

Quick Reference: Emergency Planning and Community Right to Know Act (EPCRA)

Codified: 42 U.S.C. §11001-11050

Regulations: 40 C.F.R. pts. 310-372

Date Enacted: 1986

Amendments: None.

Implementing Agency: EPA

Purpose: To establish a process for developing local chemical emergency planning programs and to disseminate information on hazardous chemicals present and emitted from facilities within local communities.

Scope of Application: Emergency planning requirements apply to any facility that produces, uses or stores any of the substances on the USEPA's List of Extremely Hazardous Substances in quantities equal to or greater than the threshold planning quantity established for each substance. Community right to know reporting requirements apply to facilities that are required to retain Material Safety Data Sheets (MSDSs) under OSHA requirements. Toxic Release Inventory reporting requirements apply to certain manufacturing facilities depending on the amount of a listed chemical present at a facility and the number of employees.

Required Permit: None.

State Implementation: The Act requires each state to designate a State Emergency Response Commission (SERC) to implement the emergency planning requirements. The SERCs also maintain copies of the Material Safety Data Sheets submitted by facilities covered under the community right to know reporting requirements.

Enforcement: EPCRA contains a complex set of administrative, civil, and criminal penalties for violations of its various provisions. The EPA, SERCs and citizens may take legal action against owners and operators of facilities who violate requirements of EPCRA; but the authority to bring suit depends on which provision was violated.

Summary of the major provisions: Under EPCRA's emergency planning component, facilities covered by the Act must work with state created local emergency units to establish emergency procedures for responding to chemical releases. Under EPCRA's community right to know component, covered facilities must: submit copies of Material Safety Data Sheets to state and local emergency planning commissions (section 311); submit chemical inventory forms indicated the amount and location of hazardous chemicals at the facility to state and local emergency planning commissions (section 312); and submit Toxic Release Inventory (TRI) reports to the EPA annually which states the maximum amount of a listed chemical present at the facility during the previous year, the treatment or disposal

Prepared by: Sanne Knudsen, College of Engineering, University of Michigan



methods used, and the amount released to the environment or transferred off-site for treatment and/ or disposal. The TRI reports are compiled into a database that is available to the public.

Prepared by: Sanne Knudsen, College of Engineering, University of Michigan



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Phone: 734-764-1412, Fax: 734-647-5841, <http://css.snre.umich.edu>