



How to Better Prepare Your Community for a Chemical Emergency

A Guide for State, Tribal and Local Agencies

The Emergency Planning and Community Right-to-Know Act (EPCRA) was passed by Congress in 1986 in response to concerns raised by the major industrial accident that occurred in 1984 in Bhopal, India. In that accident, which killed and disabled hundreds of thousands, the public was unaware of the hazardous chemicals in use and stored at the facility and they lacked information on what to do when accidents occur. Soon after, a chemical accident at the Institute of West Virginia in 1985 raised concerns in the U.S. about local preparedness for chemical emergencies and the availability of information on hazardous chemicals.

The purpose of EPCRA is twofold:

- Encourage and support emergency planning efforts at the state, tribal and local levels; and
- Provide the public and local governments with information concerning potential chemical hazards present in their communities.

More recent incidents, such as the 2013 West, Texas fertilizer facility ammonium nitrate explosion which killed 15 people, have re-emphasized the need for greater awareness of chemical hazards present in communities, better planning, and appropriate response to chemical incidents.

EPCRA framed the infrastructure for state, local, and tribal commissions and committees to:

- Prepare for and mitigate the effects of a chemical incident, and
- Provide first responders and the public with information on chemical risks in their community and information on what to do if a chemical accident occurs.

The commissions and committees created by EPCRA are the State Emergency Response Commissions (SERCs), Tribal Emergency Response Commissions (TERCs), Local Emergency Planning Committees (LEPCs), and Tribal Emergency Planning Committees (TEPCs). Over 3,000 LEPCs were established soon after the law was passed.

What are...			
SERCs	TERCs	LEPCs	TEPCs
State Emergency Response Commissions	Tribal Emergency Response Commissions	Local Emergency Planning Committees	Tribal Emergency Planning Committees
SERCs are appointed by the Governor of each state to establish LEPCs; review local emergency plans; supervise LEPC activities; and establish procedures for processing public information requests.	TERCs are established by the Chief Executive Officer of the Tribe. TERCs have the same responsibilities as SERCs under EPCRA in the tribal region.	LEPCs are required to prepare chemical emergency response plans and review the plans at least annually. LEPCs serves as a focal point in the community for information and discussions about chemical risks in the community.	TEPCs have the same responsibilities as LEPCs in the tribal region.

Overview of EPCRA Requirements

SERCs, TERCs, LEPCs and TEPCs are responsible for collecting chemical information, use the information to identify the chemical risks in the community, develop a local emergency plan, and provide information to the community about what to do if a chemical accident occurs.

To accomplish this, the law requires facilities to provide certain information on the chemicals that are handled or stored at their sites. The following are a few basic requirements under EPCRA.

Emergency Planning

Section 302, the emergency planning provisions of EPCRA requires facilities to provide notification of the presence of extremely hazardous substances (EHSs) on their sites. Facilities must provide a representative who will serve as the facility emergency coordinator to the LEPC or TEPC and participate in local emergency planning activities. The LEPCs and TEPCs use this information to develop or modify local emergency response plans as required under Section 303.

Emergency Release Notification

Facilities are required to provide immediate notification to the SERCs, TERCs, LEPCs and TEPCs of any releases of EHSs and hazardous substances listed under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Soon after a release, facilities are required to provide a written follow-up with additional information regarding the release. The immediate notification and follow-up reports will include information such as the name and quantity of the chemical released, the media to which the chemical was released, known or anticipated acute or chronic health risks, proper precautions to take (such as evacuation or shelter-in-place), actions taken to respond to and contain the release, and advice regarding medical attention necessary for exposed individuals.

LEPCs and TEPCs can use this information to improve their local emergency plan to better prepare for a chemical incident. An actual incident can be used to evaluate and measure the effectiveness of the emergency plan, such as how well the response was undertaken and how the emergency situation was communicated to responders and the community.

Hazardous Chemical Inventory Reporting

Sections 311 and 312 of EPCRA contain provisions for hazardous chemical inventory reporting, also known as community right-to-know reporting. Facilities that handle hazardous chemicals, defined under the Occupational Safety and Health Act and its implementing regulations, above set threshold amounts are required to provide information on the chemicals, their quantities, locations, and potential hazards.

Section 311 requires facilities to submit a Material Safety Data Sheet, MSDS (or Safety Data Sheet, SDS) for each hazardous chemical, or a list of hazardous chemicals, present at or above the reporting thresholds specified in the implementing regulations. Section 312 requires that facilities to submit an inventory of hazardous chemicals (Tier II form) annually by March 1. The MSDSs or list of chemicals and Tier II form are submitted to the SERC (or TERC), LEPC (or TEPC), and the local fire department.

SERCs and TERCs: Roles and Responsibilities

SERCs and TERCs are required to establish emergency planning districts, appoint LEPCs and TEPCs, and supervise and coordinate all activities of the LEPCs and TEPCs in their state or tribal region.

SERCs and TERCs should ensure that each planning district has an emergency plan and that emergency exercises are conducted at least once a year. SERCs and TERCs must review the plan and make recommendations to improve the plan, as well as ensure that each LEPC or TEPC plan is coordinated with the plans of neighboring emergency planning districts. SERCs and TERCs should assist LEPCs and TEPCs with community meetings to discuss emergency plans and understand the chemical risks.

LEPCs and TEPCs: Roles and Responsibilities

LEPCs and TEPCs play a key role in meeting the goals of EPCRA. They are required to develop and implement an emergency plan for their community, as well as to ensure that the people in the community are aware of the chemical risks and know what to do if a chemical accident occurs. It is important that the members of the LEPC or TEPC represent all stakeholders in their community. EPCRA states that LEPC or TEPC membership shall include, at a minimum, representatives from these entities:

- Elected state and local officials
- Law enforcement
- Civil defense
- Fire fighters
- First aid
- Health
- Hospital
- Local environmental
- Transportation
- Broadcast and print media
- Community groups
- Facility owners and/or operators

Representatives from each of these organizations play an important role in developing the local emergency plan and protecting the public during chemical emergencies.

For many communities, a successful LEPC or TEPC acts as a forum to support the overall emergency management program within the community. Stakeholders bring their specific expertise and talents into the planning process to ensure all elements of the plan are appropriately addressed. For example, facility owners and operators who know and understand the chemical risks at their facility can assist the LEPC or the TEPC in identifying actions to take in order to prepare for and respond to a chemical accident.

LEPCs and TEPCs must appoint a chairperson and establish rules by which the committee shall function. Such rules shall include:

- Public notification of committee activities; and
- Public meetings to discuss the emergency plan, public comments, response to such comments by the committee, and distribution of the emergency plan.

The emergency plan should include:

- Facilities and transportation routes of EHSs
- Emergency response procedures, both on and off-site
- Designation of a community coordinator and facility coordinator(s) to implement the plan
- Emergency notification procedures
- Methods for determining the occurrence of a chemical release
- Determination of the probable area and population affected by potential releases
- Identification of local emergency equipment, facilities, and the persons responsible for them
- Evacuation plans
- Training program for emergency responders (including schedules)
- Methods and schedules for exercising emergency response plans

An incident in one community may affect other communities. LEPCs and TEPCs should consult with other LEPCs and TEPCs near their emergency planning districts to coordinate planning efforts and potential mutual response support during an incident.

LEPCs and TEPCs are required to review the emergency plan at least once a year or more frequently as changes occur in the community. To accomplish this, LEPCs and TEPCs should meet regularly to review and exercise the plan and update it as necessary. Conducting emergency plan exercises are important to ensure that the plan includes all necessary elements and any gaps or areas that need improvement are identified. Emergency plan exercises would benefit emergency responders to be better prepared for an incident.

Developing an Emergency Response Plan

With the information obtained from facilities under Section 302, LEPCs and TEPCs are required to develop the local emergency response plan for their community. EPCRA authorizes LEPCs and TEPCs to obtain any information from these facilities necessary to develop or update the emergency response plan.

Designation of Additional Facilities Subject to Emergency Planning

While the emergency planning provisions in EPCRA are limited to EHSs and the facilities that handle them, other chemicals and facilities may also pose danger to the community in an emergency. Section 302 authorizes SERCs and TERCs to designate additional facilities subject to emergency planning notification. EPA encourages SERCs and TERCs to use this authority so these additional facilities and the chemicals they handle would also be subject to emergency planning which would require these facilities to provide emergency planning notification. LEPCs and TEPCs would be able to include these facilities also in their emergency plan.

Emergency Planning for Hazardous Chemicals

The chemical information provided by facilities under Sections 311 and 312 offers a wealth of additional information which can be useful to first responders, LEPCs and TEPCs in the local planning process. LEPCs and TEPCs should use information received under Sections 311, 312, and 302 to develop, implement, and update the emergency response plan. It is critically important that first responder organizations make full use of the chemical hazard information for appropriate training and to minimize the risks to fire-fighters, medics and hazmat teams when responding to an emergency.

The Tier II form under Section 312 was revised in 2012 to require specific information on facilities that handle hazardous chemicals. Beyond the requirements for specific information about the facility (e.g., the address of the location where hazardous chemicals are stored, latitude and longitude, maximum number of occupants, and

whether the facility is manned or unmanned), the form now requires facilities to provide contact information for the facility emergency coordinator. This one-time notification required under Section 302 was originally provided by the facilities that existed when the law was passed in 1986. Requirements to update this information may have been overlooked by some facilities; they are now required to report this information annually on the Tier II form. In addition to the emergency contact information, facilities are required to provide contact information for the person responsible for the content of the Tier II form. The additional requirements on the Tier II form were published in the Federal Register notice on July 12, 2012 ([77 FR 41314](#)), effective January 1, 2014.

With regard to chemical information, the Tier II form requires facilities to report specific information on hazardous chemicals, such as the amounts, locations, and the potential hazards related to those chemicals. This information can supplement the information provided by facilities under Section 302 for local emergency planning. It can assist LEPCs and TEPCs in updating their emergency plan. Additionally, facilities should have an emergency plan in place for potential chemical accidents at their facility. One important issue to address in the local emergency plan is to ensure that either the facility itself or public emergency responders have the capabilities to respond to a chemical release at a facility.

LEPCs and TEPCs should use all information received under EPCRA and other sources from chemical facilities to assist them in developing an emergency plan which addresses chemical risks to the community.

Emergency Planning for Substances in Transportation

Although EPCRA provides an exemption for facilities from reporting substances in transportation for emergency planning purposes, chemicals in transportation or facilities that are involved in chemical transportation operations should also be included in the local emergency plan. Section 303 requires LEPCs and TEPCs to identify transportation routes of EHSs as part of the planning process. LEPCs and TEPCs should consider including substances other than EHSs in transportation since many transportation-related incidents involved other substances which have adversely affected the community and require response actions to be taken by local responders.

Some recent incidents involving crude oil transported by rail have significantly impacted communities. These incidents compelled the federal government to implement more protective regulations. The US Department of Transportation issued an Emergency Order ([USDOT Emergency Order on Transport of Bakken Crude Oil](#)) requiring railroads that operate trains moving large quantities to notify the SERCs and TERCs about the operation of these trains through their states. As of June 2014, SERCs began to receive such notifications under this EO. SERCs and TERCs should be sharing the information with local emergency planners and responders so that LEPCs and TEPCs can include these operations in the local emergency plan.

LEPCs and TEPCs should use their authority provided in Section 303 to request information from facilities for substances that may be in transportation through their community. This will allow emergency responders to be prepared for any chemical-related transportation incident.

Tools for Planning and Response

Facilities subject to EPCRA requirements submit their reports to the SERCs, TERCs, LEPCs, TEPCs and their local fire department. Reports include the amount, locations and potential hazards of chemicals present on site. To assist state, tribal and local agencies in collecting, managing, and using this information, EPA and the National Oceanic and Atmospheric Administration (NOAA) created the [Computer-Aided Management of Emergency Operations \(CAMEO\)](#). CAMEO is a system of software applications used to plan for and respond to chemical emergencies. CAMEO assists chemical emergency planners and responders to access, store, and evaluate information critical for developing emergency plans. There are four integrated programs within CAMEO:

- Facility and chemical data management
- Chemical properties and hazards
- Air dispersion modeling
- Mapping application.

To learn more about CAMEO, visit EPA's website: <http://www2.epa.gov/cameo>.

Fire Departments Role in Emergency Planning

Representatives of the fire service play a key role in implementing EPCRA. Since fire departments are often the first to respond to an emergency, they should be active in the emergency planning process for their community. EPCRA Sections 311 and 312 require facilities to submit MSDSs (or SDSs) or a list of hazardous chemicals along with the Tier II form to their local fire department and to the SERC (or TERC) and LEPC (or TEPC). Having access to this information enables fire departments that respond to chemical emergencies to know which chemicals, as well as their quantities and locations they can expect to find at the scene. Fire departments should inspect facilities that handle hazardous chemicals using the authority provided under Section 312. As part of an on-site inspection, facilities are required to provide location information of all hazardous chemicals present at the facility. Fire departments are encouraged to use this authority to understand the chemical risks at each facility in order to appropriately respond to those risks. As noted above, it is critically important that first responder organizations make full use of the chemical hazard information for appropriate training and to minimize the risks to fire-fighters, medics and hazmat teams when responding to an emergency.

It is also important to keep an open dialogue with facility personnel to ensure facility participation in the development and implementation of the local emergency plan. Facilities subject to emergency planning under Section 302 are required to provide the name of a facility representative to participate in the planning process. Facilities subject to Section 312 Tier II reporting are required to appoint an emergency contact who can be reached in the event of an incident to assist the fire fighters. These facility representatives can help the fire department in planning and fostering communication before and during response to an incident. Facilities in your community may offer training, technical assistance and resources for responding to chemical emergencies.

Engaging the Community

LEPCs and TEPCs serve as a community focal point for information and discussion about hazardous substances, emergency planning, and health and environmental risks. Engaging and educating the community is an important part of meeting the goals of EPCRA. Section 301 contains provisions for LEPCs and TEPCs to notify the public of its activities and hold public meetings to discuss the emergency plan with the community, educate the public about chemical risks, and share information on what is to be done during an emergency (i.e., evaluation or shelter-in-place). LEPCs and TEPCs are responsible for ensuring that procedures are in place for notifying the public when a chemical accident occurs (via reverse 911 or other system) and ensuring that the public understands what to do when they receive that information. To facilitate this, LEPCs and TEPCs should encourage the public and community groups to become LEPC or TEPC members, participate in the planning process, and promote participation in emergency exercises.

Public Access to Information under EPCRA

SERCs, TERCs, LEPCs and TEPCs receive reports and notifications under EPCRA from facilities covered under the requirements. EPCRA requires that this information be made available to the public. SERCs, TERCs, LEPCs and TEPCs are required to establish procedures for processing and receiving requests from the public as well as providing that information to community members. Procedures may include setting-up a reading room, establishing hours of operation, determining whether copies of the reports can be made, determining whether service fees will be charged, etc.

Facility Compliance and Enforcement

There may be facilities in the community that are not aware of EPCRA and its reporting obligations. SERCs, TERCs, LEPCs and TEPCs should reach out to facilities in their community. Outreach could include compliance workshops and electronic media. Many SERCs and LEPCs have published EPCRA outreach materials to educate facilities and the public. EPA encourages collaboration with and outreach to facilities to illustrate the

important public safety need to comply with EPCRA. If facilities fail to comply, then SERCs, TERCs, LEPCs and TEPCs may use the authority provided in EPCRA Section 326 to file civil enforcement action against facilities. SERCs, TERCs, LEPCs and TEPCs may also refer facilities to EPA to take enforcement action, if necessary.

For More Information

EPCRA: <http://www2.epa.gov/epcra>

EPA EPCRA Regional Contacts: <http://www2.epa.gov/epcra/epa-regional-epcramp-contacts>

EPA Superfund, TRI, EPCRA, RMP & Oil Information Center:
<http://www2.epa.gov/epcra/superfund-tri-epcra-rmp-oil-information-center>
Or 800-424-9346 or 703-412-9810