



EPCRA

HAZARDOUS CHEMICAL REPORTING ADVISORY

Facilities Operating in the Plastics Industry

The U.S. Environmental Protection Agency (EPA) has learned that some facilities in the plastics industry that store, process, use, or otherwise handle plastic resins may not be reporting these hazardous chemicals to state and local authorities as required under the [Emergency Planning and Community Right-to-Know Act \(EPCRA\)](#). EPA inspectors conducted EPCRA inspections at several rotational plastic molding facilities. These facilities transform polyethylene and polypropylene resins into a variety of plastic molds which are then assembled into finished products for distribution. Facility representatives indicated to the inspectors that not only were they unaware the resins were considered hazardous chemicals and, therefore, potentially subject to EPCRA reporting requirements, but that similar companies within their trade association were equally uninformed. The purpose of this advisory is to raise awareness in the plastics industry of the hazardous chemical reporting requirements of [Sections 311 and 312 of EPCRA](#).

A facility owner or operator must comply with the hazardous chemical reporting requirements of EPCRA if: 1) the Occupational Safety and Health Administration's (OSHA) Hazard Communication Standard (HCS) requires the facility to prepare or have available a Material Safety Data Sheet (MSDS) or Safety Data Sheet (SDS) for a hazardous chemical, and 2) that hazardous chemical is present onsite in quantities that meet or exceed its designated threshold level. See [40 CFR Section 370.10](#). EPA has not issued a list of hazardous chemicals subject to this reporting, but rather relies on the definition of hazardous chemical under the OSHA regulations: "Any chemical which is classified as a physical hazard or a health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified." See [29 CFR Section 1910.1200\(c\)](#).

Manufacturers have classified some plastic resins as combustible dusts on corresponding MSDSs/SDSs. Combustible Dust is not defined in the HCS. However, it is defined in OSHA's [Combustible Dust National Emphasis Program \(NEP\)](#) as: "A combustible particulate solid that presents a fire or deflagration hazard when suspended in air or some other oxidizing medium over a range of concentrations, regardless of particle size or shape." Combustible Particulate Solid is defined as: "Any combustible solid material composed of distinct particles or pieces, regardless of size, shape, or chemical composition."

OSHA has advised EPA that the combustible dust definition is not limited to the portion of material which is airborne. If the MSDS/SDS of a material states that it is a combustible dust, then the material, even while resting on a surface or stored in a silo, would still be a

combustible dust by definition. An example of this can be seen in the January 2003 dust explosion at West Pharmaceutical Services in Kinston, NC, where six employees died and thirty-eight were injured. The Chemical Safety Board (CSB) investigated the accident and traced the explosion to the accumulation of polyethylene combustible dust on hidden surfaces above the production area. See the CSB's Investigation Digest on the incident at http://www.csb.gov/assets/1/19/West_Digest.pdf.

If you have combustible dust or any other hazardous chemical present onsite above threshold levels for which you are required to maintain an MSDS/SDS, you are subject to reporting under EPCRA Sections 311 and 312. You must submit to the State Emergency Response Commission ([SERC](#)), the Local Emergency Planning Committee ([LEPC](#)), and the fire department(s) with jurisdiction over your facility:

- An MSDS/SDS for each hazardous chemical present at your facility that meets or exceeds its applicable threshold level; or
- A list of all hazardous chemicals (grouped by hazard category) present at your facility at or above the applicable threshold levels within 3 months after you first become subject to the reporting requirements. This is a one-time submission unless new information about the hazardous chemical is discovered or the LEPC requests a subsequent submission. See [40 CFR Sections 370.30 through 370.33](#).
- Inventory information on the hazardous chemicals present at your facility during the preceding calendar year at or above the applicable threshold levels. This inventory report must be submitted on or before March 1st of each year after you become subject to the reporting requirements. See [40 CFR Sections 370.40 through 370.45](#).

You are encouraged to contact your SERC to determine your state's requirements for inventory reporting formats, procedures, and to obtain inventory forms. Many states require electronic reporting.

Reporting hazardous chemical information to state and local agencies is important to ensure that emergency responders can effectively and safely plan for and respond to incidents that may involve your facility and increase public awareness of the chemical risks in their community. This ultimately helps to protect human health and the environment.

For more information about EPCRA, please visit: <https://www.epa.gov/epcra>