

# COUNTY OF BERKS, PENNSYLVANIA

## Office of Open Records

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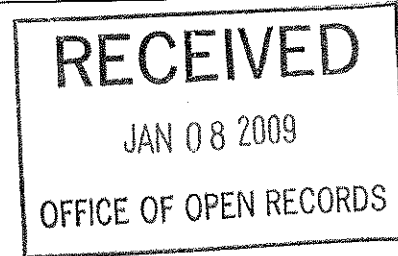
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Terry L. Styer, Chief Clerk /  
Open Records Officer

January 6, 2009

Terry Mutchler, Executive Director  
PA Office of the Open Records  
400 North Street Harrisburg, PA 17120



Dear Ms. Mutchler

In Pennsylvania all Emergency Service Agencies are required to comply with the U.S. Emergency Planning and Community Right-To-Know Act (EPCRA - attached) also known as the Community Right-To-Know Act or SARA, Title III which provides for the collection and public release of information about the presence and release of hazardous or toxic chemicals in the nation's communities. Since most municipal emergency response plans contain information which provides locations and quantities of the chemicals that are a potential concern, there has been much debate about how SARA Title III meshes with expectations of the Office of Homeland Security regarding the security of data, specifically chemical production and storage data, as this industry sector has been identified as a huge homeland security vulnerability. Our question is really one of applicability of the law and which law applies. For example, does the PA Open Records Law exempt public access to emergency plans under Section (b) Exceptions:

- (ii) lists of infrastructure, resources and significant special events, including those defined by the Federal Government in the National Infrastructure Protections, which are deemed critical due to their nature and which result from risk analysis; threat assessments; consequences assessments; antiterrorism protective measures and plans; counterterrorism measures and plans; and security and response needs assessments; and
- (iii) building plans or infrastructure records that expose or create vulnerability through disclosure of the location, configuration or security of critical systems, including public utility systems, structural elements, technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage and gas systems.

Denying public access to those records and citing this section of the Open Records Act would permit our response to be in compliance with the Office of Homeland Security regulations (6CFR Part 27- attached) which is intended which is intended to fill a security gap in our country's anti-terrorism efforts by identifying and improving the security of chemicals that are potentially at a high level of risk for release, theft, or sabotage. However it would then be in conflict with SARA Title III. We look forward to obtaining an opinion in this matter.

Respectfully,

Terry L. Styer, Chief Clerk/Berks County Open Records Officer  
Berks County Commissioners  
13th Floor Services Center Building  
633 Court Street S.C.  
Reading, PA 19601



# National Association of SARA Title III Program Officials

*Concerned with the Emergency Planning and Community Right-to-Know Act*

November 8, 2007

The Department of Homeland Security has adopted 6 CFR Part 27, a new regulation mandated by Congress. The regulation is intended to fill a security gap in our country's anti-terrorism efforts by identifying and improving the security of chemicals that are potentially at a high level of risk for release, theft, or sabotage.

LEPCs and SERCs should alert EPCRA & RMP reporting facilities about these requirements. No reports are due to the LEPCs and SERCs under these requirements; however, given the potential for security requirements to have an impact on facility access for emergency responders and on emergency plans, it is critical for local planners, responders and facilities to communicate in order for a facility to satisfy the regulatory requirements.

In order to aid LEPCs, SERCs and facilities in understanding these new requirements we have prepared some short-hand aids. Following this cover page is a key issue comparison between EPCRA, RMP and the CFATS regulation. As requirements may change the user is counseled to look for updated information.

Following the side-by-side comparison we have edited the EPA "List of Lists" to add the proposed Appendix A list of chemicals and thresholds from the CFATS program. This list may change and we will update these materials when that happens.

The initial requirement for a facility with an Appendix A chemical over the threshold is to submit a Top-Screen. The CSAT Top-Screen is a questionnaire regarding the chemicals manufactured, processed, used, stored at or distributed by each facility. Based on the results of the CSAT Top-Screen facilities will be placed in one of four risk based tiers. DHS will require facilities preliminarily placed in Tiers 1-3 to complete a CSAT Security Vulnerability Assessment and develop CSAT Site Security Plan. The CSAT Top-Screen questionnaire, Security Vulnerability Assessment tool, and Site Security Plan template are online tools that DHS will require all regulated facilities to use.

The Top-Screen must be completed online within 60 calendar days of the effective date of the final Appendix A Chemicals of Interest list. DHS has finalized Appendix A and it expects the 60 day clock to begin to run on or about November 16th. Failure to complete a CSAT Top-Screen within the timeframe provided may result in civil penalties, a Department of Homeland Security audit and inspection, or an order to cease operations.

Facilities should go to [www.DHS.gov/chemicalsecurity](http://www.DHS.gov/chemicalsecurity) and follow the registration instructions to access the CSAT. Once DHS validates a facility's registration, DHS will notify the facility about how to access the Top-Screen and other CSAT tools. A list of CSAT Top-Screen questions and user instructions are also available online at [http://www.dhs.gov/xprevprot/programs/gc\\_1169501486197.shtm](http://www.dhs.gov/xprevprot/programs/gc_1169501486197.shtm).

A full text version of the Chemical Facility Anti-Terrorism Standards Interim Final Rule (6 CFR Part 27) and Appendix A: DHS Chemicals of Interest are available online at <http://www.dhs.gov/chemicalsecurity>

Facilities Regulated	Department of Homeland Security	EPCRA (SARA Title III)	RMP (Clean Air Act)
<p><b>Overview:</b> Facilities are regulated based on their classification as “high risk facilities,” which <i>may</i> be determined by the presence of threshold quantities of certain chemicals, within the broad categories of: toxics, explosives, flammables, CW/CWP, sabotage/contamination chemicals, mission critical chemicals, and economically critical chemicals.</p> <p><b>Definition:</b> “Chemical Facility or facility shall mean any establishment that possesses or plans to possess, at any relevant point in time, a <i>quantity of a chemical substance</i> determined by the Secretary to be potentially dangerous or that meets other <i>risk-related criteria</i> identified by the Department. As used herein, the term chemical facility or facility shall also refer to the owner or operator of the chemical facility. Where multiple owners and/or operators function within a common infrastructure or within a single fenced area, the Assistant Secretary may determine that such owners and/or operators constitute a single chemical facility or multiple chemical facilities depending on the circumstances.” 6 C.F.R. § 27.105 (2007) (emphasis added).</p>	<p><b>Overview:</b> Generally, the requirements for emergency planning and reporting apply to any facility that has quantities of chemicals on the list of lists that are above threshold levels.</p> <p>The requirements for emergency release notification apply to any facility where a hazardous chemical is used, produced or stored, or where there is a release of a hazardous chemical or CERCLA substance. 40 C.F.R. § 355.40 (2007) (noting exceptions).</p> <p><b>Definition:</b> Facility means all buildings, equipment, structure, and other stationary items that are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with, such person). Facility shall include manmade structures in which chemicals are purposefully placed or removed through human means such that it functions as a containment structure for human use. For purposes of emergency release notification, the term includes motor vehicles, rolling stock, and aircraft. 40 C.F.R. § 355.20 (2007).</p>	<p><b>Note:</b> The Clean Air Act uses the term “stationary source” rather than facility in its statutory provisions. Thus, these provisions apply to an owner or operator of a <u>stationary source</u> that has more than a threshold quantity of a regulated substance in a process. 40 C.F.R. §68.10 (2007).</p> <p><b>Definition:</b> Stationary source means any buildings, structures, equipment, installations, or substance emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under common control), and from which an accidental release may occur. The term stationary source does not apply to transportation, including storage incident to transportation, of any regulated substance or any other extremely hazardous substance under the provisions of this part. A stationary source includes transportation containers used for storage not incident to transportation and transportation containers connected to equipment at a stationary source for loading or unloading. Transportation includes, but is not limited to, transportation subject to oversight or</p>	

	Department of Homeland Security	EPCRA (SARA Title III)	RMP (Clean Air Act)
	<p>For exceptions to facilities regulated because of coverage by other laws, <u>see</u> 6 C.F.R. § 27.110 (2006).</p> <p><b>Designation:</b> The Assistant Secretary has the discretion to designate a facility as “high risk” at any time based on the information available, or may request information through publication in the Federal Register or through direct contact with a facility. <u>See</u> 6 C.F.R. § 27.200 (2007).</p> <p><b>Note:</b> Any facility that does not respond to a request for information may be presumed a high risk facility.</p> <p>“ACG” – A Commercial Grade  “APA” – A Placarded Amount  “STQ” – Screening Threshold  Quantity</p>		<p>regulation under 49 CFR parts 192, 193, or 195, or a state natural gas or hazardous liquid program for which the state has in effect a certification to DOT under 49 U.S.C. section 60105. A stationary source does not include naturally occurring hydrocarbon reservoirs. Properties shall not be considered contiguous solely because of a railroad or pipeline right-of-way. <u>See</u> 40 C.F.R. §§ 68.3-10 (2007).</p>
Chemical Threshold Quantities	<p><u>See</u> Appendix A (added to Title III Consolidated List of Lists)</p>	<p><u>See</u> Title III Consolidated List of Lists</p>	<p><u>See</u> Title III Consolidated List of Lists</p>
Calculation of Thresholds	<p>Two types of calculations will be made:</p> <p>(1) The total onsite quantity and distance of concern; and</p> <p>(2) The quantity in the Area of Highest Quantity and distance of</p>	<p>Calculation of threshold planning quantities for solids and mixtures:</p> <p>(1) If a container or storage vessel holds a mixture or solution of an extremely hazardous substance, then the concentration of extremely hazardous substance, in weight percent (greater than</p>	<p>A threshold quantity of a regulated substance listed in § 68.130 is present at a stationary source if the total quantity of the regulated substance contained <i>in a process</i> exceeds the threshold. 40 C.F.R. § 68.115 (2007) (noting exceptions).</p>

	Department of Homeland Security concern	EPCRA (SARA Title III)	RMP (Clean Air Act)
	<p>The screening threshold quantity (STQ) for each chemical is assigned by the security issue associated with the chemical. There are four main security issues: (1) release (including toxic, flammable, and explosive); theft and diversion (including chemical weapons and chemical weapon precursors, weapons of mass effect, and explosives and improvised explosive device precursors); (3) sabotage and contamination; and (4) critical to government mission and national economy. Section 27.105. Chemicals of interest are calculated according to their security issue category. See Section 27.203 and below.</p> <p>In calculating whether a facility possesses a chemical of interest that meets the STQ for any security issue, the facility need not include any chemical of interest: (1) used as a</p>	<p>1%), shall be multiplied by the mass (in pounds) in the vessel to determine the actual quantity of extremely hazardous substance therein.</p> <p>(2)(i) Extremely hazardous substances that are solids are subject to either of two threshold planning quantities as shown on Appendices A and B (i.e., 500/611,000 pounds). The lower quantity applies only if the solid exists in powdered form and has a particle size less than 100 microns; or is handled in solution or in molten form; or meets the criteria for a National Fire Protection Association (NFPA) rating of 2, 3 or 4 for reactivity. If the solid does not meet any of these criteria, it is subject to the upper (10,000 pound) threshold planning quantity as shown in Appendices A and B.</p> <p>(ii) The 100 micron level may be determined by multiplying the weight percent of solid with a particle size less than 100 microns in a particular container by the quantity of solid in the container.</p> <p>(iii) The amount of solid in solution may be determined by multiplying the weight percent of solid in the solution in a particular container by the quantity of solution in the container.</p>	

	Department of Homeland Security	EPCRA (SARA Title III)	RMP (Clean Air Act)
	<p>structural component; (2) used as products for routine janitorial maintenance; (3) contained in food, drugs, cosmetics, or other personal items used by employees; (4) in process water or non-contract cooling water as drawn from environment or municipal sources; (5) in air either as compressed air or as part of combustion; (6) contained in articles, as defined in 40 CFR § 68.3; (7) in solid waste regulated under RCRA; (8) in naturally occurring hydrocarbon mixtures prior to entry of the mixture into a natural gas processing plant or a petroleum refining process unit. Section 27.203(a).</p> <p>A facility must include chemicals with a release-chemical designation toward the STQ found in: (i) a vessel, underground storage facility, or magazine; (ii) transportation containers; (iii) process intermediates, by-products, incidental materials; (iv) natural gas or liquefied natural gas stored in peak shaving facilities; and (v) fuel stored in aboveground tank farms. Section 27.203(b)(1).</p> <p>A facility need not include release-chemicals that a facility manufactures</p>	<p>(iv) The amount of solid in molten form must be multiplied by 0.3 to determine whether the lower threshold planning quantity is met.  <u>See</u> 40 C.F.R. § 355.40 (2007).</p>	

	Department of Homeland Security	EPCRA (SARA Title III)	RMP (Clean Air Act)
	<p>processes or uses in a laboratory unless the use/process is pilot plant scale operations or activities conducted outside the laboratory. Section 27.203(b)(2).</p> <p>A facility also need not include propane in tanks of 10,000 pounds or less. Section 27.203(b)(3).</p> <p>A facility must only include chemicals with a theft/diversion chemical designation toward the STQ found in transportation packaging. Section 27.203(c).</p> <p>A facility meets the STQ for a chemical with a sabotage/contamination designation if the facility ships the chemical and is required to placard the shipment pursuant to subpart F of 49 CFR Part 172. Section 27.203(d).</p>		
Treatment of Mixtures	<p>See § 27.204 in the DHS Appendix A Final Rule.</p> <p>A facility must count the amount of release-toxic chemicals of interest toward the STQ if the chemical is present at a concentration equal to or greater than 1% by weight of the</p>	<p>Mixture is defined as a heterogeneous association of substances where the various individual substances retain their identities and can usually be separated by mechanical means. Includes solutions or compounds but does not include alloys or amalgams. 40 C.F.R. 355.20 (2007).</p>	<p>Mixtures are regulated by the CAA based on guidelines for two categories of hazardous materials:</p> <ul style="list-style-type: none"> <li>(1) Toxic Substances</li> <li>(2) Flammable Substances</li> </ul> <p>For these categories, the following</p>

Department of Homeland Security	EPCRA (SARA Title III)	RMP (Clean Air Act)
<p>mixture unless the facility can demonstrate that the partial pressure of the regulated substance is less than 10 mm Hg.</p> <p>A facility must count the entire amount of a mixture containing a release-flammable chemical of interest at a concentration equal to or greater than 1% by weight of a mixture having a NFPA flammability hazard rating of 4.</p> <p>A facility must count the total quantity of all commercial grades of release-explosive chemicals of interest toward the STQ unless a specific minimum concentration is assigned, in which case the facility must count the total quantity of all commercial grades of the chemical at the specified minimum concentration.</p> <p>A facility must count toward the STQ the entire amount of a mixture containing a non-CUM 100g theft/diversion-CWC/CWP chemical of interest present in a mixture at or above the minimum concentration amount listed.</p> <p>A facility must count toward the STQ</p>	<p>An owner or operator may meet the requirements of EPCRA § 311 or EPCRA § 312 with respect to a hazardous chemical which is a mixture by doing one of the following:</p> <p>(A) Submitting a material safety data sheet for, or identifying on a list, each element or compound in the mixture which is a hazardous chemical. If more than one mixture has the same element or compound, only one material safety data sheet, or one listing, of the element or compound is necessary.</p> <p>(B) Submitting a material safety data sheet for, or identifying on a list, the mixture itself.</p>	<p>exemptions/calculations apply:</p> <p><b>Toxic Substances</b>  To determine whether a mixture that is in a process meets the threshold quantity, the EPA divides toxic substances into two categories. First, the Act, as well as guidance on the Act, lists certain chemicals in solutions or mixtures for which a specific cut-off is stated. Quantities of Hazardous Substances below that amount need not be used in the threshold quantity calculation. Second, any other regulated toxic substances that are part of solutions or mixtures must meet the one-percent de-minimis requirement unless the facility can show that the partial pressure of the substance in the solution or mixture is less than 10 mm Hg. In that case, the substance should not be included in the threshold calculation.</p> <p><u>See List of Regulated Substances and Thresholds for Accidental Release Prevention; Requirements for Petitions Under Section 112(r) of the Clean Air Act, 25 available at <a href="http://daq.state.nc.us/112r/files/40cfr68(9&amp;68)_01141994.pdf">http://daq.state.nc.us/112r/files/40cfr68(9&amp;68)_01141994.pdf</a>.</u></p> <p><b>Flammable Substances</b></p>



	Department of Homeland Security	EPCRA (SARA Title III)	RMP (Clean Air Act)
	<p>the entire amount of a mixture containing a theft/diversion-WME chemical of interest present at or above the minimum amount listed.</p> <p>A facility must count the total quantity of all commercial grades of a theft/diversion-EXP/EDP chemical of interest toward the STQ unless a specific minimum concentration is assigned, in which case the facility must count the total quantity of all commercial grades of the chemical at the specified minimum concentration.</p> <p>A facility must count toward the STQ the total quantity of all commercial grades of a sabotage/contamination chemical of interest.</p>		<p>A mixture should only be considered as meeting the threshold if it meets the criteria for an NFPA flammability rating of 4; boiling point and flash point shall be defined and determined in accordance with NFPA 30, Flammable and Combustible Liquids Code, National Fire Protection Association. See 49 C.F.R. 68.115(b)(2).</p>
Emergency Planning/Reporting	<p>Each regulated facility must create a "site security plan" that addresses any identified risk factors present. 6 C.F.R. § 27.225. The plan should meet each of the risk based performance standards identified in 6 C.F.R. 27.230 (2007).</p> <p>Additionally, each regulated facility must <b>engage in, and submit records</b></p>	<p><b>Reporting:</b> EPCRA has several different reporting mechanisms within its provisions:</p> <p>(1) Pursuant to § 302, facilities with a regulated chemical in excess of the threshold quantity, a one-time notification to the SERC that the facility is subject to EPCRA. Thereafter, Generally, any facility that has any of the EHS listed chemicals at or above its threshold planning quantity must notify the SERC</p>	<p>If a facility uses chemicals in a process, and the amount of chemicals used is equal to or higher than the threshold level, a Risk Management Plan ("RMP") should be prepared.</p> <p><b>RMP:</b> The owner or operator of a stationary source with processes subject to Program 2 or Program 3 shall develop a management system to oversee the implementation of the RMP elements. 40</p>

<p>Department of Homeland Security of: trainings; drills and exercises; incidents and breaches of security; maintenance, calibration and testing of security equipment; security threats; audits; and letters of authorization and approval. Additionally, any Top-Screens, Security Vulnerability assessments, Site Security Plans, and correspondence with the Department for the last six years must be recorded. 6 C.F.R. 27.255 (2007).</p>	<p>EPCRA (SARA Title III) and LEPC within 60 days after they first receive a shipment or produce the substance on site. EPCRA § 302 (2)(c). (2) Pursuant to § 304, a notification each time a release occurs. Releases requiring notification under § 304(b) include substances regulated under CERCLA; substances not regulated by CERCLA if is not a federally permitted release as defined in section 101(10) of CERCLA, if the release is in an amount in excess of a quantity which the Administrator has determined (by regulation) requires notice, and occurs in a manner which would require notification under section 103(a) of CERCLA; and for some substances that are not regulated by EPCRA § 301, but are regulated by CERCLA § 102-3. Notification should include the following information: The chemical name; an indication of whether the substance is extremely hazardous; an estimate of the quantity released into the environment; the time and duration of the release; whether the release occurred into air, water, and/or land; any known or anticipated acute or chronic health risks associated with the emergency, and where necessary advice regarding medical</p>	<p>RMP (Clean Air Act) C.F.R. § 68.15 (2007); Management System Guidance, <i>available at</i> <a href="http://yosemite1.epa.gov/oswer/ceppoweb.nsf/vwResourcesByFilename/Chap-05-final.pdf/\$File/Chap-05-final.pdf">http://yosemite1.epa.gov/oswer/ceppoweb.nsf/vwResourcesByFilename/Chap-05-final.pdf/\$File/Chap-05-final.pdf</a>. For <b>guidance</b> on preparing an RMP, see Risk Management Program Guidance, <i>available at</i> <a href="http://yosemite1.epa.gov/oswer/ceppoweb.nsf/vwResourcesByFilename/Chap-09-final.pdf/\$File/Chap-09-final.pdf">http://yosemite1.epa.gov/oswer/ceppoweb.nsf/vwResourcesByFilename/Chap-09-final.pdf/\$File/Chap-09-final.pdf</a>. <b>Elements:</b> The RMP shall contain an <b>executive summary</b> which includes: the accidental release prevention and emergency response policies at the stationary source; the stationary source and regulated substances handled; the general accidental release prevention program and chemical-specific prevention steps; the five-year accident history; the emergency response program; and planned changes to improve safety. <u>See 40 C.F.R. § 68.155 (2007).</u> The RMP shall contain a <b>registration</b> document, prepared according to 40 C.F.R. § 68.160 (2007).</p>
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Department of Homeland Security	EPCRA (SARA Title III)	RMP (Clean Air Act)
	<p>attention for exposed individuals; proper precautions, such as evacuation or sheltering in place; and, name and telephone number of contact person. See EPCRA § 304. A written follow-up notice should be sent as soon as possible. EPCRA § 304 (c).</p> <p>Sections 311-12 deal with facilities that are regulated by Occupational Safety and Health Act's ("OSHA") Hazard Communication Standard. OSHA requires that employers keep material safety data sheets ("MSDS") for approximately 500,000 chemicals. Generally, the minimum threshold levels for reporting hazardous chemical this section is 10,000 pounds, with a lower threshold for extremely hazardous chemicals. Gasoline and diesel fuel are exempt.</p> <p>Section 311 requires that employers who have MSDS chemicals above certain levels at their facilities submit either copies of their MSDS, or a list of their MSDSs to SERC, LEPC, and the local fire department. A list of MSDS chemicals must include:  immediate/delayed health hazards, fire hazards, sudden release of pressure hazards, and/or reactive hazards.</p>	<p>The RMO shall contain an <b>Offsite Consequence Analysis ("OCA")</b> (also referred to as <b>RMP Comp</b>) for each Program 1 process, and for Program 2 and 3 processes, one OCA to represent all regulated flammable substances held above the threshold quantities. In addition, the RMP should include one alternative release scenario for each toxic substance regulated by Program 2 and 3, and one alternative release scenario for each regulated flammable substance in Program 2 and 3 processes. Each OCA has two parts: the worst case scenario, and an alternative scenario.</p> <p>The following data shall be included in the OCA: chemical name; percentage weight of the chemical in a liquid mixture (toxics only); physical state (toxics only); basis of results (give model name if used); scenario (explosion, fire, toxic gas release, or liquid spill and evaporation); quantity released in pounds; release rate; release duration; wind speed and atmospheric stability class (toxics only); topography (toxics only); distance to endpoint; public and environmental receptors within the distance; passive mitigation considered; and active mitigation considered (alternative releases only). See 40 C.F.R. § 68.165</p>

Department of Homeland Security	EPCRA (SARA Title III)	RMP (Clean Air Act)
	<p>Facilities covered by § 312 must also submit an annual emergency and hazardous chemical inventory form to the SERC, LEPC, and fire department. This report is given as either a Tier I or Tier II report, depending on which is required by state law.</p> <p>Generally, a <b>Tier I</b> report contains:  An estimate (in ranges) of the maximum amount of chemicals present for each category at the facility at any time during the preceding calendar year; an estimate (in ranges) of the average daily amount of chemicals in each category; and the general location of the hazardous chemicals in each category. A <b>Tier II</b> Report contains the same information, but also requires the chemical/common name as required on the MSDS.</p> <p>Although a facility may not otherwise qualify for Tier I/Tier II reporting, an LEPC may request Tier II information regardless of the amount of MSDS chemical present. § 312(e)(3)(c).</p>	<p>(2007); RMP Guidance for Offsite Consequence Analysis, available at <a href="http://yosemite.epa.gov/oswer/ceppoweb.nsf/vwResourcesByFilename/oca-all.PDF/\$File/oca-all.PDF">http://yosemite.epa.gov/oswer/ceppoweb.nsf/vwResourcesByFilename/oca-all.PDF/\$File/oca-all.PDF</a>.</p> <p>For Program 2 processes, the RMP must also contain a <b>prevention plan</b> pursuant to 40 C.F.R. § 68.170 (2007). For Program 3 processes, the RMP must also contain a <b>prevention plan</b> pursuant to 40 C.F.R. § 68.175 (2007).</p> <p>The RMP shall contain a <b>5 year history of accidents</b> covered in 40 C.F.R. § 68.42(a)-(b) (2007).</p> <p>The RMP shall contain information about <b>emergency response programs</b> pursuant to 40 C.F.R. § 68.180 (2007).</p> <p>The RMP shall contain a <b>certification of accuracy</b> pursuant to 40 C.F.R. § 68.185 (2007).</p>





NAME	CASI 313 Category Codes	DHS STG. (in pounds unless otherwise noted)	Section 302 (EHS) TPQ	Section 304 EHS RQ	CERCLA RQ	Section 313 RCACODE	CAA 1121(f) TQ
BENZENE, 2,4-DICHLORO-1,4-DITHIOPHENOXY-	100000						
BENZENE, 2,4-DICHLORO-1,4-DITHIOPHENOXY-	89490						
BENZENE, 2,4-DICHLORO-1,4-DITHIOPHENOXY-	81087						
BENZENE, 2,4-DICHLORO-1,4-DITHIOPHENOXY-	20471625						
BENZENE, 1,3-DICHLORO-2-METHYL-	108363						
BENZENE, 1,3-DICHLORO-2-METHYL-	65478						
BENZENE, 1,3-DICHLORO-2-METHYL-	109423						
BENZENE, 1,3-DICHLORO-2-METHYL-	122058						
BENZENE, 1,3-DICHLORO-2-METHYL-	98200						
BENZENE, 1,3-DICHLORO-2-METHYL-	108985						
BENZENE, 1,3-DICHLORO-2-METHYL-	92975						
BENZENE, 1,3-DICHLORO-2-METHYL-	3515212						
BENZENE, 1,3-DICHLORO-2-METHYL-	205982						
BENZENE, 1,3-DICHLORO-2-METHYL-	207089						
BENZENE, 1,3-DICHLORO-2-METHYL-	68850						
BENZENE, 1,3-DICHLORO-2-METHYL-	133604						
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BENZENE, 1,3-DICHLORO-2-METHYL-	218019						
BENZENE, 1,3-DICHLORO-2-METHYL-	53328						
BENZENE, 1,3-DICHLORO-2-METHYL-	109314						
BENZENE, 1,3-DICHLORO-2-METHYL-	89844						
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BENZENE, 1,3-DICHLORO-2-METHYL-	7787475						
BENZENE, 1,3-DICHLORO-2-METHYL-	N050						
BENZENE, 1,3-DICHLORO-2-METHYL-	7787487						
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BENZENE, 1,3-DICHLORO-2-METHYL-	318857						
BENZENE, 1,3-DICHLORO-2-METHYL-	318868						
BENZENE, 1,3-DICHLORO-2-METHYL-	1527147						
BENZENE, 1,3-DICHLORO-2-METHYL-	82657043						
BENZENE, 1,3-DICHLORO-2-METHYL-	1446353						
BENZENE, 1,3-DICHLORO-2-METHYL-	3452368						
BENZENE, 1,3-DICHLORO-2-METHYL-	8305102						
BENZENE, 1,3-DICHLORO-2-METHYL-	14289837						
BENZENE, 1,3-DICHLORO-2-METHYL-	14289846						
BENZENE, 1,3-DICHLORO-2-METHYL-	111811						
BENZENE, 1,3-DICHLORO-2-METHYL-	111444						
BENZENE, 1,3-DICHLORO-2-METHYL-	30592						
BENZENE, 1,3-DICHLORO-2-METHYL-	6389335						
BENZENE, 1,3-DICHLORO-2-METHYL-	642981						
BENZENE, 1,3-DICHLORO-2-METHYL-	109801						
BENZENE, 1,3-DICHLORO-2-METHYL-	534078						
BENZENE, 1,3-DICHLORO-2-METHYL-	8391868						
BENZENE, 1,3-DICHLORO-2-METHYL-	8391891						
BENZENE, 1,3-DICHLORO-2-METHYL-	4033488						
BENZENE, 1,3-DICHLORO-2-METHYL-	7287183						
BENZENE, 1,3-DICHLORO-2-METHYL-	3068172						
BENZENE, 1,3-DICHLORO-2-METHYL-	10347543						
BENZENE, 1,3-DICHLORO-2-METHYL-	56359						
BENZENE, 1,3-DICHLORO-2-METHYL-	4044859						
BENZENE, 1,3-DICHLORO-2-METHYL-	1029436						
BENZENE, 1,3-DICHLORO-2-METHYL-	1029434						
BENZENE, 1,3-DICHLORO-2-METHYL-	1029435						
BENZENE, 1,3-DICHLORO-2-METHYL-	7837072						
BENZENE, 1,3-DICHLORO-2-METHYL-	352424						
BENZENE, 1,3-DICHLORO-2-METHYL-	352424						
BENZENE, 1,3-DICHLORO-2-METHYL-	314469						
BENZENE, 1,3-DICHLORO-2-METHYL-	59404189						
BENZENE, 1,3-DICHLORO-2-METHYL-	28772547						
BENZENE, 1,3-DICHLORO-2-METHYL-	7728956						
BENZENE, 1,3-DICHLORO-2-METHYL-	13605347						
BENZENE, 1,3-DICHLORO-2-METHYL-	7787715						
BENZENE, 1,3-DICHLORO-2-METHYL-	588312						
BENZENE, 1,3-DICHLORO-2-METHYL-	35881857						

NAME	CAS#	Category Codes	DHS STQ (in pounds unless otherwise noted)	Section 302 (EHS) TPD	Section 304 EHS RQ	CERCLA RQ	Section 313 REPRACODE	CA 112 ( ) TQ
Bromochlorodifluoromethane	35553							
Bromochlorofluoromethane	4110387							
Bromodifluoromethane	75252							
Bromofluoromethane	74859							
Bromomethane	31449							
5-Bromo-2-methyl-2-pentylpropane	10553							
4-Bromophenyl phenyl ether	35532							
Bromotrifluoroethylene	7654							
Bromotrifluoromethane	189845							
Bromoxyl octanoate	168662							
Bromoxyl octanoate	357573							
1,3-Butadiene	10690							
1,3-Butadiene, 2-methyl-	10973							
Butane	122739							
Butane, 2-methyl-	2516783							
2-Butene, (E)-	10969							
2-Butene, (Z)-	10970							
Butene	10969							
Butene, 1,4-dichloro-	10970							
2-Butene, 1,4-dichloro-	10969							
2-Butene, (E)	10970							
2-Butene, (Z)	10969							
2-Butene, 1,4-dichloro-	10970							
2-Butene, (E)	10969							
2-Butene, (Z)	10970							
2-Butene, 1,4-dichloro-	10970							
2-Butene, (E)	10969							
2-Butene, (Z)	10970							
2-Butene, 1,4-dichloro-	10970							
2-Butene, (E)	10969							
2-Butene, (Z)	10970							
2-Butene, 1,4-dichloro-	10970							
2-Butene, (E)	10969							
2-Butene, (Z)	10970							
2-Butene, 1,4-dichloro-	10970							
2-Butene, (E)	10969							
2-Butene, (Z)	10970							
2-Butene, 1,4-dichloro-	10970							
2-Butene, (E)	10969							
2-Butene, (Z)	10970							
2-Butene, 1,4-dichloro-	10970							
2-Butene, (E)	10969							
2-Butene, (Z)	10970							
2-Butene, 1,4-dichloro-	10970							
2-Butene, (E)	10969							
2-Butene, (Z)	10970							
2-Butene, 1,4-dichloro-	10970							
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2-Butene, 1,4-dichloro-	10970							
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2-Butene, (Z)	10970							
2-Butene, 1,4-dichloro-	10970							
2-Butene, (E)	10969							
2-Butene, (Z)	10970							
2-Butene, 1,4-dichloro-	10970							
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2-Butene, 1,4-dichloro-	10970							
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2-Butene, 1,4-dichloro-	10970							
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2-Butene, 1,4-dichloro-	10970							
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2-Butene, 1,4-dichloro-	10970							
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2-Butene, 1,4-dichloro-	10970							
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2-Butene, 1,4-dichloro-	10970							
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2-Butene, 1,4-dichloro-	10970							
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2-Butene, 1,4-dichloro-	10970							
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2-Butene, 1,4-dichloro-	10970							
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2-Butene, 1,4-dichloro-	10970							
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2-Butene, 1,4-dichloro-	10970							
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2-Butene, 1,4-dichloro-	10970							
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2-Butene, 1,4-dichloro-	10970							
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2-Butene, 1,4-dichloro-	10970							
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2-Butene, 1,4-dichloro-	10970							
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2-Butene, 1,4-dichloro-	10970							
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2-Butene, (Z)	10970							
2-Butene, 1,4-dichloro-	10970							
2-Butene, (E)	10969							
2-Butene, (Z)	10970							
2-Butene, 1,4-dichloro-	10970							
2-Butene, (E)	10969							
2-Butene, (Z)	10970							
2-Butene, 1,4-dichloro-	10970					</		











NAME	CAS#	313 Category Codes	DHS STQ (in pounds unless otherwise noted)	Section 302 (EHS) TPO	Section 304 EHS RQ	CERCLA RQ Section 313 RRCACODE CAA 112(f) TQ
1,1-Dichloroethane	78000				1,000	
1,1-Dichloroethene	7875				1,000	
1,2-Dichloroethane	142289				5,000	
1,2-Dichloroethene	28902238				100	
1,3-Dichloropropane	542766				100	X U004
1,3-Dichloropropene	10001083				100	313
trans-1,3-Dichloropropene	7800				100	313
2,2-Dichloropropane	75960				5,000	
2,2-Dichloropropane acid	542756				100	
1,1,1-Trichloroethane	4109180				10,000	
1,1,1-Trichloroethane	79142					
1,1,2-Trichloroethane	8454185					
1,1,2-Trichloroethane	3497977					
1,1,2-Trichloroethane	10001084					
1,1,2-Trichloroethane	394224					
1,1,2-Trichloroethane	300802					
1,1,2-Trichloroethane	67373					
1,1,2-Trichloroethane	5133673					
1,1,2-Trichloroethane	115322					
1,1,2-Trichloroethane	141822					
1,1,2-Trichloroethane	7700					
1,1,2-Trichloroethane	65271					
1,1,2-Trichloroethane	1464535					
1,1,2-Trichloroethane	111422					
1,1,2-Trichloroethane	38727558					
1,1,2-Trichloroethane	105897					
1,1,2-Trichloroethane	29222537					
1,1,2-Trichloroethane	181687					
1,1,2-Trichloroethane	51462					
1,1,2-Trichloroethane	814463					
1,1,2-Trichloroethane	1710235					
1,1,2-Trichloroethane	134180377					
1,1,2-Trichloroethane	693210					
1,1,2-Trichloroethane	78336					
1,1,2-Trichloroethane	2404037					
1,1,2-Trichloroethane	117817					
1,1,2-Trichloroethane	1468540					
1,1,2-Trichloroethane	3545078					
1,1,2-Trichloroethane	230001					
1,1,2-Trichloroethane	6942088					
1,1,2-Trichloroethane	40881868					
1,1,2-Trichloroethane	3238852					
1,1,2-Trichloroethane	311455					
1,1,2-Trichloroethane	782049					
1,1,2-Trichloroethane	84652					
1,1,2-Trichloroethane	24972					
1,1,2-Trichloroethane	54873					
1,1,2-Trichloroethane	04675					
1,1,2-Trichloroethane	35377385					
1,1,2-Trichloroethane	71638					
1,1,2-Trichloroethane	238075					
1,1,2-Trichloroethane	2083075					
1,1,2-Trichloroethane	5530847					
1,1,2-Trichloroethane	5234884					
1,1,2-Trichloroethane	64586					
1,1,2-Trichloroethane	N120					
1,1,2-Trichloroethane	4128738					
1,1,2-Trichloroethane	7978893					
1,1,2-Trichloroethane	115294					
1,1,2-Trichloroethane	300302					
1,1,2-Trichloroethane	55280647					
1,1,2-Trichloroethane	50515					
1,1,2-Trichloroethane	57147					
1,1,2-Trichloroethane	118904					
1,1,2-Trichloroethane	202605					
1,1,2-Trichloroethane	61850					
1,1,2-Trichloroethane	111854099					
1,1,2-Trichloroethane	464073					
1,1,2-Trichloroethane	2302645					
1,1,2-Trichloroethane	00117					
1,1,2-Trichloroethane	121887					
1,1,2-Trichloroethane	57876					
1,1,2-Trichloroethane	116647					
1,1,2-Trichloroethane	812228					
1,1,2-Trichloroethane	41798750					
1,1-Dichloroethane	78000					
1,1-Dichloroethane	7875					
1,1-Dichloroethane	142289					
1,1-Dichloroethane	28902238					
1,1-Dichloroethane	542766					
1,1-Dichloroethane	10001083					
1,1-Dichloroethane	7800					
1,1-Dichloroethane	75960					
1,1-Dichloroethane	4109180					
1,1-Dichloroethane	79142					
1,1-Dichloroethane	8454185					
1,1-Dichloroethane	3497977					
1,1-Dichloroethane	10001084					
1,1-Dichloroethane	394224					
1,1-Dichloroethane	300802					
1,1-Dichloroethane	67373					
1,1-Dichloroethane	5133673					
1,1-Dichloroethane	115322					
1,1-Dichloroethane	141822					
1,1-Dichloroethane	7700					
1,1-Dichloroethane	65271					
1,1-Dichloroethane	1464535					
1,1-Dichloroethane	111422					
1,1-Dichloroethane	38727558					
1,1-Dichloroethane	105897					
1,1-Dichloroethane	29222537					
1,1-Dichloroethane	181687					
1,1-Dichloroethane	51462					
1,1-Dichloroethane	814463					
1,1-Dichloroethane	1710235					
1,1-Dichloroethane	134180377					
1,1-Dichloroethane	693210					
1,1-Dichloroethane	78336					
1,1-Dichloroethane	2404037					
1,1-Dichloroethane	117817					
1,1-Dichloroethane	1468540					
1,1-Dichloroethane	3545078					
1,1-Dichloroethane	230001					
1,1-Dichloroethane	6942088					
1,1-Dichloroethane	40881868					
1,1-Dichloroethane	3238852					
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1,1-Dichloroethane	04675					
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1,1-Dichloroethane	5234884					
1,1-Dichloroethane	64586					
1,1-Dichloroethane	N120					
1,1-Dichloroethane	4128738					
1,1-Dichloroethane	7978893					
1,1-Dichloroethane	115294					
1,1-Dichloroethane	300302					
1,1-Dichloroethane	55280647					
1,1-Dichloroethane	50515					
1,1-Dichloroethane	57147					
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1,1-Dichloroethane	61850					
1,1-Dichloroethane	111854099					
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1,1-Dichloroethane	2302645					
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1,1-Dichloroethane	57876					
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1,1-Dichloroethane	78000					
1,1-Dichloroethane	7875					
1,1-Dichloroethane	142289					
1,1-Dichloroethane	28902238					
1,1-Dichloroethane	542766					
1,1-Dichloroethane	10001083					
1,1-Dichloroethane	7800					
1,1-Dichloroethane	75960					
1,1-Dichloroethane	4109180					
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1,1-Dichloroethane	141822					
1,1-Dichloroethane	7700					
1,1-Dichloroethane	65271					
1,1-Dichloroethane	1464535					
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1,1-Dichloroethane	38727558					
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1,1-Dichloroethane	29222537					
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1,1-Dichloroethane	814463					
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1,1-Dichloroethane	134180377					
1,1-Dichloroethane	693210					
1,1-Dichloroethane	78336					
1,1-Dichloroethane	2404037					
1,1-Dichloroethane	117817					
1,1-Dichloroethane	1468540					
1,1-Dichloroethane	3545078					
1,1-Dichloroethane	230001					
1,1-Dichloroethane	6942088					
1,1-Dichloroethane	40881868					
1,1-Dichloroethane	3238852					
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1,1-Dichloroethane	04675					
1,1-Dichloroethane	35377385					
1,1-Dichloroethane	71638					
1,1-Dichloroethane	238075					
1,1-Dichloroethane	2083075					
1,1-Dichloroethane	5530847					
1,1-Dichloroethane	5234884					

NAME	CAS#	Category Codes	DHS, STQ (in pounds unless otherwise noted)	Section 302 (EHS) TPQ	Section 304 EHS RQ	CERCLA RQ	Section 313 RCRA CODE	CAA 112 (r) TQ
2,2-Dimethyl-3-bromoisobutyl methylcarbamate	22791223							
Dimethyl carbonyl chloride	78447							X U078
Dimethyl dicarbonylchloride	2624000		500	500				313 U078
Dimethyl dichlorosilane	75785	Release: minimum concentration 1%, STQ 10,000. Sublabel: minimum concentration ACG, STQ APA	500	500				313
Dimethyl diethylamine	10974							313A
Dimethyl diethylamine	126253							X
Dimethyl diethylamine	6122							X
Dimethyl diethylamine	34014181							X
Dimethyl diethylamine	69122							X
Dimethyl diethylamine	57147		1,000	10				313 U088
Dimethyl diethylamine	57147		1,000	10				313 U088
Dimethyl diethylamine	53388							X
Dimethyl diethylamine	788120							X
Dimethyl diethylamine	28003802							X
Dimethyl diethylamine	105870		10	10				X
Dimethyl diethylamine	89859							X
Dimethyl diethylamine	677439	Thet: minimum concentration 30%, STQ 2.2	500	500				X
Dimethyl diethylamine	468821	Release: minimum concentration 1%, STQ 10,000. Sublabel: minimum concentration 1%, STQ 10,000	500	100				313 U102
Dimethyl diethylamine	131113							313 U103
Dimethyl diethylamine	77761		500/10,000	1				X P101
Dimethyl diethylamine	644644							313
Dimethyl diethylamine	25154945							313
Dimethyl diethylamine	59530							313
Dimethyl diethylamine	120254							313
Dimethyl diethylamine	88657		1,000/10,000	1,000				313 P103
Dimethyl diethylamine	534521		10/10,000	10				313 P107
Dimethyl diethylamine	534521		10/10,000	10				A P107
Dimethyl diethylamine	1054478	Thet: minimum concentration 3.2%, STQ 15						
Dimethyl diethylamine	5510048	Release: minimum concentration 1%, STQ 5,000. Thet: minimum concentration ACG, STQ 400						
Dimethyl diethylamine	534521							P037
Dimethyl diethylamine	2550367	Release: minimum concentration ACG, STQ 5,000. Thet: minimum concentration ACG, STQ 400						313 P046
Dimethyl diethylamine	51295							
Dimethyl diethylamine	329715							
Dimethyl diethylamine	573588							
Dimethyl diethylamine	35250							
Dimethyl diethylamine	519448	Release: minimum concentration ACG, STQ 5,000. Thet: minimum concentration ACG, STQ 400						
Dimethyl diethylamine	2550054							
Dimethyl diethylamine	25321146							313
Dimethyl diethylamine	121142							313 U105
Dimethyl diethylamine	69202							313 U106
Dimethyl diethylamine	382045							313
Dimethyl diethylamine	88857		1,000	1,000				X P102
Dimethyl diethylamine	1420071		500/10,000	500				U107
Dimethyl diethylamine	117840		500/10,000	500				U107
Dimethyl diethylamine	128811		500	500				313 U108
Dimethyl diethylamine	82963							313*
Dimethyl diethylamine	82963							313
Dimethyl diethylamine	82963							313
Dimethyl diethylamine	122294							313 U108
Dimethyl diethylamine	122667							P085
Dimethyl diethylamine	152150							
Dimethyl diethylamine	2217083	Release: minimum concentration ACG, STQ 5,000. Thet: minimum concentration ACG, STQ 400	100	100				
Dimethyl diethylamine	131737	Release: minimum concentration ACG, STQ 5,000. Thet: minimum concentration ACG, STQ 400						
Dimethyl diethylamine	2194070							313 U110
Dimethyl diethylamine	42847							X
Dimethyl diethylamine	138458							313
Dimethyl diethylamine	621647							X U111
Dimethyl diethylamine	69007							1,000
Dimethyl diethylamine	2764729							1,000
Dimethyl diethylamine	138932							313 P030
Dimethyl diethylamine	285644		500	1				
Dimethyl diethylamine	285644		500/10,000	500				X P049
Dimethyl diethylamine	541537		100/10,000	100				313 P049
Dimethyl diethylamine	541537		100/10,000	100				313
Dimethyl diethylamine	330541							1,000
Dimethyl diethylamine	2717870							



NAME	CAS#	313 Category Codes	DHS STQ (in pounds unless otherwise noted)	Section 302 (EHS) TPQ	Section 304 EHS RQ	CERCLA RQ	Section 313 RCRA CODE	CAA 112(r) TPQ
ETHYLENE DIAMINE	107-13-1	62500						
ETHYLENE DIAMINE SULFONATE	6541-28							
ETHYLENE DIAMINE SULFONATE	10859-93							
ETHYLENE DIAMINE SULFONATE	7538-90							
ETHYLENE DIAMINE SULFONATE	40457-21							
ETHYLENE DIAMINE SULFONATE	3011-22							
ETHYLENE DIAMINE SULFONATE	5439-85							
ETHYLENE DIAMINE SULFONATE	748-82							
ETHYLENE DIAMINE SULFONATE	533-57							
ETHYLENE DIAMINE SULFONATE	222-22-2							
ETHYLENE DIAMINE SULFONATE	601-88-88							
ETHYLENE DIAMINE SULFONATE	1335-00-88							
ETHYLENE DIAMINE SULFONATE	6844-12-24							
ETHYLENE DIAMINE SULFONATE	7245-00-18							
ETHYLENE DIAMINE SULFONATE	39515-41-9							
ETHYLENE DIAMINE SULFONATE	1150-02							
ETHYLENE DIAMINE SULFONATE	533-57							
ETHYLENE DIAMINE SULFONATE	5183-00-81							
ETHYLENE DIAMINE SULFONATE	1448-60-41							
ETHYLENE DIAMINE SULFONATE	1185-75							
ETHYLENE DIAMINE SULFONATE	284-67-4							
ETHYLENE DIAMINE SULFONATE	554-88-74							
ETHYLENE DIAMINE SULFONATE	7705-00-8							
ETHYLENE DIAMINE SULFONATE	104-91-84							
ETHYLENE DIAMINE SULFONATE	100-92-25							
ETHYLENE DIAMINE SULFONATE	100-45-83							
ETHYLENE DIAMINE SULFONATE	7738-64-9							
ETHYLENE DIAMINE SULFONATE	7720-78-7							
ETHYLENE DIAMINE SULFONATE	7765-03-0							
ETHYLENE DIAMINE SULFONATE	690-94-0							
ETHYLENE DIAMINE SULFONATE	4301-60-2							
ETHYLENE DIAMINE SULFONATE	2184-17-2							
ETHYLENE DIAMINE SULFONATE	200-14-0							
ETHYLENE DIAMINE SULFONATE	8873-7							
ETHYLENE DIAMINE SULFONATE	7792-14-1							
ETHYLENE DIAMINE SULFONATE	640-07							
ETHYLENE DIAMINE SULFONATE	144-80							
ETHYLENE DIAMINE SULFONATE	627-48							
ETHYLENE DIAMINE SULFONATE	359-00-8							
ETHYLENE DIAMINE SULFONATE	7792-11-1							
ETHYLENE DIAMINE SULFONATE	512-18							
ETHYLENE DIAMINE SULFONATE	512-18							
ETHYLENE DIAMINE SULFONATE	69-91-5							
ETHYLENE DIAMINE SULFONATE	721-78-03							
ETHYLENE DIAMINE SULFONATE	944-229							
ETHYLENE DIAMINE SULFONATE	500-00							
ETHYLENE DIAMINE SULFONATE	107-104							
ETHYLENE DIAMINE SULFONATE	590-00							
ETHYLENE DIAMINE SULFONATE	2422-339							
ETHYLENE DIAMINE SULFONATE	107-13-1							
ETHYLENE DIAMINE SULFONATE	254-08-1							
ETHYLENE DIAMINE SULFONATE	177-02-77							
ETHYLENE DIAMINE SULFONATE	215-48-329							
ETHYLENE DIAMINE SULFONATE	761-31							
ETHYLENE DIAMINE SULFONATE	3873-191							
ETHYLENE DIAMINE SULFONATE	110-039							
ETHYLENE DIAMINE SULFONATE	106-669							
ETHYLENE DIAMINE SULFONATE	98011							
ETHYLENE DIAMINE SULFONATE	1345-90-03							
ETHYLENE DIAMINE SULFONATE	7765-032							
ETHYLENE DIAMINE SULFONATE	783-06							
ETHYLENE DIAMINE SULFONATE	182-20							
ETHYLENE DIAMINE SULFONATE	70257							
ETHYLENE DIAMINE SULFONATE	109273							
ETHYLENE DIAMINE SULFONATE	8650							
ETHYLENE DIAMINE SULFONATE	0							
ETHYLENE DIAMINE SULFONATE	320553							
ETHYLENE DIAMINE SULFONATE	75058							
ETHYLENE DIAMINE SULFONATE	124732							
ETHYLENE DIAMINE SULFONATE	354143							

















NAME	CAS#	313 Category Codes	DHS STQ (in pounds unless otherwise noted)	Section 302 (EHS) TPQ	Section 304 EHS RQ	CERCLA RQ	Section 313 RCRA CODE	CAA 112(f) TQ
Propargyl alcohol	107107				10			
2-Propanol	106987			1	500		X P003	5,000
2-Propanol-amine	107028			500			X	10,000
Propenal	107119						X	10,000
Propenamine	110711						X	10,000
Propene	115071						X	10,000
1-Propene, 1-chloro-	580216							10,000
1-Propene, 2-chloro-	557982							10,000
2-Propenitrile	115117							10,000
2-Propenitrile, 2-methyl-	107131			100			X U009	20,000
2-Propenitrile, 2-methyl-, 2-propenyl	126997			1,000			X U52	10,000
2-Propenyl chloride	107168			100			X P005	5,000
Propylamine	312485							5,000
Propylamine, 4-amino	122429						313	
Propylamine, 4-amino	6020701			1,000			313	
Propylamine, 4-amino	57576			10			313	
Propylamine, 4-amino	12398			1,000			313	
Propylamine, 4-amino	76094			5,000			313	
Propylamine, 4-amino	107120		Release: minimum concentration 1%, STQ 10,000	10				10,000
Propylamine, 4-amino	542787			1,000			P101	
Propylamine, 4-amino	70590			100			X P027	
Propylamine, 4-amino	114261			100			313 U411	
Propylamine, 4-amino	107108			500			U194	
Propylamine, 4-amino	109815		Release: minimum concentration 1%, STQ 10,000					10,000
Propylamine, 4-amino	115071		Release: minimum concentration 1%, STQ 10,000					10,000
Propylamine, 4-amino	75563		Release: minimum concentration 1%, STQ 10,000	1			313	
Propylamine, 4-amino	75569		Release: minimum concentration 1%, STQ 10,000	100			313 P037	
Propylamine, 4-amino	141571		Subsage: minimum concentration ACG, STQ APA	100			313	
Propylamine, 4-amino	74997							10,000
Propylamine, 4-amino	74997		Release: minimum concentration 1%, STQ 10,000					10,000
Propylamine, 4-amino	2279168			100				
Propylamine, 4-amino	12900			5,000				
Propylamine, 4-amino	12100			1				
Propylamine, 4-amino	12100			1				
Propylamine, 4-amino	800347			1				
Propylamine, 4-amino	110861			1,000			313 U196	
Propylamine, 4-amino	504245			100			P008	
Propylamine, 4-amino	54115			100			P075	
Propylamine, 4-amino	149761			500				
Propylamine, 4-amino	111000			500				
Propylamine, 4-amino	53404108			500				
Propylamine, 4-amino	5359251			100			X	
Propylamine, 4-amino	91225							
Propylamine, 4-amino	106514			5,000			313	
Propylamine, 4-amino	82896			10			313 U197	
Propylamine, 4-amino	101947			100			313 U185	
Propylamine, 4-amino	628106							
Propylamine, 4-amino	78209							
Propylamine, 4-amino	121824		Release: minimum concentration ACG, STQ 400					
Propylamine, 4-amino	50555							
Propylamine, 4-amino	1043866			5,000			L200	
Propylamine, 4-amino	109465			5,000			U201	
Propylamine, 4-amino	91072			100			313 L202	
Propylamine, 4-amino	54597			100			313 L203	
Propylamine, 4-amino	14187161			500				
Propylamine, 4-amino	107449		Thick CLIM 100g	10				
Propylamine, 4-amino	776009			10			313 L204	
Propylamine, 4-amino	1300950			1,000			313 P114	
Propylamine, 4-amino	776292			10			313	
Propylamine, 4-amino	744026			10			313	
Propylamine, 4-amino	773570		Thick minimum concentration 1.67%, STQ 15	500			313 L205	
Propylamine, 4-amino	779233			10			313	
Propylamine, 4-amino	7486564			500			313 L205	
Propylamine, 4-amino	600104			1,000			P103	
Propylamine, 4-amino	500417			1,000				
Propylamine, 4-amino	7180828		Release: minimum concentration 1%, STQ 10,000	1,000				10,000
Propylamine, 4-amino	303722			1,000				10,000
Propylamine, 4-amino	75774							5,000
Propylamine, 4-amino	4106950		Release: minimum concentration 1%, STQ 10,000, Thick minimum concentration 10.47%, STQ 45	500				10,000
Propylamine, 4-amino	75795			500				5,000
Propylamine, 4-amino	5763							10,000
Propylamine, 4-amino	102259		Release: minimum concentration 1%, STQ 10,000					10,000
Propylamine, 4-amino	75798		Subsage: minimum concentration ACG, STQ APA	500				5,000
Propylamine, 4-amino	10029047		Subsage: minimum concentration ACG, STQ APA					5,000
Propylamine, 4-amino	7783611		Thick: minimum concentration 15%, STQ 45					5,000
Propylamine, 4-amino	78361							5,000
Propylamine, 4-amino	7440224			1,000			313	













NAME	CASI 313 Category Codes	DHS STQ (in pounds unless otherwise noted)	Section 302 (EHS) TPQ	Section 304 EHS RQ	CERCLA RQ	Section 313 RCRA CODE CAA 112(r) TQ
Quenching bath residues from metal heat treating, where cyanides are used		10				F010
Spent cyanide soln., from salt bath pot cleaning from metal heat treating		10				F011
Quenching wastewater/sludges from metal heat treating where cyanides are used		10				F012
Wastewater/sludges from chemical conversion aluminum coating		10				F019
Wastes from prod. or use of trinitrochlorophenol or derivative intermediates		1				F020
Wastes from prod. or use of pentachlorophenol or intermediate for derivatives		1				F021
Wastes from use of trinitrobenzoylchlorobenzene under nitrogen atmosphere		1				F022
Wastes from prod. on equip. previously used for trinitrochlorophenol		1				F023
Wastes from production of chlorinated aliphatic hydrocarbons (C1-C5)		1				F024
Light ends, filters from prod. of chlorinated aliphatics hydrocarbons (C1-C5)		1				F025
Waste from equipment previously used to prod. chlorinated aliphatics		1				F026
Deaerated formulations containing trinitrobenzoylchlorobenzene or derivatives		1				F027
Residues from leaching of soil contaminated w/ F020, F021, F022, F023, F026, F027		1				F028
Wastewaters, process residuals from wood preserving using chlorophenolic solns.		1				F032
Wastewaters, process residuals from wood preserving using creosote formulations		1				F034
Wastewaters, process residuals from wood preserving using arsenic or chromium		1				F035
Petroleum refinery primary oil/water/solids separation sludge		1				F037
Petroleum refinery secondary (amulified) oil/water/solids separation sludge		1				F038
Multisource leachate		1				F039
Wastewater treatment sludge from cresols/pentachlorophenol wood preserving		1				K001
Wastewater treatment sludge from prod. of chrome yellow and orange pigments		10				K002
Wastewater treatment sludge from prod. of methylate orange pigments		10				K003
Wastewater treatment sludge from prod. of zinc yellow pigments		10				K004
Wastewater treatment sludge from prod. of chrome green pigments		10				K005
Wastewater treatment sludge from prod. of chrome oxide green pigments		10				K006
Wastewater treatment sludge from prod. of iron blue pigments		10				K007
Over residue from prod. of chrome oxide green pigments		10				K008
Dist. bottoms from prod. of acetaldehyde from ethylene		10				K009
Dist. side cuts from prod. of acetaldehyde from ethylene		10				K010
Bottom stream from wastewater stripper in acrylonitrile prod.		10				K011
Bottom stream from acetonitrile column in acrylonitrile prod.		10				K013
Ecoloms from acetonitrile purification column in acrylonitrile prod.		5,000				K014
Sol. bottoms from the dist. of benzyl chloride		10				K015
Heavy ends of dist. residues from prod. of carbon tetrachloride		1				K016
Heavy ends from the purification column in naphthohydrofin prod.		10				K017
Heavy ends from the fractionation column in ethyl chloride prod.		1				K018
Heavy ends from the dist. of ethylene dichloride during its prod.		1				K019
Heavy ends from the dist. of vinyl chloride during prod. of the monomer		1				K020
Aqueous spent/interim catalyst waste from fluoromethanes prod.		10				K021
Dist. bottom tars from prod. of phenolacetone from cumene naphthalene		1				K022
Dist. light ends from prod. of phthalic anhydride from naphthalene		5,000				K023
Dist. bottoms from prod. of phthalic anhydride from naphthalene		5,000				K024
Dist. bottoms from prod. of nitrobenzene by nitration of benzene		10				K025
Stripping azeo tails from prod. of methyl ethyl pyridines		1,000				K026
Centrifuged, residues from toluene diisocyanate prod.		10				K027
Spent catalyst from hydrochlorinator reactor in prod. of 1,1,1-trichloroethane		10				K027

NAME	CASI 313 Category Codes	DHS 310 (in pounds unless otherwise noted)	Section 304 (EHS) TPO	Section 304 (EHS) RQ	CERCLA RQ	Section 313 RCRA CODE	CAA 112 (r) TQ
Waste from product steam stripper in prod. of 1,1,1-trichloroethane					1	K029	
Column bottoms/heavy ends from prod. of tichloroethylene and perchloroethylene					1	K030	
By-product salts generated in the prod. of MSMA and cacodylic acid					1	K031	
Wastewater treatment sludge from the prod. of chlorine					10	K032	
Wastewater treatment sludge from chlorination of cyclopentadiene					10	K033	
Filter solids from filtration of hexachlorocyclopentadiene in chloroform prod.					10	K034	
Wastewater treatment sludges from the prod. of cresols					1	K035	
Silt bottoms from toluene redensation diallation in diisulban prod.					1	K036	
Wastewater treatment sludges from the prod. of diisulban production					1	K037	
Filter cake from filtration of diethylphosphorothioic acid in phosphate prod.					10	K038	
Wastewater treatment sludge from the prod. of phosphate					10	K039	
Wastewater treatment sludge from the prod. of bisphenols					1	K040	
Tank end residues from one of tetrachloroethane in 2,4,5-T prod.					1	K041	
2,6-Dichlorophenol wastes from the prod. of 2,4-D					10	K042	
Wastewater treatment sludge from manuf. and processing of explosives					10	K043	
Spent carbon from treatment of wastewater containing explosives					10	K044	
Wastewater sludges from manuf., formulating, loading of lead-battery electrolyte					10	K045	
Pinhead water from TNT operations					10	K046	
Disolved air flotation (DAF) float from the petroleum refining industry					10	K047	
Slip oil emulsion solids from the petroleum refining industry					10	K048	
Heat exchanger bundle cleaning sludge from petroleum refining					10	K049	
API separator sludge from the petroleum refining industry					10	K050	
Tank bottoms (loaded) from the petroleum refining industry					10	K051	
Ammonia still line sludge from cooling operations					1	K052	
Emission control dust/sludge from primary prod. of steel in electric furnaces					10	K053	
Primary cooling liquor generated by steel finishing (SIC codes 331-333)					1	K054	
Acid plant blowdown aluminum sludge from blowdown slurry from primary copper prod.					10	K055	
Surface impoundment solids at primary lead smelting facilities					10	K056	
Sludge from treatment of wastewater/acid plant blowdown from primary zinc prod.					10	K057	
Emission control dust/sludge from secondary lead smelting production					10	K058	
Brine purification muds from mercury cell process in chlorine production					1	K059	
Distillation bottoms from aniline extraction					100	K060	
Wastewater sludges from prod. of veterinary pharms. from aniline compounds					1	K061	
Distillation or fractionation column bottoms in prod. of chlorobenzene					10	K062	
Wastewater/sludges from prod. of nite from aluminum and lead-containing substances					10	K063	
Discharge tank air sludge from cooling operations					100	K064	
Wastewater treatment sludge from primary production					10	K065	
Emission control dust/sludge from benzochromatolone prod. chlorobenzene					100	K066	
Dist. bottoms in prod. of phthalic anhydride by ortho-xylene					10	K067	
Dist. bottoms in prod. of phthalic anhydride by ortho-xylene					10	K068	
Distillation bottoms in prod. of 1,1,1-trichloroethane					5,000	K069	
Heavy ends from silt column in prod. of 1,1,1-trichloroethane					5,000	K070	
Vacuum stripper discharge from the chloridene chlorinate/ in prod. of chloridene					100	K071	
Untreated process wastewater from the prod. of triphenylamine					1	K072	
Waste leaching salt from emission control dust/sludge in secondary lead smelting					1	K073	
Waste leaching salt from emission control dust/sludge in secondary lead smelting					10	K074	

NAME	CAS/313 Category Codes	DHS 313C (in pounds, unless otherwise noted)	Section 302 (EHS) TPO	Section 304 EHS RQ	CERCLA RQ	Section 313 RCRA CODE CAA 112(r) TQ
Diis. tar residue from aniline in prod. of veterinary pharm. from arsenic compd.				10		K100
Residue from activated carbon in prod. of veterinary pharm.				1		K101
Process residue from aniline extraction from the prod. of aniline				1		K102
Combined wastewater streams generated from prod. of nitrobenzenesulfonic acid				100		K103
Aqueous stream from washing in prod. of chlorobenzenes				10		K104
Wastewater treatment sludge from mercury cell process in production of chlorine				10		K105
Column bottoms from separation in prod. of UDMH from carbonyl acid hydrazides				1		K106
Condensed column overheads and vent gas from prod. of UDMH from -COOH hydrazides				10		K107
Spent filter catalysts from purif. of UDMH prod. from carbonyl acid hydrazides				10		K108
Condensed column overheads from separation in UDMH prod. from -COOH hydrazides				10		K109
Product washwaters from prod. of dinitrotoluene via nitration o toluene				10		K110
Reaction by-product water from drying in toluenediamine prod from dinitrotoluene				10		K111
Condensed liquid light ends from purification of toluenediamine during its prod.				10		K112
Final wastewater effluent from purification of toluenediamine during its prod from dinitrotoluene				10		K113
Heavy ends from toluenediamine purification during prod. from dinitrotoluene				10		K114
Organic condensate from solvent recovery system in prod. of toluene diisocyanate				10		K115
Wastewater from vent gas scrubber in ethylene bromide prod by ethene bromination				10		K116
Wastewater from vent gas scrubber in ethylene dibromide in ethene bromination				1		K117
Process wastewater from the prod. of ethylenedibromide and salts				1		K118
Reactor vent scrubber water from prod of ethylenedibromide and salts				10		K119
Filter washer solids from prod. of ethylenedibromide and salts				10		K120
Dust/waterings from the prod. of ethylenedibromide and salts				10		K121
Wastewater and spent sulfuric acid from the prod. of methy bromide				10		K122
Spent absorbent and wastewater solids from the prod. of methyl bromide				100		K123
Still bottoms from ethylene dibromide purif. in prod. by ethene bromination				1,000		K124
Process residues from coal tar recovery in coking				1		K125
Tar storage tank residues from coke prod. from coal or recovery of coke by-prods.				1		K126
Process residues from recovery of light oil in coking				1		K127
Wastewater residues from light oil refining in coking				1		K128
Residue from naphthalene collection and recovery from coke				1		K129
Tar storage tank residue from coal tar refining in coking				1		K130
Residues from coal tar distillation, including still bottoms, in coking				1		K131
Distillation bottoms from the prod. of chlorinated toluene/benzoyl chlorides				1		K132
Organic residues from Cl gas and HCl recovery from chlorination of toluene				10		K133
Wastewater treatment sludge from production of chlorotoluene/benzoyl chlorides				10		K134
Organic waste from production of carbamates and carbamoyl oximes				10		K135
Wastewaters from production of carbamates and carbamoyl oximes (not sludges)				10		K136
Spent catalysts from ester/separation solids from prod of carbamates, carb oxams				10		K137
Organics from treatment of thiocarbamate waste				10		K138
Purif. solids/bag house dust/waterings from prod of dithiocarbamate acid/salts				10		K139
Crude oil storage tank sediment from refining operations				1		K140
Clarified slurry oil tank sediment of in-line filter/separation solids				1		K141
Spent hydrofining catalyst				1		K142
Spent hydrofining catalyst				1		K143
Wastewater treatment sludges from the production of ethylene dichloride or vinyl chloride monomer (EDC/VCM)				1		K144
Wastewater treatment sludges from the production of vinyl chloride monomer using mercuric chloride catalyst in an acetylene-based process				1		K145





United States Code Service (USCS)  
Title 42, Chapter 116  
Emergency Planning and Community  
Right-to-Know

**SUBCHAPTER I - EMERGENCY PLANNING AND NOTIFICATION**

- Sec. 11001 – Establishment of State Commissions, planning districts and local committees
- Sec. 11002 – Substances and facilities covered
- Sec. 11003 – Comprehensive emergency plans
- Sec. 11004 – Emergency notification
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**SUBCHAPTER II - REPORTING REQUIREMENTS**

- Sec. 11021 – Material safety data sheets
- Sec. 11022 – Emergency and hazardous chemical inventory forms
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**SUBCHAPTER III - GENERAL PROVISIONS**

- Sec. 11041 – Relationship to other law
- Sec. 11042 – Trade secrets
- Sec. 11043 – Provision of information to health professionals, doctors, and nurses
- Sec. 11044 – Public availability of plans, data sheets, forms and followup notices
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**SUBCHAPTER I - EMERGENCY PLANNING AND NOTIFICATION**

**Sec. 11001. - Establishment of State commissions, planning districts, and local committees**

**(a) Establishment of State emergency response commissions**

Not later than six months after October 17, 1986, the Governor of each State shall appoint a State emergency response commission. The Governor may designate as the State emergency response commission one or more existing emergency response organizations that are State-sponsored or appointed. The Governor shall, to the extent practicable, appoint persons to the State emergency response commission who have technical expertise in the emergency response field. The State emergency response commission shall appoint local emergency planning committees under subsection (c) of this section and shall supervise and coordinate the activities of such committees. The State emergency response commission shall establish procedures for receiving and

processing requests from the public for information under section 11044 of this title, including tier II information under section 11022 of this title. Such procedures shall include the designation of an official to serve as coordinator for information. If the Governor of any State does not designate a State emergency response commission within such period, the Governor shall operate as the State emergency response commission until the Governor makes such designation.

**(b) Establishment of emergency planning districts**

Not later than nine months after October 17, 1986, the State emergency response commission shall designate emergency planning districts in order to facilitate preparation and implementation of emergency plans. Where appropriate, the State emergency response commission may designate existing political subdivisions or multi-jurisdictional planning organizations as such districts. In emergency planning areas that involve more than one State, the State emergency response commissions of all potentially affected States may designate emergency planning districts and local emergency planning committees by agreement. In making such designation, the State emergency response commission shall indicate which facilities subject to the requirements of this subchapter are within such emergency planning district.

**(c) Establishment of local emergency planning committees**

Not later than 30 days after designation of emergency planning districts or 10 months after October 17, 1986, whichever is earlier, the State emergency response commission shall appoint members of a local emergency planning committee for each emergency planning district. Each committee shall include, at a minimum, representatives from each of the following groups or organizations: elected State and local officials; law enforcement, civil defense, firefighting, first aid, health, local environmental, hospital, and transportation personnel; broadcast and print media; community groups; and owners and operators of facilities subject to the requirements of this subchapter. Such committee shall appoint a chairperson and shall establish rules by which the committee shall function. Such rules shall include provisions for public notification of committee activities, public meetings to discuss the emergency plan, public comments, response to such comments by the committee, and distribution of the emergency plan. The local emergency planning committee shall establish procedures for receiving and processing requests from the public for information under section 11044 of this title, including tier II information under section 11022 of this title. Such procedures shall include the designation of an official to serve as coordinator for information.

**(d) Revisions**

A State emergency response commission may revise its designations and appointments under subsections (b) and (c) of this section as it deems appropriate. Interested persons may petition the State emergency response commission to modify the membership of a local emergency planning committee.

**Sec. 11002. - Substances and facilities covered and notification**

**(a) Substances covered**

**(1) In general**

A substance is subject to the requirements of this subchapter if the substance is on the list published under paragraph (2).

**(2) List of extremely hazardous substances**

Within 30 days after October 17, 1986, the Administrator shall publish a list of extremely hazardous substances. The list shall be the same as the list of substances published in November 1985 by the Administrator in Appendix A of the "Chemical Emergency Preparedness Program Interim Guidance".

**(3) Thresholds**

**(A)** At the time the list referred to in paragraph (2) is published the Administrator shall -

**(i)** publish an interim final regulation establishing a threshold planning quantity for each substance on the list, taking into account the criteria described in paragraph (4), and

**(ii)** initiate a rulemaking in order to publish final regulations establishing a threshold planning quantity for each substance on the list.

**(B)** The threshold planning quantities may, at the Administrator's discretion, be based on classes of chemicals or categories of facilities.

**(C)** If the Administrator fails to publish an interim final regulation establishing a threshold planning quantity for a substance within 30 days after October 17, 1986, the threshold planning quantity for the substance shall be 2 pounds until such time as the Administrator publishes regulations establishing a threshold for the substance.

**(4) Revisions**

The Administrator may revise the list and thresholds under paragraphs (2) and (3) from time to time. Any revisions to the list shall take into account the toxicity, reactivity, volatility, dispersability, combustibility, or flammability of a substance. For purposes of the preceding sentence, the term "toxicity" shall include any short- or long-term health effect which may result from a short-term exposure to the substance.

**(b) Facilities covered**

**(1)** Except as provided in section 11004 of this title, a facility is subject to the requirements of this subchapter if a substance on the list referred to in subsection (a) of this section is present at the facility in an amount in excess of the threshold planning quantity established for such substance.

**(2)** For purposes of emergency planning, a Governor or a State emergency response commission may designate additional facilities which shall be subject to the requirements of this subchapter, if such designation is made after public notice and opportunity for comment. The Governor or State emergency response commission shall notify the facility concerned of any facility designation under this paragraph.

**(c) Emergency planning notification**

Not later than seven months after October 17, 1986, the owner or operator of each facility subject to the requirements of this subchapter by reason of subsection (b)(1) of this section shall notify the State emergency response commission for the State in which such facility is located that such facility is subject to the requirements of this subchapter. Thereafter, if a substance on the list of extremely hazardous substances referred to in subsection (a) of this section first becomes present at such facility in excess of the threshold planning quantity established for such substance, or if there is a revision of such list and the facility has present a substance on the revised list in excess of the threshold planning quantity established for such substance, the owner or operator of the facility shall notify the State emergency response commission and the local emergency planning committee within 60 days after such acquisition or revision that such facility is subject to the requirements of this subchapter.

**(d) Notification of Administrator**

The State emergency response commission shall notify the Administrator of facilities subject to the requirements of this subchapter by notifying the Administrator of -

- (1) each notification received from a facility under subsection (c) of this section, and
- (2) each facility designated by the Governor or State emergency response commission under subsection (b)(2) of this section

**Sec. 11003. - Comprehensive emergency response plans**

**(a) Plan required**

Each local emergency planning committee shall complete preparation of an emergency plan in accordance with this section not later than two years after October 17, 1986. The committee shall review such plan once a year, or more frequently as changed circumstances in the community or at any facility may require.

**(b) Resources**

Each local emergency planning committee shall evaluate the need for resources necessary to develop, implement, and exercise the emergency plan, and shall make recommendations with respect to additional resources that may be required and the means for providing such additional resources.

**(c) Plan provisions**

Each emergency plan shall include (but is not limited to) each of the following:

- (1) Identification of facilities subject to the requirements of this subchapter that are within the emergency planning district, identification of routes likely to be used for the transportation of substances on the list of extremely hazardous substances referred to in section 11002(a) of this title, and identification of additional facilities contributing or subjected to additional risk due to their proximity to facilities subject to the requirements of this subchapter, such as hospitals or natural gas facilities.

- (2) Methods and procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to any release of such substances.
- (3) Designation of a community emergency coordinator and facility emergency coordinators, who shall make determinations necessary to implement the plan.
- (4) Procedures providing reliable, effective, and timely notification by the facility emergency coordinators and the community emergency coordinator to persons designated in the emergency plan, and to the public, that a release has occurred (consistent with the emergency notification requirements of section 11004 of this title).
- (5) Methods for determining the occurrence of a release, and the area or population likely to be affected by such release.
- (6) A description of emergency equipment and facilities in the community and at each facility in the community subject to the requirements of this subchapter, and an identification of the persons responsible for such equipment and facilities.
- (7) Evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes.
- (8) Training programs, including schedules for training of local emergency response and medical personnel.
- (9) Methods and schedules for exercising the emergency plan.

**(d) Providing of information**

For each facility subject to the requirements of this subchapter:

- (1) Within 30 days after establishment of a local emergency planning committee for the emergency planning district in which such facility is located, or within 11 months after October 17, 1986, whichever is earlier, the owner or operator of the facility shall notify the emergency planning committee (or the Governor if there is no committee) of a facility representative who will participate in the emergency planning process as a facility emergency coordinator.
- (2) The owner or operator of the facility shall promptly inform the emergency planning committee of any relevant changes occurring at such facility as such changes occur or are expected to occur.
- (3) Upon request from the emergency planning committee, the owner or operator of the facility shall promptly provide information to such committee necessary for developing and implementing the emergency plan.

**(e) Review by State emergency response commission**

After completion of an emergency plan under subsection (a) of this section for an emergency planning district, the local emergency planning committee shall submit a copy of the plan to the State emergency response commission of each State in which such district is located. The commission shall review the plan and make recommendations to the committee on revisions of the plan that may be necessary to ensure coordination of

such plan with emergency response plans of other emergency planning districts. To the maximum extent practicable, such review shall not delay implementation of such plan.

**(f) Guidance documents**

The national response team, as established pursuant to the National Contingency Plan as established under section 9605 of this title, shall publish guidance documents for preparation and implementation of emergency plans. Such documents shall be published not later than five months after October 17, 1986.

**(g) Review of plans by regional response teams**

The regional response teams, as established pursuant to the National Contingency Plan as established under section 9605 of this title, may review and comment upon an emergency plan or other issues related to preparation, implementation, or exercise of such a plan upon request of a local emergency planning committee. Such review shall not delay implementation of the plan

## **Sec. 11004. - Emergency notification**

**(a) Types of releases**

**(1) 11002(a) substance which requires CERCLA notice**

If a release of an extremely hazardous substance referred to in section 11002(a) of this title occurs from a facility at which a hazardous chemical is produced, used, or stored, and such release requires a notification under section 103(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9603(a)) (hereafter in this section referred to as "CERCLA") (42 U.S.C. 9601 et seq.), the owner or operator of the facility shall immediately provide notice as described in subsection (b) of this section.

**(2) Other 11002(a) substance**

If a release of an extremely hazardous substance referred to in section 11002(a) of this title occurs from a facility at which a hazardous chemical is produced, used, or stored, and such release is not subject to the notification requirements under section 103(a) of CERCLA (42 U.S.C. 9603(a)), the owner or operator of the facility shall immediately provide notice as described in subsection (b) of this section, but only if the release -

**(A)** is not a federally permitted release as defined in section 101(10) of CERCLA (42 U.S.C. 9601(10)),

**(B)** is in an amount in excess of a quantity which the Administrator has determined (by regulation) requires notice, and

**(C)** occurs in a manner which would require notification under section 103(a) of CERCLA (42 U.S.C. 9603(a)). Unless and until superseded by regulations establishing a quantity for an extremely hazardous substance described in this paragraph, a quantity of 1 pound shall be deemed that quantity the release of which requires notice as described in subsection (b) of this section.

**(3) Non-11002(a) substance which requires CERCLA notice**

If a release of a substance which is not on the list referred to in section 11002(a) of this title occurs at a facility at which a hazardous chemical is produced, used, or stored, and such release requires notification under section 103(a) of CERCLA (42 U.S.C. 9603(a)), the owner or operator shall provide notice as follows:

**(A)** If the substance is one for which a reportable quantity has been established under section 102(a) of CERCLA (42 U.S.C. 9602(a)), the owner or operator shall provide notice as described in subsection (b) of this section.

**(B)** If the substance is one for which a reportable quantity has not been established under section 102(a) of CERCLA (42 U.S.C. 9602(a)) –

**(i)** Until April 30, 1988, the owner or operator shall provide, for releases of one pound or more of the substance, the same notice to the community emergency coordinator for the local emergency planning committee, at the same time and in the same form, as notice is provided to the National Response Center under section 103(a) of CERCLA (42 U.S.C. 9603(a)).

**(ii)** On and after April 30, 1988, the owner or operator shall provide, for releases of one pound or more of the substance, the notice as described in subsection (b) of this section.

**(4) Exempted releases**

This section does not apply to any release which results in exposure to persons solely within the site or sites on which a facility is located.

**(b) Notification**

**(1) Recipients of notice**

Notice required under subsection (a) of this section shall be given immediately after the release by the owner or operator of a facility (by such means as telephone, radio, or in person) to the community emergency coordinator for the local emergency planning committees, if established pursuant to section 11001(c) of this title, for any area likely to be affected by the release and to the State emergency planning commission of any State likely to be affected by the release. With respect to transportation of a substance subject to the requirements of this section, or storage incident to such transportation, the notice requirements of this section with respect to a release shall be satisfied by dialing 911 or, in the absence of a 911 emergency telephone number, calling the operator.

**(2) Contents**

Notice required under subsection (a) of this section shall include each of the following (to the extent known at the time of the notice and so long as no delay in responding to the emergency results):

**(A)** The chemical name or identity of any substance involved in the release.



(B) An indication of whether the substance is on the list referred to in section 11002(a) of this title.

(C) An estimate of the quantity of any such substance that was released into the environment.

(D) The time and duration of the release.

(E) The medium or media into which the release occurred.

(F) Any known or anticipated acute or chronic health risks associated with the emergency and, where appropriate, advice regarding medical attention necessary for exposed individuals.

(G) Proper precautions to take as a result of the release, including evacuation (unless such information is readily available to the community emergency coordinator pursuant to the emergency plan).

(H) The name and telephone number of the person or persons to be contacted for further information.

**(c) Followup emergency notice**

As soon as practicable after a release which requires notice under subsection (a) of this section, such owner or operator shall provide a written followup emergency notice (or notices, as more information becomes available) setting forth and updating the information required under subsection (b) of this section, and including additional information with respect to -

(1) actions taken to respond to and contain the release,

(2) any known or anticipated acute or chronic health risks associated with the release, and

(3) where appropriate, advice regarding medical attention necessary for exposed individuals.

**(d) Transportation exemption not applicable**

The exemption provided in section 11047 of this title (relating to transportation) does not apply to this section

**Sec. 11005. - Emergency training and review of emergency systems**

**(a) Emergency training**

**(1) Programs**

Officials of the United States Government carrying out existing Federal programs for emergency training are authorized to specifically provide training and education programs for Federal, State, and local personnel in hazard mitigation, emergency preparedness, fire prevention and control, disaster response, long-term

disaster recovery, national security, technological and natural hazards, and emergency processes. Such programs shall provide special emphasis for such training and education with respect to hazardous chemicals.

**(2) State and local program support**

There is authorized to be appropriated to the Federal Emergency Management Agency for each of the fiscal years 1987, 1988, 1989, and 1990, \$5,000,000 for making grants to support programs of State and local governments, and to support university-sponsored programs, which are designed to improve emergency planning, preparedness, mitigation, response, and recovery capabilities. Such programs shall provide special emphasis with respect to emergencies associated with hazardous chemicals. Such grants may not exceed 80 percent of the cost of any such program. The remaining 20 percent of such costs shall be funded from non-Federal sources.

**(3) Other programs**

Nothing in this section shall affect the availability of appropriations to the Federal Emergency Management Agency for any programs carried out by such agency other than the programs referred to in paragraph (2).

**(b) Review of emergency systems**

**(1) Review**

The Administrator shall initiate, not later than 30 days after October 17, 1986, a review of emergency systems for monitoring, detecting, and preventing releases of extremely hazardous substances at representative domestic facilities that produce, use, or store extremely hazardous substances. The Administrator may select representative extremely hazardous substances from the substances on the list referred to in section 11002(a) of this title for the purposes of this review. The Administrator shall report interim findings to the Congress not later than seven months after October 17, 1986, and issue a final report of findings and recommendations to the Congress not later than 18 months after October 17, 1986. Such report shall be prepared in consultation with the States and appropriate Federal agencies.

**(2) Report**

The report required by this subsection shall include the Administrator's findings regarding each of the following:

**(A) The status of current technological capabilities to**

**(i)** monitor, detect, and prevent, in a timely manner, significant releases of extremely hazardous substances,

**(ii)** determine the magnitude and direction of the hazard posed by each release,

**(iii)** identify specific substances,

(iv) provide data on the specific chemical composition of such releases, and

(v) determine the relative concentrations of the constituent substances.

**(B)** The status of public emergency alert devices or systems for providing timely and effective public warning of an accidental release of extremely hazardous substances into the environment, including releases into the atmosphere, surface water, or groundwater from facilities that produce, store, or use significant quantities of such extremely hazardous substances.

**(C)** The technical and economic feasibility of establishing, maintaining, and operating perimeter alert systems for detecting releases of such extremely hazardous substances into the atmosphere, surface water, or groundwater, at facilities that manufacture, use, or store significant quantities of such substances.

### **(3) Recommendations**

The report required by this subsection shall also include the Administrator's recommendations for -

**(A)** initiatives to support the development of new or improved technologies or systems that would facilitate the timely monitoring, detection, and prevention of releases of extremely hazardous substances, and

**(B)** improving devices or systems for effectively alerting the public in a timely manner, in the event of an accidental release of such extremely hazardous substances

## SUBCHAPTER II - REPORTING REQUIREMENTS

### Sec. 11021. - Material safety data sheets

#### (a) Basic requirement

##### (1) Submission of MSDS or list

The owner or operator of any facility which is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) and regulations promulgated under that Act shall submit a material safety data sheet for each such chemical, or a list of such chemicals as described in paragraph (2), to each of the following:

(A) The appropriate local emergency planning committee.

(B) The State emergency response commission.

(C) The fire department with jurisdiction over the facility.

##### (2) Contents of list

(A) The list of chemicals referred to in paragraph (1) shall include each of the following:

(i) A list of the hazardous chemicals for which a material safety data sheet is required under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) and regulations promulgated under that Act, grouped in categories of health and physical hazards as set forth under such Act and regulations promulgated under such Act, or in such other categories as the Administrator may prescribe under subparagraph (B).

(ii) The chemical name or the common name of each such chemical as provided on the material safety data sheet.

(iii) Any hazardous component of each such chemical as provided on the material safety data sheet.

(B) For purposes of the list under this paragraph, the Administrator may modify the categories of health and physical hazards as set forth under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) and regulations promulgated under that Act by requiring information to be reported in terms of groups of hazardous chemicals which present similar hazards in an emergency.

##### (3) Treatment of mixtures

An owner or operator may meet the requirements of this section with respect to a hazardous chemical which is a mixture by doing one of the following:

**(A)** Submitting a material safety data sheet for, or identifying on a list, each element or compound in the mixture which is a hazardous chemical. If more than one mixture has the same element or compound, only one material safety data sheet, or one listing, of the element or compound is necessary.

**(B)** Submitting a material safety data sheet for, or identifying on a list, the mixture itself.

**(b) Thresholds**

The Administrator may establish threshold quantities for hazardous chemicals below which no facility shall be subject to the provisions of this section. The threshold quantities may, in the Administrator's discretion, be based on classes of chemicals or categories of facilities.

**(c) Availability of MSDS on request**

**(1) To local emergency planning committee**

If an owner or operator of a facility submits a list of chemicals under subsection (a)(1) of this section, the owner or operator, upon request by the local emergency planning committee, shall submit the material safety data sheet for any chemical on the list to such committee.

**(2) To public**

A local emergency planning committee, upon request by any person, shall make available a material safety data sheet to the person in accordance with section 11044 of this title. If the local emergency planning committee does not have the requested material safety data sheet, the committee shall request the sheet from the facility owner or operator and then make the sheet available to the person in accordance with section 11044 of this title.

**(d) Initial submission and updating**

**(1)** The initial material safety data sheet or list required under this section with respect to a hazardous chemical shall be provided before the later of -

**(A)** 12 months after October 17, 1986, or

**(B)** 3 months after the owner or operator of a facility is required to prepare or have available a material safety data sheet for the chemical under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) and regulations promulgated under that Act.

**(2)** Within 3 months following discovery by an owner or operator of significant new information concerning an aspect of a hazardous chemical for which a material safety data sheet was previously submitted to the local emergency planning committee under subsection (a) of this section, a revised sheet shall be provided to such person.

**(e) "Hazardous chemical" defined**

For purposes of this section, the term "hazardous chemical" has the meaning given such term by section 1910.1200(c) of title 29 of the Code of Federal Regulations, except that such term does not include the following:

- (1) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.
- (2) Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.
- (3) Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public.
- (4) Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual.
- (5) Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer

## **Sec. 11022. - Emergency and hazardous chemical inventory forms**

### **(a) Basic requirement**

(1) The owner or operator of any facility which is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) and regulations promulgated under that Act shall prepare and submit an emergency and hazardous chemical inventory form (hereafter in this chapter referred to as an "inventory form") to each of the following:

- (A) The appropriate local emergency planning committee.
- (B) The State emergency response commission.
- (C) The fire department with jurisdiction over the facility.

(2) The inventory form containing tier I information (as described in subsection (d)(1) of this section) shall be submitted on or before March 1, 1988, and annually thereafter on March 1, and shall contain data with respect to the preceding calendar year. The preceding sentence does not apply if an owner or operator provides, by the same deadline and with respect to the same calendar year, tier II information (as described in subsection (d)(2) of this section) to the recipients described in paragraph (1).

(3) An owner or operator may meet the requirements of this section with respect to a hazardous chemical which is a mixture by doing one of the following:

- (A) Providing information on the inventory form on each element or compound in the mixture which is a hazardous chemical. If more than one mixture has the same element or compound, only one listing on the inventory form for the element or compound at the facility is necessary.

**(B)** Providing information on the inventory form on the mixture itself.

**(b)** Thresholds The Administrator may establish threshold quantities for hazardous chemicals covered by this section below which no facility shall be subject to the provisions of this section. The threshold quantities may, in the Administrator's discretion, be based on classes of chemicals or categories of facilities.

**(c)** Hazardous chemicals covered

A hazardous chemical subject to the requirements of this section is any hazardous chemical for which a material safety data sheet or a listing is required under section 11021 of this title.

**(d)** Contents of form

**(1)** Tier I information

**(A)** Aggregate information by category

An inventory form shall provide the information described in subparagraph (B) in aggregate terms for hazardous chemicals in categories of health and physical hazards as set forth under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) and regulations promulgated under that Act.

**(B)** Required information

The information referred to in subparagraph (A) is the following:

- (i)** An estimate (in ranges) of the maximum amount of hazardous chemicals in each category present at the facility at any time during the preceding calendar year.
- (ii)** An estimate (in ranges) of the average daily amount of hazardous chemicals in each category present at the facility during the preceding calendar year.
- (iii)** The general location of hazardous chemicals in each category.

**(C)** Modifications

For purposes of reporting information under this paragraph, the Administrator may -

- (i)** modify the categories of health and physical hazards as set forth under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) and regulations promulgated under that Act by requiring information to be reported in terms of groups of hazardous chemicals which present similar hazards in an emergency, or
- (ii)** require reporting on individual hazardous chemicals of special concern to emergency response personnel.

**(2) Tier II information**

An inventory form shall provide the following additional information for each hazardous chemical present at the facility, but only upon request and in accordance with subsection (e) of this section:

- (A)** The chemical name or the common name of the chemical as provided on the material safety data sheet.
- (B)** An estimate (in ranges) of the maximum amount of the hazardous chemical present at the facility at any time during the preceding calendar year.
- (C)** An estimate (in ranges) of the average daily amount of the hazardous chemical present at the facility during the preceding calendar year.
- (D)** A brief description of the manner of storage of the hazardous chemical.
- (E)** The location at the facility of the hazardous chemical.
- (F)** An indication of whether the owner elects to withhold location information of a specific hazardous chemical from disclosure to the public under section 11044 of this title.

**(e) Availability of tier II information**

**(1) Availability to State commissions, local committees, and fire departments**

Upon request by a State emergency planning commission, a local emergency planning committee, or a fire department with jurisdiction over the facility, the owner or operator of a facility shall provide tier II information, as described in subsection (d) of this section, to the person making the request. Any such request shall be with respect to a specific facility.

**(2) Availability to other State and local officials**

A State or local official acting in his or her official capacity may have access to tier II information by submitting a request to the State emergency response commission or the local emergency planning committee. Upon receipt of a request for tier II information, the State commission or local committee shall, pursuant to paragraph (1), request the facility owner or operator for the tier II information and make available such information to the official.

**(3) Availability to public**

**(A) In general**

Any person may request a State emergency response commission or local emergency planning committee for tier II information relating to the preceding calendar year with respect to a facility. Any such request shall be in writing and shall be with respect to a specific facility.

**(B) Automatic provision of information to public**



Any tier II information which a State emergency response commission or local emergency planning committee has in its possession shall be made available to a person making a request under this paragraph in accordance with section 11044 of this title. If the State emergency response commission or local emergency planning committee does not have the tier II information in its possession, upon a request for tier II information the State emergency response commission or local emergency planning committee shall, pursuant to paragraph (1), request the facility owner or operator for tier II information with respect to a hazardous chemical which a facility has stored in an amount in excess of 10,000 pounds present at the facility at any time during the preceding calendar year and make such information available in accordance with section 11044 of this title to the person making the request.

**(C) Discretionary provision of information to public**

In the case of tier II information which is not in the possession of a State emergency response commission or local emergency planning committee and which is with respect to a hazardous chemical which a facility has stored in an amount less than 10,000 pounds present at the facility at any time during the preceding calendar year, a request from a person must include the general need for the information. The State emergency response commission or local emergency planning committee may, pursuant to paragraph (1), request the facility owner or operator for the tier II information on behalf of the person making the request. Upon receipt of any information requested on behalf of such person, the State emergency response commission or local emergency planning committee shall make the information available in accordance with section 11044 of this title to the person.

**(D) Response in 45 days**

A State emergency response commission or local emergency planning committee shall respond to a request for tier II information under this paragraph no later than 45 days after the date of receipt of the request.

**(f) Fire department access**

Upon request to an owner or operator of a facility which files an inventory form under this section by the fire department with jurisdiction over the facility, the owner or operator of the facility shall allow the fire department to conduct an on-site inspection of the facility and shall provide to the fire department specific location information on hazardous chemicals at the facility.

**(g) Format of forms**

The Administrator shall publish a uniform format for inventory forms within three months after October 17, 1986. If the Administrator does not publish such forms, owners and operators of facilities subject to the requirements of this section shall provide the information required under this section by letter

## **Sec. 11023. - Toxic chemical release forms**

### **(a) Basic requirement**

The owner or operator of a facility subject to the requirements of this section shall complete a toxic chemical release form as published under subsection (g) of this section for each toxic chemical listed under subsection (c) of this section that was manufactured, processed, or otherwise used in quantities exceeding the toxic chemical threshold quantity established by subsection (f) of this section during the preceding calendar year at such facility. Such form shall be submitted to the Administrator and to an official or officials of the State designated by the Governor on or before July 1, 1988, and annually thereafter on July 1 and shall contain data reflecting releases during the preceding calendar year.

### **(b) Covered owners and operators of facilities**

#### **(1) In general**

**(A)** The requirements of this section shall apply to owners and operators of facilities that have 10 or more full-time employees and that are in Standard Industrial Classification Codes 20 through 39 (as in effect on July 1, 1985) and that manufactured, processed, or otherwise used a toxic chemical listed under subsection (c) of this section in excess of the quantity of that toxic chemical established under subsection (f) of this section during the calendar year for which a release form is required under this section.

**(B)** The Administrator may add or delete Standard Industrial Classification Codes for purposes of subparagraph (A), but only to the extent necessary to provide that each Standard Industrial Code to which this section applies is relevant to the purposes of this section.

**(C)** For purposes of this section -

**(i)** The term "manufacture" means to produce, prepare, import, or compound a toxic chemical.

**(ii)** The term "process" means the preparation of a toxic chemical, after its manufacture, for distribution in commerce -

**(I)** in the same form or physical state as, or in a different form or physical state from, that in which it was received by the person so preparing such chemical, or

**(II)** as part of an article containing the toxic chemical.

#### **(2) Discretionary application to additional facilities**

The Administrator, on his own motion or at the request of a Governor of a State (with regard to facilities located in that State), may apply the requirements of this section to the owners and operators of any particular facility that manufactures, processes, or otherwise uses a toxic chemical listed under subsection (c) of this section if the Administrator determines that such action is warranted on the basis of toxicity of the toxic chemical, proximity to other facilities that release the toxic

chemical or to population centers, the history of releases of such chemical at such facility, or such other factors as the Administrator deems appropriate.

**(c) Toxic chemicals covered**

The toxic chemicals subject to the requirements of this section are those chemicals on the list in Committee Print Number 99-169 of the Senate Committee on Environment and Public Works, titled "Toxic Chemicals Subject to Section 313 of the Emergency Planning and Community Right-To-Know Act of 1986" (42 U.S.C. 11023) (including any revised version of the list as may be made pursuant to subsection (d) or (e) of this section).

**(d) Revisions by Administrator**

**(1) In general**

The Administrator may by rule add or delete a chemical from the list described in subsection (c) of this section at any time.

**(2) Additions**

A chemical may be added if the Administrator determines, in his judgment, that there is sufficient evidence to establish any one of the following:

**(A)** The chemical is known to cause or can reasonably be anticipated to cause significant adverse acute human health effects at concentration levels that are reasonably likely to exist beyond facility site boundaries as a result of continuous, or frequently recurring, releases.

**(B)** The chemical is known to cause or can reasonably be anticipated to cause in humans -

**(i)** cancer or teratogenic effects, or

**(ii)** serious or irreversible -

**(I)** reproductive dysfunctions,

**(II)** neurological disorders,

**(III)** heritable genetic mutations, or

**(IV)** other chronic health effects.

**(C)** The chemical is known to cause or can reasonably be anticipated to cause, because of -

**(i)** its toxicity,

**(ii)** its toxicity and persistence in the environment, or

(iii) its toxicity and tendency to bioaccumulate in the environment, a significant adverse effect on the environment of sufficient seriousness, in the judgment of the Administrator, to warrant reporting under this section. The number of chemicals included on the list described in subsection (c) of this section on the basis of the preceding sentence may constitute in the aggregate no more than 25 percent of the total number of chemicals on the list. A determination under this paragraph shall be based on generally accepted scientific principles or laboratory tests, or appropriately designed and conducted epidemiological or other population studies, available to the Administrator.

**(3) Deletions**

A chemical may be deleted if the Administrator determines there is not sufficient evidence to establish any of the criteria described in paragraph (2).

**(4) Effective date**

Any revision made on or after January 1 and before December 1 of any calendar year shall take effect beginning with the next calendar year. Any revision made on or after December 1 of any calendar year and before January 1 of the next calendar year shall take effect beginning with the calendar year following such next calendar year.

**(e) Petitions**

**(1) In general**

Any person may petition the Administrator to add or delete a chemical from the list described in subsection (c) of this section on the basis of the criteria in subparagraph (A) or (B) of subsection (d)(2) of this section. Within 180 days after receipt of a petition, the Administrator shall take one of the following actions:

**(A)** Initiate a rulemaking to add or delete the chemical to the list, in accordance with subsection (d)(2) or (d)(3) of this section.

**(B)** Publish an explanation of why the petition is denied.

**(2) Governor petitions**

A State Governor may petition the Administrator to add or delete a chemical from the list described in subsection (c) of this section on the basis of the criteria in subparagraph (A), (B), or (C) of subsection (d)(2) of this section. In the case of such a petition from a State Governor to delete a chemical, the petition shall be treated in the same manner as a petition received under paragraph (1) to delete a chemical. In the case of such a petition from a State Governor to add a chemical, the chemical will be added to the list within 180 days after receipt of the petition, unless the Administrator -

**(A)** initiates a rulemaking to add the chemical to the list, in accordance with subsection (d)(2) of this section, or

(B) publishes an explanation of why the Administrator believes the petition does not meet the requirements of subsection (d)(2) of this section for adding a chemical to the list.

**(f) Threshold for reporting**

**(1) Toxic chemical threshold amount**

The threshold amounts for purposes of reporting toxic chemicals under this section are as follows:

(A) With respect to a toxic chemical used at a facility, 10,000 pounds of the toxic chemical per year.

(B) With respect to a toxic chemical manufactured or processed at a facility -

(i) For the toxic chemical release form required to be submitted under this section on or before July 1, 1988, 75,000 pounds of the toxic chemical per year.

(ii) For the form required to be submitted on or before July 1, 1989, 50,000 pounds of the toxic chemical per year.

(iii) For the form required to be submitted on or before July 1, 1990, and for each form thereafter, 25,000 pounds of the toxic chemical per year.

**(2) Revisions**

The Administrator may establish a threshold amount for a toxic chemical different from the amount established by paragraph (1). Such revised threshold shall obtain reporting on a substantial majority of total releases of the chemical at all facilities subject to the requirements of this section. The amounts established under this paragraph may, at the Administrator's discretion, be based on classes of chemicals or categories of facilities.

**(g) Form**

**(1) Information required**

Not later than June 1, 1987, the Administrator shall publish a uniform toxic chemical release form for facilities covered by this section. If the Administrator does not publish such a form, owners and operators of facilities subject to the requirements of this section shall provide the information required under this subsection by letter postmarked on or before the date on which the form is due. Such form shall -

(A) provide for the name and location of, and principal business activities at, the facility;

(B) include an appropriate certification, signed by a senior official with management responsibility for the person or persons completing the report, regarding the accuracy and completeness of the report; and

**(C)** provide for submission of each of the following items of information for each listed toxic chemical known to be present at the facility:

**(i)** Whether the toxic chemical at the facility is manufactured, processed, or otherwise used, and the general category or categories of use of the chemical.

**(ii)** An estimate of the maximum amounts (in ranges) of the toxic chemical present at the facility at any time during the preceding calendar year.

**(iii)** For each waste stream, the waste treatment or disposal methods employed, and an estimate of the treatment efficiency typically achieved by such methods for that waste stream.

**(iv)** The annual quantity of the toxic chemical entering each environmental medium.

**(2)** Use of available data

In order to provide the information required under this section, the owner or operator of a facility may use readily available data (including monitoring data) collected pursuant to other provisions of law, or, where such data are not readily available, reasonable estimates of the amounts involved. Nothing in this section requires the monitoring or measurement of the quantities, concentration, or frequency of any toxic chemical released into the environment beyond that monitoring and measurement required under other provisions of law or regulation. In order to assure consistency, the Administrator shall require that data be expressed in common units.

**(h)** Use of release form

The release forms required under this section are intended to provide information to the Federal, State, and local governments and the public, including citizens of communities surrounding covered facilities. The release form shall be available, consistent with section 11044(a) of this title, to inform persons about releases of toxic chemicals to the environment; to assist governmental agencies, researchers, and other persons in the conduct of research and data gathering; to aid in the development of appropriate regulations, guidelines, and standards; and for other similar purposes.

**(i)** Modifications in reporting frequency

**(1)** In general

The Administrator may modify the frequency of submitting a report under this section, but the Administrator may not modify the frequency to be any more often than annually. A modification may apply, either nationally or in a specific geographic area, to the following:

**(A)** All toxic chemical release forms required under this section.

**(B)** A class of toxic chemicals or a category of facilities.

**(C)** A specific toxic chemical.

(D) A specific facility.

**(2) Requirements**

A modification may be made under paragraph (1) only if the Administrator -

(A) makes a finding that the modification is consistent with the provisions of subsection (h) of this section, based on -

- (i) experience from previously submitted toxic chemical release forms, and
- (ii) determinations made under paragraph (3), and (B) the finding is made by a rulemaking in accordance with section 553 of title 5.

**(3) Determinations**

The Administrator shall make the following determinations with respect to a proposed modification before making a modification under paragraph (1):

(A) The extent to which information relating to the proposed modification provided on the toxic chemical release forms has been used by the Administrator or other agencies of the Federal Government, States, local governments, health professionals, and the public.

(B) The extent to which the information is

- (i) readily available to potential users from other sources, such as State reporting programs, and
- (ii) provided to the Administrator under another Federal law or through a State program.

(C) The extent to which the modification would impose additional and unreasonable burdens on facilities subject to the reporting requirements under this section.

**(4) 5-year review**

Any modification made under this subsection shall be reviewed at least once every 5 years. Such review shall examine the modification and ensure that the requirements of paragraphs (2) and (3) still justify continuation of the modification. Any change to a modification reviewed under this paragraph shall be made in accordance with this subsection.

**(5) Notification to Congress**

The Administrator shall notify Congress of an intention to initiate a rulemaking for a modification under this subsection. After such notification, the Administrator shall delay initiation of the rulemaking for at least 12 months, but no more than 24 months, after the date of such notification.

**(6) Judicial review**

In any judicial review of a rulemaking which establishes a modification under this subsection, a court may hold unlawful and set aside agency action, findings, and conclusions found to be unsupported by substantial evidence.

**(7) Applicability**

A modification under this subsection may apply to a calendar year or other reporting period beginning no earlier than January 1, 1993.

**(8) Effective date**

Any modification made on or after January 1 and before December 1 of any calendar year shall take effect beginning with the next calendar year. Any modification made on or after December 1 of any calendar year and before January 1 of the next calendar year shall take effect beginning with the calendar year following such next calendar year.

**(j) EPA management of data**

The Administrator shall establish and maintain in a computer data base a national toxic chemical inventory based on data submitted to the Administrator under this section. The Administrator shall make these data accessible by computer telecommunication and other means to any person on a cost reimbursable basis.

**(k) Report**

Not later than June 30, 1991, the Comptroller General, in consultation with the Administrator and appropriate officials in the States, shall submit to the Congress a report including each of the following:

**(1)** A description of the steps taken by the Administrator and the States to implement the requirements of this section, including steps taken to make information collected under this section available to and accessible by the public.

**(2)** A description of the extent to which the information collected under this section has been used by the Environmental Protection Agency, other Federal agencies, the States, and the public, and the purposes for which the information has been used.

**(3)** An identification and evaluation of options for modifications to the requirements of this section for the purpose of making information collected under this section more useful.

**(l) Mass balance study**

**(1) In general**

The Administrator shall arrange for a mass balance study to be carried out by the National Academy of Sciences using mass balance information collected by the Administrator under paragraph (3). The Administrator shall submit to Congress a report on such study no later than 5 years after October 17, 1986.

**(2) Purposes**



The purposes of the study are as follows:

- (A) To assess the value of mass balance analysis in determining the accuracy of information on toxic chemical releases.
- (B) To assess the value of obtaining mass balance information, or portions thereof, to determine the waste reduction efficiency of different facilities, or categories of facilities, including the effectiveness of toxic chemical regulations promulgated under laws other than this chapter.
- (C) To assess the utility of such information for evaluating toxic chemical management practices at facilities, or categories of facilities, covered by this section.
- (D) To determine the implications of mass balance information collection on a national scale similar to the mass balance information collection carried out by the Administrator under paragraph (3), including implications of the use of such collection as part of a national annual quantity toxic chemical release program.

**(3) Information collection**

(A) The Administrator shall acquire available mass balance information from States which currently conduct (or during the 5 years after October 17, 1986 initiate) a mass balance-oriented annual quantity toxic chemical release program. If information from such States provides an inadequate representation of industry classes and categories to carry out the purposes of the study, the Administrator also may acquire mass balance information necessary for the study from a representative number of facilities in other States.

(B) Any information acquired under this section shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that the information (or a particular part thereof) to which the Administrator or any officer, employee, or representative has access under this section if made public would divulge information entitled to protection under section 1905 of title 18, such information or part shall be considered confidential in accordance with the purposes of that section, except that such information or part may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this section.

(C) The Administrator may promulgate regulations prescribing procedures for collecting mass balance information under this paragraph.

(D) For purposes of collecting mass balance information under subparagraph (A), the Administrator may require the submission of information by a State or facility.

**(4) Mass balance definition**

For purposes of this subsection, the term "mass balance" means an accumulation of the annual quantities of chemicals transported to a facility, produced at a facility, consumed at a facility, used at a facility, accumulated at a facility, released from a facility, and transported from a facility as a waste or as a commercial product or byproduct or component of a commercial product or byproduct

## **SUBCHAPTER III - GENERAL PROVISIONS**

### **Sec. 11041. - Relationship to other law**

#### **(a) In general**

Nothing in this chapter shall -

- (1) preempt any State or local law,
- (2) except as provided in subsection (b) of this section, otherwise affect any State or local law or the authority of any State or local government to adopt or enforce any State or local law, or
- (3) affect or modify in any way the obligations or liabilities of any person under other Federal law.

#### **(b) Effect on MSDS requirements**

Any State or local law enacted after August 1, 1985, which requires the submission of a material safety data sheet from facility owners or operators shall require that the data sheet be identical in content and format to the data sheet required under subsection (a) of section 11021 of this title. In addition, a State or locality may require the submission of information which is supplemental to the information required on the data sheet (including information on the location and quantity of hazardous chemicals present at the facility), through additional sheets attached to the data sheet or such other means as the State or locality considers appropriate

## **Sec. 11042. - Trade secrets**

### **(a) Authority to withhold information**

#### **(1) General authority**

**(A)** With regard to a hazardous chemical, an extremely hazardous substance, or a toxic chemical, any person required under section 11003(d)(2), 11003(d)(3), 11021, 11022, or 11023 of this title to submit information to any other person may withhold from such submittal the specific chemical identity (including the chemical name and other specific identification), as defined in regulations prescribed by the Administrator under subsection (c) of this section, if the person complies with paragraph (2).

**(B)** Any person withholding the specific chemical identity shall, in the place on the submittal where the chemical identity would normally be included, include the generic class or category of the hazardous chemical, extremely hazardous substance, or toxic chemical (as the case may be).

#### **(2) Requirements**

**(A)** A person is entitled to withhold information under paragraph (1) if such person -

**(i)** claims that such information is a trade secret, on the basis of the factors enumerated in subsection (b) of this section,

**(ii)** includes in the submittal referred to in paragraph (1) an explanation of the reasons why such information is claimed to be a trade secret, based on the factors enumerated in subsection (b) of this section, including a specific description of why such factors apply, and

**(iii)** submits to the Administrator a copy of such submittal, and the information withheld from such submittal.

**(B)** In submitting to the Administrator the information required by subparagraph (A)(iii), a person withholding information under this subsection may -

**(i)** designate, in writing and in such manner as the Administrator may prescribe by regulation, the information which such person believes is entitled to be withheld under paragraph (1), and

**(ii)** submit such designated information separately from other information submitted under this subsection.

#### **(3) Limitation**

The authority under this subsection to withhold information shall not apply to information which the Administrator has determined, in accordance with subsection (c) of this section, is not a trade secret.

**(b) Trade secret factors**

No person required to provide information under this chapter may claim that the information is entitled to protection as a trade secret under subsection (a) of this section unless such person shows each of the following:

- (1)** Such person has not disclosed the information to any other person, other than a member of a local emergency planning committee, an officer or employee of the United States or a State or local government, an employee of such person, or a person who is bound by a confidentiality agreement, and such person has taken reasonable measures to protect the confidentiality of such information and intends to continue to take such measures.
- (2)** The information is not required to be disclosed, or otherwise made available, to the public under any other Federal or State law.
- (3)** Disclosure of the information is likely to cause substantial harm to the competitive position of such person.
- (4)** The chemical identity is not readily discoverable through reverse engineering.

**(c) Trade secret regulations**

As soon as practicable after October 17, 1986, the Administrator shall prescribe regulations to implement this section. With respect to subsection (b)(4) of this section, such regulations shall be equivalent to comparable provisions in the Occupational Safety and Health Administration Hazard Communication Standard (29 C.F.R. 1910.1200) and any revisions of such standard prescribed by the Secretary of Labor in accordance with the final ruling of the courts of the United States in *United Steelworkers of America, AFL-CIO-CLC v. Thorne G. Auchter*.

**(d) Petition for review**

**(1) In general**

Any person may petition the Administrator for the disclosure of the specific chemical identity of a hazardous chemical, an extremely hazardous substance, or a toxic chemical which is claimed as a trade secret under this section. The Administrator may, in the absence of a petition under this paragraph, initiate a determination, to be carried out in accordance with this subsection, as to whether information withheld constitutes a trade secret.

**(2) Initial review**

Within 30 days after the date of receipt of a petition under paragraph (1) (or upon the Administrator's initiative), the Administrator shall review the explanation filed by a trade secret claimant under subsection (a)(2) of this section and determine whether the explanation presents assertions which, if true, are sufficient to support a finding that the specific chemical identity is a trade secret.

**(3) Finding of sufficient assertions**

**(A)** If the Administrator determines pursuant to paragraph (2) that the explanation presents sufficient assertions to support a finding that the specific chemical identity is a trade secret, the Administrator shall notify the trade secret claimant that he has 30 days to supplement the explanation with detailed information to support the assertions.

**(B)** If the Administrator determines, after receipt of any supplemental supporting detailed information under subparagraph (A), that the assertions in the explanation are true and that the specific chemical identity is a trade secret, the Administrator shall so notify the petitioner and the petitioner may seek judicial review of the determination.

**(C)** If the Administrator determines, after receipt of any supplemental supporting detailed information under subparagraph (A), that the assertions in the explanation are not true and that the specific chemical identity is not a trade secret, the Administrator shall notify the trade secret claimant that the Administrator intends to release the specific chemical identity. The trade secret claimant has 30 days in which he may appeal the Administrator's determination under this subparagraph to the Administrator. If the Administrator does not reverse his determination under this subparagraph in such an appeal by the trade secret claimant, the trade secret claimant may seek judicial review of the determination.

**(4) Finding of insufficient assertions**

**(A)** If the Administrator determines pursuant to paragraph (2) that the explanation presents insufficient assertions to support a finding that the specific chemical identity is a trade secret, the Administrator shall notify the trade secret claimant that he has 30 days to appeal the determination to the Administrator, or, upon a showing of good cause, amend the original explanation by providing supplementary assertions to support the trade secret claim.

**(B)** If the Administrator does not reverse his determination under subparagraph (A) after an appeal or an examination of any supplementary assertions under subparagraph (A), the Administrator shall so notify the trade secret claimant and the trade secret claimant may seek judicial review of the determination.

**(C)** If the Administrator reverses his determination under subparagraph (A) after an appeal or an examination of any supplementary assertions under subparagraph (A), the procedures under paragraph (3) of this subsection apply.

**(e) Exception for information provided to health professionals**

Nothing in this section, or regulations adopted pursuant to this section, shall authorize any person to withhold information which is required to be provided to a health professional, a doctor, or a nurse in accordance with section 11043 of this title.

**(f) Providing information to Administrator; availability to public**

Any information submitted to the Administrator under subsection (a)(2) of this section or subsection (d)(3) of this section (except a specific chemical identity) shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that the information (or a particular part thereof) to which the Administrator has access under this section if made public would divulge information entitled to protection under section 1905 of title 18, such information or part shall be considered confidential in accordance

with the purposes of that section, except that such information or part may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this chapter.

**(g) Information provided to State**

Upon request by a State, acting through the Governor of the State, the Administrator shall provide to the State any information obtained under subsection (a)(2) of this section and subsection (d)(3) of this section.

**(h) Information on adverse effects**

**(1)** In any case in which the identity of a hazardous chemical or an extremely hazardous substance is claimed as a trade secret, the Governor or State emergency response commission established under section 11001 of this title shall identify the adverse health effects associated with the hazardous chemical or extremely hazardous substance and shall assure that such information is provided to any person requesting information about such hazardous chemical or extremely hazardous substance.

**(2)** In any case in which the identity of a toxic chemical is claimed as a trade secret, the Administrator shall identify the adverse health and environmental effects associated with the toxic chemical and shall assure that such information is included in the computer database required by section 11023(j) of this title and is provided to any person requesting information about such toxic chemical.

**(i) Information provided to Congress**

Notwithstanding any limitation contained in this section or any other provision of law, all information reported to or otherwise obtained by the Administrator (or any representative of the Administrator) under this chapter shall be made available to a duly authorized committee of the Congress upon written request by such a committee.

**Sec. 11043. - Provision of information to health professionals, doctors, and nurses**

**(a) Diagnosis or treatment by health professional**

An owner or operator of a facility which is subject to the requirements of section 11021, 11022, or 11023 of this title shall provide the specific chemical identity, if known, of a hazardous chemical, extremely hazardous substance, or a toxic chemical to any health professional who requests such information in writing if the health professional provides a written statement of need under this subsection and a written confidentiality agreement under subsection (d) of this section. The written statement of need shall be a statement that the health professional has a reasonable basis to suspect that -

**(1)** the information is needed for purposes of diagnosis or treatment of an individual,

**(2)** the individual or individuals being diagnosed or treated have been exposed to the chemical concerned, and

**(3)** knowledge of the specific chemical identity of such chemical will assist in diagnosis or treatment.

Following such a written request, the owner or operator to whom such request is made shall promptly provide the requested information to the health professional. The authority to withhold the specific chemical identity of a chemical under section 11042 of this title when such information is a trade secret shall not apply to information required to be provided under this subsection, subject to the provisions of subsection (d) of this section.

**(b) Medical emergency**

An owner or operator of a facility which is subject to the requirements of section 11021, 11022, or 11023 of this title shall provide a copy of a material safety data sheet, an inventory form, or a toxic chemical release form, including the specific chemical identity, if known, of a hazardous chemical, extremely hazardous substance, or a toxic chemical, to any treating physician or nurse who requests such information if such physician or nurse determines that -

**(1)** a medical emergency exists,

**(2)** the specific chemical identity of the chemical concerned is necessary for or will assist in emergency or first-aid diagnosis or treatment, and

**(3)** the individual or individuals being diagnosed or treated have been exposed to the chemical concerned.

Immediately following such a request, the owner or operator to whom such request is made shall provide the requested information to the physician or nurse. The authority to withhold the specific chemical identity of a chemical from a material safety data sheet, an inventory form, or a toxic chemical release form under section 11042 of this title when such information is a trade secret shall not apply to information required to be provided to a treating physician or nurse under this subsection. No written confidentiality agreement or statement of need shall be required as a precondition of such disclosure, but the owner or operator disclosing such information may require a written confidentiality agreement in accordance with subsection (d) of this section and a statement setting forth the items listed in paragraphs (1) through (3) as soon as circumstances permit.

**(c) Preventive measures by local health professionals**

**(1) Provision of information**

An owner or operator of a facility subject to the requirements of section 11021, 11022, or 11023 of this title shall provide the specific chemical identity, if known, of a hazardous chemical, an extremely hazardous substance, or a toxic chemical to any health professional (such as a physician, toxicologist, or epidemiologist) -

**(A)** who is a local government employee or a person under contract with the local government, and

**(B)** who requests such information in writing and provides a written statement of need under paragraph (2) and a written confidentiality agreement under subsection (d) of this section.

Following such a written request, the owner or operator to whom such request is made shall promptly provide the requested information to the local health professional. The authority to withhold the specific chemical identity of a chemical under section 11042 of this title when such information is a trade secret shall not apply to information required to be provided under this subsection, subject to the provisions of subsection (d) of this section.

**(2) Written statement of need**

The written statement of need shall be a statement that describes with reasonable detail one or more of the following health needs for the information:

**(A)** To assess exposure of persons living in a local community to the hazards of the chemical concerned.

**(B)** To conduct or assess sampling to determine exposure levels of various population groups.

**(C)** To conduct periodic medical surveillance of exposed population groups.

**(D)** To provide medical treatment to exposed individuals or population groups.

**(E)** To conduct studies to determine the health effects of exposure.

**(F)** To conduct studies to aid in the identification of a chemical that may reasonably be anticipated to cause an observed health effect.

**(d) Confidentiality agreement**

Any person obtaining information under subsection (a) or (c) of this section shall, in accordance with such subsection (a) or (c) of this section, be required to agree in a written confidentiality agreement that he will not use the information for any purpose other than the health needs asserted in the statement of need, except as may otherwise be authorized by the terms of the agreement or by the person providing such information. Nothing in this subsection shall preclude the parties to a confidentiality agreement from pursuing any remedies to the extent permitted by law.

**(e) Regulations**

As soon as practicable after October 17, 1986, the Administrator shall promulgate regulations describing criteria and parameters for the statement of need under subsection (a) and (c) of this section and the confidentiality agreement under subsection (d) of this section. "subsections"

**Sec. 11044. - Public availability of plans, data sheets, forms, and follow-up notices**

**(a) Availability to public**

Each emergency response plan, material safety data sheet, list described in section 11021(a)(2) of this title, inventory form, toxic chemical release form, and followup



emergency notice shall be made available to the general public, consistent with section 11042 of this title, during normal working hours at the location or locations designated by the Administrator, Governor, State emergency response commission, or local emergency planning committee, as appropriate. Upon request by an owner or operator of a facility subject to the requirements of section 11022 of this title, the State emergency response commission and the appropriate local emergency planning committee shall withhold from disclosure under this section the location of any specific chemical required by section 11022(d)(2) of this title to be contained in an inventory form as tier II information.

**(b) Notice of public availability**

Each local emergency planning committee shall annually publish a notice in local newspapers that the emergency response plan, material safety data sheets, and inventory forms have been submitted under this section. The notice shall state that followup emergency notices may subsequently be issued. Such notice shall announce that members of the public who wish to review any such plan, sheet, form, or followup notice may do so at the location designated under subsection (a) of this section

**Sec. 11045. - Enforcement**

**(a) Civil penalties for emergency planning**

The Administrator may order a facility owner or operator (except an owner or operator of a facility designated under section 11002(b)(2) of this title) to comply with section 11002(c) of this title and section 11003(d) of this title. The United States district court for the district in which the facility is located shall have jurisdiction to enforce the order, and any person who violates or fails to obey such an order shall be liable to the United States for a civil penalty of not more than \$25,000 for each day in which such violation occurs or such failure to comply continues.

**(b) Civil, administrative, and criminal penalties for emergency notification**

**(1) Class I administrative penalty**

**(A)** A civil penalty of not more than \$25,000 per violation may be assessed by the Administrator in the case of a violation of the requirements of section 11004 of this title.

**(B)** No civil penalty may be assessed under this subsection unless the person accused of the violation is given notice and opportunity for a hearing with respect to the violation.

**(C)** In determining the amount of any penalty assessed pursuant to this subsection, the Administrator shall take into account the nature, circumstances, extent and gravity of the violation or violations and, with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit or savings (if any) resulting from the violation, and such other matters as justice may require.

**(2) Class II administrative penalty**

A civil penalty of not more than \$25,000 per day for each day during which the violation continues may be assessed by the Administrator in the case of a violation of the requirements of section 11004 of this title. In the case of a second or subsequent violation the amount of such penalty may be not more than \$75,000 for each day during which the violation continues. Any civil penalty under this subsection shall be assessed and collected in the same manner, and subject to the same provisions, as in the case of civil penalties assessed and collected under section 2615 of title 15. In any proceeding for the assessment of a civil penalty under this subsection the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents and may promulgate rules for discovery procedures.

**(3) Judicial assessment**

The Administrator may bring an action in the United States District court for the appropriate district to assess and collect a penalty of not more than \$25,000 per day for each day during which the violation continues in the case of a violation of the requirements of section 11004 of this title. In the case of a second or subsequent violation, the amount of such penalty may be not more than \$75,000 for each day during which the violation continues.

**(4) Criminal penalties**

Any person who knowingly and willfully fails to provide notice in accordance with section 11004 of this title shall, upon conviction, be fined not more than \$25,000 or imprisoned for not more than two years, or both (or in the case of a second or subsequent conviction, shall be fined not more than \$50,000 or imprisoned for not more than five years, or both).

**(c) Civil and administrative penalties for reporting requirements**

(1) Any person (other than a governmental entity) who violates any requirement of section 11022 or 11023 of this title shall be liable to the United States for a civil penalty in an amount not to exceed \$25,000 for each such violation.

(2) Any person (other than a governmental entity) who violates any requirement of section 11021 or 11043(b) of this title, and any person who fails to furnish to the Administrator information required under section 11042(a)(2) of this title shall be liable to the United States for a civil penalty in an amount not to exceed \$10,000 for each such violation.

(3) Each day a violation described in paragraph (1) or (2) continues shall, for purposes of this subsection, constitute a separate violation.

(4) The Administrator may assess any civil penalty for which a person is liable under this subsection by administrative order or may bring an action to assess and collect the penalty in the United States district court for the district in which the person from whom the penalty is sought resides or in which such person's principal place of business is located.

**(d) Civil, administrative, and criminal penalties with respect to trade secrets**

(1) Civil and administrative penalty for frivolous claims

If the Administrator determines -

**(A) (i)** under section 11042(d)(4) of this title that an explanation submitted by a trade secret claimant presents insufficient assertions to support a finding that a specific chemical identity is a trade secret, or

**(ii)** after receiving supplemental supporting detailed information under section 11042(d)(3)(A) of this title, that the specific chemical identity is not a trade secret; and

**(B)** that the trade secret claim is frivolous, the trade secret claimant is liable for a penalty of \$25,000 per claim. The Administrator may assess the penalty by administrative order or may bring an action in the appropriate district court of the United States to assess and collect the penalty.

**(2) Criminal penalty for disclosure of trade secret information**

Any person who knowingly and willfully divulges or discloses any information entitled to protection under section 11042 of this title shall, upon conviction, be subject to a fine of not more than \$20,000 or to imprisonment not to exceed one year, or both.

**(e) Special enforcement provisions for section 11043**

Whenever any facility owner or operator required to provide information under section 11043 of this title to a health professional who has requested such information fails or refuses to provide such information in accordance with such section, such health professional may bring an action in the appropriate United States district court to require such facility owner or operator to provide the information. Such court shall have jurisdiction to issue such orders and take such other action as may be necessary to enforce the requirements of section 11043 of this title.

**(f) Procedures for administrative penalties**

**(1)** Any person against whom a civil penalty is assessed under this section may obtain review thereof in the appropriate district court of the United States by filing a notice of appeal in such court within 30 days after the date of such order and by simultaneously sending a copy of such notice by certified mail to the Administrator. The Administrator shall promptly file in such court a certified copy of the record upon which such violation was found or such penalty imposed. If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order or after the appropriate court has entered final judgment in favor of the United States, the Administrator may request the Attorney General of the United States to institute a civil action in an appropriate district court of the United States to collect the penalty, and such court shall have jurisdiction to hear and decide any such action. In hearing such action, the court shall have authority to review the violation and the assessment of the civil penalty on the record.

**(2)** The Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, or documents in connection with hearings under this section. In case of contumacy or refusal to obey a subpoena issued pursuant to this paragraph and served upon any person, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the administrative law judge or to appear and produce documents before the administrative law judge, or both, and any

failure to obey such order of the court may be punished by such court as a contempt thereof

## **Sec. 11046. - Civil actions**

### **(a) Authority to bring civil actions**

#### **(1) Citizen suits**

Except as provided in subsection (e) of this section, any person may commence a civil action on his own behalf against the following:

#### **(A) An owner or operator of a facility for failure to do any of the following:**

**(i)** Submit a followup emergency notice under section 11004(c) of this title.

**(ii)** Submit a material safety data sheet or a list under section 11021(a) of this title.

**(iii)** Complete and submit an inventory form under section 11022(a) of this title containing tier I information as described in section 11022(d)(1) of this title unless such requirement does not apply by reason of the second sentence of section 11022(a)(2) of this title.

**(iv)** Complete and submit a toxic chemical release form under section 11023(a) of this title.

#### **(B)**

The Administrator for failure to do any of the following:

**(i)** Publish inventory forms under section 11022(g) of this title.

**(ii)** Respond to a petition to add or delete a chemical under section 11023(e)(1) of this title within 180 days after receipt of the petition.

**(iii)** Publish a toxic chemical release form under 11023(g) So in original. Probably should be preceded by "section".

**(iv)** Establish a computer database in accordance with section 11023(j) of this title.

**(v)** Promulgate trade secret regulations under section 11042(c) of this title.

**(vi)** Render a decision in response to a petition under section 11042(d) of this title within 9 months after receipt of the petition.

**(C)** The Administrator, a State Governor, or a State emergency response commission, for failure to provide a mechanism for public availability of information in accordance with section 11044(a) of this title.

**(D)** A State Governor or a State emergency response commission for failure to respond to a request for tier II information under section 11022(e)(3) of this title within 120 days after the date of receipt of the request.

**(2) State or local suits**

**(A)** Any State or local government may commence a civil action against an owner or operator of a facility for failure to do any of the following:

**(i)** Provide notification to the emergency response commission in the State under section 11002(c) of this title.

**(ii)** Submit a material safety data sheet or a list under section 11021(a) of this title.

**(iii)** Make available information requested under section 11021(c) of this title.

**(iv)** Complete and submit an inventory form under section 11022(a) of this title containing tier I information unless such requirement does not apply by reason of the second sentence of section 11022(a)(2) of this title.

**(B)** Any State emergency response commission or local emergency planning committee may commence a civil action against an owner or operator of a facility for failure to provide information under section 11003(d) of this title or for failure to submit tier II information under section 11022(e)(1) of this title.

**(C)** Any State may commence a civil action against the Administrator for failure to provide information to the State under section 11042(g) of this title.

**(b) Venue**

**(1)** Any action under subsection (a) of this section against an owner or operator of a facility shall be brought in the district court for the district in which the alleged violation occurred.

**(2)** Any action under subsection (a) of this section against the Administrator may be brought in the United States District Court for the District of Columbia.

**(c) Relief**

The district court shall have jurisdiction in actions brought under subsection (a) of this section against an owner or operator of a facility to enforce the requirement concerned and to impose any civil penalty provided for violation of that requirement. The district court shall have jurisdiction in actions brought under subsection (a) of this section against the Administrator to order the Administrator to perform the act or duty concerned.

**(d) Notice**

**(1)** No action may be commenced under subsection (a)(1)(A) of this section prior to 60 days after the plaintiff has given notice of the alleged violation to the Administrator, the State in which the alleged violation occurs, and the alleged violator. Notice under this paragraph shall be given in such manner as the Administrator shall prescribe by regulation.

(2) No action may be commenced under subsection (a)(1)(B) or (a)(1)(C) of this section prior to 60 days after the date on which the plaintiff gives notice to the Administrator, State Governor, or State emergency response commission (as the case may be) that the plaintiff will commence the action. Notice under this paragraph shall be given in such manner as the Administrator shall prescribe by regulation.

**(e) Limitation**

No action may be commenced under subsection (a) of this section against an owner or operator of a facility if the Administrator has commenced and is diligently pursuing an administrative order or civil action to enforce the requirement concerned or to impose a civil penalty under this Act with respect to the violation of the requirement.

**(f) Costs**

The court, in issuing any final order in any action brought pursuant to this section, may award costs of litigation (including reasonable attorney and expert witness fees) to the prevailing or the substantially prevailing party whenever the court determines such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

**(g) Other rights**

Nothing in this section shall restrict or expand any right which any person (or class of persons) may have under any Federal or State statute or common law to seek enforcement of any requirement or to seek any other relief (including relief against the Administrator or a State agency).

**(h) Intervention**

**(1) By the United States**

In any action under this section the United States or the State, or both, if not a party, may intervene as a matter of right.

**(2) By persons**

In any action under this section, any person may intervene as a matter of right when such person has a direct interest which is or may be adversely affected by the action and the disposition of the action may, as a practical matter, impair or impede the person's ability to protect that interest unless the Administrator or the State shows that the person's interest is adequately represented by existing parties in the action

**Sec. 11047. - Exemption**

Except as provided in section 11004 of this title, this chapter does not apply to the transportation, including the storage incident to such transportation, of any substance or chemical subject to the requirements of this chapter, including the transportation and distribution of natural gas

## **Sec. 11048. - Regulations**

The Administrator may prescribe such regulations as may be necessary to carry out this chapter

## **Sec. 11049. - Definitions**

For purposes of this chapter -

### **(1) Administrator**

The term "Administrator" means the Administrator of the Environmental Protection Agency.

### **(2) Environment**

The term "environment" includes water, air, and land and the interrelationship which exists among and between water, air, and land and all living things.

### **(3) Extremely hazardous substance**

The term "extremely hazardous substance" means a substance on the list described in section 11002(a)(2) of this title.

### **(4) Facility**

The term "facility" means all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with, such person). For purposes of section 11004 of this title, the term includes motor vehicles, rolling stock, and aircraft.

### **(5) Hazardous chemical**

The term "hazardous chemical" has the meaning given such term by section 11021(e) of this title.

### **(6) Material safety data sheet**

The term "material safety data sheet" means the sheet required to be developed under section 1910.1200(g) of title 29 of the Code of Federal Regulations, as that section may be amended from time to time.

### **(7) Person**

The term "person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or interstate body.

**(8) Release**

The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles) of any hazardous chemical, extremely hazardous substance, or toxic chemical.

**(9) State**

The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession over which the United States has jurisdiction.

**(10) Toxic chemical**

The term "toxic chemical" means a substance on the list described in section 11023(c) of this title





COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF OPEN RECORDS

February 5, 2009

Ms. Terry Styer  
Chief Clerk, Open Records Officer  
County Commissioners, Berks County  
Services Center, 13<sup>th</sup> fl.  
633 Court Street  
Reading, PA 19061

**RE: Advisory Opinion Request- Application of the Right to Know Law to Emergency Services Agencies**

Dear Ms. Styer:

Thank you for writing to the Office of Open Records with your request for an Advisory Opinion pursuant to the Right-to-Know Law, 65 P.S. §§67.101, *et seq.*, ("RTKL") on behalf of the Berks County Commissioners' Office. Your Advisory Opinion Request ("AO Request") was received by the Office of Open Records ("OOR") January 8, 2009.

In your AO Request, you asked the OOR to interpret the interaction of the RTKL with the U.S. Emergency Planning and Community Right-To-Know Act ("EPCRA"). You advised that EPCRA, part of SARA, (the Superfund Amendments and Reauthorization Act), Title III, provides for the collection and public release of information about the presence and release of hazardous or toxic chemicals, listed as "Extremely Hazardous Substances" in SARA, in the nation's communities.

On January 28, 2009, I contacted you for clarification on the application of EPCRA to Counties. During our conversation, you advised that the County has an emergency services department that is subject to the EPCRA. You further advised that to your knowledge, the County has no mandatory reporting obligations under that law, but the law requires public access to locations of hazardous substances in its borders.

You will be pleased to note that the OOR has decided to grant your request for an Advisory Opinion. Unlike Final Determinations, the law does not establish a deadline for the issuance of Advisory Opinions. The OOR will work diligently to provide Advisory Opinions as soon as practicable; however, please be advised that issuance of an Advisory Opinions will take at least ninety (90) days from the date OOR grants a request for an Advisory Opinion.

The OOR will contact you should any additional facts be necessary to render its Advisory Opinion. We appreciate your cooperation in this regard.

Very truly yours,

  
Lucinda Glinn



January 5, 2010

Ms. Terry Styer  
Chief Clerk, Open Records Officer  
County Commissioners, Berks County  
Services Center, 13<sup>th</sup> fl.  
633 Court Street  
Reading, PA 19061

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In your request, you ask the OOR to interpret the interaction of the RTKL with the U.S. Emergency Planning and Community Right-To-Know Act ("EPCRA"). You advised that EPCRA, part of SARA, (the Superfund Amendments and Reauthorization Act), Title III, provides for the collection and public release of information about the presence and release of hazardous or toxic chemicals, listed as "Extremely Hazardous Substances" in SARA, in the nation's communities.

On January 28, 2009, this office contacted you for clarification on the application of EPCRA to counties. In response, you advised that your county has an emergency services department that is subject to the EPCRA. You further advised that to your knowledge, counties have no mandatory reporting obligations under that law, requiring public access to locations of hazardous substances located within the borders of governmental entities subject to it.

The RTKL provides in Section 306 that "[n]othing in this act shall supersede or modify the public or nonpublic nature of a record or document established in Federal or State law, regulation or judicial order or decree." 65 P.S. §67.306. Therefore, to the extent that EPCRA makes certain information "public," that information shall remain public notwithstanding any provisions within the RTKL, including any of its exceptions that could be applied to shield it.

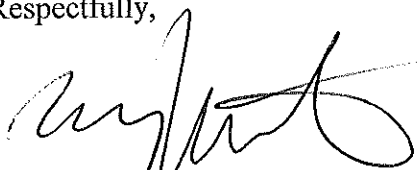
The RTKL further contains an express conflict resolution provision which states that "[i]f the provisions of this act regarding access to records conflict with any other federal or state law, *the provisions of this act shall not apply.*" 65 P.S. §67.3101.1. Essentially, in the event of a conflict between the RTKL and a federal law, the federal law shall govern.

Therefore, to the extent that the County observes a conflict between the provisions of EPCRA and the RTKL, EPCRA shall supersede the state law.

Commonwealth Keystone Building | 400 North Street, 4th Floor  
Harrisburg, Pennsylvania 17120-0225  
(717)346-9903 | (717) 425-5343 (Fax)  
<http://openrecords.state.pa.us>

Because the RTKL does not impair any other law, or alter/affect the public or non-public nature of information under pre-existing laws, the EPCRA would govern in the event of a conflict between their legal provisions. You should consult your legal counsel to assess how EPCRA applies to your organization as that issue is beyond the OOR's purview in interpreting the RTKL.

Respectfully,

A handwritten signature in black ink, appearing to read 'Terry Mutchler', written in a cursive style.

Terry Mutchler  
Executive Director