**What You Can Learn from the Starbucks EPCRA Violations**

In the EPA news releases recently there was a story about how EPA had settled fines with Starbucks for EPCRA 312 violations.  EPCRA violations??

The Emergency Planning and Community Right to Know Act (EPCRA) requires facilities to report emergency and hazardous chemical information each year to their state and local emergency response officials and local fire departments. For reporting, EPCRA has the Tier I, the Tier II , and the Toxic Release Inventory aka Form R.   Tier II can be found in Section 312 of EPCRA, and that's the one that Starbucks violated.

**Starbucks's Violations**

EPA found 2 Starbucks stores had not filed EPCRA Tier II forms when they should have for the years 2017 and 2018.  The stores were storing hazardous chemicals, including sulfuric acid.

The Starbucks case shows that even companies who you don't typically associate hazardous chemicals with can still be required to report.  There are 800,000 chemicals on the list of hazardous chemicals and extremely hazardous substances that could apply, so many different types of companies can be affected.

Starbucks negotiated a reduced fine of $100,000, so the error of not knowing can also be very costly.

**Does EPCRA 312 Apply to Your Facility?**

First, all chemicals you’re required to keep a Safety Data Sheet (SDS) for per [OSHA](https://www.osha.gov/) requirements are subject to reporting. Next, determine if the quantities on-site at any one time last year met the thresholds for reporting.

For Extremely Hazardous Substances listed in 40 CFR part 355 Appendix A and Appendix B, the reporting quantity is 500 pounds or the amount of the Threshold Planning Quantity (TPQ), (whichever is lower).  For all other hazardous chemicals, the threshold is 10,000 pounds. (Gasoline and diesel fuel at retail gas stations have their own individual requirements.)

There are a few exclusions per EPCRA for food, food additives, drugs, cosmetics, substances for general/household purposes for use by the general public, fertilizer sold to farmers, and substances used by research labs and hospitals.

**Information to Collect**

Each state has its own requirements, but the information reported is very similar. Some examples of information you’ll need to gather include:

* SDS for Each Chemical
* Facility Information
* Emergency Contacts and Contacts Knowledgeable of Tier II Information
* Physical and Health Hazards
* Chemical Descriptions
* Maximum Amount Present on any Single Day During Reporting Period
* Average Daily Amounts (Weights)
* Number of Days Onsite
* Storage Types, Conditions and Locations

**Reporting**

Each state varies on how the information is reported and then given to emergency officials. Some states require electronic reporting, others may require you to send it directly to your state emergency response commission, your local emergency response commission and the fire department with jurisdiction over your facility. [Check out your state requirements here.](https://www.epa.gov/epcra/state-tier-ii-reporting-requirements-and-procedures) Reporting is due March 1, but now is a good time to determine if this applies to you and to develop a system to track quantities so that you'll know what your final numbers will be at the end of the year.