

PUBLIC ACCESS TO EPCRA INFORMATION

This law is often referred to as **the Community Right-to-Know law**, because it was the first to require by federal law that certain information about chemical inventories at facilities would be available, **as a right**, to the public. The law does allow the facility to request that the locations of chemicals at the facility be kept confidential from the public (but not the fire department, the LEPC, or the OSAB), but the presence and amount of the chemical on-site must be disclosed and publicly available.

Part of the purpose for providing the information to the public is to garner the public's assistance in determining which facilities need to report. Also, the public is considered an important stakeholder in the planning process. Generally, the public will ask about a facility if there is a problem or a concern. Sometimes this is triggered when the facility or a neighboring facility has an incident or problem.

In general, the public in Oregon has not been too interested in EPCRA information. EPCRA is quite explicit in making it a requirement that the public has easy access to the EPCRA information. Recognizing this, the OSAB and OSFM supports each LEPC in meeting whatever public demands are placed on them.

EPCRA PUBLIC AVAILABILITY REQUIREMENTS

Each emergency response plan, material safety data sheet, list of chemicals provided pursuant to the requirements of EPCRA Section 311, HSIS Survey information and follow-up emergency notice, legally must be made available to the public during normal working hours at the location designated by the LEPC and OSAB. There are procedures set forth by EPCRA that the public must follow in making these requests.

Under EPCRA and Oregon Statute, there is a provision to make HSIS information available to the public. (Note: There is a provision for specific location information of chemicals within a facility to be withheld from the public).

EPCRA ENFORCEMENT REGARDING PUBLIC RECORDS

EPCRA allows citizens to sue the OSAB and/or the Governor in federal district court if there is not access to EPCRA information.