury or death from certain specific hazardous materials; and what facilities, property or environment may be susceptible to damage should a hazardous materials release occur. A comprehensive vulnerability analysis provides information on:

- The extent of the vulnerable zones (i.e., an estimation of the area that may be affected in a significant way as a result of a spill or release of a known quantity of a specific chemical under defined conditions).
- The population, in terms of numbers, density, and types of individuals (e.g., facility employee; neighborhood residents; people in hospitals, schools, nursing homes, prisons or day care centers) that could be within a vulnerable zone.
- The private and public property (e.g., critical facilities, homes, schools, hospitals, businesses, offices) that may be damaged, including essential support systems (e.g., water, food, power, communication, medical) and transportation facilities and corridors.
- The environment that may be affected and the impact of a release on sensitive natural areas and endangered species.

18.1.3 Risk Analysis

A risk analysis is an assessment by the community of the likelihood (probability) of an accidental release of a hazardous material and the actual consequences that might occur, based on the estimated vulnerable zones. The risk analysis is a judgement of probability and severity of consequences based on the history of previous incidents, local experience, and the best available current technological information. It provides an estimation of:

- The likelihood (probability) of an accidental release, based on the history of current conditions and controls at the facility, consideration of any unusual environmental conditions (e.g., areas in flood plains), or the possibility of simultaneous emergency incidents (e.g., flooding or fire hazards resulting in the release of hazardous materials).
- Severity of consequences of human injury that may occur (acute, delayed and/or chronic health effects), the number of possible injuries and deaths, and the associated high-risk groups.
- Severity of consequences on critical facilities (e.g., hospitals, fire stations, police departments, communication centers).
- Severity of consequences of damage to property (temporary, repairable, permanent).
- Severity of consequences of damage to the environment (recoverable, permanent).

18.1.4 Summary

To have an accurate view of the potential problems in a district, the LEPC and TEPC would need to address all the steps outlined above in a hazards analysis. Each of the three steps should be followed even if extensive information is not available for each site. The process anticipates that local judgement will be necessary.

A detailed description on conducting a hazard analysis is provided in EPA's *Technical Guidance for Hazards Analysis, December 1987.* (*See the "Technical Resources" section for a link to this document.*)

18.2 Hazards/Vulnerability/Capability Assessments

These assessments are a way to find out what/where the HAZMAT threat is, who is vulnerable, and what capability exists to respond to an incident. This can be as simple or complicated as you choose.

- **Hazard/Threat Assessment:** Includes industry required to report under EPCRA, propane facilities, fuel storage facilities and other fixed facilities. Transportation-related threats on highways, railroads and airports should also be included. Determine the most hazardous chemical at these locations and the worst-case effects of a release of that chemical.
- **Vulnerability Assessment:** Review census data or other information available to the county to determine who and what lies within the vulnerability areas of the locations of hazardous chemicals in the community. Look for any special cases like schools, nursing homes, shopping malls and neighborhood populations.
- **Capability Assessment:** Look at what the jurisdiction has to respond to the threat. Look at not only county or municipal assets like fire departments, HAZMAT teams, law enforcement, emergency medical and other government-owned assets, but also private industry, which may have response teams or equipment. Plot these on the map. Once plotting is completed, look at the whole picture to find any deficiencies in response. Then make plans to fix them.

Chapter 19. Commodity Flow Study

Commodity flow studies are conducted to provide detailed information about the type, quantity, volume, and spatial distribution of hazardous materials traveling through your counties via highways and rail. (***Note:*** *Consideration of transportation routes of extremely hazardous substances is a required element of the local emergency response plan.*) As discussed earlier in this document, there are other chemicals in commerce that also pose hazards to the community; therefore, LEPCs and TEPCs should also consider transportation routes of these chemicals in the emergency response plan. This information is necessary for detailed emergency planning activities by your county's emergency response agencies.

The first step is determining the routes to be studied. This can be a major highway through the county or city, or a heavily traveled road through high-population areas. Railroad studies are also useful, since they often run through heavily populated areas and city centers. The second step is developing a survey schedule that covers different days of the week, different times of day, and a long enough period of time to ensure peak and off-peak traffic are surveyed. The third step is to determine what methods you will use to collect the information. You can have teams stationed in safe locations along the routes using binoculars for placard surveys. You can also use vehicle and train manifest surveys. The fourth step is conducting the survey and compiling the information showing types of materials and the quantities, frequencies and locations of where they are transported. A vulnerability study could also be done along your routes to determine populations at risk.

You may request that facilities in your community, trade associations or university students assist you in conducting a commodity flow study.

DOT/PHMSA has a guide for conducting hazardous materials commodity flow studies: http://onlinepubs.trb.org/onlinepubs/hmcrp/docs/HM01_FR.pdf.

Sample commodity flow studies from various states and cities are posted on EPA’s website. See “Resource” section of this document.

Chapter 20. Training Resources

Training and funding opportunities are available to assist first responders, as well as other members of LEPCs and TEPCs. This chapter provides references to various web-based training resources and funding opportunities.

Your state or tribal agency may provide additional training for first responders.

20.1 Emergency Response Training

It is important—and required by regulation—for emergency responders to have the proper training to ensure that they are ready to respond to emergencies involving chemicals.

Under OSHA and EPA standards and regulations, any person who will respond to a chemical incident must have the appropriate training for the level of response they are undertaking, whether it be awareness, operational or technician-based training.

Organizations at all levels make training available for local and state first responders either at no cost or for very reasonable costs. States offer training to their local responders using Hazardous Materials Emergency Preparedness (HMEP) training funds, other grants or state supported fees. Additionally, many trade associations offer free training for local agencies and emergency responders.

Two such training opportunities, which have been offered for years, are available for responders nationwide. The annual HOTZONE Conference & Workshops held in Houston, Texas, and the annual Continuing Challenge conference held in Sacramento, California, both offer comprehensive training opportunities for first responders. These events bring in subject matter experts from around the country (and even international trainers) to provide the best available training for responders. Many responders attend these conferences for no cost because of available scholarship opportunities offered by the conference itself, their states, associations or other entities.

Houston and Sacramento host annual conferences.

Under the OSHA Hazardous Waste Operations and Emergency Response (HAZWOPER) Standard (29 CFR 1910.120), as well as the corresponding EPA regulation (40 CFR Part 311), both private and public employees (including volunteers) must be trained to the appropriate level.

There are five levels of training, which are designed to ensure responders can protect themselves. The training levels and content required for these workers is dependent on the workers' expected duties during the emergency response. For example, workers who are likely to witness or discover a release and are expected only to initiate an emergency response by notifying the proper authorities must be trained to the first responder awareness level.

A fact sheet developed by EPA Region 6 on the implementation of the HAZWOPER program at the state and local levels is located in Appendix Q.

20.2 Training Resources

The following is a list of some of the training programs offered by the Federal Emergency Management Agency, DOT, DHS, and Transportation Community Awareness and Emergency Response (TRANSCAER) for emergency planners and first responders. Your state or tribal emergency management may offer additional training programs. Industry trade associations may also offer free training for first responders.

- **National Preparedness Training**

  FEMA offers a variety of training and education for first responders, emergency managers and other members of the community.
  https://www.fema.gov/emergency-managers/national-preparedness/training
  https://www.fema.gov/emergency-managers/national-preparedness/exercises

- **National Incident Management System**

  The National Incident Management System (NIMS) guides all levels of government, nongovernmental organizations and the private sector to work together to prevent, protect against, mitigate, respond to and recover from incidents. Local, state, territorial, and tribal nation jurisdictions are required to adopt NIMS in order to receive federal preparedness grants.
  https://www.fema.gov/emergency-managers/nims
  https://www.fema.gov/emergency-managers/nims/components

- **NIMS Implementation and Training**

  Local, state, tribal and territorial jurisdictions are required to adopt NIMS in order to receive federal Preparedness Grants. FEMA has defined implementation objectives to guide jurisdictions in their implementation of NIMS.
  https://www.fema.gov/emergency-managers/nims/implementation-training

- **Chemical-Terrorism Vulnerability Information Training**

  CVI Authorized User Training provides an overview of a sensitive but unclassified designation titled, “Chemical-Terrorism Vulnerability Information” (CVI). CVI is used to protect information developed under the Chemical Facility Anti-Terrorism Standards (CFATS) regulation that relates vulnerabilities to terrorist attacks of high-risk chemical facilities manufacturing, using, storing or otherwise possessing certain explosive, reactive, flammable or toxic chemicals of interest. Completion of this training will prepare you to successfully handle and safeguard CVI.
  https://www.cisa.gov/cvi-authorized-user-training

- **Emergency Response Guidebook Training**

  Provided through PHMSA, these trainings are available throughout the year and across the United States.
  https://www.phmsa.dot.gov/hazmat/erg/emergency-response-guidebook-erg

- **Federal Emergency Management Institute**

  Training resources focused on all hazard preparedness education.
  https://training.fema.gov/emi.aspx

- **First ResponderTraining.gov**

  A FEMA website offering more than 150 courses to help build critical skills first responders need to function effectively in mass consequence events.
  https://www.firstrespondertraining.gov/frts/

- **PHMSA One-Day Hazmat Transportation Workshops**

  PHMSA's Hazardous Materials Safety Assistance Team conducts workshops specialized to meet the needs of industry or the public safety community. These free one-day events are scheduled across the nation to help meet the needs of the local community.

- **PHMSA Online Training**

  This training system provides training from the PHMSA Pipeline Inspector Training and Qualifications Division and HAZMAT Certification and Standards Branch. It provides training for PHMSA personnel, federal and state pipeline safety inspectors, and HAZMAT Investigators.

- **PHMSA Two-Day Multimodal Training Seminars**

  DOT provides training on hazmat transportation and includes the Federal Aviation Administration, PHMSA, Federal Motor Carrier Safety Administration, Federal Railroad Administration, and State Hazmat Enforcement.

- **TRANSCAER Online Hazmat Training Courses**

  TRANSCAER[SM] (Transportation Community Awareness and Emergency Response) offers a variety of online hazmat training videos for emergency responders and community leaders who cannot attend classroom events. You can take the courses at your own pace and at a time and location that is convenient for you.
  https://www.transcaer.com/training/online-training-courses

Chapter 21. Other Key Groups for Success of EPCRA

As mentioned in the beginning of this document, LEPCs and TEPCs are crucial to the success of this program, as they are within the community they represent and the potential risks posed by chemicals handled by facilities near them. LEPCs and TEPCs are encouraged to build a relationship with facilities that handle hazardous chemicals, as these facilities may assist in various activities that LEPCs and TEPCs are required to implement under EPCRA.

In addition to the organizations created under EPCRA, SERCs, TERCs, LEPCs and TEPCs, there are other representatives that are key to a successful EPCRA program and to preparing and protecting citizens and first responders. A few are discussed below.

21.1 Public Institutions

Public institutions, such as hospitals, schools, and state and local governments are vital to the success of any emergency response plan. Ambulance crews and emergency room personnel should be trained on how to treat victims of exposure to hazardous chemicals. Schools and public buildings personnel should be trained as they will be notified of emergencies and can assist with evacuations or shelters.

Representatives of these institutions should be encouraged to participate in the emergency planning process and become members of the LEPC or TEPC.

21.2 Industry and Small Businesses

In addition to providing information required under EPCRA on chemicals present, facilities may be the most valuable resource for emergency planning and response. Facility personnel are familiar with potential chemical risks and therefore best able to provide training on chemical hazards or emergencies. Facilities may also support LEPCs and TEPCs by providing emergency response equipment, as well as assisting in developing the emergency response plan.

Facility representatives can also hold meetings with the community during or after an event. LEPCs and TEPCs should ensure representatives of facilities become members and attend meetings regularly to discuss emergency planning and assist in conducting exercises to ensure that the plan can be activated during an event.

21.3 Health Professionals

Doctors, nurses and other trained medical professionals who serve in health departments, hospitals and private practices can be a valuable resource in emergency planning and response. They can also be an important source of information about risks to public health in their communities. Individuals from these organizations should be encouraged to join the LEPC or TEPC so they can be informed on potential hazards of chemicals to be prepared for treating people exposed.

There are many ways these professionals can help in meeting the goals of EPCRA.

- Volunteer to be a health professional representative in the LEPC or TEPC organization.
- Participate in programs to train medical personnel to deal with emergencies involving chemical hazards.
- Screen the information submitted under EPCRA to determine if acute or chronic health effects may be associated with hazardous substances in their communities.

EPCRA allows health professionals to gain access to chemical identity information, even if it is claimed trade secret, in three different situations:

1. If the chemical identity is needed for the diagnosis and treatment of an exposed person.
2. If a medical emergency exists in which the chemical identity is needed to aid in diagnosis and treatment.
3. If a health professional who is a local government employee requests a chemical's identity to conduct preventive research studies and to render medical treatment.

Chapter 22. Funding and Grants

This chapter provides information on various grants available to LEPCs and TEPCs. You may reach out to your SERC or TERC, who are best positioned to assist you in receiving funding from state and tribal emergency management agencies.

22.1 Grants

Homeland Security Grant Program (HSGP)

The HSGP plays an important role in the implementation of the National Preparedness System (NPS) by supporting the building, sustainment and delivery of core capabilities essential to achieving the National Preparedness Goal (NPG) of a secure and resilient Nation.
https://www.dhs.gov/homeland-security-grant-program-hsgp

PHMSA HMEP Grant Program

The Hazardous Materials Transportation Safety and Security Reauthorization Act of 2005 authorizes the U.S. DOT to provide assistance to public sector employees through training and planning grants to states, territories, and Native American tribes for emergency response. The purpose of this grant program is to increase state, territorial, tribal, and local effectiveness in safely and efficiently handling hazardous materials incidents and incidents; enhance implementation of EPCRA; and encourage a comprehensive approach to emergency training and planning by incorporating the unique challenges of responses to transportation situations.
https://www.phmsa.dot.gov/about-phmsa/working-phmsa/grants

Assistance for Local Emergency Response Training (ALERT)

The ALERT grant promotes hazmat response training for volunteer or remote emergency responders. Response activities include the transportation of crude oil, ethanol and other flammable liquids by rail consistent with NFPA standards. The ALERT grant is competitively awarded to non-profit organizations capable of delivering an established curriculum to emergency responders.
https://www.phmsa.dot.gov/grants/hazmat/assistance-local-emergency-response-training-alert

Hazardous Materials Instructor Training (HMIT) Grant

The HMIT grant is a train-the-trainer program that facilitates the training of hazmat instructors who then conduct training in Hazardous Materials Regulations (HMR) for hazmat employees. The HMIT grant is competitively awarded to non-profit organizations that satisfy both of the following eligibility requirements: 1) expertise in conducting hazmat employee training programs and 2) capability of reaching a target population of hazmat employees and including them in the training program.
https://www.phmsa.dot.gov/grants/hazmat/hazardous-materials-instructor-training-hmit-grant

Supplemental Public Sector Training (SPST) Grant

The SPST grant is a train-the-trainer program that facilitates the training of instructors, who then conduct training in hazmat response for individuals with a statutory responsibility to respond to hazmat accidents and incidents.

The SPST grant is competitively awarded to national non-profit fire service organizations. https://www.phmsa.dot.gov/grants/hazmat/supplemental-public-sector-training-spst-grant

Chapter 23. Local Governments Reimbursement (LGR) Program

In the event of a release (or threatened release) of hazardous substances, EPA may reimburse local governments for expenses related to the release and associated emergency response measures through its Local Governments Reimbursement (LGR) Program. The LGR Program provides a "safety net" of up to $25,000 per incident to local governments that do not have funds available to pay for response actions. This program can provide some financial relief to local governments most seriously affected by costs above and beyond those incurred routinely and traditionally. Key to this regulation (40 CFR part 310) is that reimbursement must not supplant local funds normally provided for response.

Because local governments are often the first to respond to an incident to protect the public, EPA created the LGR Program to provide reimbursement to local and tribal governments for certain expenses related to response for hazardous substance releases in their jurisdictions. These funds are limited to $25,000 per single response and are only available if the applying government is not at fault for the release. Requests for reimbursement must be received by EPA within one year of response completion (i.e., when all fieldwork is completed, paperwork is received, and cost recovery is attempted).

The goal of this program is to provide financial assistance to government entities that do not have a budget allocated for emergency response and cannot otherwise provide adequate response measures. Contact your state or tribal organization who may have cost recovery statutes for hazardous materials incidents.

At a high level, the LGR Program:

- Provides reimbursement for temporary, **unanticipated** emergency measures in response to hazardous substance releases or threatened releases.
- Provides funds that cannot supplant funds normally provided for response activities.
- Has a $25,000 limit per response.
- Allows only **one** reimbursement request per incident.
- **Does not include** petroleum products (unless mixed with another hazardous substance).

23.1 LGR Regulation and Resources

Details about the application process, a list of services or products that may or may not be reimbursed, and the application form to request reimbursement can be found in 40 CFR Part 310.

The application form is also available on EPA's website (https://www.epa.gov/emergency-response/local-governments-reimbursement-program) or by calling the toll-free LGR Helpline: 1-800-431-9209.

23.2 Who Responds to Emergency Situations?

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) 40 CFR 300.180 states: “Because state and local public safety organizations would normally be the first government representatives at the scene of a discharge or release, they are expected to initiate public safety measures that are necessary to protect public health and welfare and that are consistent with containment and cleanup requirements in the NCP, and are responsible for directing evacuations pursuant to existing state or local procedures.”

Additionally, 40 CFR 300.700 states:

1. Responsible parties shall be liable for all response costs incurred by the U.S. government or a state not inconsistent with the NCP.
2. Responsible parties shall be liable for necessary costs of response actions to releases of hazardous substances incurred by any other person consistent with the NCP.

23.3 The Role of the Responsible Party

EPA recommends the first route of cost recovery is with the responsible party. Once the response is completed, a local government should determine what costs were reasonable and then present such costs to the responsible party.

CERCLA Section 107(a), the NCP 40 CFR 300.700, and applicable state statutes require the responsible party to compensate local government authorities for appropriate and reasonable costs related to a hazardous substance release. When a community responds to a release or threat of a release of a hazardous substance, and there is no responsible party (e.g., abandoned drums), or if the responsible party is not capable of reimbursement for expenses (e.g., bankruptcy), the LGR Program may be able to provide a "safety net" of up to $25,000 per incident to local governments that do not have funds available to pay for response actions.

23.4 Determining Eligibility

To be eligible for the LGR Program, a local government must meet the following requirements:

- The applicant must be a general-purpose unit of local government such as a county, parish, city, town, township or municipality. Federally recognized Indian tribes are also eligible for reimbursement under the LGR Program.
    - States are not eligible for reimbursement under the LGR Program and may not request reimbursement on the behalf of a local government or a federally recognized Indian tribe within the state.
- The applicant must have legal jurisdiction over the site at which the incident occurred.
- Only one request for reimbursement will be accepted for each eligible incident.
- When more than one local government has participated in a response, the local government that has legal jurisdiction over the site at which the incident occurred must submit the application. The application can be made on behalf of all participating local governments. If

multiple local governments or agencies have jurisdiction over the site, then the respondents must decide which single government or agency will submit the reimbursement request.

- The local government is not the responsible party. If the local government applying for reimbursement is also the responsible party, the application will be denied. Responsible parties (even if they are a local government) are liable for response costs.
- Substances released or threatened to be released must be designated as hazardous under CERCLA.

Incidents involving petroleum products including petroleum, natural gas, crude oil, or any other specified fractions thereof that are not specifically designated as CERCLA hazardous substances do not qualify under this program. However, some mixed waste may be allowable under the LGR Program. For oil spills, the USCG has a program under which a claim can be made. For more information, see www.uscg.mil/npfc.

23.5 Requirements for Reimbursement

Once a local government has decided to apply for reimbursement, there are a number of basic requirements that must be met to comply with the regulations of the LGR Program.

When completing the LGR application, local governments should pay special attention to the following requirements to facilitate the reimbursement process:

1. **Reimbursement cannot supplant local funds normally provided for a response.** In other words, if a local government budgets for emergency response activities, it must draw from this budget to pay for the cost of a response. However, if a local government's funds have been depleted, then it may be eligible for reimbursement under the LGR Program. In addition, other items that may not be budgeted for (e.g., overtime pay, unanticipated materials and supplies) may also be reimbursable under the LGR Program.
2. **Cost recovery must be pursued prior to applying for reimbursement.** The applicant must complete the Cost Recovery Summary Table, included in the application, to document the background and current status of cost-recovery efforts. It should be clear that all available sources of cost recovery (e.g., responsible parties and their insurance, the state, and local government insurance) have been pursued. Although not required, it is recommended that a copy of all related correspondence also be included in the application to document the applicant's cost recovery efforts. Potential cost-recovery sources should be given a minimum of 60 days to respond before an LGR application is filed. By signing the last page of the application, a local government is certifying cost recovery was pursued.
3. **Detailed cost documentation must be submitted with the application.** The applicant must complete the detailed Cost Breakdown Table, included in the application. All costs for which reimbursement is being requested must be listed and supporting documentation (e.g., invoices, sales receipts, time sheets, or rental agreements) must be attached.

   Note: Costs incurred for long-term remedial measures do not qualify under the LGR Program. Reimbursement is made only for temporary emergency measures conducted in response to hazardous substance releases or threatened releases.

4. **The application must be signed by the local government's highest-ranking official.** Examples of the highest-ranking official include mayor, city manager, board of commissioners, county judge, or head of a recognized tribe. In instances where the highest-ranking local official is unable to sign the application form, a letter of delegation, along with the application that authorizes a delegate to sign the application on his or her behalf, must be submitted.
5. **Applications must be submitted to EPA within one year of the "date of response completion."** For the LGR Program, the date of completion is the date when all field work has been completed and all project deliverables (e.g., lab results, technical reports or invoices) have been received by the local government. (The date of completion is not determined by cost-recovery efforts, which can continue after an application is submitted.) In general, a local government should allow at least 60 days for each potential source of reimbursement to respond to a request for repayment before submitting an application to LGR. EPA will consider late applications on a case-by-case basis.

23.6 Reimbursement Application

The complete LGR application package, including the LGR application form and a copy of the LGR regulations (40 CFR Part 310), can be found at https://www.epa.gov/emergency-response/local-governments-reimbursement-program.

Completed applications should be sent via U.S. Postal Service first-class, unregistered mail to:

U.S. Environmental Protection Agency
Local Governments Reimbursement (LGR) Program
Attn: Brian Schlieger, *Mail Code:* 5104-A
1200 Pennsylvania Avenue
Washington, DC 20460

Any other method of delivery may delay receipt of the application package due to security measures at EPA.

Due to the current COVID-19 pandemic and subsequent work-from-home orders, applications that are physically mailed will not be received and processed in a timely manner. In order to avoid delay in application processing, applications should be submitted electronically to the following email address: schlieger.brian@epa.gov.

Applicants should receive a confirmation within one month of receipt of the application. If an application is complete and it is approved, reimbursements are generally awarded within three to six months of submittal. If EPA requires more information to process the application, the applicant will be contacted for further details. This may increase the time it takes for reimbursement to be made.

23.7 Frequently Asked Questions

What costs are reimbursable under the Local Governments Reimbursement (LGR) Program?

All costs for which a local government is seeking reimbursement must be consistent with CERCLA, the NCP, and federal cost principles by the Office of Management and Budget. In general, EPA will consider reimbursement for costs of such items as:

- Disposable materials and supplies purchased during a specific response.
- Rental or leasing of equipment used for a specific response.
- Special technical services and laboratory costs.
- Services and supplies purchased for a specific evacuation.
- Payment of unbudgeted wages for employees responding to the specific incident (for example, overtime pay for response personnel).

Reimbursement cannot supplant local government funds normally provided for emergency response. All applications must include appropriate cost documentation such as invoices, sales receipts, leasing agreements or time sheets. In addition, it is essential that applicants certify their attempts to recover costs from the potentially responsible party, the state and local government insurance.

What costs are not allowable?

Expenditures that local governments incur in providing what are traditionally local services and responsibilities are not eligible for reimbursement under the program (e.g., routine firefighting, preparing contingency plans, training). Unallowable costs also include supplies, equipment and services routinely purchased to maintain a local government's ability to respond effectively to hazardous releases.

Other costs that are not allowable are:

- Purchase or routine maintenance of durable equipment expected to last one year or more, except when contaminated or damaged.
- Materials and supplies not purchased specifically for the response (i.e., already on the shelf).
- Rental costs for equipment owned by the local government or another unit of local government.
- Employee fringe benefits.
- Administrative costs for filing reimbursement applications.
- Employee out-of-pocket expenses (e.g., meals or fuel).
- Legal and medical expenses related to response activities.

Who is eligible for reimbursement under the LGR Program?

The governing body of a county, parish, municipality, city, town, township, federally recognized Indian tribe or general purpose unit of local government is eligible for reimbursement. Special purpose units of local government (school district, water utilities district) are not eligible under the LGR Program.

Can more than one application for reimbursement be submitted to EPA for the same incident?

No. Under the LGR regulation, reimbursement is limited to one request per incident, even when multiple government entities respond to the incident. The local government with legal jurisdiction over the site of the incident must submit one application on behalf of all local governments that responded to the incident.

In the event two applications are submitted for the same incident, EPA will accept only the application from the local government with legal jurisdiction. In some cases, two local governments with legal jurisdiction (e.g., a city and a county) may attempt to submit an application for reimbursement. In these cases, EPA will either return both applications with an explanation or, if one has already been awarded, the second application will be denied.

This requirement ensures EPA does not reimburse more than $25,000 per response and does not reimburse local governments more than once. To avoid this situation, EPA strongly encourages local governments—or agencies within the same local government—to coordinate with each other when seeking reimbursement under the LGR Program. This will help local governments obtain the maximum amount of reimbursement funds, particularly in cases where the combined total of reimbursement requests is less than $25,000.

Can more than one incident be included on a single application?

Yes, applications can be bundled for multiple incidents; however, a local government must submit all associated necessary information and cost documentation for each incident. In addition, the incidents should be closely related by type (e.g., 10 anthrax calls in one day) and occur in around the same time period. The cap for each application is $25,000, even if more than one incident is included in an application. For this reason, it may be easier to submit a separate application for each incident to simplify the review process and maximize eligible response costs.

Is there a cap on the amount of reimbursement?

The law limits the amount of reimbursement available to local governments to $25,000 per incident. Furthermore, the law limits the total amount of reimbursement funds EPA can award in a given year. In the event the amount of funds available for reimbursement becomes limited (e.g., due to increased participation in the program), EPA would prioritize reimbursements according to the financial burden an incident places on each local government, as specified in the LGR Federal Regulation (40 CFR part 310).

How will reimbursement requests be evaluated?

After receiving completed applications from local governments, EPA will screen each application for compliance with the basic requirements. Each application will be evaluated on its own merit. EPA will ensure that the costs for which reimbursement is being sought are allowable and documented and do not supplant local funds normally provided for emergency response, as well as ensuring that all other possible sources of reimbursement have been exhausted.

During the review cycle, the applicant may be contacted to supply additional information or clarify information in the application. Based on EPA's evaluation of the application, a request may be reimbursed (in whole or in part), denied, or held over for reconsideration in instances where funding is limited or currently unavailable.

How does EPA prioritize reimbursement requests?

Once EPA reviews an application and determines it is complete and complies with all of the regulatory requirements, EPA calculates the applicant’s financial burden. A local government's financial burden is determined by comparing the eligible response costs to the locality's aggregate income (i.e., the per capita income of the locality multiplied by the locality's population). The purpose of this requirement is to provide financial relief to local governments that face significant financial burden as a result of responding to a hazardous substance incident.

In the event that the amount of funds available for reimbursement becomes limited, the financial burden formula gives priority to those local governments for which the response costs create the greatest financial burden. Because the funding ceiling for the LGR Program has not yet been reached in a given year, EPA has yet to use financial burden to prioritize reimbursements and has reimbursed all eligible applications to date.

If reimbursements for a given year exceed the total amount of funds available for that year, EPA will be required to use the financial burden calculation to prioritize reimbursements. However, EPA may consider other financial information demonstrating a locality's financial hardship (e.g., the impact of responding to numerous hazardous substance emergencies in a short time period, the financial impact of a recent disaster, etc.).

In cases where an application is eligible for reimbursement but cannot be reimbursed due to limited funds, EPA will hold the application for up to one year and will reimburse the local government if funds become available.

How can the status of an application be checked?

The status of applications can be checked by calling the LGR HelpLine at (800) 431-9209 and identifying the name of the local government, the incident type, and the date on which the response occurred.

Chapter 24. NIMS Compliance Requirements for LEPCs and TEPCs

The National Incident Management System (NIMS) guides all levels of government, nongovernmental organizations and the private sector in how to work together to prevent, protect against, mitigate, respond to and recover from incidents.

Since October 1, 2005, all states were required to meet NIMS implementation requirements to be eligible to receive federal preparedness assistance in the form of grants, cooperative agreements, and direct contracts. LEPCs and TEPCs participate in the communities within the states by assisting in the preparation of response plans to prepare for and respond to chemical emergencies.

The emergency response plan developed by LEPCs or TEPCs under EPCRA Section 303 are local EOPs. Incorporation of NIMS into **all** EOPs within the state is a requirement for states to be NIMS compliant. Therefore, LEPC or TEPC response plans must be NIMS compliant.

For more information on NIMS plan development, LEPCs and TEPCs should reference the NIMS guide: *Local and Tribal NIMS Integration: Integrating the NIMS into Local and Tribal Emergency Operations Plans and SOPs, Version 1.0.* This guide can be downloaded at http://www.fema.gov/pdf/emergency/nims/eop-sop_local_online.pdf.

Chapter 25. Chemical Facility Anti-Terrorism Standards (CFATS) and Emergency Planning for LEPCs and TEPCs

25.1 Overview

CFATS is the nation's first regulatory program focused specifically on security at high-risk chemical facilities. Managed by the Cybersecurity and Infrastructure Security Agency (CISA), the CFATS program identifies and regulates high-risk facilities to ensure they have security measures in place to reduce the risk that certain hazardous chemicals are weaponized by terrorists.

Under CFATS, a chemical facility is any establishment or individual that possesses or plans to possess any of the more than 300 chemicals of interest (COI) in Appendix A, , of 6 CFR Part 27, at or above the listed screening threshold quantity (STQ). These facilities must report their chemicals to CISA via an online survey, known as a Top-Screen. CISA uses the Top-Screen information a facility submits to determine if the facility is considered high-risk and must develop a security plan.

The CFATS regulation applies to facilities across many industries—chemical manufacturing, storage, and distribution; energy and utilities; agriculture and food; explosives; mining; electronics, plastics; universities and laboratories; paint and coatings; and healthcare and pharmaceuticals, among others: https://www.cisa.gov/chemical-facility-anti-terrorism-standards.

Please visit https://www.cisa.gov/sites/default/files/publications/fs-cfats-overview_508.pdf for the CFATS overview fact sheet.

25.2 Guidance Documents

The National Association of SARA Title III Program Officials (NASTTPO) organization developed guidance documents for SERCs, LEPCs, TERCs and TEPCs to comply with CFATS requirements for emergency planning and exercises.

https://www.nasttpo.com/2019%20Documents/NASTTPO_CFATS-info-2nd-ed.pdf

https://www.nasttpo.com/2019%20Documents/NASTTPO-CFATS-exercise-compliance-LEPCs.pdf

Chapter 26. Measuring Progress in Chemical Safety: A Guide for LEPCs and TEPCs

Many LEPCs/TEPCs have expanded their activities beyond the requirements of EPCRA, encouraging accident prevention and risk reduction and addressing homeland security in their communities. Composed of representatives from all segments of the community interested in emergency planning and preparedness, LEPCs/TEPCs foster a valuable dialogue among members of the public, industry and government.

The NASTTPO organization developed a guidance document on how LEPCs and TEPCs can measure their progress and determine if the actions they are taking continue to achieve the desired outcomes.

Visit NASTTPO's website for this guidance document at
https://www.nasttpo.com/2019%20Documents/measuring_progress_lepc.pdf

APPENDICES

Appendix A.
Examples of LEPC or TEPC Membership

State/Local Official	Commissioner, sheriff, county clerk, attorney, mayor, state representative, state emergency management or environmental agency official
Law Enforcement	Police officers, police chief, sheriff, deputies
Firefighting	Fire chief, firefighters
Emergency Management	Emergency preparedness coordinator, emergency coordinators for businesses
Health	County health department, doctors, mental health hospital, hospital administrator/director, poison control center
Broadcast/ Communications Media	Newspaper, website developers, public information, RACES, ham radio clubs, local weather reporters
Print Media	Daily or weekly newspaper editors, reporters, trade journal editors/reporters
Emergency Medical Services	Director of county ambulance, EMS technicians
Transportation	Highway department, school bus director, airport authority, trucking company, transit
Local Environmental Groups	County extension office, Environmental groups (ex: Sierra Club, conservation groups, Audubon Society), school environmental program director
Community Groups	Red Cross, Salvation Army, special needs groups, Animal Shelters, Ministerial Alliance, Chamber of Commerce, Garden Club, Rotary Club, Kiwanis, Lion's Club, groups focused on environmental justice issues
Facility Owners/Operators	Any representative from a facility using/storing hazardous materials within your county
Other	Residents, home-owners association, ministers, school administrator, science teachers

Appendix B.
Sample Invitation Letter to Request Participation in an LEPC or TEPC Organization

LEPCs and TEPCs may use this template for reaching out to facilities to participate in LEPC/TEPC organizations.

[County Letterhead] or LEPC or TEPC Logo

[Date]

[Name]

[Address]

Re: [Local Emergency Planning Committee or Tribal Emergency Planning Committee]

Dear [Enter Name]:

As you may be aware, _____ County / _____ is required under the federal Emergency Planning and Community Right-to-Know Act (EPCRA) to have an active and functioning [Local Emergency Planning Committee (LEPC) or Tribal Emergency Planning Committee (TEPC)].

The activities of this committee include development/maintenance of an emergency response plan for chemical accidents, receiving chemical reports from covered facilities, and making that information available to the public.

Representation on the [LEPC or TEPC] from the following groups is required by statute: state/tribal/local officials, law enforcement, firefighting, emergency management, health, broadcast/communications media, print media, emergency medical services, transportation, local environmental group, community group, and facility owners/operators subject to the provisions of EPCRA.

For us to have a successful [LEPC or TEPC], which is vital in protecting the citizens in our community from potential chemical accidents, our [LEPC or TEPC] is soliciting individuals for participation.

Since your facility is subject to the reporting provisions of EPCRA and plays a vital role in the emergency planning process, it would be valuable to have an individual from your facility become an active member on the [LEPC or TEPC].

I would like to extend an invitation for your facility to participate.

Please notify me as soon as possible with your response, as such expertise and knowledge would be of great value to the [LEPC or TEPC].

The [LEPC or TEPC] meets [number] times per [month, quarter, year] at [time] on the [number] day of the month.

The meetings begin promptly and last no more than [number] hours unless there is a special presentation or a special situation that needs to be addressed.

My mailing address is [address]; you can also contact me by email at [email address] or reach me by phone at [phone number].

Sincerely,

[LEPC or TEPC] Chairperson

Appendix C.
Sample LEPC or TEPC Membership Update Form

<table>
<tr><th colspan="4">UPDATE FORM</th></tr>
<tr><td colspan="2">County:</td><td colspan="2">Date:</td></tr>
<tr><td colspan="2">Area (if applicable):</td><td colspan="2"></td></tr>
<tr><td colspan="2">Presiding officer (county judge/parish president) (print name):</td><td colspan="2"></td></tr>
<tr><td colspan="2">Presiding officer approval (county judge/parish president) (signature):</td><td colspan="2"></td></tr>
<tr><td colspan="4">LEPC or TEPC Membership Categories
Note: A single person may represent more than one category and more than one member may represent a category</td></tr>
<tr><td>State/tribal/local official
Law enforcement
Firefighting</td><td>Emergency medical services
Health/hospital
Broadcast media/print media</td><td>Transportation personnel
Local environmental group
Community group</td><td>Facility owner/operator
Other emergency management</td></tr>
<tr><td colspan="4">Advisory to All LEPC or TEPC Members
This information may be made available to the public under the State Open Records Act. Do not include home address, home telephone, or personal cell phone information.</td></tr>
<tr><td colspan="4">CHAIRPERSON UPDATE</td></tr>
<tr><td colspan="2">Name:
Employer:
Title:
Address:
City, state, ZIP:</td><td colspan="2">Membership category:
Phone:
Cell phone:
Email address:</td></tr>
<tr><td colspan="4">VICE CHAIRPERSON UPDATE (If Appropriate)</td></tr>
<tr><td colspan="2">Name:
Employer:
Title:
Address:
City, state, ZIP:</td><td colspan="2">Membership category:
Phone:
Cell phone:
Email address:</td></tr>
<tr><td colspan="2">Is this person a new member of your LEPC or TEPC? YES / NO</td><td colspan="2">Did this person replace a previous member? If so, who?</td></tr>
<tr><td colspan="4">GENERAL MEMBERSHIP UPDATES</td></tr>
<tr><td colspan="2">Name:
Employer:
Title:
Address:
City, state, ZIP:</td><td colspan="2">Membership category:
Phone:
Cell phone:
Email address:</td></tr>
<tr><td colspan="2">Is this person a new member of your LEPC or TEPC? YES / NO</td><td colspan="2">Did this person replace a previous member? If so, who?</td></tr>
</table>

Name: Employer: Title: Address: City, state, ZIP:	 Membership category: Phone: Cell phone: Email address:
Is this person a **new member** of your LEPC or TEPC? YES / NO	Did this person replace a previous member? If so, who?
Name: Employer: Title: Address: City, state, ZIP:	 Membership category: Phone: Cell phone: Email address:
Is this person a **new member** of your LEPC or TEPC? YES / NO	Did this person replace a previous member? If so, who?

Appendix D.
Suggested Profile of the LEPC or TEPC

Introduction

The LEPC or TEPC was created to address the safety of the community living or working near facilities that handle hazardous chemicals. The passage of EPCRA mandates facilities that produce, use, store or release certain hazardous chemicals to submit reports to state, tribal and local organizations. It encourages these facilities to initiate community awareness about the chemicals they use and to work with local governments, emergency response organizations and neighborhood groups in developing emergency plans in the event of a hazardous chemical incidents at these facilities.

Mission Statement

The mission of the LEPC or TEPC is to protect and serve all citizens by promoting hazardous chemical safety in their community. This includes providing an advisory, educational and technical resource for the development and implementation of safety programs.

Purpose and Function

The LEPC or TEPC shall exist to promote and facilitate the safety of all persons with respect to their potential exposure to hazardous chemicals that could be released into the environment. The functions and duties of the LEPC and TEPC are those authorized by these organizations, in accordance with state r tribal rules and policies, as well as applicable local rules, and in accordance with, but not necessarily limited to, the provisions of EPCRA.

More specifically, the LEPC or TEPC shall engage in at least the following activities:

- Conduct regular meetings to address all pertinent issues.
- Develop and maintain an inventory of known hazardous chemicals.
- Develop and update a hazard/risk analysis.
- Develop and periodically update emergency response procedures for off-site emergency response personnel.
- Identify private/public sector resources available to deal with hazardous chemical emergencies.
- Review, process and respond to requests from the public for pertinent information.
- Review, maintain and process all appropriate reports and records as required by law.
- Develop and periodically update emergency warning procedures and evacuation plans.
- Coordinate training programs on hazardous chemical safety and emergency response procedures.

- Coordinate emergency response exercises.
- Provide expertise and compliance assistance to industries and businesses upon request.
- Educate citizens in the community on what to do during an emergency.
- Receive, maintain and disseminate emerging legislation relating to hazardous chemicals.

Suggested Standing Subcommittees for each LEPC or TEPC—Purpose and Mission

1. **Legislative and Scientific**
   To monitor the status and progress of both existing and proposed legislation/regulations pertaining to hazardous chemical safety at the federal, state, tribal and local levels; also, to report all developments, changes or concerns to the LEPC or TEPC) In addition, monitor, review and collect scientific research efforts, findings and reports on hazardous chemical risk and safety; provide such information to the LEPC or TEPC and the subcommittees.
2. **Funding**
   To identify sources of both public and private funding, which the LEPC or TEPC may solicit to further its efforts and then to attempt to obtain such funds.
3. **Facility Outreach**
   To identify businesses that could benefit from the LEPC's or TEPC's efforts and to offer miscellaneous programs and general assistance to them so they may be in compliance with all applicable legislation/regulations.
4. **Community Outreach**
   To identify the overall HAZMAT safety needs of the public at large and to offer training programs, presentations, materials and general assistance to the citizens.

   In addition, to compile, organize, and maintain specific information on hazardous chemical incidents, releases and potential problems—and disseminate such information upon request from the public.
5. **Training and Exercise**
   To identify training needs for emergency responders and make provisions to satisfy those needs; plan, coordinate and conduct training exercises.
6. **Planning**
   To review, revise, update and maintain the community's hazardous materials' response plan. In addition, review hazardous chemical safety/response plans from individual businesses or industries upon request.
7. **Budget Review**
   To review and oversee all requests for expenditures in excess of (some pre-determined number), as well as all capital items; make recommendations for approval or denial to the LEPC or TEPC.

Appendix E.
Sample LEPC By-Laws

Some LEPCs are established by county, city or parish. Others are established as political subdivisions. Tribes that do not have TEPCs established may join neighboring LEPCs.

EPCRA Section 303(c) requires LEPCs and TEPCs to appoint a chairperson and establish rules by which the committee shall function. These by-laws may meet this requirement.

The following is a sample of by-laws developed by LEPCs in various states, which LEPCs and TEPCs may adopt if they do not have any.

BY-LAWS OF THE _____ COUNTY/PARISH OR DISTRICT LEPC

Article I

This organization shall be known as the _____ (Regional, County, Tribal) LEPC.

Article II

The purposes of the LEPC are those set out in EPCRA and any other lawful purposes which are assigned to it or permitted by the county and/or the SERC. In keeping with the intent of EPCRA, all activities of the LEPC will be conducted in a manner encouraging input and participation from all segments of the community. The LEPC will develop a chemical emergency response and preparedness plan for the planning district and establish procedures for conducting its public information and education responsibilities. The plan shall be reviewed and updated as necessary on a regular annual basis, in accordance with Section 303 EPCRA. The LEPC shall, in addition:

- Receive and process public requests for information.
- Notify the public of all LEPC meetings or activities.
- With the information and reports from facilities operating within the jurisdiction of the LEPC, and analysis of the district's transportation risks, the LEPC will perform a hazard analysis;
- Establish and maintain a data base of hazardous chemical locations and quantities in the district;
- Establish and maintain a system of data management;
- Maintain information on **ALL** facilities which manufacture, or store, EHSs, and include this information within the response and plan.

The LEPC will establish, and notify the public, all meetings, including sub-committee meetings, open to the public. The LEPC will implement such other and related activities as may hereafter be legally required by the federal government, the State, or the County Judge/Parish President. The LEPC will make assessments of resources necessary to implement the emergency response and preparedness plan, and make recommendations to appropriate people, agencies, and organizations regarding additional resources needed to implement the plan.

The LEPC shall be instrumental in fulfilling the purpose of EPCRA to increase community protection from exposure to chemicals produced, used, stored and/or transported within the District. Transportation analysis will include those risks to the district from commercial transportation by rail, highway, aircraft, and waters of commerce.

Article III

Membership will at all times include, at a minimum, representatives of the groups listed in Section 301 of EPCRA. This includes equal representation of elected state and local officials; law enforcement, emergency management, fire-fighting personnel, first aid/EMS personnel; health personnel, local environmental personnel; hospital personnel, transportation personnel, broadcast and print media personnel; community groups and owners or operators of local facilities.

The members will be nominated by County / Parish officials and will be approved by the SERC. Members shall be residents or conduct business in the jurisdictional area of the LEPC. The membership of the LEPC shall consist of OFFICERS and a Staff. The officers shall consist of a Chair, a Vice-Chair, an Information Coordinator, and a Secretary-Treasurer. The LEPC staff members may be either salaried or volunteer personnel. Most LEPC's does not have a pay salaried for the staff.

Terms of Membership

The County/Parish officials may request the SERC appoint members for specific terms of office, or the membership of the LEPC may select their officers by ballot or voice vote at a preselected vote event.

Terms of Office

Membership of an LEPC may select the terms of office to be either one or two years. Existing officers may be reelected to their existing offices if they so indicate a willingness to continue.

The Chair

The Chair shall preside at all meetings of the LEPC unless they cannot be present at an announced meeting. An alternate representative can be named to fulfil the obligation by the existing Chair. The Chair shall serve as an ex-officio member of all committees and shall perform such duties and acts as necessary to accomplish the goals of the LEPC. The Chair

shall be empowered to create such other ad hoc committees as necessary to accomplish the goals of the LEPC.

The Vice-Chair

Upon resignation, or death, or advice of the Chair, the Vice-Chair shall perform the duties of the Chair. The Vice-Chair shall perform other duties assigned by the Chair.

The Secretary-Treasurer

The Secretary-Treasurer in cooperation with the Information Coordinator shall be the custodian of all books, papers, documents, and other property of the LEPC.

The Secretary-Treasurer shall attend to the business needs of the LEPC and shall maintain an accurate record of all monies received and expended for the use of the LEPC.

The Information Coordinator

The LEPC will appoint an Information Coordinator. This person will process requests from the public for information under Section 324, including Tier Two information under Section 312.

The Coordinator will assist the Secretary-Treasurer in records management and financial matters. The Information Coordinator will be a non-voting member of LEPC committees.

Inactive Members

Appointed members shall be considered inactive when they have missed more than _____ consecutive Committee meetings without notification to the Chair of significant reasons why they were unable to attend the meetings.

An annual report listing members declared inactive will be provided to the SERC.

Removal of Members

The LEPC may ask the SERC to remove a member.

Vacancies

Any vacancy occurring in the LEPC by reason of resignation, death, or disqualification will be filled by appointment of the Chair, or by identification of a qualified replacement and nominated, by vote of the membership to fill the position in which such a vacancy exists.

The LEPC Secretary shall submit that person’s name, with the recommendation the person serve the balance of the unexpired term, to the County (Tribal) Commissioners requesting they nominate this person to the SERC for appointment to the LEPC.

Article IV

Section 1. Executive Committee.

The Executive Committee will consist of Chair, Vice-Chair, Secretary-Treasurer, and Chairs of the four Standing Committees described in Section 2. The Information Coordinator shall serve as a non-voting member of this Committee. The duties of the Executive Committee shall be to coordinate activities of the Standing and Ad Hoc Committees.

Section 2. Standing Committees.

The following Standing Committees shall be established:

a) Right-To-Know Committee.
This Committee shall be responsible for the formulation of procedures concerning the public's Right-To-Know program; the formulation of release reporting procedures; the establishment of trade secret protection procedures, and the formulation of record keeping and information dissemination procedures for the LEPC.

b) Public Education and Information Committee.
This Committee shall be responsible for reviewing the public alert and notification program; public relations with affected communities and the public at large; all publicity of the LEPC; development of public education and information program.

c) Hazardous Materials Facilities Liaison Committee.
This Committee shall be responsible for procedures for identification and communication with affected facilities. This Committee shall work with the Emergency Response and Resources Committee and with affected facilities to review and help the local emergency management office(s) test a hazardous substance emergency response plan for the planning district as required by law.

d) Emergency Response and Resources Committee.
This committee will work with the Hazardous Facilities Liaison Committee and with exist emergency response organizations in jurisdictions with the planning district to review and help local emergency management offices(s) test a hazardous substance emergency response plan for the planning district as required by law. This Committee shall review existing federal, state, and local plans for the purpose of coordination with the LEPC planning process.

Section 3. Ad Hoc Committees.

The Chair may create Ad Hoc Committees as necessary to perform the functions of the LEPC. Chairs of Ad Hoc Committees shall be appointed by the Chair of the LEPC.

Section 4. Chair of the Standing Committees.

The Chair of the Standing Committees shall be nominated and elected by their respective committees. The election shall be by ballot, except when there is only one nomination for

each office, election may be by voice vote.

Section 5. Membership in Standing Committees.

All members must volunteer to serve on at least one Standing Committee and shall not serve on more than two Standing Committees. Final membership of the Committees shall be determined by the Chair after consultation with the Executive Committee to ensure all Committees have sufficient manpower to carry out their assigned tasks.

Section 6. Meetings.

Meetings of the Standing and Ad Hoc Committees may be called by the Chair of the LEPC or the Chair of the Committee as deemed necessary. All meetings are open to the public.

LEPC meetings in large areas are held monthly. Some states with low population areas have opted to hold meetings based upon population of their counties or districts.

a) ***Regular meetings.***
The committee shall meet at least quarterly.

b) ***Special meetings.***
The Chair may call such special meetings as may be deemed necessary to carry out the duties of the Committee. Upon the written request of at least 3 members, the Chair shall call a meeting with ten (10) days.

c) ***Hearings.***
The LEPC shall hold such public hearings or forums as it may deem necessary, at such time and places as may be determined by a Committee majority vote.

At least one such public hearing, or forum, shall be held each year for the purpose of discussing the Committee ’s emergency plan with the public, receive and respond to the public comments of the presented plan.

Section 7. Quorum.

A quorum shall consist of a majority of Committee members, excluding those members declared to be inactive. A quorum shall be required to transact business.

Designated representatives must be identified by the primary committee member to the information coordinator or any other board member prior to the meeting.

An individual may not be the designated representative for more than one primary board member at a time.

Section 8. Agenda.

Any member may request the Chair place an item on the meeting agenda. If the Chair should decline to do so, a member may have such item placed on the agenda by submitting it in

writing to the Chair with support signatures of 3 of the membership.

Section 9. Rules of Order.

The deliberations of all meetings of the LEPC and subcommittees shall be governed by Robert's Rules of Order.

Section 10. Notice of Meetings.

Notice of time, date, place of meeting, and agenda items to be considered at each meeting shall be given in writing to all members at least two weeks prior to each meeting by the staff or Chair; and to the Clerk of _____ County/Parish Board.

An annual notice of the regular meeting schedule of the LEPC shall be published in a newspaper with regular circulation in _____ County/Parish in accordance with EPCRA. This notice shall specify the meeting designated specifically for receipt of public comments on the emergency plan.

Section 11. Voting.

Each committee member, or designated representative, including the Chair, shall be entitled one vote. No member shall vote by proxy.

Members may register their abstention on any vote. The abstention shall be reflected in the minutes. Members are required to abstain on matters which pose a conflict of interest for them.

All final actions, committee positions, or policy recommendations shall require the favorable vote of a majority of those committee members or designated representatives present at a duly called meeting.

Article V – MISCELLANEOUS PROVISIONS

Section 1. Fiscal year.

The fiscal year shall from October 1 to September 30.

Section 2. Indebtedness.

All indebtedness incurred by the LEPC shall be approved by the Chair before payment by the Secretary-Treasurer.

Section 3. Approval of Bylaws.

These bylaws shall become effective upon approval by a majority by those in attendance at the meeting.

Section 4. Disqualification.

Any member who is unable to attend a meeting may notify the Secretary-Treasurer or Information Coordinator. Any member with five or more absences is subject to disqualification at the request to the SERC.

Article VI – AMENDMENTS

Section 1. Amendments.

These bylaws may be amended by a two-thirds vote of members present and voting at any meeting of the LEPC provided any proposed amendments to these bylaws be submitted to the members in writing at least one week in advance of the meeting. Any member of the LEPC shall have the right to comment on or suggest revisions to the bylaws.

Article VII – RULES

PCRA requires the LEPC "shall establish rule by which the committee shall function. Such rules shall include provisions for public notification of committee activities, public meetings to discuss the emergency plan, public comments, response to such comments by the committee, and distribution of the emergency plan."

Section 1. Adoption of Rule; Publication of Proposals.

The LEPC may, as necessary and proper, adopt rules of general application governing the execution of responsibilities under EPCRA and related applicable regulations. Any such rules must first be published in proposed form not less than 10 days prior to final adoption by the LEPC.

Section 2. Method of Initiating Proposed Rule-Making.

Any member of the LEPC may recommend the initiation of proposed rule-making. Any proposed rules shall be initially considered by the Executive Committee, unless otherwise decided by the LEPC.

If the Executive Committee, by majority vote approves the proposed rule, it shall thereafter proceed to publication as provided in the preceding Section.

Section 3. Method of Adopting Final Rules.

Following the expiration of the 10 day comment period, the Executive Committee shall review all public comments and prepare a statement which responds to comments raised and discusses the basis for any changes to the proposal.

The Committee shall present such statement to the LEPC. The LEPC shall vote on the adoption of the proposed rule. If the vote is favorable, the rule shall take effect upon the time and date the notice of adoption is first published.

Section 4. Notice of Adoption.

Upon adoption of any rule by the LEPC, the Information Coordinator also shall publish the LEPC's response to comments received and any changes to the proposal made in response to such comments. Publication of the final rule shall be in the same manner as that for the proposed rule.

Section 5. Emergency Rules.

In emergency circumstances, the LEPC may adopt rules without prior public notice and comment, provided no such rule will remain in effect for more than 90 days.

FINAL RULES

Public Access to Information.

In accordance with Section 324 of EPCRA, all information obtained from an owner or operator pursuant with EPCRA and any requested Tier Two forms or the MSDS otherwise in possession of the Committee shall be made available to any person submitting a request under this Section.

If the owner should request the location of a specified chemical not be identified, the LEPC shall withhold that information.

All information request to the photocopied by a member of the public, shall be provided at the sole expense of the requestor(s).

The cost of such reproductions shall be set by the Information Coordinator, with the approval of the Executive Committee, at a level which will enable the LEPC to recover all reasonable expenses associated with the processing of the request.

Requests for MSDSs and Other Non-Confidential Information.

Any person may obtain an MSDS with respect to a specific facility by submitting a written request to the Committees Information Coordinator.

The facility shall provide the MSDS copy with _____ days of the written request. Any person may request any other non-confidential information concerning a facility which may be held by the Committee by submitting a written request to the Committee's Information Coordinator.

Requests for Tier Two Information.

Any person may request Tier Two information with respect to a specific facility by submitting a written request to the committee in accordance with the following requirements:

a. If the Committee does not have in its possession the Tier Two information as requested, it shall request a submission of the particular Tier Two form from the owner or operator of the facility subject to the request, provided the request is from a state or local official acting in his or her official capacity or the request is limited to hazardous chemicals stored at the facility in an amount in excess of the threshold planning quantity.

b. If the request does not meet the requirements, the Committee may request submission of the Tier Two form from the owner or operator of the facility subject to the request if the request includes a general statement of need.

This Document, the Constitution and By-laws of _____ (County, Regional) LEPC, Adopted at the Regular Meeting of the LEPC on this ____ Day of _____, _____ Year).

LEPC Chair
Date Signed

Appendix F.
Examples of LEPC Mission Statements

When developing, or revising, the by-laws for the LEPC or TEPC, a strong mission statement should provide citizens and the LEPC or TEPC members with an understanding of the direction the LEPC plans on taking.

The mission of the LEPC or TEPC is to protect and serve all citizens by promoting hazardous materials safety in all segments of the community. This includes providing an advisory, educational and technical resource for the development and implementation of hazardous safety programs, both locally and countywide.

Below are sample mission assignments from a few LEPCs in Region 6, which can be tailored for each LEPC or TEPC.

Calcasieu Parish, LA

Appointed by the SERC, the LEPC includes representatives from state and local government, law enforcement, civil defense, firefighting, first aid, health, environmental and transportation agencies, hospitals, broadcast and print media, community groups, and businesses that are subject to EPCRA requirements.

The LEPC develops an emergency plan, which is reviewed annually, to prepare for and respond to chemical emergencies. The LEPC also receives emergency release and chemical inventory information from local facilities and make this information available to the public on request. They also have the authority to request information from facilities for their own planning purposes. Every LEPC serves as a focal point for each community for information and discussions about hazardous substances, emergency planning, and health and environmental risks.

LEPCs can be effective in taking steps to educate the public about chemical risks and working with businesses to minimize those risks.

Dallas County, TX

Mission: The mission of the LEPC is to:

- Develop a comprehensive hazardous materials emergency response plan for our community. To be effective, planning must be an ongoing activity.
- Receive and record information about chemical releases
- Collect, manage, and provide public access to information on hazardous chemicals in our area.
- Educate the public about the risks from accidental and routine releases of chemicals and work with facilities to minimize the risks.

Bernalillo County, NM

To support the Albuquerque/Bernalillo County Office of Emergency Preparedness to keep the community safe from the effects of hazardous materials in order to assure effective response to hazardous materials emergencies.

Deer Park (Harris County) TX

The LEPC is a non-profit community organization composed of city and school district officials, police and fire emergency response personnel, industry and environmental representatives, news media, and interested citizens of Deer Park.

LEPC members work together to develop plans to educate, communicate, and protect our local community in case of a chemical release.

Under terms of our By-laws, the purpose of the LEPC is to:

1. develop, train, and test a hazardous substances emergency response plan
2. develop procedures for regulated facilities to provide notification of a hazardous release to the LEPC
3. develop procedures for receiving and processing community right-to-know requests from the public
4. provide for public notification of committee activities.

Jasper County, TX

In addition to its formal responsibilities, the LEPC serves as a focal point in the community for information and discussions about hazardous substances, emergency planning, and health and environmental risks. Citizens will expect the LEPC to reply to questions about chemical hazards and risk management actions. It can also anticipate questions about the extent and the health and environmental effects of routine toxic chemical releases.

Even though this information is not required by the law to be sent to LEPCs, EPA and the states are working together to ensure this information is available at the local level.

Many companies are voluntarily providing local committees and other citizens with this information.

An LEPC can most effectively carry out its responsibilities as a community forum by taking steps to educate the public about chemical risks, and working with facilities to minimize those risks.

The value of the information provided by EPCRA will be limited unless citizens are given the means to understand the information and its implications. The LEPC's ability to improve the safety and health of its community will be greatly enhanced by the support of an informed and active citizenry.

Larimer County, OK

The LEPC’s mission shall be to enhance and create plans directing the response to hazardous materials incidents, increase compliance with hazardous materials reporting requirements and to offer access to information on the storage of such materials, for the benefit of the county's residents, businesses and industries.

The Committee shall carry out its mission in Larimer County in compliance with EPCRA and other federal, state and local requirements in such a way that meets both the letter and spirit of those requirements and that enhances and encourages a partnership between county residents, businesses and industry through an exchange of information and mutual planning.

Hidalgo County, TX

The LEPC is made up of city and county officials, law enforcement, fire and emergency medical personnel, representatives of area industries, the media, and volunteer organizations.

In 1986, the U.S. Congress passed a law called EPCRA, requiring every county in the nation to form and maintain an LEPC. This group supports emergency planning for chemical hazards and provides local government and the public with information about possible chemical hazards.

In short, LEPC members are your co-workers, friends, and neighbors, who prepare for emergencies, which might pose health and safety hazards to Hidalgo County residents.

Such emergencies include releases of hazardous chemicals from any of the plants within the county or from any of the thousands of trucks and railroad cars which carry them through the county each year. They also include natural disasters such as hurricanes and tornadoes, as well as spills of everyday chemicals like gasoline or agricultural chemicals and pesticides.

Year round, LEPC members meet to discuss response plans and means of better informing the public—that's YOU—about what to do when an emergency occurs.

They participate in drills at industrial plants, they help find ways to improve safety and aid the various involved organizations—police, sheriff's, fire and EMS departments, school districts and other governmental agencies, hospitals, civic and volunteer groups—work smoothly together in the event of an actual emergency.

Curry County, NM

To coordinate with the Clovis-Curry County Emergency Management Director and all first response agencies to make resources available to keep the community safe from the effects of hazardous materials and any other natural/man made hazards, and to assure effective response to all emergencies.

VISION: That the population of Curry County be well informed about the hazardous materials present in the community and know how to respond appropriately to emergencies.

Further, that businesses and agencies with hazardous material/operations are knowledgeable of their legal obligations under EPCRA and the compliance processes made available through the Curry County LEPC.

Muskogee County, OK

Muskogee County LEPC, Protecting You and the Environment.

While we enjoy an excellent quality of life, living in our community has never been and will never be risk free. Hazardous materials are manufactured here and are transported through our county by pipelines, trucks, air, and trains.

The risk, however slight, always exists for an accident to occur. The LEPC was created in Fall of 1987. The LEPC brings together an Emergency Management Team which includes state, county, and city officials, Industry response representatives, the Medical community, News media Environmental organizations, and Community Service Organizations.

The objectives of the LEPC are to develop Hazardous Material Inventory and Release Reporting procedures, and the development of a comprehensive Emergency Response Plan to be implemented in the event of a hazardous material release in our area.

The success of any Emergency Response Plan also depends upon an informed and educated public.

- What would you do if a hazardous material emergency occurred near your home or your place of work?
- What would your child's day care provider or school do?

This information is to inform you on what to do in case of a hazardous material emergency in our County and educate you on how to obtain information on potential chemical hazards and chemical storage inventories within our County.

Appendix G.
Holding an Effective LEPC and TEPC Meeting

Regular Meetings

This section of the LEPC-TEPC Handbook will offer some suggestions on how to conduct more productive meetings. The LEPCs and TEPCs have many tasks they must perform, and the members are volunteers; their time is valuable, and to be successful, the LEPC and TEPC must operate in a businesslike manner. In order to keep members motivated, regular scheduling of meetings is essential.

Regular meetings offer members the opportunity to continue plan review and revision. Regular meetings also allow the LEPC and TEPC to broaden its role in the community to meet the capabilities and the commitment of its members, as well as address local issues and work toward progress on key concerns. The frequency of LEPC or TEPC meetings is not mandated. Circumstances change frequently, along with key phone numbers and contacts. Regular meetings also offer the opportunity for the LEPC or TEPC participants to become familiar with each other and their roles in the community.

Some LEPCs have their meetings on the same day each month so schedules can be planned in advance. Some have their meetings during the lunch hour and the involved agencies and industry take turns providing lunch during the meeting. A well-thought-out agenda is an important tool for conducting effective meetings.

The agenda should identify specific issues to be discussed at the meeting. If time constraints are a factor, each agenda item may be assigned a time limit.

Each committee member should be sent a copy of the agenda one to two weeks before the meeting. With this, you can also send any pertinent information to allow the participants to prepare for the meeting.

Public Meetings

Public meetings offer a clear and immediate benefit; however, public meetings should be used sparingly. LEPCs and TEPCs should hold public meetings to present or review emergency plans. A large public meeting could be useful after an accident when many people have questions.

If a current emergency plan has become controversial, a meeting could offer the community a chance at wider participation in revising it. Again, the LEPC or TEPC chairs should determine how requirements under state or tribal rules may apply to LEPC or TEPC meetings. Posting of meeting dates, times and locations, public comments, and a recording of meeting minutes may be subject to state or tribal rules.

LEPCs and TEPCs are encouraged to seek topics, speakers, invitations from facilities and response organizations, and other opportunities to expand knowledge from a wide variety of

sources. Each meeting should have a record keeper who will produce minutes and a record of all actions.

A copy of these minutes should be provided to all the members of the LEPC or TEPC, and the state (or tribal) Office of Emergency Management. Although LEPCs and TEPCs should attempt to have regularly scheduled meetings, it may be beneficial to move meetings to different locations within the county/planning district. This will allow participants that may not be able to attend at one place and time the opportunity to attend at another.

How to PITCH a Better Meeting

PITCH is the acronym for the process of conducting better meetings:

- Plan
- Inform
- Target
- Contain
- Hasten

PLAN the meeting, being clear about:

- The purpose of the meeting.
- Agenda items.
- The desired outcome.
- What arrangements need to be made.
- How long the meeting will last.

INFORM meeting participants of:

- The purpose of the meeting.
- Agenda items.
- The desired outcome.
- Date, time and location.
- Any previous assignments.

TARGET productive discussion by:

- Stating and clarifying the purpose of the meeting.
- Getting agreement on desired outcomes.
- Allowing for modification of the agenda (including adding/deleting items, changing the order or adjusting the time allocated).

CONTAIN discussion to the agreed-upon agenda by:

- Having someone in charge and someone to act as recorder.
- Adhering to the agenda unless the group explicitly agrees to alter it.
- Confronting behavior that diverts group from attaining its outcomes.
- Encouraging each LEPC or TEPC member attending to participate fully.
- Getting agreement on action steps, responsibilities and target dates.

HASTEN the completion of agreed-upon desired outcomes by:

- Summarizing the meeting.
- Recording the decisions that were made.
- Recording the names of persons responsible for implementing action steps and the target dates.
- Agreeing on a date for the next meeting.
- Evaluating every meeting and agreeing on ways to improve.
- Editing and distributing minutes.
- Putting unfinished business on the agenda for the next meeting.
- Following up and encouraging task completion.
- Monitoring and evaluating the results achieved by the group.

Role of the Chairman or Meeting Facilitator

- Summarize the last meeting.
- Appoint a recorder.
- Remind members of any commitments or agreements they make for this meeting.
- Review and clarify the agenda if necessary.
- Prioritize tasks if the agenda hasn't already done so.
- Establish specific outcomes desired for this meeting.
- Establish time frames for each task.
- Keep the meeting moving.

Keeping a Meeting Going

The chairman or meeting leader should:

- Keep the members on task.
- Check for agreement or disagreement

- Track progress on the agenda.
- Provide feedback to group—summarize, paraphrase, restate frequently.
- Protect against domination by a few individuals.
- Call on silent members to participate.
- Protect individuals from personal attack.
- Suggest alternatives or options.
- Bring conflicts to the surface.
- Call for breaks.

The Role of the Recorder

The recorder is not the LEPC or TEPC secretary. In fact, the secretary cannot perform both the duties of the secretary and recorder at the same time. The recorder keeps track of what is actually occurring during any given project or discussion period of the meeting.

This information is recorded on flip charts and posted on the walls so the members can keep track of where they are and what still needs to be done.

Preparation

- Ensure a supply of flip charts, markers and tape.
- Use two flip chart easels so you can move from a completed page to a fresh one without interruption.
- Tear off small pieces of masking tape and attach them to the edge of the flip chart easel before the meeting to speed the posting of completed flip chart pages.

Execution

- Tell the members you will record the substance of member contributions as you hear them, and you expect them to review what you've recorded for accuracy.
- Ask for a volunteer to help you post completed pages.
- Record the speaker's words, not your own.
- Do not record names.
- Write legibly but quickly so as not to dampen the group's energy. Don't print unless you print faster than you write.
- If ideas come too fast, ask for help.
- You may express ideas the same as any other member, but remain unobtrusive as the recorder.
- Use different colored markers, numbers, stars, etc. to organize data and for different headings, for emphasis, etc.

- Use only commonly understood abbreviations.
- When you summarize a long idea in key phrases, ask the speaker if you have accurately recorded the idea.

Completion

- Number each page to help keep completed sheets in order.
- At the end of the meeting, compile and label the completed flip chart pages, and make sure they are safely stored and made available for the next meeting, if the project carries over into the next meeting.
- Make sure the members agree on what will be done with the record once the project is complete. You may want to save it, or you may want to discard it or make some other use of it.

Conducting a Meeting

The following guidelines for conducting a meeting are presented for your review and consideration:

Before the Meeting

- Have a specific purpose/objective for each meeting.
- Identify topics and material to be covered.
- Invite key people, guest speakers/presenters.
- Establish an appropriate time frame and neutral place for meeting.
- Prepare an agenda.
- Notify membership of meeting times and distribute the agenda (early).
- Make logistical arrangements—space, seating, audio/video, etc.
- Define scope, goals and objectives of LEPC or TEPC.

At the Beginning of the Meeting

- Start on time.
- Clarify the purpose/objective of the meeting.
- Introduce guests or new personnel.
- Clarify ground rules, e.g., one topic/speaker at a time, etc.
- Establish time objective.
- Appoint a recorder.

During the Meeting

- Make an opening statement and review the minutes of the last meeting.
- Focus on one agenda item at a time, keep the meeting on track.
- Prioritize tasks if the agenda has not already done so.
- Collect and clarify relevant information.
- Maintain control over time and discussions.
- Record ideas and action items.
- Summarize information discussed.
- Reach agreement on specified decisions and actions.
- Keep the meeting moving—do not get distracted or digress off topics.

At the End of the Meeting

- Review action items and responsibilities (who will do what, when).
- Summarize and set follow-up date(s).

After the Meeting

- Prepare minutes and/or follow-up correspondence if necessary.
- Follow up on action items.
- Ask yourself, "What went well?" and "What could be improved?"

Guidelines for Individual LEPC or TEPC Members on Becoming a Better Participant at Meetings

In accordance with Section 301 of EPCRA, the LEPC or TEPC is composed of individuals that represent various types of agencies, departments, organizations, groups or occupations within the planning district, whether the district is a county, a zonal district, a zone within a county, or a tribal region (i.e., law enforcement, fire, EMS, health, ARC, elected officials, emergency management, media, local environmental, hospital, transportation personnel and community groups). These members must represent their constituents in ALL LEPC or TEPC activities and must provide a channel of information and coordination.

Individuals selected as LEPC or TEPC members must realize their responsibilities, and to be successful, must actively represent their constituents in all LEPC or TEPC activities and provide them timely information about the LEPC or TEPC—and, in turn, share their concerns and needs with the LEPC or TEPC.

The following guidelines outline actions each individual member should consider in order to become a better-informed and more productive participant in the activities of the committee.

Before the Meeting

- Review the agenda items and clarify the purpose of the meeting.
- Consider your input in regard to agenda items.
- Gather/prepare any materials/information you may need.
- Talk to people you represent about agenda items and get their comments.
- Arrange material to present in a clear and concise manner.
- Take writing materials with you to the meeting.

During the Meeting

- Arrive on time; be seated and ready to go at the announced start time.
- Participate in discussions and activities.
- Listen to what is being said and consider your comments if needed.
- Stay on the subject being presented.
- Be prepared to present your information and ideas clearly/concisely.
- Avoid side conversations, pay attention and be polite.
- Take your own notes—don't rely strictly on the minutes.

At the End of the Meeting

- Get the date of the next meeting.
- Clarify and items you need to follow up on before the next meeting.
- Ask yourself, “How did I represent my constituents?”
- Remember all LEPC or TEPC members are equal and have a responsibility to represent their peers.

Appendix H.
Facility Questionnaire to Obtain Additional Information for Emergency Planning

As mentioned in Chapter 3, LEPCs and TEPCs around the country, when focusing on planning for facilities that store or handle EHSs, have developed questions to submit to those facilities to support the planning process.

Below is a sample questionnaire an LEPC or TEPC may want to ask facilities in their community to complete.

LEPCs and TEPCs have the authority under Section 303 of EPCRA—"Upon request from the emergency planning committee, the owner or operator of the facility shall promptly provide information to such committee necessary for developing and implementing the emergency plan"—to request this information be supplied.

While this provision of the statute is normally interpreted to apply to those facilities with EHSs above the TPQ, LEPCs and TEPCs can also use this information for other facilities that may pose a hazard to the community or responders during an incident. Therefore, LEPCs and TEPCs should encourage other facilities to complete this questionnaire to assist in the planning process.

FACILITY QUESTIONNAIRE

INTRODUCTION

Each facility that has reported an EHS in an amount that exceeds its TPQ as outlined in Section 302 of EPCRA, Chapter 2 of this document, or significant amounts of hazardous chemicals on their Tier II form, is being asked to complete this questionnaire. The questionnaire should benefit your internal emergency planning and will be the first step in a cooperative planning process involving your facility, the local fire department and the LEPC or TEPC.

Additionally, those facilities which store or handle other hazardous chemicals that may be dangerous to the community or responders during an incident are requested to complete this questionnaire. Please complete this (please use N/A in fields normally left blank) and return to:

(LEPC or TEPC organization address or of a representative of LEPC or TEPC) _____.

I. FACILITY IDENTIFICATION	
A. Facility Name:	
B. Dept./Division where hazardous materials are kept:	
C. Street Address:	
D. Between Cross Streets:	and
E. City:	Zip Code:
F. Township:	Section # Range:
G. Facility Owner/Manager:	Office Phone:
H. Facility Emergency Coordinator, Alternate, and Phone Numbers	
1. Coordinator Name:	
Home Phone:	Office: 24 Hour Phone:
2. Alternate Name:	
Home Phone:	Office: 24 Hour Phone:
I. Nature of Business:	Manufacturing Storage Retail Sales Agriculture Other
II. CHEMICAL INFORMATION	
A. CHEMICAL INVENTORY—Extremely Hazardous Substances	
1. CAS #	Chemical Name
Storage Location	Method of Storage
Average Amount	Maximum Amount Frequency/Method of Shipment
2. CAS #	Chemical Name
Storage Location	Method of Storage
Average Amount	Maximum Amount Frequency/Method of Shipment
3. CAS #	Chemical Name
Storage Location	Method of Storage
Average Amount	Maximum Amount Frequency/Method of Shipment
B. CHEMICAL INVENTORY—Other Chemicals of Concern	
1. CAS #	Chemical Name
Storage Location	Method of Storage
Average Amount	Maximum Amount Frequency/Method of Shipment
2. CAS #	Chemical Name
Storage Location	Method of Storage
Average Amount	Maximum Amount Frequency/Method of Shipment
3. CAS #	Chemical Name
Storage Location	Method of Storage
Average Amount	Maximum Amount Frequency/Method of Shipment
C. Chemical Location Map: Include a facility map(s) illustrating buildings and chemical locations within the buildings.	
III. CHEMICAL RELEASE DETECTION AND PROCEDURES	
Describe facility methods for detecting a release and the procedures followed once a release has been detected	
A. Include equipment (automatic sensors, etc.) that has been installed, or describe the method used to detect releases, e.g., sight and smell by employees or security	
B. Include personnel that have this as one of their duties (security, etc.). Describe the training they have had, their capabilities, 24-hour operations, the procedures they follow, etc.	
C. Describe the steps that take place at the facility once a release is detected. Who is notified? What does this person do?	

IV. OTHER FACILITIES THAT MAY CONTRIBUTE ADDITIONAL RISK
List other facilities nearby which store or manufacture hazardous substances that may be affected by a release causing the situation to escalate.
A. Name of Facility:
B. Address:
C. Telephone Number:
D. Facility Emergency Coordinator:
E. Distance from primary facility:
F. Conditions that may cause additional risk (fire, runoff, and incompatible substances):
V. OTHER AREAS OF CONCERN
List other areas, structures, etc., such as water intakes, drains, sensitive areas, rivers, etc., which could contribute additional risk or be subject to risk due to an incident at this site.
A. Utilities
1. Gas Lines
2. Electric
3. Water Lines
4. Sanitary Sewers
5. Storm Sewers
6. Water Supply Reservoirs
B. Natural Amenities
1. Lakes or Streams
2. Parks
3. Other (schools, daycare, adult care, nursing homes)
C. Artificial Amenities
1. Shopping Malls
2. Hotels
3. Highways or Public Transportation
4. Railroads
5. Airports
6. Other Industries
7. Other
VI. RESPONSE PROCEDURES
Describe briefly the procedures the facility will implement in the event of a release.
VII.NOTIFICATION
A. Describe employee alert and warning procedures.
B. Describe any public alert and warning equipment and procedures available.
C. Describe any ongoing public/employee education process.
VIII. FACILITY EMERGENCY RESOURCES/EQUIPMENT
A. Chemical Emergency Monitoring Equipment Quantity
1. weather instrument
2. radiation detector
3. pH meters (indicate fixed or portable)
4. chlorine kits (A.B.C.)
5. combustible gas indicator
6. oxygen concentration meter
7. colorimetric indicator tubes (e.g., Draeger tubes)
8. other monitoring equipment

B. Personal Protective Equipment
1. positive pressure respirators
2. full protective turnout gear
3. SCBA
4. SCBA tanks (duration)
5. boots and gloves
6. helmets with eye protection
7. mobile cascade
8. cascade with compressor
9. fully encapsulated suits (indicate type)
10. other
C. Trained Emergency Response Personnel
1. first responder awareness
2. first responder operations
3. specialist/technician
4. emergency medical employees
5. other expertise (chemists, engineers, etc.)
D. Equipment/Supplies
1. foam (indicate type)
2. sand
3. off-road vehicles
4. communications vehicles
5. multi-purpose vehicles
6. portable radios
7. rescue squad
8. EMT
9. paramedic
10. fire brigade:
a) pumper
b) ladder truck
c) tanker
11. Other equipment / supplies:
E. Is the facility willing to share the above equipment/supplies for an emergency not involving their facility? Equipment and supplies available will be listed in the County Resource Manual.
Within your community Yes No Within (county name) Yes No
If yes: which equipment/supplies:
Does facility expect compensation? (attach any conditions for compensation) Yes No
F. Does the facility have training resources/programs?
1. Staff Yes No
2. Public use Yes No
3. Describe:
G. Identify additional professional/technical resources that may be called upon by the facility to support regular staff in the event of an accident:
Name Organization Telephone Home Telephone Work Specialty
H. Identify emergency equipment/supplies facility has made available to community or County. Information can be integrated into the County Resource Manual

I.	Mutual aid agreements the facility has with either private or public emergency response personnel:
	Company Name Contact Person Telephone Number
J.	Hazardous Materials Standard Operating Procedures (SOP):
	1. HazMat Emergency Response SOP
	2. HazMat Decontamination SOP
	3. HazMat Medical Surveillance SOP
	4. Other emergency response plans which deal with HazMat
K.	Contractor clean-up companies the facility has identified:
	Company Name Contact Person Telephone Number

Appendix I.
Planning Principles and Perils: A Guide to Effective Planning

1. Minimum Requirements for the Plan

Under the federal law, each LEPC and TEPC is required to develop an emergency response plan and review this plan at least annually thereafter.

In developing this plan, the LEPC and TEPC should evaluate available resources for preparing for and responding to a potential chemical accident, or an act of nature which involves the spillage of chemical releases into the environment.

The plan should:

- Identify facilities and transportation routes of EHSs and other hazardous chemicals.
- Identify additional facilities which could be subjected to additional risk due to their proximity to facilities subject to the requirements mentioned above, such as hospitals, nursing homes, schools, prisons or others.
- Describe emergency response procedures for handling chemical releases at a facility, both on-site and off-site.

The following procedures should be followed by facility owners and operators, local emergency responders and medical personnel responding to an incident:

- Designate a community emergency coordinator and facility coordinator(s) to implement the plan.
- Develop reliable, effective and timely notification procedures for facility emergency coordinators to convey information to community emergency coordinators and to the public when a release has occurred.
- Describe methods for determining the occurrence of a release and the probable affected area and population.
- Describe community and private industry equipment available for response operations and identify the persons responsible for the equipment.
- Define training programs for emergency response personnel and the schedules of training for emergency response and medical personnel.
- Present methods and schedules for exercising emergency response plans to emergency responders, emergency medical personnel, fire service and law enforcement agencies.
- The plan thus developed shall be reviewed at least once a year, or more often as circumstances within the community or facilities changes.

2. Reviewing and Testing the LEPC and TEPC Emergency Response Plan ("Plan")

The LEPC and TEPC plan is required to be reviewed at least once a year. Most planners agree the best way to review a plan is to test, or exercise, it. There is no requirement the plan must be tested each year; however, the LEPC is required to establish a schedule for testing the plan.

Each LEPC and TEPC, in conjunction with the emergency management office, should determine the level of review and exercise to be conducted each year. In testing the plan, the following areas should be evaluated to represent the minimum requirements for qualification as an exercise.

In addition, jurisdictions are encouraged to test areas particular to their part of the plan. Reviewers of the plan should examine the plan for the following items:

- Does the plan attempt to reduce the unknown in a situation?
- Are the aims of the plan to evoke appropriate actions?
- Is the plan based on what is likely to happen?
- Are the basic tenets of the plan based on knowledge of actual problems and solutions, or upon myths and misconceptions?
- Does the plan operate as a continuous process?
- Does the plan focus on principles rather than concrete details?
- Does the plan overcome resistance in thinking and established methods of response because of limitations of money, time and effort?
- What parts of the plan are an educational activity?

3. Characteristics of a Good Plan

A good plan should have the following characteristics:

- It is simple.
- It provides for accomplishing the mission.
- It is flexible.
- It is based on facts and solid assumptions.
- It provides for continuity.
- It provides for the use of existing resources.
- It delegates authority while maintaining necessary control.
- It provides for the necessary organization.
- It coordinates all elements of the response.
- It establishes relationships and responsibilities.

4. Common Pitfalls in the Planning Process

- Lack of integration of emergency planning into the facility's total management system.
- Lack of understanding about the different dimensions of emergency planning.
- Managers not involved.
- Top management inflexibility.
- Top management expects immediate results from the planning process.
- Confusing financial projects.
- Planning responsibility wrongly placed in a separate department rather than coordinated through several departments.
- Too much is attempted too soon.
- Failure to operate by the planning process action plan.
- Lack of broad input into the planning process.
- Failure to see the big picture.

5. The Top Ten Common Weaknesses of Disaster Planning

- No systematic collection of information.
- No systematic dissemination of information.
- No provision for establishing on-scene command or management.
- Not able to achieve inter-organizational coordination.
- Specific responsibilities are not described.
- Incomplete hazard assessment and analysis.
- The plan is not exercised.
- No provision for updating or revising the plan.
- No concern for the users of the plan.
- Plan is not distributed to agencies involved.

6. Warning Signs of Insufficient Preparedness

- A lack of urgency or priority about emergency planning among management and employees.
- Confusion about roles and commitment to emergency planning.
- Confusion about community roles and responsibilities regarding disaster planning.
- Lack of a viable disaster plan that is part of the daily facility process.

Appendix J.
Sample Facility EPCRA Section 302 Planning Letter Submitted to SERC/TERC, LEPC/TEPC

As required under EPCRA Section 302(c), if the facility acquires a new EHS at or above its TPQ, the facility is required to notify their SERC/TERC and LEPC/TEPC within 60 days.

LEPCs and TEPCs may ask facilities in their planning district to fill out this template for notifying them and the SERC or TERC if the facility is subject to emergency planning notification.

[Facility Letterhead]

[SERC or TERC Address]

[LEPC or TEPC Address]

To the SERC or TERC /LEPC or TEPC Information Coordinators:

This is the emergency planning notification required under Section 302 of the Emergency Planning and Community Right-to-Know Act for the following facility:

NAME OF FACILITY _____

ADDRESS OF FACILITY _____

CITY, STATE, ZIP _____

This facility stores or uses the following Extremely Hazardous Substances on-site above the threshold planning quantity as specified in 40 CFR Part 355:

CAS #, CHEMICAL NAME , QUANTITY (in pounds)

1 _____

2 _____

3 _____

4 _____

5 _____

6 _____

7 _____

8 _____

If additional emergency planning information for this facility is necessary, please contact our Facility Emergency Coordinator, _____, at _____ (phone) or _____ (email).

Sincerely,

Owner/Operator of Facility

Appendix K.
Energize Your LEPC—Region 7 Newsletter

This newsletter was developed by Region 7 in 2010. While the heading says, "Energize Your LEPC," these suggestions can also be applied to TEPC organizations as well as LEPC organizations.

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I. INTRODUCTION

EPCRA was enacted by Congress to help local communities prepare for and respond to chemical emergencies. EPCRA requires facilities to report chemical storage and release information and instructs communities to develop emergency response plans. Each state governor must appoint a SERC. The SERCs are to design and appoint emergency planning districts and LEPCs, which have a vital role in coordinating information on chemical storage, emergency planning, and chemical spill response. In addition, the Clean Air Act of 1990 under Section 112(r), or the RMP, was created to prevent chemical accidents at facilities using extremely hazardous substances.

While LEPCs play a critical role, they often have difficulty maintaining member participation. Many communities are more reactive than proactive on emergency matters. For example, immediately after the 9-11 terrorist attack in 2001, LEPC members were very involved because of public interest in emergency planning. However, the momentum slowly declined two years after the major event.

Hurricane Katrina, which devastated the Gulf Coast area in 2005, is an example of an event that generated significant interest in emergency planning. Better planning and preparedness may have improved the response, which could have minimized loss of life. Competent and energized LEPCs are more likely to have a proactive approach and respond effectively to their community emergency needs. It takes conscientious effort to maintain the participation of LEPC members through innovative ideas, practical exercises, constant motivations and incentives.

The bottom line is that effective planning saves human lives and reduces property losses and environmental impacts during emergencies.

A group of planners met at the 2007 Region 7 LEPC and TERC Conference. They felt it was time to build a focus group and address the issue of energizing LEPC member participation. The practical tools collected at that event are included in this document.

II. LEPC ENERGIZING TECHNIQUES

The following recommendations were identified and chosen as essential factors in energizing and maintaining effective participation at the local level:

- Continuing Education
- Focus on Effective Leadership
- Team Building
- Empower to Complete Meaningful Tasks
- Recognize Contributions
- Stay Positive
- Remove Hindrances

Continuing Education

We live in a changing world, and LEPC members need to be proactive in emergency response by being up-to-date with new legal requirements and technological standards. There are readily available courses and informational resources with no or low fees for the continuous educational growth of LEPCs. New technical resources and guidance to assist local emergency planners have been developed in recent years. Governments at all levels (local, state, and federal) schedule regular conferences, workshops and seminars to develop professional competence and credibility and share new information with planners and responders.

Roles and Responsibilities

The fundamental step of building effective LEPCs starts with members understanding their roles and responsibilities. Expertise requirements for membership are found in EPCRA and other regulations. Members who understand their personal and legal responsibilities to the community are more likely to regularly participate in LEPC training activities. The EPA and state agencies can provide compliance and outreach assistance, and they have a wealth of information on various emergency subjects available to the public.

By-laws

Both verbal and written instruction about their committees' bylaws (if any) should be included in the members' education. For visual learners, having a hard copy of the bylaws is a useful tool. Revising bylaws can be productive when performed as a collective exercise.

Safety Training

Continuous training on the subject of safety is also crucial in maintaining volunteers' interest. Regular safety classes can be taught in formal and informal settings.

Examples of formal classes are OSHA HAZWOPER and First Aid & CPR trainings, which have periodical renewal requirements. Informal safety classes can be site visits at plants or facility tours where LEPC members gain practical experiences with different protective equipment. Routine scheduled trainings allow LEPC members to stay motivated by building their confidence and credentials.

LEPC Meetings

An educational component must be an integral part of the LEPC meeting agendas. Examples include a slide presentation or video viewing of a recent emergency response event. Discussing response events generates creative ideas which renew the motivation in the LEPC as a team. Participants visualize their roles in these

events and simulate new assignments at the local level. State emergency agencies routinely schedule exercises for LEPC members. At the local level, tabletop drills are also practical ways to evaluate success and challenge their committees.

Professional Development

LEPC members can increase their knowledge by joining interest groups such as the National Association of SARA Title III Program Officials (NASTTPO), trade associations and state emergency planning organizations, which provide opportunities for LEPCs to work together to prepare for emergencies involving hazardous materials.

Focus on Effective Leadership

Effective leadership and good management at the local level play a significant role in sustaining interest. Leaders in LEPCs should be elected officials or be from local government or industry. Emergency managers are often most familiar with local resources, including people, equipment and funding. These leaders should inspire positive teamwork in the committees. An LEPC leader can be any member of the LEPC—the chairperson, emergency manager, or simply any volunteer on the committee who has an effective influence on the group or team. LEPC leaders foster an environment where members become high performers and frequent participants.

These leaders clarify their purpose and goals, build commitment and self-confidence, broaden collective skills, remove externally imposed obstacles and create opportunities for others. Leaders believe in their purpose and people and often exercise the following six principles:

- Keep purpose, goals, and approach relevant and meaningful.
- Build commitment and confidence.
- Diversify the mix and level of skills.
- Manage relationships with outsiders, including removing obstacles.
- Create opportunities for others.
- Do real work.

Team Building

Instilling trust in a group of people can be a rewarding goal. There are many ways to achieve this goal. For example, social activities are fun and effective for engaging LEPCs and their families. These occasions build cooperation and provide networking opportunities. Picnics and outreach at community events are excellent ways to create unified involvement. Fundraising activities can be good incentives to perk group interest. Hazmat emergency exercises serve a dual purpose of being educational and providing a group bonding experience.

Other ideas to build a successful team are:

- Clearly defined purpose, goals and roles
- Clear and effective communication
- Supportive member behaviors (balance of creativity and conformity)
- Well-defined decision procedures
- Balanced participation
- Established ground rules and norms
- Understanding of effective group process
- Effective problem-solving methods

Besides the building of the group, the maintenance and management should be based on solid pillars of high-performance teams:

- Establishing urgency and direction
- Selecting members based on skills and skill potential, not personalities
- Paying particular attention to meeting agenda and action items
- Setting some clear rules of behaviors
- Setting and seizing upon immediate performance-oriented tasks and goals
- Challenging the group regularly with fresh facts and information
- Spending lots of time together
- Exploiting the power of positive feedback, recognition, and rewards

Following these suggestions will increase membership and motivation. Getting and keeping members involved is crucial to your LEPC's success.

Empower to Complete Meaningful Tasks

A Chinese proverb says: "**Tell me** and I'll forget; **show me** and I may remember; **involve me** and I'll understand." Empowering volunteers to complete meaningful tasks, solicit new ideas and create new initiatives are ways to keep people interested. One example of a collaborative meaningful task is the Schools Chemical Cleanout Campaign (SC3), a national program aimed at reducing risks of chemical exposures in schools. LEPCs can provide technical assistance to their communities about proper chemical management in K-12 schools.

Another way LEPCs can participate in their communities is by giving outreach and educational materials about topics such as Shelter-In-Place to their local schools and nursing facilities. These activities can be performed in collaboration with community groups with comparable interest in emergency preparedness, such as:

- **Citizen Corps Councils** work to ensure the security and safety of people.
- **Community Emergency Response Teams** (CERTs) train citizens to be first responders in basic disaster medical operations, and light search-and-rescue operations.
- **Fire Corps** advocate enhancement of fire resources.
- **Medical Reserve Corps** (MRC) assess the capacity of the practicing and retired medical population, including physicians, nurses and supporting health professionals.
- **Neighborhood Watch Programs** monitor community criminal activities and are now joining forces with the CERTs.
- **Volunteers in Police Services** (VIPS) are emerging groups supporting local police forces with law enforcement activities.

Recognize Contributions

Publicly recognizing specific individual contributions is also important. The morale of a team and its members will grow when they feel valued and when their efforts are noticed. A sense of belonging is important in any organization or team. For example, when members miss a meeting, someone may volunteer to call or e-mail the absent members to let them know they were missed. Keeping members involved is a must in maintaining interest.

Recognition causes people to strive for greater achievements. Recognized members can become more productive or competitive. A common way to recognize people is to give or nominate them for an award. There are many different types of awards given by communities, private entities, and state and federal governments. For example, award nominations can be sent to EPA for the annual Chemical Emergency Preparedness and Prevention (CEPP) and biennial regional LEPC conferences. Also, please remember the importance of recognizing volunteers who have demonstrated good performances.

Another outcome for giving awards is the visibility it gives to local facilities, businesses and their leaders. Industries are most likely to allow time and give support to their employees when these employees are publicly known to support the common cause of community safety and wellness.

Stay Positive

"Attitude is everything!" Keeping a positive attitude is a must when working with LEPCs. In many organizations, most of the significant work is done by a small fraction of group. Research has demonstrated that in any organization, 20 percent of members do 80 percent of the work.

Know and keep track of core members. Look for exemplary examples to share with the group and send positive and uplifting messages frequently.

Remove Hindrances

LEPC leaders should pay attention to indicators that change the course in membership participation. The indicators below are warning signs for emergency leaders to address these issues. If not addressed in a timely and effective manner, these symptoms can impair members' interest and performances. Indicators are noticeable at both individual and collective levels.

At a personal level, the following indicators to watch for among LEPC committee members are:

- Loss of energy or enthusiasm ("What a waste of time.")
- Sense of helplessness ("There's nothing anyone can do.")
- Lack of purpose or identity ("We have no clue as to what this is all about.")
- Disengagement, or unconstructive and one-sided discussions without candor ("Nobody wants to talk about what's really going on.")
- Meetings in which the agenda is more important than the outcome ("It's all show-and-tell for the boss.")
- Cynicism and mistrust ("I knew this teamwork stuff was worthless.")
- Interpersonal attacks made behind others' backs, to outsiders ("Dave has never pulled his own weight and never will.")
- Finger-pointing at top management and the rest of the organization ("If this effort is so important, why don't they give us more resources?")
- At a group level, an issue of concern is diversity in the composition of the LEPC. The regulations recommend that "the LEPC membership must include, at a minimum, local officials including police, fire, civil defense, public health, transportation, and environmental professionals, as well as representatives of facilities subject to the emergency

planning requirements, community groups, and the media."

- Another critical factor in the composition of the LEPC is the socio-cultural representation of the community in which the committee is located.
- There are additional concerns that can impact the mission of LEPC. Transparency is the best tool when faced with these threats. Knowing and managing threats can be accomplished by having an open discussion about:
- Lack of resources (funds, time, technology and competent people)
- Political climate (internal and external)—whether community social priorities are aligned with the LEPC's goals
- Leadership—finding committed community leaders to champion the committees' activities
- Bias—misinformation, inaccurate data, and false notions about a community can create public resentment, lawsuits, or an unexpected and undesirable outcome that can undermine the committee

III. CONCLUSION

The ideas and tools presented in this document are intended to help develop and maintain members' participation in LEPCs. Local emergency leaders, not just emergency managers, are key personnel who can prepare their communities for emergency events.

Preparing a community for emergencies requires community involvement of well-trained and enthusiastic volunteer residents. Managing and leading volunteer participation is seldom addressed in LEPC committee functions. Like any critical resource, the human resource element is sustained with strategic planning and positive action. Maintaining an effective LEPC requires constant a supply of energy through activities, innovative ideas and education. LEPC members are much better prepared to respond to emergencies when they are well connected in their community and can rely on each other's competence.

Keeping LEPCs active and energized is essential for saving lives and minimizing damage to property and the environment.

Appendix L.
What to Do in a Chemical Emergency

LEPCs and TEPCs may use suggestions provided below as part of outreach to their community on what to do if a chemical emergency happens.

Additional details, phone numbers and contact information should be added to provide the appropriate information.

What are the actions you might need to take?

In case of a hazardous chemical emergency, you might be asked to take one of three actions:

- Evacuate.
- Shelter in place.
- Protect your respiratory system.

These are described below. Be sure to be clear about them. If you have neighbors who have disabilities (e.g., vision or hearing impaired), please help them. Be sure they know what they are supposed to do in an emergency.

If you are told to evacuate:

You should move to the place designated by local or tribal officials. Follow these steps to get ready for the trip.

- Stay as calm as you can. If you already know where to go and what to take, that will help.
- Gather what you and your family will need. Pack only what you will need most.

Take these things along if you can:

- This information sheet.
- Extra clothing.
- Eyeglasses, dentures, prescription drugs, other medicines, and first aid kit.
- Baby supplies.
- Portable radio and flashlight (if you have them).
- Checkbook and credit cards.
- Driver’s license or identification.

Remember as you leave to do the following:

- Turn off lights, your household appliances, and heating, cooling or other ventilation systems.

- Leave your refrigerator/freezer on.
- Lock your house.

Do not use your phones unless you or someone you know is injured or too sick to do what is needed. If you must use the phone, keep your call very short.

This information sheet and your radio and TV will tell you what actions you need to take. Read it through and be sure you understand it. Clear up all questions you have, not later.

Turn on your radio or TV for up-to-date information during the emergency.

- Use only one car (or other vehicle) for your family. If you have room, please check to see if any neighbors need a ride.
- Keep your car windows and air vents closed. Listen to your radio for reports about your route and other information.
- Drive safely, traffic will be heavy. Law officers along your route will help with the traffic.
- If you need a ride, go with a neighbor, friend or relative.

If you are told to shelter in place:

You should protect yourself inside your house or other building. This is a good action to take if there is a short release or small amount of hazardous material in the air. Take these steps to protect yourself.

- Go inside if you are outside. When inside, stay inside until your radio or TV says you can leave safely. This is most likely to be no more than a few hours, rather than a day or more.
- Close all doors and windows.
- Turn off heating, cooling or ventilation systems.
- Do not use fireplaces. Put out the fire. Close the dampers.
- Listen to your local radio or TV for further instructions.

If you are told to protect your respiratory system:

- Cover your nose and mouth with a damp handkerchief or other cloth to protect your breathing. Fold the cloth over several times.
- Close the windows and doors if you are in a building or a car.
- Turn off heating, cooling or ventilation systems.

What should you do if you know there is a release of hazardous chemicals and it's coming toward you?

- Be prepared to get yourself and your family out of the area if directed to do so by the local authorities.

- Be prepared to protect yourself wherever you are if evacuation isn't possible or necessary.
- Studies have shown that even poorly sealed buildings give some protection from a serious amount of gas entering the building. Those results would indicate that if you are outside, you should go into your house or nearby public building or get in your automobile.
- Once inside, close off all outside ventilation, such as the air conditioner or windows.
- Stay inside and wait for the cloud to pass. If you feel the gas entering the building and you are in danger, a wet cloth or towel over your nose and mouth will act as a filter and offer some protection. In any event, staying inside is safer than trying to outrun a release.
- If you are outside and can't possibly get in, move crosswind (in a direction so the wind is blowing from your left to right or vice versa, but not into your face or from behind). This offers the best advantage for getting out of the path of the release. In either case, remain calm and wait until you receive further instruction before taking any further action.

If you think you have been exposed:

- Eyes: Gently hold your eyes open, or have someone assist you, and flush with saline or lukewarm water for 15 minutes. Encourage blinking while rinsing. If wearing contacts, remove the lenses after first flushing the eyes for five minutes.
- Skin: Remove contaminated clothing and flood skin with water for 15 minutes. Then wash gently with soap and water and rinse. It is important to cut off clothing rather than pulling off to avoid exposing other areas of the body.
- Inhaled: Immediately get the person to fresh air. Avoid breathing fumes. If victim is not breathing, call for help and start assisted (mouth-to-mouth) breathing.

Appendix M.
Sample Public Notice or News Release

Public Law 99-499 Title III, of the Emergency Planning and Community Right-to Know Act of 1986 (EPCRA), Section 324, requires public notice at least once annually informing the public of the means to access information about chemicals stored, manufactured, and used within the community.

Under Sections 303, 311, 312 and 324 of EPCRA, the following documents are on file and available for public viewing:

- The local community EOP.
- Chemical inventory forms, filed by covered facilities within the community.
- Material Safety Data Sheets, filed by covered facilities within the community.
- Follow-up emergency release notification reports, filed by covered facilities within the community.
- Information concerning LEPC meetings, including notices, agendas, and minutes.

The location for viewing of these documents is the _____ (agency or organization) office at _____ (street/city) between the normal working hours of _____ (i.e., 8:00 AM to 4:30 PM Monday through Friday).

The Contact for the _____ County/Parish LEPC is _____ and may be reached at _____ (phone) or _____ (email address) for further information pertaining to the request for viewing these documents.

Appendix N.
Emergency Planning Checklist for LEPCs and TEPCs

Section 303(a) of EPCRA requires each LEPC and TEPC to prepare an emergency response plan for their planning district. The LEPC and TEPC are required to review the plan at least once a year. LEPCs and TEPCs also must evaluate the need for resources necessary to develop, implement and exercise the plan, and to make recommendations with respect to additional resources that may be required and the means for providing these additional resources.

The plan shall include (but is not limited to) each of the following items below.

1. Identification of facilities subject to the requirements of this subtitle that are within the emergency planning district, identification of routes likely to be used for the transportation of substances on the list of EHSs referred to in Section 302(a), and identification of additional facilities contributing or subjected to additional risk due to their proximity to facilities subject to the requirements of this subtitle, such as hospitals or natural gas facilities.
2. Methods and procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to any release of such substances.
3. Designation of a community emergency coordinator and facility emergency coordinators, who shall make determinations necessary to implement the plan.
4. Procedures providing reliable, effective and timely notification by the facility emergency coordinators and the community emergency coordinator to persons designated in the emergency plan—and to the public—that a release has occurred (consistent with the emergency notification requirements of Section 304).
5. Methods for determining the occurrence of a release and the area or population likely to be affected.
6. A description of emergency equipment and facilities in the community and at each facility and an identification of the persons responsible for such equipment and facilities.
7. Evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes.
8. Training programs, including schedules for training of local emergency response and medical personnel.
9. Methods and schedules for exercising the emergency plan.

GUIDELINES FOR EMERGENCY RESPONSE PLANNING UNDER EPCRA SECTION 303

Below is a set of guidelines for each item listed above. Each set of guidelines provides:

- The intent of each element.
- Specification of information required.

- Recommendations are provided for certain elements required in the emergency plan.

Element #1

1(a) Identification of facilities subject to the requirements of EPCRA Section 302 within the LEPC or TEPC planning district.

Intent
The intent of this item is to identify for public safety information and planning purposes any high- risk facilities within the jurisdiction that use or store on site large amounts of extremely hazardous substances.

Required
Include a current list of covered EPCRA facilities within the jurisdiction, providing current name of each facility, street address of the facility and an emergency contact telephone number for the facility.

1(b) Identification of routes likely to be used for the transportation of substances on the list of EHSs referred to in Section 302 (a).

Intent
The intent of this item is to identify the location of the covered facilities that may be transporting EHSs and to identify the primary and secondary routes used within the jurisdiction for such transportation.

Required
1. Identify the location of covered 302 facilities within the jurisdiction.
2. Identify the primary and secondary routes used for transportation of EHSs to and from the covered facilities.

Recommended
Maps are the preferred method of doing this item and are recommended; however, maps are not required, and the information can be provided in writing.

1(c) Identification of additional facilities contributing or subjected to additional risk due to their proximity to facilities subject to the requirements of EPCRA Section 302, such as hospitals or natural gas facilities.

Intent
The intent of this item is to identify non-302 facilities with hazardous chemicals that add risk due to their proximity to Section 302 facilities if a release occurs at either facility within the jurisdiction, such as hospitals, daycare centers, schools, fire stations, local government offices, etc.

Required
1. Name and address of 302 facility.

2. Name and address of nearby non-302 facilities contributing additional risk.
3. Name and address of nearby facilities at additional risk because of nearness to 302 facility.
4. Primary/secondary contact names at those nearby at risk facilities, including title and 24-hour telephone number

Recommended

1. A list of relevant hazardous chemicals at nearby non-302 facilities is desirable but not required.
2. Maps are the preferred method and are recommended; however, maps are not required, and the information can be provided in writing.
3. A description of occupancy is desirable but not required.

Guidance for Planning Element (#1)

It will be necessary to identify by name and location each EHS facility and to specifically identify transportation routes within the district and local routes between the facilities and the transportation routes over which EHSs are likely to pass. You do not have to identify every road that these substances might travel.

A map identifying facilities and transportation routes is recommended but does not have to be included in the plan.

To identify facilities with EHSs in your community the following suggestions are made:

i. Legal ads in local newspapers.
ii. Other media releases.
iii. Certified letters to local businesses and industries reminding them of the requirements of EPCRA.
iv. Research databases maintained by the state or EPA on various permitted facilities (RCRA, Air, Water, etc.).
v. Inquiries to the local Chamber of Commerce.
vi. Check the manufacturing directory from the state Department of Labor or state Department of Commerce, for industries listed in the NAICS as manufacturers.
vii. Locate water and sewage treatment plants using chlorine.
viii. Locate large refrigeration systems using ammonia.

LEPCs and TEPCs may request EHS facilities assist with conducting vulnerability analysis to identify the part of the community that would be affected if a chemical accident occurs. The vulnerability analysis should be based upon the “worst-case” accident scenario for each EHS.

Facilities in your planning district that are subject to Risk Management Program under Clean Air Act Section 112 (r) may have determined worst-case scenarios for substances covered under that

program, many of which are also EPCRA EHSs. You may contact EPA to obtain a copy of the facilities' RMP if one is submitted.

Pre-modeling is the best way to determine the necessary size of your planning zone for a given facility. In the event a facility is unable to provide a vulnerability analysis, the LEPC and TEPC may be able to conduct your own modeling using free software available (i.e., ALOHA, RMP*Comp). Please see a description of these software applications in this document. (*See 16.27.*)

Planning Element #1 also requires local plans to identify additional facilities contributing or subjected to additional risk due to their proximity to facilities (handling EHSs), such as hospitals or natural gas facilities. Unless a vulnerability analysis is done for each facility in your community, it will be difficult to determine which of these other kinds of facilities should be considered in "proximity" to facilities handling EHSs. Identification of these other facilities is a very important element of a good emergency plan.

It should be noted EPCRA does not require a scientifically based vulnerability analysis for facilities handling extremely hazardous substances. In other words, it is permissible to identify the vulnerable zone—and facilities such as hospitals located inside that zone—using judgment alone instead of computer models or other technical aids, such as the EPA guidance document, NRT-1, *Hazardous Materials Emergency Planning Guide*, March 1987. In fact NRT-1 acknowledges that this approach may have to be used in some instances. However, local planners are urged to develop their emergency plans based upon pre-modeling of vulnerable zones to the greatest extent possible.

Element #2

2(a) Methods and procedures to be followed by facilities to respond to any release of such substance.

Intent

The intent of this item is to set forth minimal emergency response actions to be followed by covered facilities and to assure immediate notification of designated public safety authorities to facilitate a timely and appropriate governmental response, if necessary.

Required

1. Covered facilities in the jurisdiction must maintain current plans describing methods and procedures to be followed by facility personnel if there is an accidental release of a hazardous substance(s) (such plans may incorporate requirements of various federal or state agencies and counties or municipalities).
2. At a minimum, facility plans must meet the emergency notification requirements of EPCRA, Section 304. The plan must include which office/dispatcher/hotline/other number(s) established by LEPC (or TEPC) and SERC (or TERC) should be included. The contact information of each of these organizations should be shared with facilities in your jurisdiction (planning district).

2(b) Methods and procedures to be followed by local emergency and medical personnel to respond to a release.

Intent

The intent of this item is to provide a safe, organized response to hazardous chemical incidents at designated EPCRA Section 302 facilities and elsewhere in the jurisdiction.

Required

1. Identify the primary response agencies, the role of each agency and level of response training.
2. Identify secondary responders (emergency management, public works, etc.), the role of each and their level of response training.
3. Identify mutual aid response agencies, the role of each agency and level of response training.
4. Identify special response agencies (regional hazmat teams, emergency management, etc.) and the role of each agency.
5. Identify the location of each primary and secondary response agency's operating procedures and the title of the individual within each agency responsible for the development of such procedures.
6. Identify procedures to notify local hospitals or other emergency medical centers to be prepared to treat citizens exposed to chemicals.

Guidance for Planning Element (#2)

This planning element does not require the inclusion of tactical firefighting or "pre-fire" plans in the local emergency plan that will be submitted to the state, nor does it require strictly internal, company-level emergency procedures be included.

The "procedures to be followed by facility owners and operators" spoken of in this planning element are facility procedures, which require coordination, communication or interfacing with off-site authorities. Examples could include dispatching a public information officer or liaison to the local government operations center or a command post, making recommendations to local officials regarding protective actions (shelter, evacuation) and the areas in which to implement protective actions.

The local emergency and medical procedures required by planning element (#2) could include procedures for:

i. Making decisions regarding protective actions.
ii. Notification to the appropriate state agencies for environmental and emergency response.
iii. Requesting mutual aid support from other communities and the state.
iv. Restricting access to threatened areas.
v. Activation of the local Emergency Operations Center (EOC), if required.

vi. Establishment of an on-scene command post, if required.

vii. A clear description of the local chain of command.

viii. Emergency medical procedures including procedures to mobilize outside assistance to handle a mass casualty incident.

ix. Providing timely and accurate releases to the media on conditions at the site, operations and effects of the incident upon persons, property and sensitive areas (e.g. drinking water supplies).

x. Soliciting advice from CHEMTREC or other chemical support organizations.

NOTE: *Each LEPC and TEPC will have to determine how extensively its plan should address response procedures for emergency and medical personnel. The list above contains some basic areas of emergency response and management that all local plans should address to some degree.*

Element #3

3(a) Designation of a community emergency coordinator (or Emergency Management Director) who shall make determinations necessary to implement the plan.

Intent
The intent of this item is to identify the person or persons authorized to implement the community emergency plan in the event of a hazardous chemical release.

While more than one individual may hold such authority, at least during the initial stages of an emergency, a single individual must be designated as responsible for the overall implementation of the community emergency plan.

Required
The (a) Name, (b) Title, (c) 24-hour telephone contact information must be provided for the community emergency coordinator and also for at least one alternate to the emergency coordinator.

3(b) Designation of a facility coordinator who shall make determinations necessary to implement the plan.

Intent
The intent of this item is to identify an appropriate facility representative (facility emergency coordinator) responsible for emergency planning and response and to provide their direct 24-hour contact information for use in the event of a hazardous chemical emergency.

Required
EPCRA Section 303(d)(1) requires facilities covered under emergency planning notification of EPCRA Section 302 is required to provide the name of a representative that will participate in the emergency planning process. Another facility representative that should be included is

someone who is available anytime for local responders/the community emergency coordinator to contact during an emergency. These two individuals may be requested to participate in developing the emergency response plan for your planning district.

This part of the plan should include name, title, work and 24-hour telephone numbers of each of these representatives. If there are no 302 facilities in the jurisdiction, this should be indicated. While there may not be any facilities that are subject to EPCRA Section 302, EPA encourages LEPCs and TEPCs to develop the plan to include emergencies involving all hazardous chemicals as discussed in Chapter 5 of this document.

Guidance for Element (#3)

The facility emergency coordinator referred to above will communicate frequently with off-site authorities regarding conditions at the facility and public protective actions that might be necessary. The plan should specify, by job title, who will act as an alternate.

The community emergency coordinator referred to above is the individual responsible for directing the local government response to a hazardous substance incident.

In communities with full-time fire departments, it is recommended that the senior officer in the fire department be the community coordinator. In communities without full-time fire departments, it may be necessary to designate someone else, such as a police shift supervisor until the senior fire officer can arrive on the scene.

If an individual is specifically named as the coordinator, then alternates should also be named. A primary consideration in selecting an emergency coordinator is the individual can be reached quickly at all times and has the authority, or is given the authority under the plan, to make critical decisions about what is to be done and to direct response activities.

Element #4

(4) Describe procedures providing reliable, effective and timely notification by the facility emergency coordinators to persons designated in the emergency plan, and to the public, that a release has occurred (consistent with the emergency notification requirements of EPCRA, Section 304.)

Intent
The intent of this item is to identify the responsible facility personnel and their procedures to be followed in notifying facility responders and the affected community by notifying the community emergency coordinator that a hazardous chemical release has occurred.

Required
Notification procedures must include, but are not limited to:

1. Designated personnel to be notified of a hazardous chemical release.
2. Personnel responsible for public notification (e.g., community emergency coordinator).

3. Method(s) used to notify the public that a hazardous release has occurred.
4. Criteria used for mass public notification.

Guidance for Planning Element (#4)

This planning element is perhaps the most important part of the emergency plan. All plans must include a clear, concise and viable procedure, whereby EHS facilities in the district can provide notification of any chemical accidental release to local authorities. In most cases, this procedure will be a simple telephone call to a warning point manned on a 24-hour basis, such as a fire department, police department or dispatch center. If some other means of notification is available as a backup, this should be stated.

The procedure should specify responsibility for making the call and the information to be provided.

LEPCs and TEPCs should work closely with their facility representatives to determine what information can and should be provided as part of initial notification. The plan should include the requirements of EPCRA 304 for initial notification of releases of CERCLA hazardous substances and EHSs. See Chapter 4 for details on these requirements.

It is not necessary that local plans contain internal facility alert rosters, but plans should state how the facility coordinator and/or his alternate will be notified of an incident by facility personnel.

Once notification of an incident has been made by the facility, the plan should clearly state how the notification will be fanned out by the warning point to local emergency response organizations, including support agencies such as the Red Cross if necessary.

The other procedure mandated by this planning element is notification of the public that a release has occurred. Reliable, effective and timely notification of the public is a critical element of a good emergency plan. Local emergency plans should contain a procedure for rapidly disseminating emergency information and instructions over the local Emergency Alert System (EAS) station.

Pre-scripted messages should be considered, and it is recommended that plans specify how the EAS message will be coordinated with an attention signal sounded by area sirens (if available). Plans should also contain a "Paul Revere" public notification method using emergency vehicles equipped with public address systems. The plan should specify which local department(s) will be responsible for notifying particular areas of the community.

Door-to-door and/or telephone notification procedures should be considered for facilities such as nursing homes located in threatened areas, as well as using other notification systems, such as reverse 9-1-1 systems.

Element #5

5(a) Methods for determining the occurrence of a release.

Intent
The intent of this item is to assure releases of EHSs at facilities subject to emergency planning notification (EPCRA Section 302), LEPC (or TEPC) jurisdiction are detected in a timely manner.

Required
1. Identify the covered EPCRA Section 302 facilities in the jurisdiction that do, and those that do not have in place and on-site adequate systems, methods and/or procedures to detect and determine in a timely manner that a release of an EHS has occurred.
2. Describe the individual systems, methods and/or procedures by reference to the specific EPCRA Section 302 facilities' emergency response plans on file with the jurisdiction.

5(b) Methods for determining the area or populations likely to be affected by such a release.

Intent
The intent of this item is to assess the seriousness of the release, its scope and the potential hazard(s) it may cause to the surrounding population.

Required
Information required to determine the affected area and populations includes, but is not limited to the following:
- The identity of the substance released.
- The approximate quantity of the release.
- The hazard(s) created by the release.
- The impact on the surrounding community created by the release.
- Meteorological and other local conditions.

Guidance for Planning Element (#5)

This planning element requires a description of any release detection or monitoring devices in operation at a facility which would provide for discovery of a release.

If there are none, the plan should so state and provide instead a description of how a release would most likely be detected by the physical senses and/or physical affects upon people and who would most likely sense or perceive these affects first.

In addition, this planning element requires a description of how to determine potentially affected areas or populations. To meet this requirement, plans must describe the best available method for quickly determining wind direction and how to utilize wind direction information in conjunction with either real-time computer dispersion models or previously developed information about the vulnerable zone of a given facility to determine the area affected.

Element #6

6(a) A description of emergency equipment and facilities in the community, and an identification of the persons responsible for such equipment and facilities.

Intent
The intent of this item is to identify in advance the local availability of public and private response resources suitable for use during a hazardous chemical incident.

Required
1. A listing of publicly owned and available specialized resources (tools, materials, equipment, facilities and qualified personnel) for use in responding to a hazardous chemical incident, along with the location of all such specialized resources, title and 24-hour contact number(s) of the personnel authorized to release the resources for use in an emergency incident.
2. A listing of privately owned and available specialized resources (tools, materials, equipment, facilities and qualified personnel) for use in responding to a hazardous chemical incident, along with the location of all such specialized resources, title and 24-hour contact number(s) of the personnel authorized to release the resources for use in an emergency incident.

Recommendations
Reference can be made to the resource manual containing the above information that is maintained by many jurisdictions. Such reference should include the location of any such manual of resources and a copy of the table of contents or index page.

In addition, it is recommended that any agreements with schools, churches, bus companies, etc., for congregate care and public transportation, as well as agreements with qualified hazardous materials clean up contractors, other jurisdictions, etc., be included.

6 (b) A description of emergency equipment and facilities at each facility in the community subject to the requirements of EPCRA, Section 302, and an identification of the persons responsible for such equipment and facilities.

Intent
The intent of this item is to:
1. Identify which covered Section 302 facilities within the jurisdiction have on their site specialized tools and equipment to effectively respond to an accidental release of that facility's hazardous substance(s).
2. Identify if and how specialized tools and equipment located on site at Section 302 facilities within the jurisdiction may be available for emergency response use at hazardous materials incidents elsewhere.

Required
A statement from the emergency management director or other responsible public safety official in the jurisdiction indicating which, if any, covered 302 facilities within the jurisdiction have

specialized tools and response equipment available for use at an off-site hazardous materials incident, along with rules for their release and use.

Any such specialized tools and equipment should be incorporated into the list of available private resources.

Recommendations
Memoranda or agreements of understanding between the jurisdiction and facilities regarding release and use of specialized tools and emergency response equipment for off-site purposes are encouraged, and mention of the same is recommended in any lists of available private resources maintained by the jurisdiction.

Guidance for Planning Element (#6)

This planning element requires a list of resources (e.g., equipment and facilities) applicable to a hazardous substance incident. Local government and facility resources must be included, along with an identification of the persons responsible for such equipment.

Wherever possible, this identification should be by job title with a phone number(s) for the person responsible included.

Although the list should be limited to resources germane to a hazardous substance incident, local planners and facility representatives are urged to "think through" an incident and thoroughly contemplate the types and amounts of equipment and supplies which would be needed to respond effectively and protect emergency responders.

Element #7

(7) Evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes.

Intent
The intent of this item is to describe evacuation plans for the jurisdiction, including identification of primary and alternate traffic evacuation routes.

Required
1. Identification of primary and alternate evacuation routes within the jurisdiction (if a GIS map is not used, the names/numbers of streets, roads and highways must be used).
2. Describe evacuation plans, including but not limited to the following:
    - Public notification procedure.
    - Procedures for initiating a protect-in-place option.
    - Provisions to move special populations.
    - Determination of re-entry procedures.

- Identification of shelter locations.

Guidance for Planning Element (#7)

The most effective evacuations are those undertaken and completed before the release of an EHS occurs.

Plans should include a statement acknowledging this protective action option and the effectiveness of precautionary evacuations.

Plans should identify special institutions such as schools, hospitals, jails, nursing homes, etc. Plans should also discuss precautionary preparations to evacuate special institutions during hazmat incidents.

It is not necessary to include maps in the plan itself showing specific evacuation routes, but for some facilities located in areas difficult to evacuate, pre-planning of evacuation routes and maps are advisable.

Local plans must specify who will have the authority to order an evacuation. Plans must also specify which departments will provide evacuation assistance to special facilities such as nursing homes, hospitals, jails, etc.

Plans must acknowledge officials responsible for protective action decisions will consider the merits of a “take shelter" protective action as opposed to an evacuation.

Plans need not identify specific traffic routes to be used as detours around facilities or major transportation routes on which a hazmat incident has occurred. However, each plan must identify an individual, by title, who shall be responsible for determining alternative traffic routes, as well as departments and agencies that shall handle re-routing of traffic. Lead and support agencies should be identified.

Element #8

(8) Training programs, including schedules for training of local emergency response and medical personnel.

Intent
The intent of this item is to describe a jurisdiction’s training programs and identify the types and levels of training contained in those programs and the responders who receive the training.

Responders may include: fire, law enforcement, EMS, emergency management, public works or other response groups.

Required
Training documentation must contain the following information. More information can be added, if desired.

- Location of records.
- Type of training.
- Level of training (awareness level, operations level, technician level).
- Personnel who received the training.
- Frequency of training.

Guidance for Planning Element (#8)

Information regarding hazardous chemical training offered can be obtained through the state training officer of the emergency management agency.

The LEPC and TEPC should survey all organizations represented on the LEPC (or TEPC) to determine if specific-agency training might be beneficial to other personnel. Local planners may incorporate this information into their plans to meet the requirements of planning element (8).

Element #9

(9) Methods and schedules for exercising the emergency plan.

Intent
The intent of this item is to demonstrate the jurisdiction is seriously testing on a regular basis its ability to respond to a hazardous chemical incident.

Required
A copy of the jurisdiction's methods and schedules for exercising its emergency plan must be provided or referenced (include location of this information).

Guidance for Planning Element (9)
Local plans should describe how frequently exercises will be held, the type of exercise to be conducted (e.g., full-scale, tabletop or functional), and who is responsible for organizing and conducting exercises of the plan. The three basic forms of exercises are defined below. It is recommended these definitions be included in local plans.

a. Tabletop Exercise
An activity in which elected/appointed officials and key staff with emergency management responsibilities are gathered informally to discuss various simulated emergency situations. The exercise is designed to elicit constructive discussion by the participants without time constraints as they examine and then attempt to resolve problems based on existing EOPs. The purpose is for participants to evaluate plans and procedures and to resolve questions of coordination and assignment of responsibilities throughout the exercise under minimum stress. An exercise of this type can usually be conducted in four hours or until the exercise objectives are met.

b. Functional Exercise
An activity designed to test or evaluate the capability of individual or multiple functions or activities within a function. This exercise is more complex than a tabletop exercise in that

activities are usually under some type of time constraint with the evaluation/critique coming at the end of the exercise. It can take place in some type of operations center, the field, or a combination of both. For example, a direction and control functional exercise would be an activity designed to test and evaluate the centralized emergency operations capability and timely response of one or more units of government under a stress environment. It is centered in an emergency operations center and can simulate the use of outside activity and resources. An exercise of this type can usually be conducted in four to eight hours or until the exercise objectives have been met.

c. Full Scale Exercise

The full-scale exercise is intended to evaluate the operational capability of emergency management systems in an interactive manner over a substantial period of time. It involves the testing of a major portion of the basic elements existing within EOPs and organizations in a highly stressful environment. This type of exercise includes mobilization of personnel and resources, and the actual movement of emergency personnel, equipment, and resources to demonstrate coordination and response capability.

The emergency operations center is activated, and field command posts may be established. An exercise of this type can usually be conducted in eight hours or until the exercise objectives have been met.

Cities and towns receiving FEMA EMA funds and responding to actual emergencies or disasters may be given credit for an exercise providing certain criteria are met.

Appendix O.
LEPC and TEPC Self-Evaluation Check

The following checklist has been developed for the sole purpose of conducting a self-assessment of the LEPC and TEPC organizations. Below are criteria used for evaluating an LEPC (or TEPC). Place a check mark next to each item completed by the LEPC (or TEPC). Total the number of YES check marks in the "Y/N" column to evaluate your LEPC.

LEPC (or TEPC) STRUCTURE AND ORGANIZATION		**Y/N**
1)	Achieved genuinely broad-based and balanced membership	
2)	Adopted by-laws	
3)	Hold regular, well-attended, announced meetings (at least quarterly)	
4)	Ensured LEPC (or TEPC) meetings are accessible and well-publicized (time, place, publicity)	
5)	Provide LEPC (or TEPC) members advance agendas and written minutes	
6)	Submits annual membership list to the SERC (or TERC)	
7)	Organized active subcommittees and established clear membership roles	
8)	Produced annual report (covering trends in accidents, hazards, enforcement, drills, site-specific risk reduction, etc.)	
9)	Worked toward reducing vulnerability zones and accident potentials	
10)	Maintained own identity independent from the host agency	
11)	Improved emergency response and mitigation	
12)	Set progress objectives (funding, participation, communication, etc.) and annually evaluate progress toward achieving those goals	
13)	Secured adequate funding sources (through federal, state, or tribal agency budgets, grants, donations, etc.)	
IDENTIFICATION OF HAZARDS		
14)	Identified facilities with EHSs.	
15)	Identified facilities with other hazardous chemicals	
16)	Identified major transportation routes for EHSs and other hazardous chemicals.	
17)	Identified facilities contributing to or subject to risk in close proximity to facilities with EHSs and hazardous chemicals	
LEPC (or TEPC) EMERGENCY RESPONSE PLANNING		
18)	Submitted chemical emergency response plan to the SERC (or TERC)	
19)	Annually review and update the plan as necessary.	
20)	Coordination exists between EHS facilities and fire departments, and other organizations (police, hospitals, etc.)	
21)	Included emergency response methods and procedures of first responders into your chemical emergency response plan	
22)	Established a means to determine the severity of a chemical release	
23)	Identified potential shelters and evacuation routes	
24)	Included emergency response information on those facilities identified in local or tribal emergency plan	

25)	Identified the facility emergency response coordinators for regulated facilities within jurisdiction	
26)	Maintain an inventory of emergency response resources (equipment, facilities, and expertise)	
27)	Established plans for shelter-in-place or evacuation	
28)	Established early warning systems and has identified emergency shelters	
29)	Provided education on protective actions (evacuation/shelter-in-place) to the public and first responders	
30)	Evaluated the protective capacity of shelter-in-place structures	
31)	Acknowledged the limits of emergency response capabilities for protecting people, property, and the environment	
32)	Conducted a hazard analysis	
33)	Ensured hazard analyses are incorporated into plan	
34)	Ensured procedures are in place by which facility emergency response coordinators will notify first responders in the event of a hazardous chemical emergency.	
35)	Included emergency response measures used by medical personnel in local or tribal emergency plan	
IMPLEMENTING THE LEPC EMERGENCY RESPONSE PLAN		
36)	Established notification procedures by which facility coordinators, identified in item #35, will notify first responders or other system (e.g., hotline, dispatcher) in the event of an EHS or hazardous chemical emergency	
37)	Describes the incident command system to be used in responding to hazardous chemical emergencies	
38)	Established alert and warning systems to notify the public	
COMMUNITY HAZARD ANALYSIS		
39)	Developed easily understood community maps showing EHS facilities, vulnerability zones, transportation, etc.	
40)	Conducted commodity flow study to identify chemicals and volumes moving through community	
41)	Identified potential hazards from natural events such as flood, tornado, earthquake, drought, winter storm, etc.	
42)	Identified critical facilities, vulnerable environments, and potentially exposed populations (e.g., schools, nursing homes, residential areas, workers on site)	
43)	Prepared or obtained worst-case and lesser release scenarios at each EHS facility and those in transportation	
44)	Assessed potential risks and developed a prioritized list	
45)	Established process to determine whether EHSs or other hazardous chemicals have been involved in past accidents	
46)	Established a process to determine the level of risk if EHSs or other hazardous chemicals are involved in an accident	
47)	Established a process to determine the areas and populations that will be affected in the event EHSs or other hazardous chemicals are released	
LEPC TRAINING AND EXERCISES		
48)	Developed emergency response drills and exercises to evaluate the effectiveness of the local or tribal emergency response plan.	
49)	Established a schedule to regularly conduct drills and emergency response exercises	

50)	Sponsored training for fire, medical, police, hazmat teams, hospitals, and other response personnel	
51)	Held seminars for the public on the hazards within their community and how they can protect life and property	
52)	Participated in drills and exercises with regulated facilities within the jurisdiction	
COMMUNITY RIGHT-TO-KNOW		
53)	Publicized availability of right-to-know information	
54)	Computerized data for ease of access and analysis	
55)	Established a convenient information request process	
56)	Facility provided Tier II chemical storage information as required	
57)	Publicized community hazard maps with vulnerability zones through printed or electronic media	
58)	Discussed or publicized options for reducing vulnerable zones (e.g., safer technologies)	
59)	Regularly contacted each reporting facility to promote better understanding of EPCRA requirements by the facility owner or operator	
60)	Outreach new facilities on EPCRA requirements	
61)	Ensured all required facilities are annually submitting their Tier II forms	
62)	Actively sought to increase number of facilities in the community annually reporting EHSs or hazardous chemicals	
ACCIDENT PREVENTION		
63)	Promoted exploration of inherently safer technologies (safer chemicals, lower pressure or temperatures, less storage, fewer shipments)	
64)	Promoted other facility safety improvements (e.g., secondary containment, automatic shutoffs, alarms, etc.)	
65)	Provided the hazard analysis to planning commissions, zoning boards, public works, citizen advisory councils, and other local entities	
66)	Analyzed spill reports for response and prevention lessons	
67)	Given recognition for hazard reduction efforts (e.g., annual awards)	
PUBLIC AWARENESS		
68)	Maintains an LEPC website for the public to access	
69)	Prints an annual EPCRA notice for local news releases or displays the EPCRA public notice on your website	
70)	Provides public service announcements concerning all-hazard preparedness to local radio and television stations	
71)	Conducts activities in the community to heighten the public's awareness of hazards in the community	
	TOTALS	

Appendix P.
Sample Response Reimbursement Letter for Responsible Party

[Your LEPC or Department Letterhead]

[Date]

[LEPC Chair Name]
[LEPC Address]

[Responsible Party]
[Responsible Address]

Re: Invoice for Hazardous Materials Response Date of Incident:

Please consider this letter an invoice for reimbursement in response to the above referenced hazardous materials incident.

The National Contingency Plan (40 CFR Part 300.700, "Activities by Other Persons") makes it clear that

1. Responsible parties shall be liable for all response costs incurred by the United States government or a state or an Indian tribe not inconsistent with the NCP.... and
2. Responsible parties shall be liable for necessary costs of response actions to releases of hazardous substances incurred by any other person consistent with the NCP....

The costs relating to the incident are as follows:

1. Personnel Overtime Costs ..... $
2. Medical Monitoring / Treatment ..... $
3. Vehicles and Apparatus ..... $
4. Disposal Material / Supplies ..... $
5. Decontamination / Disposal ..... $
6. Miscellaneous / Technical / Lab Costs ..... $

Total: ..... $

I hereby certify all the costs represented above were incurred as a result of response to this incident, and the response was carried out consistent with the National Contingency Plan and were necessary to help protect public health or the environment.

I certify the personnel costs are for overtime pay and recalled personnel. These costs would not have been incurred had the incident not occurred.

Sincerely,

_____

_____

LEPC or TEPC Chair or
Highest Ranking Elected Official

Appendix Q.
Fact Sheet—Implementation of the HAZWOPER Program

The following is a fact sheet developed by EPA Region 6 (originally published in 2015, with minor revisions made for this handbook) on the implementation of the HAZWOPER program at the state and local levels.

Implementation of the Hazardous Waste Operations and Emergency Response Program at the State and Local Levels (Region 6)

Introduction: The Chemical Safety and Security Executive Order (E.O. 13650)—U.S. EPA-OSHA-DHS

Responding to several catastrophic chemical facility incidents in the United States, including the tragic events in West Texas in April 2013, President Obama issued Executive Order 13650, *Improving Chemical Facility Safety and Security,* on August 1, 2013. The focus of the executive order is to reduce risks associated with hazardous chemical incidents to owners and operators, workers and communities by enhancing the safety and security of chemical facilities.

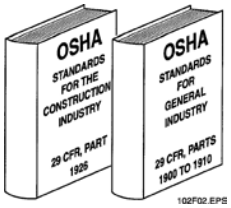
Regional Working Groups (RWGs) have been established in the Federal Regions under the leadership of regional tri-chairs from DHS, EPA, and OSHA. The RWGs were tasked with developing SOPs, many of which serve as initiatives to assist local communities with emergency planning and preparedness. For example, the Region 6 RWG has established eight such SOPs, including SOP #2, which is the focus of this discussion.

Historically, lack of training has been identified as a contributing factor in injuries sustained by first responders when responding to an emergency. The primary objective of SOP #2 is to ensure that response and planning organizations understand the requirements under the OSHA HAZWOPER Standard, and the accompanying EPA regulations.

Additionally, the RWG will coordinate with state training officers, state LEPC/HAZMAT coordinators and state training academies to determine what assistance federal agencies can provide in training of local responders, including Incident Command System/National Incident Management System (ICS/NIMS) training programs.

Accordingly, the RWG will coordinate with federal and state partners to ensure that responders have the appropriate level of HAZMAT training for the position and duties they occupy. Efforts in this regard will include outreach, including HAZWOPER awareness training and other effective chemical safety training. The goal is to ensure that first responders understand the OSHA 29 CFR 1910.120 and EPA 40 CFR 311 requirements. The Region 6 HAZWOPER awareness training is discussed later in this section.

Section 1. Overview of EPA and OSHA Worker Protection Authority



The Occupational Safety and Health Act of 1970, as amended (OSH Act), established health and safety standards for the American workplace. Section 6 of the OSH Act established federal authority to issue general health and safety standards for private industry. Section 19 of the OSH Act addresses standards for federal government employees.

Under the authority of Section 6 of the OSH Act, OSHA promulgated standards that are codified at 29 CFR and set forth the minimum health and safety requirements necessary to ensure protection for all private sector employees in the United States. See OSHA standards at https://www.govinfo.gov/content/pkg/CFR-2017-title29-vol5/pdf/CFR-2017-title29-vol5-sec1910-120.pdf.

In 1986, Congress passed the Superfund Amendments and Reauthorization Act (SARA) Section 126(a). SARA Section 126(a) requires the Secretary of Labor to issue health and safety standards under Section 6 of the OSH Act for the benefit of private sector employees and federal employees that are engaged in hazardous waste operations and emergency response.

Section 126(a) required the Assistant Secretary of OSHA, pursuant to Section 6 of the Occupational Safety and Health Act of 1970, to promulgate standards ("regulations") for the health and safety of employees engaged in hazardous waste operations.

On March 6, 1989, OSHA issued the final Standard (29 CFR 1910.120) to fulfill the requirements of Section 126. This standard is known as the Hazardous Waste Operations and Emergency Response (HAZWOPER). However, federal OSHA has no authority to enforce regulations protecting state and local government employees.

SARA Section 126(f) required the EPA to issue regulations for hazardous waste operations and emergency response identical to OSHA's standards. The EPA promulgated the HAZWOPER regulation (40 CFR 311) in June 1989, which requires state and local entities to follow the requirements under the HAZWOPER Standard.

Although the two sets of standards contain identical substantive provisions, EPA and OSHA address different audiences. The EPA's authority extends to state and local government employees conducting hazardous waste operations and emergency response in states that do not have a federal OSHA-approved state OSHA program.

40 CFR part 311—WORKER PROTECTION

§ 311.1 Scope and application.

The substantive provisions found at 29 CFR 1910.120 on and after March 6, 1990, and before March 6, 1990, found at 54 FR 9317 (March 6, 1989), apply to State and local government employees engaged in hazardous waste operations, as defined in 29 CFR 1910.120(a), in States that do not have a State plan approved under section 18 of the Occupational Safety and Health Act of 1970.

§ 311.2 Definition of employee.

Employee in § 311.1 is defined as a compensated or non-compensated worker who is controlled directly by a State or local government, as contrasted to an independent contractor.

The EPA regulations cover both compensated and uncompensated state and local government employees engaged in the covered activities. Therefore, the EPA standards protect volunteers, such as volunteer firefighters who are responding to hazardous substance emergencies. Although federal OSHA recommends that approved OSHA state programs also cover uncompensated employees, not all states have followed this recommendation.

In summary, in states without an OSHA-approved plan, federal OSHA standards protect all private-sector and federal employees engaged in hazardous waste operations and emergency response.

The EPA worker protection standards protect all state and local government employees, including volunteer workers. In states with an OSHA-approved plan, the state program covers all private sector employees, as well as state and local government employees; federal OSHA covers federal employees in those states. Regardless of affiliation (city/county or parish), each employer must determine the need for such training of their employees. Such a threshold may be based upon the number and type of facilities within the jurisdiction or the amount and type of hazardous material that is transported through their jurisdiction(s).

Various state and local response organizations may have adopted specific professional certification and/or accreditations, such as International Fire Service Accreditation Congress (IFSAC) and the Pro-Board Fire Service Professional Qualification System.

Additionally, certification programs for various response organizations may require hazardous materials response training, which would meet the requirements under 29 CFR 1910.120 and 40 CFR 311. Each organization should work through their training officers, as well as state training officers, to determine the requirements their employees must meet, and how to best address those requirements.

EPA regulations:
https://www.ecfr.gov/cgi-bin/text-idx?SID=d76d91640a1d1def7f4811a0f052645d&mc=true&node=pt40.30.311&rgn=div5

Section 2. Inter-Agency Agreement

EPA and OSHA have an agreement to share responsibility for implementing the Title I worker protection standards. Under the terms of this agreement, OSHA performs the following activities:

- **Support of the NRT and RRTs.**
- **Technical Assistance.** OSHA advises EPA on the types of actions EPA should take at uncontrolled hazardous waste sites to ensure full compliance with the HAZWOPER requirements. As an advisor, OSHA will identify problems that EPA may face and suggest appropriate solutions.
- **Compliance Activities.** OSHA conducts inspections and takes enforcement actions to ensure compliance with the worker protection standards at a Superfund site.
- **Implementation Activities.** OSHA supports EPA in conducting workshops to explain the requirements of the standards and provides official interpretatiwons of the health and safety requirements.

Section 3. Scope of the HAZWOPER Standard

The HAZWOPER Standard covers all employers performing the following three general categories of work operations:

- Hazardous waste site cleanup operations [29 CFR 1910.120 paragraphs (b)-(o)] (e.g., SUPERFUND cleanup).
- Operations involving hazardous waste that are conducted at treatment, storage, and disposal (TSD) facilities [paragraph (p)] (e.g., landfill that accepts hazardous waste).
- Emergency response operations involving hazardous substance releases [paragraph (q)] (e.g., chemical spill at a manufacturing plant).

Scope and Application of the HAZWOPER Standard		
Work Operation	**HAZWOPER (Applicable Paragraphs)**	**Examples of Work Activities**
Cleanup Operations • Cleanup operations required by governmental body or other operations involving hazardous substances that are conducted at uncontrolled hazardous waste sites. • Corrective actions involving cleanup operations at sites covered by RCRA. • Voluntary cleanup operations at sites recognized by federal, state, local or other governmental bodies as uncontrolled hazardous waste sites. 	29 CFR 1910.120(b)–(o)	• Site characterization of hazardous waste site. • Drum removal. • Contaminated soil removal. • Underground storage. • Tank (UST) removal.
Operations at TSD Facilities • Operations involving hazardous waste conducted at TSD facilities regulated by 40 CFR 264 and 265 pursuant to RCRA or by agencies under agreement with RCRA the EPA to implement RCRA regulations.	29 CFR 1910.120(p)	• Treating waste for disposal at RCRA landfill. • Handling waste at RCRA landfill.
Emergency Response Operations • Emergency response operations for releases of, or substantial threats of releases of, hazardous substances without regard to location of hazards.	29 CFR 1910.120(q)	• Response to spill of highly toxic substance from overturned 55-gallon drum. • Response to leaking storage tank. • Response to overturned truck carrying hazardous materials. • Response to chemical fire.

Section 4. Provisions of HAZWOPER for Emergency Response Operations

Paragraph (q) of HAZWOPER (29 CFR 1910.120) applies to releases of—or substantial threats of releases of—hazardous substances without regard to their location. Covered employees generally include first responders, such as HAZMAT team members, fire and rescue personnel, police, and medical personnel who may respond to emergency releases.

Paragraph (q) does not apply to "incidental releases" of hazardous substances, which are releases that do not pose a significant safety or health hazard to employees in the immediate vicinity or to the employees cleaning it up. Incidental releases are limited in quantity, exposure potential, or toxicity and present minor safety or health hazards to employees in the immediate work area or those assigned to clean them up (see 29 CFR 1910.120(a)(3)—"Definitions") for an interpretation on the definition of an emergency response.)

Section 5. Elements of the 29 CFR 1910.120(q)—Emergency Response Program to Hazardous Substance Releases

The emergency response program (subpart q) covers employers whose employees are engaged in emergency response, no matter where it occurs. Those emergency response organizations that have developed and implemented programs equivalent to this paragraph for handling releases of hazardous substances pursuant to Section 304 of EPCRA and CERCLA hazardous substances shall all be deemed to have met the requirements of this paragraph.

Elements of the Emergency Response Program	
1910.120(q)(1)	**Emergency response plan** • Pre-emergency planning and coordination with outside parties. • Personnel roles, lines of authority, training and communication. • Emergency recognition and prevention. • Safe distances and places of refuge. • Site security and control. • Evacuation routes and procedures. • Decontamination procedures not covered by the site safety and health plan. • Emergency medical treatment and first aid. • Emergency alerting and response procedures. • Critique of response and follow-up. • PPE and emergency equipment.
1910.120(q)(3)	**Procedures for handling emergency response**
1910.120(q)(4)	**Skilled support personnel**
1910.120(q)(5)	**Specialist employees**
1910.120(q)(6)	**Training (discussed in Section 6)**
1910.120(q)(7)	**Trainers**
1910.120(q)(8)	**Refresher training**
1910.120(q)(9)	**Medical surveillance and consultation**
1910.120(q)(10)	**Chemical protective clothing**
1910.120(q)(11)	**Post-emergency response operation**

Section 6. Training (29 CFR 1910.120(q)(6)

Training shall be based on the duties and functions to be performed by each responder of an emergency response organization.

The skill and knowledge levels required for all new responders hired after the effective date of this standard shall be conveyed to them through training before they are permitted to take part in actual emergency operations on an incident.

Employees who participate, or are expected to participate, in emergency response shall be given training in accordance with the following:

- **First responder awareness level:** First responders at the awareness level are individuals who are likely to witness or discover a hazardous substance release and who have been trained to initiate an emergency response sequence by notifying the proper authorities of the release. They would take no further action beyond notifying the authorities of the release.
- **First responder operations level:** First responders at the operations level are individuals who respond to releases or potential releases of hazardous substances as part of the initial response to the site for the purpose of protecting nearby persons, property or the environment from the effects of the release. They are trained to respond in a defensive fashion without actually trying to stop the release. Their function is to contain the release from a safe distance, keep it from spreading and prevent exposures.
- **Hazardous materials technician**: Hazardous materials technicians are individuals who respond to releases or potential releases for the purpose of stopping the release. They assume a more aggressive role than a first responder at the operations level in that they will approach the point of release in order to plug, patch or otherwise stop the release of a hazardous substance.
- **Hazardous materials specialist**: Hazardous materials specialists are individuals who respond with and provide support to hazardous materials technicians. Their duties parallel those of the hazardous materials technician, however, those duties require a more directed or specific knowledge of the various substances they may be called upon to contain. The hazardous materials specialist would also act as the site liaison with federal, state, local and other government authorities in regards to site activities.
- **On-scene incident commander:** Incident commanders, who will assume control of the incident scene beyond the first responder awareness level, shall receive at least 24 hours of training equal to the first responder operations level and, in addition, will know and understand how to implement the employer's incident command system; how to implement the employer's emergency response plan; the hazards and risks associated with employees working in chemical protective clothing; how to implement the local emergency response plan; the state emergency response plan and of the RRT; and the importance of decontamination procedures.
- **Trainers:** Trainers who teach any of the above training subjects shall have satisfactorily completed a training course for teaching the subjects they are

expected to teach, such as the courses offered by the U.S. National Fire Academy, or they shall have the training and/or academic credentials and instructional experience necessary to demonstrate competent instructional skills and a good command of the subject matter of the courses they are to teach.

- **Refresher training:** Those employees who are trained in accordance with paragraph (q)(6) of this section shall receive annual refresher training of sufficient content and duration to maintain their competencies or shall demonstrate competency in those areas at least yearly. A statement shall be made of the training or competency, and if a statement of competency is made, the employer shall keep a record of the methodology used to demonstrate competency.

Training Requirements Emergency Response Operations	
Emergency Responders (29 CFR 1910.120(q)(6))	
• **First Responder Awareness Level** (witnesses or discovers a release of hazardous substances and is trained to notify the proper authorities).	• Sufficient initial training and competencies. • Annual refresher.
• **First Responder Operations Level** (responds to the releases of hazardous substances in a defensive manner, without trying to stop the release).	• Eight hours of initial training and competencies. • Annual refresher.
• **Hazardous Materials Technician Level** (responds aggressively to stop the release of hazardous substances).	• 24 hours of initial training and competencies. • Annual refresher.
• **Hazardous Materials Specialist** (responds with and in support of HAZMAT technicians, but who have specific knowledge of various hazardous substances).	• 24 hours of initial training and competencies. • Annual refresher.
• **On Scene Incident Commander** (assumes control of the incident scene beyond the first responder awareness level).	• 24 hours of initial training and competencies. • Annual refresher.

There are two National Fire Protection Association standards. NFPA 472—"Standard for Professional Competence of Responders to Hazardous Material Incidents" and NFPA 471—"Recommended Practice for Responding to Hazardous Material Incidents," which are excellent resource documents to aid fire departments and other emergency response organizations in developing their training program materials.

NFPA 472 provides guidance on the skills and knowledge needed for first responder awareness level, first responder operations level, hazmat technicians, and hazmat specialists. It also offers guidance for the officer corps who will be in charge of hazardous substance incidents. The scope of NFPA 472 includes:

> *This standard shall identify the minimum levels of competence required by responders to emergencies involving hazardous materials/weapons of mass destruction (WMD). This standard shall apply to any individual or member of any organization who responds to hazardous materials/WMD incidents. This standard shall cover the*

competencies for awareness level personnel, operations level responders, hazardous materials technicians, incident commanders, hazardous materials officers, hazardous materials safety officers and other specialist employees.

In general, employers of emergency response organizations who follow the NFPA standards should be in compliance with 29 CFR 1910.120(q). For more information on the NFPA 472 standard, go to https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=472.

Workers who respond, but only initiate defensive response measures (e.g., emergency shutdown activation), must be trained to the operations level. Finally, workers who initiate offensive response measures must be trained to either the technician or specialist level.

States offer training to their local responders using HMEP training funds, other grants, or state supported fees. Additionally, many trade associations offer free training for local agencies and emergency responders: https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9765.

Appendix R.
Crosswalk of Statutes/CFR Regulations/ USC Citations

Statute	Description	Code of Federal Regulations (40 CFR)	U.S.C. Citation (42)
Subtitle A			
Section 301	Establishment of SERCs, Planning Districts, and LEPCs		§ 11001
Section 302	Substances and Facilities Covered and Notification	§§ 355.10 to 355.21	§ 11002
Section 303	Comprehensive Emergency Response Plans		§ 11003
Section 304	Emergency Release Notification	§§ 355.30 to 355.60	§ 11004
Section 305	Emergency Training and Review of Training Systems		§ 11005
Subtitle B			
Section 311	Material Safety Data Sheets (MSDSs) or (SDSs)	§§ 370.10 to 370.33	§ 11021
Section 312	Emergency and Hazardous Chemical Inventory Forms	§§ 370.10 and 370.40 to 370.65	§ 11022
Section 313	Toxics Release Inventory (TRI)	§§ 372.3 to 372.95	§ 11023
Subtitle C			
Section 321	Relationship to other Laws		§ 11041
Section 322	Trade Secrets	§§ 350.1 to 350.27	§ 11042
Section 323	Provision of Information to Health Professionals, Doctors, and Nurses	§§ 350.40	§ 11043
Section 324	Public Availability of Plans, Data Sheets, Forms, and Follow-up Notices		§ 11044
Section 325	Enforcement		§ 11045
Section 326	Civil Actions		§ 11046
Section 327	Exemption		§ 11047
Section 328	Regulations		§ 11048
Section 329	Definitions		§ 11049

TECHNICAL RESOURCES

EPCRA Webpage
www.epa.gov/epcra

EPCRA Video: Protecting Communities from Chemical Accidents
https://www.epa.gov/epcra/protecting-communities-chemical-accidents-emergency-planning-and-community-right-know-act

How to Better Prepare Your Community for a Chemical Emergency: A Guide for State, Tribal and Local Agencies
https://www.epa.gov/epcra/how-better-prepare-your-community-chemical-emergency-guide-state-tribal-and-local-agencies

Chemical Emergency Preparedness and Prevention on Tribal Lands
https://www.epa.gov/rmp/chemical-emergency-preparedness-and-prevention-tribal-lands

EPCRA (Non-313) Online Training for States, Tribes and LEPCs
https://www.epa.gov/epcra/epcra-non-section-313-online-training-states-tribes-lepcs-local-planners-and-responders

This training describes the requirements of EPCRA. It provides the implementing regulations and guidance for agencies to fulfill the responsibilities prescribed in the law and prepares them to provide compliance assistance to facilities.

Participants will learn:

- The history of EPCRA.
- The requirements for state, tribal and local agencies to prepare and protect the community from chemical emergencies.
- The requirements for industry to report the storage and releases of certain chemicals.
- The release reporting requirements under CERCLA as they relate to the EPCRA emergency release reporting requirements.

EPCRA/RMP/Oil Call Center
https://www.epa.gov/epcra/call-center-support-epcra-regulations

NASTTPO Webpage
www.nasttpo.com

Sample LEPC Emergency Operations Plans (EOPs)
https://www.epa.gov/epcra/sample-emergency-operations-plans

DOT/PHMSA Guidance for Conducting Hazardous Materials Flow Studies
https://www.phmsa.dot.gov/technical-resources/hazmat-technical-resources/guidance-conducting-hazardous-materials-flow-studies

Sample Commodity Flow Studies
https://www.epa.gov/epcra/sample-commodity-flow-studies

SERC-TERC Monthly Newsletter
https://www.epa.gov/epcra/serc-terc-monthly-updates

EPA/CEPP Guidance Documents published in 1980/1990

- NRT-1
- NRT-1a
- NRT-2
- Technical Guidance for Hazard Analysis
- Risk Communication about Chemicals in Your Community