

Environmental Policies Affecting Communities

EPCRA – adapted from <http://www.chemicalspill.org/Right-To-Know/epcra.html>

The Emergency Planning and Community Right-To-Know Act is called EPCRA or the Community Right-To-Know law. EPCRA was passed in 1986 by the United States Congress after a chemical disaster in Bhopal, India, which caused widespread death and illness, and raised concerns about a lack of planning and preparation for a similar accident in America.

EPCRA is designed to:

- inform communities about chemicals and chemical hazards present and transported in the community,
- involve communities in developing emergency planning and response,
- help identify facilities that might be subject to the law, and
- assure implementation of the EPCRA law.

Facilities that have spilled hazardous substances, or that store, use, or release certain chemicals, are subject to various reporting requirements. All of this information is made publicly available so that interested parties may become informed about potentially dangerous chemicals in their community.

Questions for Communities

- If there were a cloud of poisonous chemical gases coming at you or your home right now, would you know how to protect yourself, your loved ones, and your property?
- Have the necessary steps been taken by government to plan and protect you and your family in such an event?
- Are the facilities near you in compliance with this law?
- Do the firefighters know what hazardous chemicals are present at facilities near your neighborhood, and their amounts and locations, so they can effectively respond in case of an accident?

A chemical accident is reported in the United States an average of 21 times a day. One in 20 of the chemical accidents that occur in the United States resulted in immediate injuries, evacuations, or deaths. Anhydrous ammonia, chlorine, sulfuric acid, sulfur dioxide, and hydrochloric acid were the chemicals most frequently involved in accidents including immediate injury, evacuation, and death.

What is EPCRA information?

This EPCRA law gives the public the explicit right to know about this chemical information. Anyone has a right to see and get copies of the Tier Two reports (chemical storage reports), facility emergency plans, written followup reports, regional emergency plans, and Material Safety Data Sheets [MSDS](chemical

properties) with chemical information that a facility has provided to the Local Emergency Planning Committee (LEPC) and State Emergency Response Commission (SERC). Generally, the LEPC or SERC will already have the MSDS if there are sufficient quantities of a chemical onsite to trigger EPCRA reporting requirements. The public will want to ask in writing for MSDSs, facility emergency plans, written followup reports, regional emergency plans, or Tier Two reports from the LEPC or SERC.

How Communities Can Use EPCRA Information

- Become aware and acquainted with chemical hazards in the community.
- Make better informed decisions about what chemical hazards are present in the community, and what the public's role is in an emergency situation.
- Determine if the facilities near them are complying with EPCRA.
- Make sure there is an adequate regional emergency plan that will protect communities in the event of a chemical spill or hazardous materials incident.
- Increase public awareness of the regional plan for chemical emergencies where residents live, travel, and work. Without proper preparations and emergency planning, hazardous materials incidents can overwhelm unprepared emergency response teams.
- Find out how much of a chemical or chemicals are stored onsite at a facility. The public can find out this information about all the facilities in the community and determine the aggregate amounts by totaling all chemicals stored at the facilities in their community. This can help the public determine its relative risk or hazard from a chemical spill.
- Determine how far away from a facility a spill of chemicals could reach or affect. Just because a facility has reportable quantities of a hazardous chemical does not mean that a spill would affect others beyond property boundaries. In other instances, there may be a risk to people several miles away from the facility.
- Assess the risk of encountering a transportation incident involving a "hazardous materials incident" and whether a routine commute is along higher risk routes.
- Become aware of whether the local fire department has implemented use of EPCRA information. If the local fire department is not using this EPCRA information at the scene of chemical incidents or fires at facilities that have chemicals stored onsite, then the community needs to bring pressure immediately to have use of this EPCRA information implemented. By not using the EPCRA information, fire departments put firefighters, emergency responders, facility owners, facility workers, other businesses, communities, and passersby at a heightened, and unneeded, risk. By using the EPCRA information, fire departments will have more efficient, informed, and timely responses to chemical incidents.
- Be aware of shelter-in-place and evacuation strategies for the community. Be sure local schools, hospitals, day care centers, nursing homes and care facilities, and other vulnerable facilities have shelter-in-place and evacuation plans in place.

Further EPCRA Resources

- <http://www.rtk.net/aboutrtknet.html>
- <http://www.chemicalspill.org/>

Superfund was enacted by Congress in 1980. This law created a tax on chemical and petroleum industries, and provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. There are about 1000-1500 Superfund sites on the National Priorities List, which is a list of sites targeted for and involved in cleanup activities.

Role of Communities in Superfund Cleanups

Community advisory groups (CAG) are made up of representatives of diverse community interests. Its purpose is to provide a public forum for community members to present and discuss their needs and concerns related to the Superfund decision-making process.

A CAG can assist EPA in making better decisions on how to clean up a site. It offers EPA the opportunity to hear—and seriously consider—community preferences for site cleanup and remediation.

Further Superfund Resources

- <http://www.epa.gov/superfund/>

Brownfields abandoned or underutilized commercial or industrial properties where reuse is hindered by the threat of environmental contamination. It is estimated there are between 100,000 and 200,000 brownfield sites throughout the country. Brownfields are not just an urban problem, but are also found in rural and tribal communities.

Community involvement is an important component in the redevelopment of brownfield sites and EPA-supported brownfield projects are required to have a community involvement process, but there is no formal mechanism for this, such as CAGs at Superfund sites.

Role of Communities in Brownfield Redevelopment

Stakeholders are those invested in the process of the redevelopment and reuse of brownfield properties.

Instigators can be communities that are the impetus for redevelopment projects.

Visionaries participate in a process that identifies community strengths, needs, and goal setting.

Further Brownfields Resources

- <http://www.epa.gov/swerosps/bf/index.html>

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, culture, national origin, income, and educational levels with respect to the development, implementation, and enforcement of protective environmental laws, regulations, and policies.

Fair treatment in regards to EJ, means no person or group should bear a greater share of negative environmental impacts that result from environmental programs.

Disproportionate impact (of minority populations) refers to communities of low income and/ or color and in the presence of high-risk environmental hazards. Those communities in the presence of environmental and human health hazards are more at risk of developing chronic health problems or experiencing environmental racism due to their surroundings than other parts of the country.

Meaningful involvement can include the following National Environmental Justice Advisory Council (NEJAC) suggestions for public involvement:

- Encourage public participation in all aspects of environmental decision making.
- Encourage active community participation.
- Institutionalize public participation.
- Recognize community knowledge.
- Utilize cross-cultural formats and exchanges.

Further Environmental Justice Resources

- <http://www.epa.gov/region7/ej/index.htm>

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