Emergency Planning and Community Right-to-Know Act Enforcement: U.S. Environmental Protection Agency and Former Nashville, Tennessee Meat Production Facility Enter into Consent Agreement

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The United States Environmental Protection Agency ("EPA") and Cargill Meat Solutions Corporation ("Cargill") entered into an August 18th Consent Agreement ("CA") addressing an alleged violation of the federal Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11045 ("EPCRA"). See Docket No. EPCRA-04-2025-2002(b).

The CA pertains to Cargill's former facility in Nashville, Tennessee.

The facility was a meat production plant.

Section 12 of EPCRA and 40 C.F.R. Part 70 provide that:

…the owner or operator of any facility that is required to prepare or have available a Material Safety Data Sheet (MSDS) or a Safety Data Sheet (SDS) for hazardous chemicals under the Occupational Safety and Health Act of 1970 (OSHA) and regulations promulgated under OSHA, shall submit to the Local Emergency Planning Committee (LEPC), the State Emergency Response Commission (SERC), and the fire department with jurisdiction over the facility a completed Emergency and Hazardous Chemical Inventory Form (Tier I or Tier II), pursuant to 40 C.F.R. § 370.40, containing the required information for hazardous chemicals present at the facility at any one time in the calendar year in amounts equal to or greater than 10,000 pounds and containing the required information for extremely hazardous substances (EHS) present at the facility at any one time in amounts equal to or greater than the threshold planning quantity (TPQ) or 500 pounds, whichever is less, by March 1 for the preceding calendar year.

Liquid carbon dioxide and liquid nitrogen are stated to be a hazardous chemical as defined by EPCRA. Therefore, Cargill is stated to have been required to prepare or have available a Material Safety Data Sheet for hazardous chemicals under OSHA for liquid carbon dioxide and liquified nitrogen.

At some time during the calendar year 2022, liquified carbon dioxide and liquified nitrogen are stated to have been present in the facility in an amount equal to or greater than 10,000 pounds. Therefore, Cargill is alleged to have failed to submit a completed Emergency and Hazardous Chemical Inventory Form for

these two substances to the SERC, LEPC, and fire department with jurisdiction over the Facility for calendar year 2022 by March 1 of the following calendar year.

Cargill neither admits nor denies the factual allegations set forth in Section 4 of the CA.

A civil penalty of $1,500.00 is assessed.

A copy of the CA can be downloaded here.