

SARA Tier I & Tier II Reporting (Community Right-to-Know)

Description:

Owners or operators of facilities that have 10,000 pounds or more of materials designated in the regulations as “hazardous chemicals,” including propane, or smaller quantities¹ of “highly hazardous substances,” as designated and specified in the regulations, must prepare and file annual reports with the State Emergency Response Commission (or Committee) (SERC), Local Emergency Planning Committee (LEPC), and affected local emergency response agencies, such as fire departments, prior to March 1 each year.

Regulatory Reference

40 CFR Part 370	Hazardous Chemical Reporting: Community Right-To-Know
40 CFR § 370.1	Purpose
40 CFR § 370.2	Definitions
40 CFR § 370.20	Applicability
40 CFR § 370.21	MSDS reporting
40 CFR § 370.25	Inventory reporting
40 CFR § 370.28	Mixtures
40 CFR § 370.30	Requests for information
40 CFR § 370.31	Provision of information
40 CFR § 370.40	Tier I emergency and hazardous chemical inventory form
40 CFR § 370.41	Tier II emergency and hazardous chemical inventory form

Applies to:

The requirements of these EPA regulations apply to any facility that is required to prepare or have available a material safety data sheet (MSDS) for a hazardous chemical under the Occupational Safety and Health Act of 1970 and regulations promulgated under that Act. The owner or operator of a facility that has submitted an inventory form under this regulation is required to allow on-site inspection by the fire department having jurisdiction over the facility upon request of the department, and to provide to the department specific location information on hazardous chemicals at the facility.

General Requirements:

- (1) **Tier I Reporting Requirements.** Tier I reporting was initially required for each affected facility on or before March 1 of 1988. A Tier II report was acceptable in place of a Tier I report.
- (2) **Tier II Reporting Requirements.** The annual Tier II report must be made on a form designated in the regulations, or on forms provided by the SERC. Some states provide paper Tier II reporting forms, others provide electronic versions that can be completed in the facility operator’s computer, while other states continue to use the federal form. The following information must be completed on a form for each affected facility:

¹ TPQ means the threshold planning quantity for an extremely hazardous substance as defined in 40 CFR part 355

- (a) The name of each hazardous chemical present at the facility at any time during the previous calendar year at levels that equal or exceed threshold planning quantities (TPQ)—10,000 pounds, or approximately 2,381 gallons for propane. Gasoline, diesel, methanol, and other materials commonly stored at bulk plants must be reported if they are present in quantities of 10,000 pounds or more.
 - (b) Reporting Period. The reporting period is the appropriate calendar year, beginning January 1 and ending December 31.
 - (c) Facility Identification. Facility identification requires the complete name of the facility (and company identifier where appropriate); the full street address or state road. If a street address is not available, enter other appropriate identifiers that described the physical location of the facility (e.g., longitude and latitude). Include city, county, state, and zip code; and the primary Standard Industrial Classification (SIC) code and the Dun & Bradstreet number for the facility.
 - (d) Owner/Operator. The owner's or operator's full name, mailing address, and phone number is required.
 - (e) Emergency Contact. The name, title, and work phone number of at least one local person or office that can act as a referral if emergency responders need assistance in responding to a chemical accident at the facility is required. In addition, the facility owner or operator must provide an emergency phone number where such emergency information will be available 24 hours a day, every day. This requirement is mandatory. The facility must make some arrangement to ensure that a 24 hour contact is available.
 - (f) Physical and Health Hazards. This section requires aggregate information on chemicals by hazard categories as defined in 40 CFR 370.2. The two health hazard categories and three physical hazard categories are a consolidation of the 23 hazard categories defined in the OSHA Hazard Communication Standard, 29 CFR 1910.1200. For each hazard type, the report must indicate the total amounts and general locations of all applicable chemicals present at the facility during the past year.
 - (g) Maximum Amount. The maximum amount of each reportable chemical present at any time during the year must be reported in pounds.
 - (h) Average Daily Amount. The average daily amount of each reportable chemical present during the year must be reported in pounds.
 - (i) Number of Days On-Site. The report must list the greatest number of days that a single chemical within that hazard category was present on-site.
 - (j) General Location. A general location such as “bulk storage tanks” or “drum storage area” must be indicated for each chemical.
 - (k) Certification. A prescribed certification statement to the effect that the information is accurate and complete to the best knowledge of the person responsible for submitting the form must be acknowledged by a company representative's signature, title, and date.
- (3) Where and When to Submit Tier II Forms. Tier II forms must be submitted on or before March 1 each year, covering the reportable hazardous chemicals present at the facility during the previous calendar year. A completed form must be submitted to:

- (a) Your State Emergency Response Commission.
- (b) Your Local Emergency Planning Committee.
- (c) The fire department with jurisdiction over your facility.

Training Requirements:

There are no training requirements associated with the EPA SARA Tier I and Tier II reporting regulations.

Maintenance and Review

Companies that operate multiple facilities often find it necessary to assign responsibility for Tier II form preparation to a single person or department. It is important to coordinate the task with local facility managers and supervisors who may receive filing forms by mail in December or January each year. It is important to ensure that the forms are completed and submitted to state and local emergency planning officials and fire departments prior to March 1, and that copies are filed for reference in each affected facility location, and/or in a central company filing system.

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