

## FURTHER RESOURCES

### Chemical Emergency Preparedness and Prevention Information

<http://yosemite.epa.gov/oswer/ceppoweb.nsf/>

### Small Business Resources

<http://www.epa.gov/smallbusiness/>

### Compliance Assistance

<http://www.epa.gov/compliance/assistance/>

### Toxic Release Inventory

<http://www.epa.gov/tri/>

### Find Your SERC

<http://www.epa.gov/ceppo/serclist.htm>

### Find Your LEPC

<http://yosemite.epa.gov/oswer/lepddb.nsf/>

### Reporting Chemical Emergencies

#### National Response Center (NRC)

<http://www.nrc.uscg.mil/>

(800) 424-8802

#### U.S. EPA Region 4 EPCRA Program

Air, Pesticides & Toxic Management Division

61 Forsyth Street, S.W.

Atlanta, GA 30303

(404) 562-9150

<http://www.epa.gov/region4/air/epcra/>



**Environmental  
Protection Agency**

<http://www.epa.gov>

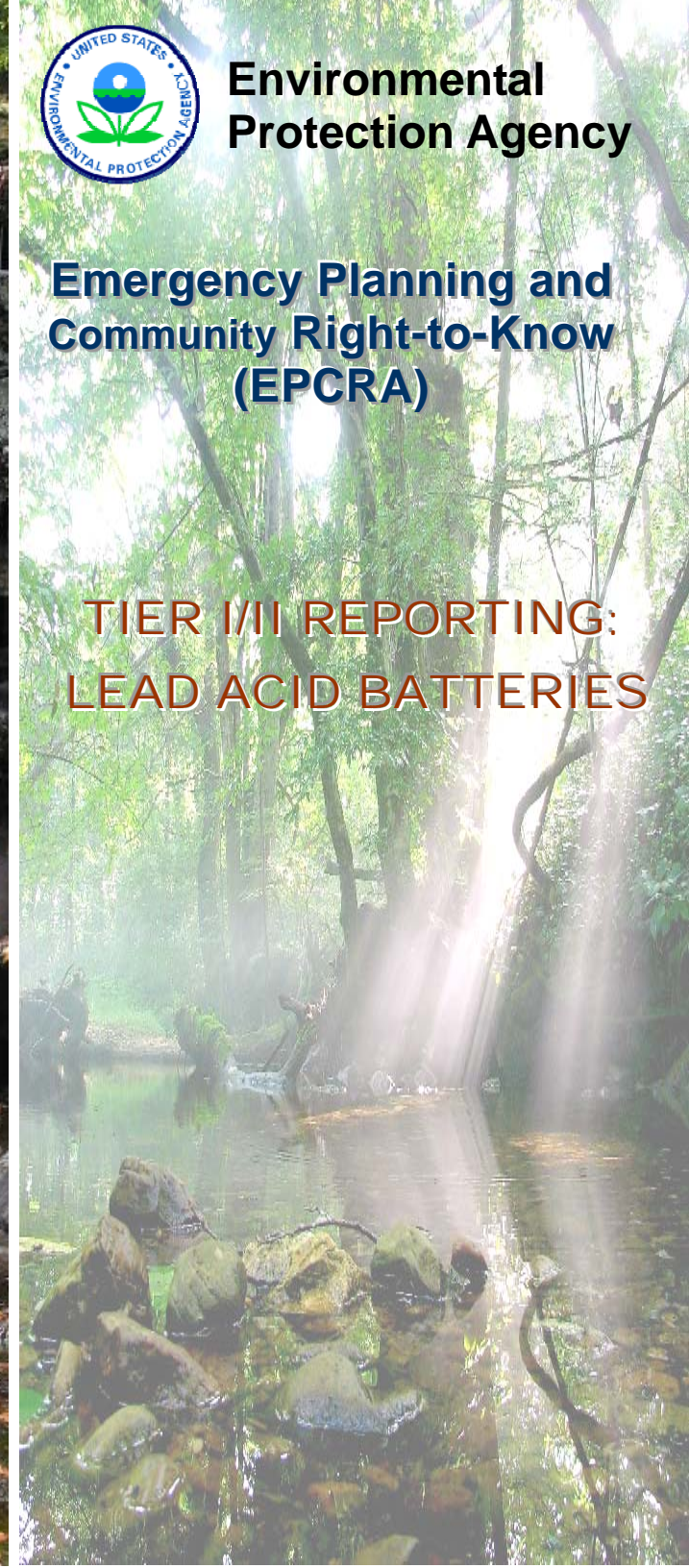
Bear Creek Georgia



**Environmental  
Protection Agency**

**Emergency Planning and  
Community Right-to-Know  
(EPCRA)**

**TIER I/II REPORTING:  
LEAD ACID BATTERIES**



## EPCRA REPORTING



### Background:

The Emergency Planning and Community Right-to-Know Act (EPCRA), also known as SARA Title III, was enacted in 1986. This law provides a structure at the state and local levels to plan for chemical emergencies. Many facilities that store, use, or release certain chemicals, are subject to various reporting requirements. Reported information is made publicly available so that interested parties can learn about potentially dangerous chemicals in their community. EPCRA requirements include:

- Emergency planning notification (§302)
- Emergency release notification (§304)
- Hazardous chemical inventory reporting (§§311/312)
- Toxics Release Inventory reporting (§313)

### Hazardous Chemical Inventory Reporting:

EPCRA Sections 311 and 312 applies to owners or operators of facilities that must prepare or have available a Material Safety Data Sheet (MSDS) for hazardous chemicals as required by the Occupational Safety and Health Act (OSHA) of 1970. EPA rules are published in the Code of Federal Regulations (40 CFR Part 370). These regulations establish minimum threshold quantities for the hazardous chemicals that trigger EPCRA reporting. The rules also provide instructions on how to report if levels are exceeded.

## LEAD ACID BATTERIES

### Reporting Requirements:

OSHA determined that lead acid batteries are hazardous chemicals because of their potential chemical exposure risks and physical hazards. They can leak, spill, or break not only in accidents or emergencies, but even in normal use. Thus, an employer regulated under OSHA, 29 CFR § 1910.1200 is required to prepare or have available an MSDS for lead acid batteries used or stored on site.

**Since lead acid batteries require an MSDS they are reportable under EPCRA Sections 311 and 312 if they meet or exceed the reporting thresholds.**

### Reporting Thresholds:

Regulations at 40 CFR § 370.28 require facilities to aggregate the amounts of each extremely hazardous substance (EHS) present at the facility, whether it is present as a mixture component or in its pure form. Lead acid batteries contain sulfuric acid, an EHS, in addition to other hazardous chemicals such as lead, lead oxide, and lead sulfate.

**If the aggregated amount of sulfuric acid from all batteries and other sources on site equals or exceeds 500 pounds, then the sulfuric acid is reportable under EPCRA Sections 311 and 312.**

The reporting threshold for any additional hazardous chemicals requiring an MSDS that are not an EHS is 10,000 pounds.

## HOW TO REPORT



### Reporting Obligations:

Once reporting is triggered, EPCRA 311 requires a one time submission of the MSDS for the batteries within 90 days to the State Emergency Response Commission (SERC), The Local Emergency Planning Committee (LEPC), and local Fire Department.

EPCRA 312 requires filling out either a Tier I or Tier II report that must be submitted annually by March 1<sup>st</sup> of each year following the year reporting is triggered. The Tier I or Tier II report must be submitted to the SERC, LEPC, and local Fire Department with jurisdiction over the facility. Contact your State SERC, LEPC, or local Fire Department for specific reporting instructions and mailing addresses.

### Enforcement:

Companies that discover violations voluntarily can come into compliance and may avoid fines by using EPA's Audit policy, "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations".

<http://www.epa.gov/compliance/incentives/auditing/>

Under EPCRA, failure to report in a timely manner can result in EPA enforcement actions and fines of up to \$32,500 per day per violation.