

Emergency Planning and Community Right-To-Know Act

Agencies: U.S. Environmental Protection Agency

Citation: 42 U.S.C. §§ 11001 *et seq.*

Enacted as: the "Emergency Planning and Community Right-To-Know Act of 1986", on October 17, 1986 as Title III of the Superfund Amendments and Reauthorization Act of 1986 (amending the Comprehensive Environmental Response, Compensation, and Liability Act of 1980)

Summary:

The Emergency Planning and Community Right-To-Know Act (EPCRA) was included as Title III of the Superfund Amendments and Reauthorization Act of 1986, which amended the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). 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 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 to 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. Key provisions of EPCRA include:

- Sections 301-303 Emergency Planning: Local governments are required to prepare chemical emergency response plans, and to review such plans at least annually. State governments are required to oversee and coordinate local planning efforts. Facilities that maintain Extremely Hazardous Substances 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 (CERCLA) to state and local officials. Information about accidental chemical releases must be available to the public.
- Sections 311-312 Community Right-To-Know Requirements: Facilities manufacturing, processing, or storing designated hazardous chemicals must make Material Safety Data Sheets (MSDS) 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 U.S. Environmental Protection Agency.

Source: <http://www.epa.gov/oem/content/lawsregs/epcraover.htm>

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