

Emergency Planning Community Right-to-Know

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Goals and Objective:

- The Emergency Planning and Community Right-to-Know Act (EPCRA) was passed in 1986 as part of the Superfund Amendments and Reauthorization Act (SARA).
- Communities can utilize the Right-to-Know act in their communities to understand the dangers and risks of operating industries in and around their communities.
- We will also highlight the limitations of EPCRA and how the Right-to-Know law can protect families and communities while holding and industry more accountable for their actions.

What Right-To-Know Can DO for You

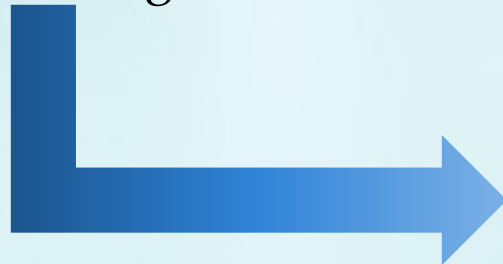
- The law grants public access to information about dangerous chemicals used, stored, and released by industrial facilities.
- Companies can be encouraged to adopt “good neighbor” policies and allow communities to call for industry accountability all through effectively using information provided by the Right-to-Know law. Groups can also push an industry to reduce the amount of toxic chemicals they release into the community and/or dispose of.

By using the Right-to-Know law, community groups can:

- Identify toxic polluters and the chemicals they use
- Help define health and environmental threats
- Get a company to adopt a waste reduction plan to lower emissions and discharges
- Push companies to improve hazardous and toxic disposal methods
- Develop an emergency plan that efficiently protects the public during an accident
- Secure a safer workplace
- Win a better cleanup
- Keep a polluter out of your community
- Push a company to use safer, alternative chemicals

What is Right-to-Know?

- The Community Right-to-Know law is often referred to as “Title III” (the title of the Right-to-Know section of SARA) or simply “Right-to-Know”.
- The law itself is made up of a number of sections that consists of three general categories:



Subtitle A – Emergency Planning and Notification	
Sec. 301	Establishes state commissions, planning districts, and local planning committees
Sec. 302	Identifies facilities and substances covered and defines notification
Sec. 303	Defines and specifies comprehensive emergency response plans
Sec. 304	Defines emergency notification
Sec. 305	Specifies emergency training and review of emergency systems
Subtitle B- Reporting Requirements	
Sec. 311	Calls for Safety Data Sheets
Sec. 312	Calls for emergency and hazardous chemical inventory forms
Sec. 313	Calls for toxic chemical release forms
Subtitle C- General and Miscellaneous Provisions	
Sec. 321	Describes relationship to other laws
Sec. 322	Provides for trade secrets
Sec. 323	Gives health professionals access to information
Sec. 324	Provides public with access to plans, data, forms, and follow-up notices
Sec. 325	Identifies enforcement provisions
Sec. 326	Allows for civil actions
Sec. 327	Identifies exemptions
Sec. 328	Regulations
Sec. 329	Definitions
Sec. 350	Authorizes appropriations

Local & State Government Role in Right-to-Know:

- Local governments are required to prepare response plans through the Local Emergency Planning Committees (LEPCs) and to review plans annually.
- The law also requires the Governor of each state to set up a State Emergency Response Commission (SERC) which is responsible for:
 - Dividing the state into emergency planning districts and appointing an LEPC for each district (in many instances, local counties were selected as the emergency planning district)
 - Supervising and coordinating the activities of the LEPCs
 - Reviewing emergency response plans written by the LEPC
 - Receiving notification of accidental chemical releases
 - Setting up procedures for handling public information requests
- A major role of the SERC is to oversee the information of the LEPC and influence who is on the LEPC.
 - By contacting SERC in your state, you can find out about the LEPC that covers your community.

Federal Government Role in Right-to-Know:

- The U.S. Environmental Protection Agency (USEPA) administers the Right-to-Know law at the national level and collects information on routine releases from industries.
- The Federal Emergency Management Agency (FEMA) provides funding to aid state and local emergency planning while the National Response Team (NRT) provides emergency response guidance.
- Any facility that stores or uses any of the 50,000+ chemicals as defined by the Hazardous Communications Standard (HCS) are required by the Occupational Safety and Health Administration (OSHA) to produce Safety Data Sheets (SDS) or Material Safety Data Sheets (MSDS).
- **These can be accessed:**
<https://www.osha.gov/Publications/OSHA3514.html>

Right-to-Know Emergency Notification

- **Section 304** requires facilities to immediately notify the planning committees if there is an accidental release of toxic chemicals greater than the applicable minimum reportable amount.
- Emergency notification must include the chemical name, whether the substance is extremely hazardous, an estimate of the quantity released, the time and duration of the release, if the release entered air, water, and/or land, any known or anticipated acute or chronic health effects associated with the emergency, and, when necessary, advice regarding medical attention for exposed people.
- **Sections 311 and 312** require certain industries to provide information on certain chemicals they make, use, or store.
- **Section 313** requires facilities to complete a toxic release form for all routine releases of the designated 594 identified chemicals and 31 chemical categories.

What is Covered by Right-to-Know and What's Not

- Not all chemicals are listed by Right-to-Know.
- SARA Title III reporting is required only of certain facilities for selected chemicals.
- For example:
 - Some chemicals are regulated by Section 304 (emergency notification) but not 313 (routine releases), so a facility would have to report if it spilled a chemical, but it would not have to report its normal discharges of that same chemical into your river.
- Exceptions:
 - Facilities with less than 10 employees regardless of their code.
 - Companies that use less than 10,000 pounds of any listed chemical are exempt.

Groups of Chemicals covered by the Right-to-Know

Code	Group
355	Extremely Hazardous Chemicals
689	Toxic Chemicals Subject to Release Reporting
736	CERCLA Hazardous Chemicals

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Right-to-Know

- Facilities that use any chemicals designated as “hazardous” according to CERCLA are required to report any:
 - Spills, explosions, or otherwise release of any CERCLA hazardous substances to the National Reponses Center, LEPC, and SERC.

Occupational Health and Safety Administration (OSHA) Right-to-Know

- As part of the Hazard Communication Standard must report the presence of that chemical to the LEPC, SERC, or the local Fire Department.
- If a facility handles less than 500 pounds or the Threshold Planning Quantity (TPQ) of EHS, they are not required to keep an SDS.

Emergency Response Plans

- Emergency response plans are needed to prepare communities for accidents involving toxic chemicals.
- Careful planning will provide as much protection as possible in the event of an accident.
- By planning your communities emergency response you can then make certain provisions or ordinances to prevent the use of certain chemicals within your community by passing ordinances.
- LEPC has the responsibility to prepare the emergency response plan, by conducting a hazard assessment report.

LEPC Emergency Response Plan Must contain the following:

- Identification of facilities and transportation routes of extremely hazardous substances (EHS)
- Emergency response procedures for both on and off site locations
- Designation of a community and facility emergency coordinator to implement the plan
- Outline of emergency notification procedures
- Methods to determine release occurrences and affected areas or populations
- Description of emergency equipment, facilities, and personnel for both community and industry
- Evacuation plans
- Descriptions and schedules of personnel training programs
- Methods and schedules for exercising emergency response plans

LEPC Emergency Plan Continued...

- Each plan must also have a clear identification of lines of authority and responsibility
- An effective communications plan to alert various government and responding agencies
- A well-defined organizational structure so that all responses are properly coordinated.
- They must also identify the resource, including equipment, personnel and facilities.

Utilizing the Right-to-Know Law Effectively

- Ask yourself,
 - What is the purpose of getting this information:
 - What will you use it for?
 - What are the names of the companies and other potential sources of toxics in your community?
 - Who are the key people that are contacts on Right-to-Know issues?

What to do with the information obtained:

- Together with your organized community groups:
 - Goals and objectives need to be set
 - You need to know where you are going or you won't know when you get there.
 - By establishing goals you can follow the information like a roadmap, filling in the blanks and helping to establish your goals on a stable setting.

What are the names of the industries and other sources of pollution in your community?

- Understanding the threat, the chemicals used in your community or the facilities that use them.
 - Remember: Not all chemicals and toxins require companies to declare their use.
- Compile a list:
 - Chemicals or Toxins used in your community.
 - Names and addresses of facilities
- Obtain a map of the community and plot out the locations of these industries.
- Include key points: Community buildings, schools, churches, playgrounds, and neighborhoods.
- Plotting out the location of these points gives a visual demonstration of the impact of the locations and the risks they pose to the population.
- Pair the map with the LEPC Emergency Response plan to help identify the risk factors and ensure your response will be effective.

Who are the key contacts on Right-to-Know?

- Contact the LEPC and your Fire Department, but you may also want to contact the State Emergency Response Commission (SERC) and the Federal Environmental Protection Agency.
- Contact your local Fire Department and ask to speak to the person in charge of chemical emergency response.
- LEPC contact list should identify potential allies and opponents alike.
- LEPC should make information available to the public as easily and quickly as possible.

Questions Right-to-Know Can Answer

- What Chemicals are in my community?
- What chemicals are being discharged into the air, water, and soil?
- What chemicals are transported or disposed of by the plant?
- If an accident occurs, what part of the community will be most affected?

Other ways Right-to-Know Information Can be Helpful

- When doing environmental testing
- When doing health studies
- To show that a company is not using waste reduction methods, efficient process systems or the best available control technology
- To show that pollution prevention pays
- To help convince stockholders of the dangers of a plant's discharges

Organizing and Right-to-Know

1. Using Right-to-Know to Help Force a Company to Adopt a Waste Reduction Plan
2. Using Right-to-Know to Get a Company to Lower their Emissions
3. Using Right-to-Know to Assess Health Risks in a Community
4. Using Right-to-Know to Get a Better Cleanup Plan
5. Using Right-to-Know to Force Industry to Cleanup the Workplace
6. Using Right-to-Know to Block a Purposed Facility
7. Using Right-to-Know to Conduct a “Waste Audit”

Ideas for Community Action

- “Actions”, as we refer to them, come in a lot of shapes and sizes, but always contain a few essential elements:
 - A group of people
 - A specific message directed at officials and the public
 - The use of media
 - Some type of physical demonstration of the situation
- Examples:
 - Walk of Concern
 - Candlelight Vigil
 - Talking Outhouse
 - Toxic Motorcade
 - Rallies
 - Demonstrating
 - The Chocolate Mess
 - “Invade” the LEPC
 - Set Up an “Alternate” Committee

Troubleshooting

- You have information you want, but you cannot figure out how to use it to accomplish your goals.
- The company in your neighborhood or some of the chemicals released from the plant are not regulated by Right-to-Know.
- Safety Data Sheets (SDS) are difficult to read, vary widely in quality, and are very hard to use.
- Chemicals have multiple names and often, companies use trade names, making it difficult to identify the actual chemical(s) in a product.
- The law allows companies to restrict access to information on certain chemicals they claim as “trade secrets” arguing that releasing this information would give their competitors an unfair advantage.
- Obtaining information on several chemicals or facilities at the same time is difficult.
- Companies have many ways to evade responsibility for discharges. Companies can avoid accurate reporting by contracting out their dirtiest operations, making someone else responsible for reporting the discharges.

Questions?

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