

Chapter 8. EPCRA Section 324: Public Availability of Plan, Data Sheets, Forms, and Follow-up Notices

EPCRA Section 324(a) Availability to Public

Each emergency response plan, material safety data sheet, list described in section 311(a)(2) of this title, inventory form, toxic chemical release form, and follow-up emergency notice shall be made available to the general public, consistent with section 322 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 312 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 312(d)(2) of this title to be contained in an inventory form as tier II information.

EPCRA Section 324(a) states that certain information developed under EPCRA, as well as the reports submitted by facilities under EPCRA, should be available to the public, consistent with Section 322, Trade Secret Provisions. These provisions apply to SERCs, TERCs, LEPCs and TEPCs.

As required under Section 301 of EPCRA, SERCs, TERCs, LEPCs and TEPCs should set up procedures and processes for providing information to the community. These procedures may include setting up a reading room and its operating hours, costs for photocopying information, etc.

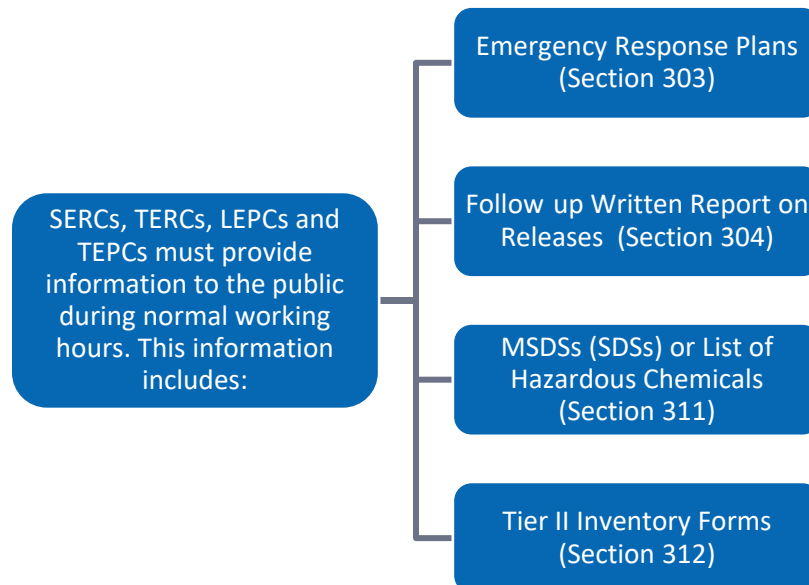


Figure 26. Public access to EPCRA information.

8.1 Public Access to EPCRA Reports

The following is a summary of information that should be available upon request to the public under EPCRA.

8.1.1 Emergency Response Plan Developed by LEPCs and TEPCs

LEPCs and TEPCs should provide citizens in their community access to the emergency response plan and encourage them to attend meetings to discuss procedures for citizens to follow in case of a chemical emergency. As required by the statute in EPCRA Section 301(c), one of the functions of the LEPCs and TEPCs are to establish rules for the organizations, which include holding public meetings to discuss the emergency plan. You can also prepare them on what to do during an emergency and how you will notify them (ex: tv or radio announcements).

8.1.2 Follow-up Emergency Notice (Follow-up Written Report)

As required under Section 304(c) of EPCRA, facilities are required to submit a follow-up report on any accidental releases of any EHSs or CERCLA hazardous substances for which they made an initial notification to the SERC or TERC and LEPC or TEPC. This follow-up report should be made available to the public. This report should be submitted by facilities within 30 days, but some states require fewer than 30 days.

8.1.3 Material Safety Data Sheet (MSDS) (or Safety Data Sheet (SDS)) or List of Hazardous Chemicals Received under Section 311(a)(2)

Citizens in your community may request MSDSs (SDSs) and/or the list of hazardous chemicals submitted by facilities near their home or local schools. Facilities have the option to either submit MSDSs (SDSs) or a list of hazardous chemicals held above the reporting thresholds. If LEPCs and TEPCs do not have the MSDSs (SDSs), they may request them from facilities.

8.1.4 Inventory Form Submitted Under Section 312 (“Tier II”)

The hazardous chemical inventory form (Tier II or the state equivalent) received under Section 312 should also be made available to the public. However, community members must request information for a specific facility. SERCs, TERCs, TEPCs and LEPCs must respond to requests within 45 days after the request.

8.2 Notice of Public Availability

EPCRA Section 324(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).

Section 324(b) of the statute states that LEPCs and TEPCs should publish a notice in local newspapers that the emergency plan, MSDSs (SDSs), and inventory forms are available for the community to review. Such notices shall include the location of the reading room, if established, and the hours of operation.

In addition to (or in lieu of) publishing a notice in local newspapers, EPA encourages LEPCs and TEPCs to develop a website for their organization of any activities planned, such as discussion of the emergency response plan, explanation of chemical risks and schedules for emergency plan exercises, etc. LEPCs and TEPCs may also post notices in public institutions, libraries, city hall and other places where the public normally gather or visit. You may also publish fact sheets or brochures to provide to the public. You may request assistance from your state/tribe or EPA.