



Upcoming EPCRA Tier II Reports Must Use New Hazard Classifications

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Manufacturers and large scale users of hazardous chemicals know the significance of March 1st. The Emergency Planning and Community Right-To-Know Act (EPCRA) requires facilities where hazardous chemicals were present above reporting thresholds at any time in the previous calendar year to complete a Tier II hazardous chemical inventory report. Tier II reports must be submitted by March 1 to the State Emergency Response Commission (SERC), Local Emergency Planning Committee (LEPC), and local fire department with jurisdiction over the facility. In 2018, Tier II submittals will present a new set of challenges to companies, but will also offer clarity to state and local response agencies who receive these reports and rely on them for emergency planning.

The Tier II form provides physical and/or health hazards of each chemical, their locations, and quantities present at the facility during the previous calendar year. In 2016, EPA amended its hazardous chemical reporting regulations to reflect a more standardized approach for classifying chemicals by their health, physical and environmental effects. Previously, physical and health hazards were divided into five hazard categories (three physical and two health hazard categories). Under the amended regulations, there are 24 hazard classifications (13 physical and 11 health hazard categories). Classes are then subdivided into categories depending on degree of severity of the hazard.

For example, under previous hazard classifications, a chemical was either a potential carcinogen or it was not. Under the new system, carcinogenicity has two hazard categories. Category 1 covers known or presumed human carcinogens, and Category 2 covers suspected carcinogens. The rationale for adding hazard classifications and severity categories was to provide more detailed criteria about each chemical, which will be valuable to emergency planners and responders.

The EPCRA amendments are consistent with recent amendments to OSHA regulations, which also require manufacturers of chemicals to use the new hazard classification system when drafting Safety Data Sheets (SDSs). During the rulemaking process, stakeholders expressed general approval of the amendments. The regulated community reasoned that, if EPA adopted consistent hazard classes, it would be less burdensome on facilities, as they would only need to copy hazard information from each SDS.

EPA has updated its Tier II inventory forms and instructions and has modified its Tier2 Submit software to include the new physical and health hazards. With March 1 just around the corner, facilities submitting Tier II reports for reporting year 2017 need to remember that use of the new hazard classifications was required beginning January 1, 2018.

81 Fed. Reg. 38104 (June 13, 2016).

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