

## **The Emergency Planning and Community Right-to-Know Act**

*Acronym: EPCRA (pronounced, ep"-crah)*

### **What is EPCRA? A History and General Overview of the Law**

The Emergency Planning and Community Right-to-Know Act (EPCRA) was passed in 1984, and although it is also known as SARA (Superfund Amendments and Reauthorization Act) Title III, it is a free standing statute separate from the Superfund program. EPCRA's purpose is to encourage and support emergency planning efforts at state and local levels and provide communities and citizens with information about the chemicals being stored, used, and produced within their communities.

#### *To see the regulations:*

- 40 CFR 350, 355, 370, and 372: EPCRA regulations

### **How Does EPCRA Apply to Railroad Operations?**

All short line railroad with fixed facilities should maintain material safety data sheets (MSDSs) for the materials used or stored at the facility. Hard copies should be kept at the facility's site or be available by computer or fax within the work shift.

### **General Federal EPCRA Requirements**

EPCRA requires companies to identify their facilities to enforcement agencies and provide certain data about the chemicals used at those facilities in emergency situations and on a regular basis. EPCRA does not require the reporting of spills that are confined to the boundaries of a facility. It is, however, concerned with the following four types of reporting:

- **Emergency Release Notification from Fixed Facilities and Rolling Stock:** Immediate notification is required for the accidental release of any extremely hazardous substance, any CERCLA hazardous substance, or any chemical with a MSDS.
- **Notification of chemicals subject to the Occupational Safety and Health Act Hazard Communication Standard.**
- **Annual Emergency and Hazardous Chemical Inventory Reporting:** Facilities must submit an emergency and hazardous chemical inventory to state and local authorities.
- **Annual Toxic Chemical Release Reporting** which identifies the amounts of routine chemical emissions from all manufacturing facilities is required by the manufacturing industry, but is not currently required by the transportation industry.

## **EPCRA Enforcement Provisions and Penalties**

- Federal civil penalties: fines of up to \$25,000 per day per violation for failure to identify a facility subject to EPCRA; provide information in response to a request from the local emergency planning committee; report accidental releases to all appropriate authorities; provide all reporting information required; and notify the committee of any changes at the facility that affect the development of the emergency response plan.
- Federal criminal penalties: knowing and willful violation can result in fines of up to \$25,000 and/or up to two years in prison.