Emergency Planning and Community Right-to-Know Act/Hazardous Chemical Inventory Reporting Regulations: U.S. EPA Publishes Final Rule Aligning with OSHA Hazard Communication Standard Amendments



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The United States Environmental Protection Agency ("EPA") published in the June 22nd Federal Register a final rule conforming the Emergency Planning and Community Right-to-Know Act ("EPCRA") hazardous chemical inventory reporting regulations to the recent Occupational Safety and Health Administration's ("OSHA") Hazard Communication Standard amendments. See 91 Fed. Reg. 30722.

EPA notes that EPCRA in its regulations rely on OSHA's Hazardous Communication Standard for:

- The definition of a hazardous chemical.
- Categories of health and physical hazards that must be reported under the hazardous chemical inventory regulations.

EPCRA requires certain facilities to submit reports each year on the amount of toxic chemicals they release into the environment, either routinely or as a result of accidents. Federal legislation in 1990 extended reporting requirements to waste management and source reduction activities. EPA implements these laws and compiles information it receives in the Toxics Release Inventory ("TRI").

The TRI is a publicly available database prepared and published by EPA annually.

The TRI contains information on the release of several hundred chemicals and chemical categories from industries including manufacturing, metal and coal mining, electric utilities, and commercial hazardous waste treatment (among others). EPCRA requires companies that manufacture, process, or otherwise use specified toxic chemicals in amounts above reporting threshold levels to submit reports to EPA and designated state officials.

The OSHA Hazard Communication Standard requires that facilities communicate with employees about hazardous chemicals to which they may be exposed at work. The information provided by this Standard is typically divided into five main areas:

- List of hazardous chemicals used within the facility.
- Creation of a written Hazardous Communication Program.
- Proper labelling of dangerous chemicals.
- Providing Material Safety Data Sheets.
- Providing comprehensive staff training.

EPA states that the June 22nd final rule conforms the terminology used and information that must be reported on the hazardous chemical inventory forms to the Hazard Communication Standard amendments.

A copy of the final rule can be found here.