

The Florida Agricultural Handbook of Solid and Hazardous Waste Regulation: Emergency Planning and Community Right-to-Know Act (EPCRA)¹

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What is the Emergency Planning and Community Right-to-Know Act (EPCRA)?

The Emergency Planning and Community Right-to-Know Act (EPCRA) was passed in 1986 to improve emergency response to accidental releases of toxic and/or hazardous chemicals into the environment. EPCRA primarily serves a planning purpose. It required governors to set up State Emergency Response Commissions (SERCs). Those commissions then set up Local Emergency Planning Committees (LEPCs).

How does EPCRA work?

The structure can be summarized as follows:

- EPA oversees the State Emergency Response Commissions (SERCs)
- SERCs oversee the Local Emergency Planning Committees (LEPCs)
- LEPCs oversee local emergency planning districts

What do Local Emergency Planning Committees do?

LEPCs are responsible for developing an emergency response plan, reviewing it once or more annually, and providing citizens with information about chemicals in the community. The emergency response plan must identify the location of facilities in the district that use hazardous substances and the types of substances used by those facilities. The plan

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must also describe procedures for immediate response to a chemical accident.

What substances are regulated by EPCRA?

The Environmental Protection Agency (EPA) has established a comprehensive list of extremely hazardous substances. EPCRA Section 302 regulates more than 350 extremely hazardous substances; Section 304 regulates more than 1000 substances; Sections 311 and 312 regulate 500,000 products; and Section 313 regulates 650 chemicals and categories. It is proposed that another 300 substances be added to Section 302, so make sure to check with your local committee or the EPA website to determine if you are using a hazardous substance.

Because of the many substances regulated and the different standards involved, you should contact EPA or your Local Emergency Planning Committee for more information about the standards and the reporting requirements.

What substances are exempt from EPCRA?

Substances that are specifically exempt from EPCRA include the following:

- any food, or food additive, drug, or cosmetic regulated by the Food and Drug Administration (FDA)
- any substance used for household purposes
- any substance that is present in the same form and concentration as a product packaged for use by the general public
- any substance used in a research laboratory by a technically qualified person
- any substance used in routine agricultural operations
- any substance that is a fertilizer held for sale by a retailer to an ultimate customer
- any substance present as a solid in any manufactured item so long as exposure to the

substance does not occur under normal conditions of use

If the substances used in your operation do not meet any of these exemptions, you should contact your local emergency planning commission for more information about the regulations and requirements you must follow.

Although routine agricultural operations are exempt from EPCRA, state law may regulate agricultural chemicals and their uses more strictly. You should contact the Department of Agriculture and Consumer Services (DACS) and the Department of Community Affairs (DCA) for more information on state right-to-know laws and agricultural worker safety programs ([FE786](#), Contact Agencies).

What are Material Safety Data Sheets (MSDS) and inventory reporting?

Under Occupational Safety and Health Administration (OSHA) regulations, employers are required to maintain a Material Safety Data Sheet (MSDS) for any hazardous chemicals stored or used in the workplace.

If a facility is required to prepare or have available a material safety data sheet (MSDS) for a hazardous chemical under OSHA and its regulations, the facility must also report to the following:

- the Local Emergency Planning Committee
- the State Emergency Response Commission
- the fire department having jurisdiction over the facility

The required reports include the following:

- a hazardous chemical inventory report
- a toxic release form
- a material safety data report

These reports must be made using a TRI Form R for the following:

- 10,000 pounds or more of each hazardous chemical present at one time

- a chemical designated by EPCRA as an "extremely hazardous chemical" in an amount equal to or greater than 500 pounds, or the EPCRA designated "threshold planning quantity," whichever is lower.

These reports must be made using a TRI Form A, the Annual Certification Statement, if

- the facility meets the SIC code, employee, and chemical activity thresholds, BUT
- the facility does not exceed one million pounds manufactured, processed, or otherwise used, AND
- the facility's total annual reportable amount does not exceed 500 pounds for the toxic chemical(s).

Information for these reports is found on EPA's website

(
<http://www.epa.gov/tri/compliance/compliance.html>
) . Recently, regulations have changed regarding which form needs to be filled out. While complicated, the Toxic Release Inventory (TRI) will now be required to be on either a TRI Form R or a TRI Form A, depending upon whether or not you have a certain level of employees (10) working full-time (classified as 2,000 man hours).