

The Florida 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, but its provisions also increase public access to information on the types and uses of chemicals at individual facilities in each community. EPCRA is administered by the Environmental Protection Agency (EPA), although its provisions are largely implemented at the state and local levels. It requires 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 of EPCRA 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

EPCRA regulations can be divided into four categories:

1. Section 302 contains requirements for Emergency Response Plans and regulates extremely hazardous substances
2. Section 304 contains Emergency Notification Requirements for both extremely hazardous substances and other hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (see [FE763](#))

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3. Sections 311 and 312 include Community Right-to-Know Requirements and specify reporting requirements for a variety of chemicals and products
4. Section 313 established the Toxic Release Inventory Program (TRI), which tracks and manages certain toxic chemicals through very specific reporting requirements

What are the responsibilities of LEPCs?

LEPCs are responsible for developing an emergency response plan, reviewing it at least once 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 must also describe procedures for immediate response to a chemical accident.

What substances are regulated by EPCRA?

EPA has established a comprehensive list of extremely hazardous substances and minimum quantities that trigger regulation. EPCRA Section 302 regulates more than 350 extremely hazardous substances; Section 304 regulates more than 700 substances; Sections 311 and 312 regulate 500,000 products; and Section 313 regulates 650 chemicals and categories. EPA is continuously updating its list of regulated substances, so make sure to check with your LEPC or the EPA website to determine if you are using a hazardous substance subject to EPCRA.

In Florida, EPCRA is implemented by the Florida Division of Emergency Management (FDEM). Information on EPCRA and state standards and reporting requirements can be found on the FDEM website (<https://www.floridadisas-ter.org/dem/response/technological-hazards/epcra/>).

What substances are exempt from EPCRA?

Substances that are specifically exempt from EPCRA include the following:

- any food, food additive, or color 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 hospital, research laboratory, or medical facility 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 LEPC 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 FDACS (Florida Department of Agriculture and Consumer Services) or FDEM for more information on state right-to-know laws and agricultural worker safety programs (FE786, Contact Agencies).

What are Safety Data Sheets (SDS) and inventory reporting?

Under Occupational Safety and Health Administration (OSHA) regulations, employers are required to maintain a Safety Data Sheet (SDS) for any hazardous chemicals stored or used in the workplace. If a facility is required to prepare or have available an SDS for a hazardous chemical under OSHA, the facility must also submit a hazardous chemical inventory report to the following:

- LEPC or TEPC (Local or Tribal Emergency Planning Committee)
- SERC or TERC (State or Tribal Emergency Response Commission)
- the fire department having jurisdiction over the facility

Hazardous chemical inventory reports (also referred to as Tier I or II forms) are standardized forms that must be submitted annually. More information on reporting requirements is available on the EPA website (<https://www.epa.gov/epcra/hazardous-chemical-inventory-reporting>).

What are the reporting requirements under the Toxic Release Inventory (TRI) program?

In addition to the reporting requirements listed above, if a facility is subject to EPCRA Section 313, it must annually submit a toxic release form to EPA and SERC. Toxic Release Inventory (TRI) reporting requirements are triggered if a facility meets these three requirements:

1. The facility is in a specific industrial sector, such as coal and metal mining, electric utilities, or commercial hazardous waste treatment
2. The facility has ten or more full-time employees
3. The facility manufactures or processes more than 25,000 pounds of a TRI-listed chemical, or uses more than 10,000 pounds of a listed chemical in a given year

These reports must be made using either a TRI Form R (long form) or TRI Form A (short form), depending on the type of chemical used. More information on TRI reporting requirements can be found on the EPA website (<https://www.epa.gov/toxics-release-inventory-tri-program/what-toxics-release-inventory>).

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