

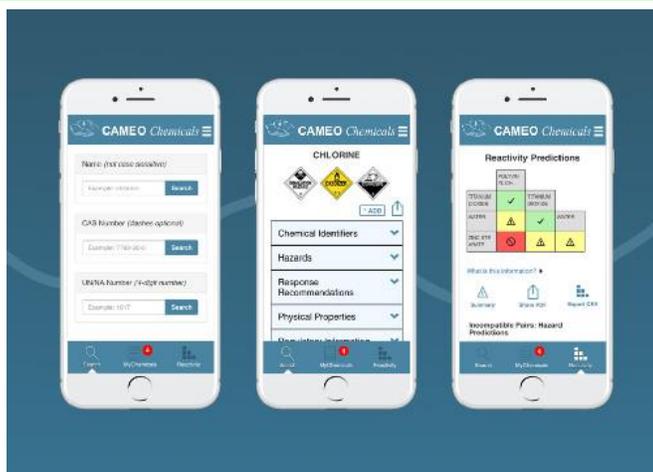
Region 6 LEPC Update

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In this issue we bring you the new CAMEO Chemicals app, EPCRA guidance on rail yard chemical storage and updates, EHS planning best practices, and resources for volunteer legal issues. -Steve & Hilary

New CAMEO Chemicals App Released



NOAA has developed CAMEO Chemicals as a free app for iPhone and Android. This means that first responders can now use CAMEO Chemicals to access on a smartphone or tablet with no internet access!

The app features an interface that is optimized for viewing on mobile devices, allowing users to easily look up chemical information, predict chemical reactivity, and share CAMEO Chemicals datasheets and reactivity reports with a few quick finger swipes.

Now responders can access the features of CAMEO Chemicals on the go, including information on chemical physical properties, health hazards, air and water hazards, recommendations for firefighting, first aid, spill response, and regulatory information. The CAMEO Chemicals mobile app features include:

- **Database of over 6,000 chemicals**
- **Searchable by name, CAS number, or UN/NA**
- **Reactivity prediction and reporting tool**
- **Quick share feature sends PDFs easily**

Get the CAMEO Chemicals app for iOS (on the App Store)
Get the CAMEO Chemicals app for Android (on Google Play)

The app is the fourth format for CAMEO Chemicals, which is also available as a [website](#), [mobile website](#), and [desktop program](#) for Windows and Mac.

The mobile app is part of the CAMEO® software suite, a set of programs offered at no cost by NOAA's Office of Response and Restoration and EPA's Office of Emergency Management. This suite of programs was designed to assist emergency planners and responders to anticipate and respond to chemical spills.



EPCRA and Hazardous Chemicals at Rail Yards

Courtesy of EPA Region 8

EPA often receives the following question:

Are hazardous chemicals being stored at the destination indicated on their shipping papers considered to be storage “incident to transportation,” if they will be shipped later on to another destination under new shipping papers?

The exemption in Section 327 of EPCRA for substances stored as “incidental to transportation” **does not apply** when substances are not under active shipping papers.

The legislative history of EPCRA makes clear that the exemption “is limited to the storage of materials which are still moving under active shipping papers and which have not reached the ultimate consignee.” Thus, if a rail yard is identified as the ultimate consignee on the shipping papers, or the chemicals are not under active shipping papers, the hazardous chemicals present at the rail yard are no longer in transportation or stored incident to transportation.



The reporting requirements of Sections 311 and 312 of EPCRA apply to owners and operators of facilities that are required to have or prepare a Safety Data Sheet (SDS) for any hazardous chemical. If hazardous chemicals present at a rail yard are required to have an SDS, and the reporting thresholds are met or exceeded, then the owner or operator of the rail yard must comply with EPCRA Sections 311 and 312.

This answer is not intended to restrict the Department of Transportation’s jurisdiction over such facilities. The Department of Transportation has jurisdiction over rail transportation of hazardous materials, including “storage incident to movement.”

While DOT’s definition of “storage incident to movement” is similar to “storage incident to transportation” under EPCRA, DOT’s definition can sometimes be more expansive, resulting in overlapping EPA and DOT jurisdiction in some cases.

For Example: *For safety reasons, DOT maintains jurisdiction over rail cars of hazardous chemicals stored on railroad-controlled property as “storage incident to movement,” no matter how long they are stored there and regardless of whether the chemicals are under active shipping papers. In the context of rail shipments, DOT’s regulations consider the type of track used for storage to be a relevant factor. The regulations specify that, in the case of railroad shipments, even if a shipment has been delivered to the destination shown on the shipping document, if the track is under the control of a railroad carrier or track is used for purposes other than moving cars shipped to or from the lessee, storage on the track is storage incidental to movement.*

So Remember: Hazardous chemicals stored in rail cars at rail yards are also subject to EPCRA Sections 311 and 312 reporting requirements unless the hazardous chemicals are under active shipping papers and have not reached their ultimate consignee listed on the shipping papers, regardless of the type of track used for storage. This is to ensure that emergency responders and the public are aware of hazardous chemicals stored in their community – a particular concern when rail yards are providing storage services for chemical companies and other hazardous chemical users. Rail cars under active shipping papers that have not reached their final destination are subject to the Hazardous Materials Regulations and must have an emergency response telephone number on the shipping paper that is monitored while the hazardous material is in transportation.



EPCRA 311 and 312 Updates

The OSHA Hazard Communication Standard (HCS) is now aligned with the UN Global Harmonization Standard (GHS), and EPCRA has updated Sections 311 and 312 accordingly. This final rule will be effective on January 1st, 2018, in order to provide facilities, states, and EPA ample time to accommodate for compliance.

The classification of chemicals that OSHA adopted from GHS affect the reporting requirements under EPCRA Sections 311 and 312. As stated in the statute, facilities are required to report the quantities, locations, and the potential hazards of the chemicals to the SERC (or TERC), LEPC (or TEPC) and the local fire department. **Therefore, EPA is revising the existing hazard categories in 40 CFR part 370 to conform to the hazard classes in the revised OSHA HCS.**

The technical amendment to the final rule can be accessed here:

[Technical Amendment - Revisions to Hazard Categories for reporting under EPCRA Sections 311 and 312](#)

EPA has published a fact sheet describing the revision here:

[Technical Amendment - Revisions to Hazard Categories for reporting under EPCRA Sections 311 and 312](#)

Section 311: requires facilities to submit the Safety Data Sheets (SDSs, formerly known as Material Safety Data Sheet, “MSDS”) of hazardous chemicals present at or above the reporting thresholds specified in the regulations at 40 CFR part 370. Facilities may also submit a list of hazardous chemicals grouped into hazard categories, instead of the SDSs (or MSDSs).

Updates to Section 311

- Facilities that choose to submit a list of hazardous chemicals required under Section 311(a) should do so using the revised OSHA HCS hazard categories.
- Facilities that choose to submit SDSs rather than a list of hazardous chemicals required under Section 311(a) may
 - Have to re-submit their SDSs (Section 311(d)) if significant new information has been added to the updated SDS (i.e. re-evaluate chemicals using hazard class/sub-categories of hazards adopted from GHS).
 - Have to develop SDSs for mixtures rather than distributing MSDSs for the ingredients in the mixture.

Have to provide SERCs and LEPCs with updated SDSs conforming to the GHS 16-section standardized format.



EPCRA 311 and 312 Updates

Section 312 requires facilities to submit the hazardous chemical inventory form to their SERC (or TERC), LEPC (or TEPC) and the fire department by March 1st, annually. The inventory form provides the physical and/or health hazard of each hazardous chemical, their locations, and quantities that were present at the facility during the previous calendar year.

Updates to 312:

- EPA has adopted all hazard categories as described in the OSHA’s HCS revision.
- Tier II forms, Tier2Submit, and state specific reporting software will incorporate the updated hazard categories by March 1st, 2018.
- The revised hazard categories are as follows:

Physical Hazard	Health Hazard
Explosive	Acute toxicity (any route of exposure)
Flammable (gases, aerosols, liquids, or solids)	Skin corrosion or irritation
Oxidizer (liquid, solid or gas)	Serious eye damage or eye irritation
Self-reactive	Respiratory or skin sensitization
Pyrophoric Gas	Germ cell mutagenicity
Pyrophoric (liquid or solid)	Carcinogenicity
Self-heating	Reproductive toxicity
Organic peroxide	Specific target organ toxicity(single/repeated exposure)
Corrosive to metal	Aspiration hazard
Gas under pressure (compressed gas)	Simple Asphyxiant
Combustible Dust	
In contact with water emits flammable gas	
Hazard Not Otherwise Classified	Hazard Not Otherwise Classified (HNOC)

Legal Guidance for Utilizing Community Volunteers



The Emergency Law Inventory (ELI) is a CDC funded project hosted by the University of Pittsburgh. This online resource provides

legal guidance on liability and other legal issues regarding volunteers in emergency response, and allows users to look up legislation by state and volunteer role.

The ELI database can be reached at <https://legalinventory.pitt.edu/>



Emergency Planning Best Practices for EHS

Courtesy of EPA Region 8

The extremely hazardous substances (EHS) list and its threshold planning quantities (TPQs) are intended to help communities focus on the substances and facilities of most immediate concern for emergency planning and response. However, while the list includes many of the chemicals which may pose an immediate hazard to a community upon release, *it does not include all substances which are hazardous enough to require community emergency response planning.*



There are tens of thousands of compounds and mixtures in commerce in the United States, and in specific circumstances many of them could be considered toxic or otherwise dangerous. The list represents only a first step in developing effective emergency response planning efforts at the community level. Without a preliminary list of this kind, most communities would find it very difficult to identify potential chemical hazards among the many chemicals present.



Similarly, threshold planning quantities are not absolute levels above which the extremely hazardous substances are dangerous and below which they pose no threat at all. Rather, the threshold planning quantities are intended to provide a "first cut" for emergency response planners in communities where these extremely hazardous substances are present. Identifying facilities where extremely hazardous substances are present in quantities greater than the threshold planning quantities enable the community to assess the potential danger posed by these facilities.

Sections 311 and 312 of Title III provide a mechanism through which a community will receive safety data sheets (SDS) and other information on extremely hazardous substances, as well as many other chemicals, from many facilities which handle them. A community can then assess and initiate planning activities, if desirable, for extremely hazardous substances below the threshold planning quantity and for any other hazardous substances of concern.

Resources for Chemical Emergency Planning

In addition to the assistance provided by the EHS list and the TPQ, community emergency response planners can check out [the National Response Team's Hazardous Materials Emergency Planning Guide](#).

The [Technical Guidance for Hazardous Analysis](#) may also assist local emergency planning committees in evaluating potential chemical hazards and setting priorities for sites.



State EPCRA / LEPC Coordinators and SERC Contacts

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Louisiana	Gene Dunegan	225-925-6113	gene.dunegan@dps.la.gov
New Mexico	Henry Jolly	505-476-6240	henry.jolly@state.nm.us
Oklahoma	Tom Bergman	405-702-1013	tom.bergman@deq.ok.gov
	Bonnie McKelvey	405-521-2481	bonnie.mckelvey@oem.ok.gov
Texas	Bernardine Zimmerman	800-452-2791	Bernardine.zimmerman@tceq.texas.gov
	Joshua Bryant	512-424-5989	Joshua.Bryant@dps.texas.gov

Emergency Response Numbers

Arkansas Dept. of Emergency Management	800-322-4012
Louisiana State Police	877-925-6595
New Mexico State Police	505-827-9126
Oklahoma Dept. of Environmental Quality	800-522-0206
Texas Environmental Hotline	800-832-8224
National Response Center	800-424-8802
EPA Region 6	866-372-7745
CHEMTREC	800-424-9300



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