

TRI & RMP

There is one part of EPCRA that has little to do with the emergency-planning theme of the sections already discussed. This is the **Toxics Release Inventory (TRI)**, which is part of EPCRA, found under Section 313. The Form R is the report that a facility files for the TRI. This Form R report is due the first of July of the following calendar year. [Download a blank Form R at http://www.epa.gov/tri/report/form_r.pdf]

The Toxics Release Inventory tracks the release of certain toxic chemicals and chemical categories (copper compounds, zinc compounds, certain glycol ethers), about 600 or so. This is certainly a smaller universe than the rest of EPCRA and its emergency planning focus. Many of the chemicals regulated by the Form R are in the EPCRA Section 302 EHS category. Not all types of industry and facilities must report using a Form R, even if these industries and/or facilities use the chemicals covered by the TRI. EPCRA reporting has no such restriction—if there are sufficient inventories of the chemicals at the facility, the facility must report.

Facility owners/operators sometimes confuse the reporting and filing requirements of EPCRA. They may think their facility is exempt from HSIS Survey reporting because it is exempt from Form R (TRI) reporting and/or vice-versa. Like HSIS Survey reporting, Form R reports are based on industrial SIC codes, total number of employees as well as reporting amounts to trigger reporting requirements

Still, there is information on the Form R that might be of use to LEPCs. To have to file a Form R, a facility must manufacture or process 25,000 pounds of a TRI chemical, or “otherwise use” 10,000 pounds of a TRI chemical. The report certainly identifies those facilities at which, over a year’s time, a large amount of chemicals are consumed. A response to such a facility will likely involve a risk of exposure to these chemicals. The SARA Title III List of Lists that LEPCs will reference for EHS planning and reporting requirements will also list the chemicals subject to TRI reporting under Section 313.
(<http://www.epa.gov/ceppo/pubs/title3.pdf>)

Unlike the other EPCRA reporting requirements, the EPCRA statute requires that EPA make the TRI information available electronically, which has prompted EPA to post it on the Internet.

FORM R/313 REPORTING REQUIREMENTS

Reporting "trigger" is based on annual chemical consumption, not releases or on-site inventories. (The Form R Report is due July 1st of the following calendar year.) See www.epa.gov/tri for requirements.

Note: For more information, call the EPA Hotline at 1-800-424-9346. For facilities on Tribal lands, contact the Commission for guidance.

RISK MANAGEMENT FACILITIES (RMP)

Under the Clean Air Act Amendments of 1990, there is another emergency planning law that picks up where EPCRA left off. It is Section 112r of the Clean Air Act, known commonly as the **Risk Management Plan (RMP)** Program. Starting June 21, 1999, facilities with sufficient amounts of certain hazardous chemicals had special emergency planning requirements.

The Clean Air Act requires some 17,000 facilities nationwide to assess their own potential for serious chemical spills, fires, and explosions, and based on these assessments to prepare Risk Management Plans (RMPs). These RMPs include vital information for workers, local jurisdictions and communities. These facilities must identify the hazards that may result from catastrophic releases of the chemicals stored on-site, using appropriate hazard assessment techniques. They must also design and maintain a safe facility, taking such steps as are necessary to prevent releases, and to minimize the consequences of accidental releases that do occur. The latter includes notifying those within the range of a large-scale release, often called a worst-case scenario, about the potential risks from such a chemical release. These RMPs are public information and are available to the public.

The EPA was required to promulgate an initial list of at least 100 substances (chemicals) which, in the case of an accidental release, are known to cause or may reasonably be anticipated to cause death, injury, or serious adverse effects to human health or the environment. The EPA began with the EPCRA EHS list in promulgating this list. The list will be revised from time to time, and EPA may add or delete substances from this list by its own action or by being petitioned to do so.

The RMP Program requires companies of all sizes that use certain flammable and toxic substances to develop a Risk Management Program, which includes a(n):

- ✓ Hazard assessment that details the potential effects of an accidental release, an accident history of the last five years, and an evaluation of worst-case and alternative accidental releases;
- ✓ Prevention program that includes safety precautions and maintenance, monitoring, and employee training measures; and
- ✓ Emergency response program that spells out emergency health care, employee training measures and procedures for informing the public and response agencies (e.g. the fire department) should an accident occur.

The plans must be revised and resubmitted every five years. The Risk Management Program is about reducing chemical risk at the local level. This information helps local fire, police, and emergency response personnel (who must prepare for and respond to chemical accidents) and is useful to citizens in understanding the chemical hazards in communities.

EPA anticipated that making the RMPs available to the public would stimulate communication between industry and the public to improve accident prevention and emergency response practices at the local level. Later, the laws were adjusted, however. **LEPC members are cautioned to understand the restrictions placed upon them about releasing certain RMP facility information.** [See http://www.access.gpo.gov/nara/cfr/waisidx_02/40cfr1400_02.html]

These RMP facilities were allowed to use a special software for conducting off-site consequence analysis since the ALOHA plume modeling tool is limited to six miles from the point of release. Some RMP facilities have potential off-site consequences of many more miles than just six. To download the RMP Comp software, go to:

<http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/rmp-comp.htm>

This RMP data will provide new information to an LEPC:

- ✓ Facility hazard assessments, including worst-case release and alternative release scenarios;
- ✓ Facility accident prevention activities, such as the use of special safety equipment, employee safety training programs, and process hazards analyses conducted by the facility;
- ✓ Past facility chemical accident history;
- ✓ Facility emergency response programs and plans.

Information about hazards and risks in a community will allow LEPCs to better work with industry to prevent accidents. The LEPC should make a point of reviewing at least the executive summary of all the risk management plans submitted by facilities within its LEPC planning area. Not only will the LEPC find a short summary of the entire facility plan, but will read about future changes planned to improve safety. The LEPC should review hazard assessments provided by facilities. The vulnerable zones may add significantly to the planning efforts of the LEPC. The LEPC should discuss these directly with the facility.