

Emergency Planning and Community Right-to-Know Act (EPCRA)

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Overview

The US Emergency Planning and Community Right-to-Know Act (EPCRA) establishes requirements for federal, state, and local governments, Indian tribes, and industry regarding emergency planning and Community Right-to-Know reporting on hazardous and toxic chemicals. The Community Right-to-Know provisions help to increase the public's knowledge and access to information on chemicals at individual facilities, their uses, and releases into the environment. States and communities, working with facilities, can use the information to improve chemical safety and protect public health and the environment.

EPCRA was passed in response to concerns regarding the environmental and safety hazards posed by the storage and handling of toxic chemicals. These concerns were triggered by the disaster in Bhopal, India, in which more than 2000 people suffered death or serious injury from the accidental release of methyl isocyanate. To reduce the likelihood of such a disaster in the United States, Congress imposed requirements on both states and regulated facilities.

Key Provisions of the EPCRA

Sections 301–303. Emergency Planning

Local governments are required to prepare chemical emergency response plans, and to review plans at least annually. State governments are required to oversee and coordinate local planning efforts. Facilities that maintain Extremely Hazardous Substances (EHSs) on site in quantities greater than corresponding Threshold Planning Quantities must cooperate in emergency plan preparation.

Section 304. Emergency Notification

Facilities must immediately report accidental releases of EHS chemicals and 'hazardous substances' in quantities greater than corresponding Reportable Quantities defined under the

Comprehensive Environmental Response, Compensation, and Liability Act to state and local officials. Information about accidental chemical releases must be available to the public.

Sections 311 and 312. Community Right-to-Know Requirements

Facilities manufacturing, processing, or storing designated hazardous chemicals must make Material Safety Data Sheets (MSDSs) describing the properties and health effects of these chemicals available to state and local officials and local fire departments. Facilities must also report, to state and local officials and local fire departments, inventories of all on-site chemicals for which MSDSs exist. Information about chemical inventories at facilities and MSDSs must be available to the public.

Section 313. Toxics Release Inventory

Facilities must complete and submit a Toxic Chemical Release Inventory Form annually for each of the more than 600 Toxic Release Inventory chemicals that are manufactured or otherwise used above the applicable threshold quantities.

Section 322. Trade Secrets

Facilities are allowed to withhold the specific chemical identity from the reports filed under sections 303, 311, 312, and 313 of EPCRA if the facilities submit a claim with substantiation to EPA.

See also: Emergency Response and Preparedness.

Relevant Website

<http://www.epa.gov/osweroe1/content/lawsregs/epcraover.htm> – Emergency Planning and Community Right-to-Know Act (EPCRA).