



Cal EMA
CALIFORNIA EMERGENCY
MANAGEMENT AGENCY

COMMUNITY RIGHT-TO-KNOW LAWS

A Guide for Consumers





Gavin Newsom, Governor
Mark Ghilarducci, Secretary

Revised by: Fred Mehr & Jon Kolman

February, 2012

This booklet was prepared as an informational source to the public. The Hazardous Materials Section of the California Emergency Management Agency has revised and updated it from previous versions.

A Guide For Consumers

This booklet is intended to assist you, the public, in learning about what Community Right-to-Know laws are and how they benefit you and your family. In these times of growing apprehension about chemical hazards in populated areas and the ever present environmental concerns, it is important to know where to turn for assistance and answers. It describes how the law affects your community and how you can obtain information when needed.

Why Are Community Right-To-Know Laws Important?

The reporting requirements established under Community Right-to-Know laws provide the public with important information on chemicals that can be hazardous in their communities. Hazardous chemicals and materials are a part of everyday life. They range from common household products such as cleaning solvents to industrial substances used in businesses surrounding your neighborhood. Being aware of chemical hazards within a community will help facilitate emergency planning and public disclosure of toxic chemicals.



What Is The History of Community Right-To-Know Laws?

On October 17, 1986, the President of the United States signed into law the "Superfund Amendments and Reauthorization Act of 1986" (SARA). This act amended the already existing law titled "Comprehensive Environmental Response, Compensation and Liability Act of 1980" (CERCLA) which was also known as "Superfund". The Emergency Planning and Community Right-to-Know Act (EPCRA) was included under the SARA law and is commonly referred to as SARA Title III. The new law stemmed from American's concern following the chemical disaster that occurred in Bhopal, India in 1984. India's disaster increased awareness of the importance of protecting public health and safety through emergency planning of hazardous material(s) incidents. The

acknowledged need for reporting requirements of chemical releases led to the passage of Community Right-to-Know laws.

The Federal and State Laws:

In California, both federal and state Community Right-to-Know laws are coordinated through the California Emergency Management Agency (Cal EMA). The Federal law is known as Title III of the Federal Superfund Amendments and Reauthorization Act of 1986 (SARA Title III). It is also known as the Emergency Planning and Community Right-to-Know Act (EPCRA). The corresponding state law is Chapter 6.95 of the California Health and Safety Code. Local Community Right-to-know ordinances also exist in some cities and counties within California. Failure to comply with these laws can result in civil and criminal penalties.

What Is The Purpose of Community Right-To-Know Laws?

The purpose of EPCRA is to encourage and support emergency planning efforts at the state and local levels and to provide public and local governments with information concerning potential chemical hazards in the communities. EPCRA establishes requirements for federal, state and local governments, Indian Tribes, and industry in planning for and reporting on hazardous and toxic chemicals. States and communities, working with facilities, can utilize information gained under EPCRA to help improve public safety and protect the environment. Because of the Community Right-to-Know laws, information is collected from facilities that handle (produce, use, store, etc.) hazardous materials above certain threshold planning quantities.

What Are The Requirements of Community Right-To-Know?

There are four major categories under EPCRA.

- Emergency planning
- Emergency release notification
- Hazardous chemical storage reporting
- Toxic chemical release inventory

Information gathered from these four requirements help state, federal, and local agencies, as well as communities get an idea of the chemical hazards in a particular location/area as well as what chemicals individual facilities are using, storing, or producing on site.

How Do These Laws Help you?

The information collected from facilities located near your home, place of work, the kid's school/daycare, or where you play or shop may prove beneficial in keeping you safe if a hazardous incident occurs. The information may also alleviate your fears just by knowing what is around you.

If you ever become concerned that an industrial facility may be contaminating the air, water, or soil in your neighborhood, or you see dumping or a suspect storage of containers you think may be hazardous materials from a facility, you may want to request information under the Community Right-To-Know laws. You can get answers to your questions such as:

- Are my family and I at risk?
- How great is the exposure?
- What could I be exposed to?
- What are the ill effects of exposure?
- Is it safe to stay in my home or should I evacuate?
- Are the air and water safe?

We all benefit from Right-to-Know laws. With them in place we have the ability to obtain needed answers to our questions when we need them the most. It is always wise to become familiar with the potential dangers of hazardous materials incidents before they occur and know what risks may be involved.



What Do You Need To Know About Hazardous Materials?

A "hazardous material" is defined in Health and Safety Code, §25501(o) as being "any material, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or threatened hazard to human health and safety or to the environment if released into the workplace or the environment." These materials may be present in different forms such as liquids, solids, dusts, vapors, fumes, mists, and gases.

Exposure to hazardous materials can occur through the lungs by breathing in the material. This is a common way for them to enter

the body. Another way is through the *mouth* by eating or drinking contaminated food or water. The *skin* is another way of getting exposed. Some hazardous materials can enter the body through pores or cuts in the skin.

Health effects that can result from exposure to hazardous materials may include eye, nose, and throat irritation, difficulty in breathing, nausea, burns, rashes and even death. Long-term exposure can lead to cancer; lung, heart, kidney and liver damage; reproductive problems and central nervous system (brain and spinal cord) disorders.

Health damage depends on several factors such as extent of exposure, how poisonous the material is (degree of toxicity) and personal sensitivity to chemicals. Children, the elderly, and people suffering from an existing disease such as lung or heart damage are at greater risk for developing symptoms related to hazardous materials exposure.

What Do You Need To Know About Community Right-To-Know Laws?

The focus of EPCRA is to protect public health and the environment. It affects almost all facilities that manufacture, use, or store hazardous chemicals. EPCRA has three non emergency chemical reporting components; hazardous chemicals reporting, annual hazardous chemical inventory reporting, and annual toxic chemical release inventory reporting. Nearly every state has its own Community Right-To-Know rules, along with separate reporting forms. Although requirements differ, there are many similarities between federal, state, and local Community Right-To-Know laws. For example, all facilities (manufacturing firms, businesses, hospitals, institutions and farms) which handle more than a certain quantity of hazardous materials are required to report information on these materials to the government. This information is then used to develop emergency plans for response to chemical spills and other hazardous materials incidents within each state; and to maintain records for review by emergency personnel and the public.

Coordinating Agencies:

In addition to Cal EMA, the following are involved in coordinating federal and state Right-to-Know laws in California. First is the State Emergency Response Commission (SERC) which is appointed by the Governor. The SERC is responsible for overseeing and managing hazardous materials emergency response planning throughout the state. To accomplish this, it has divided the state into six emergency planning regions and set up six local committees. These committees, called Local Emergency Planning Committees (LEPCs), assist with emergency response planning

at the district or local level. Both the SERC and the LEPCs exist to carry out federal law (SARA Title III) requirements.

The state law, Chapter 6.95, has incorporated many aspects of the federal law and is coordinated by various city and county agencies called “Certified Unified Program Agencies” (CUPA) or “Administering Agencies” (AA). CUPAs or AAs are typically fire departments or environmental health agencies. These agencies may also coordinate local right-to-know ordinances. Public input is considered an important part of the entire planning process.

Requesting Information:

When you want Community Right-to-Know information, you should know what type of information is available and what government source to contact for the information. The following sections of this booklet provide an overview of how you can obtain available information through federal and state laws. Contact your local CUPA or AA for information on local ordinances.

What Information is Available?

Reporting requirements vary for businesses and other facilities covered by the law. In a majority of cases, however, the following information is available to the public upon request.



Right-To-Know Information Available

- Emergency Response Plans
- Emergency Release Reports
- Hazardous Material Inventory Reports
- Toxic Chemical Release Reports

Emergency Response Plans

Emergency Response Plans help communities prepare for emergencies involving hazardous materials. These plans identify potential hazards and response procedures to follow should a chemical accident occur. A regional plan must be developed for each of the six planning regions set up within California under federal law. Similarly, city and county CUPAs or AAs must develop an area plan which outlines emergency response

procedures for the local area under their jurisdiction. Both regional and area plans are available for public review.

Emergency Release Reports

Whenever a facility accidentally releases a hazardous material that could cause harm to health or the environment, a verbal report must be made. Facilities must immediately call a 24-hour number (operated by the state to receive emergency release notifications). Following this telephone report, the responsible party (facility) may be required to submit a written follow-up report describing actions taken to respond and control the accidental release. Information on emergency releases are available for public review.

Hazardous Material Inventory

Facilities which handle hazardous materials above certain amounts must provide inventory information on each chemical to the government. You can obtain information such as location, amounts, and potential effects of the hazardous materials that are used or stored in the community around you. The law requires this information to be provided in several ways.

- ***List of Hazardous Chemicals:*** Material Safety Data Sheets (MSDS) describe the safety and health hazards of a chemical. Under worker health laws enforced by the California Occupational Safety and Health Administration (Cal/OSHA), businesses must keep MSDSs on file for all hazardous chemicals used in the workplace. To satisfy federal law, some businesses with hazardous chemicals requiring MSDSs must submit a copy of the MSDS or a list of the chemicals to the State Emergency Response Commission (SERC). This list is available for public review.
- ***Annual Chemical Inventories and Business Plan:*** California requires facilities to provide an annual inventory of hazardous materials they handle as a part of a business plan which must be submitted to the local CUPA or AA. The plan contains information on a facility's identity, names of hazardous chemicals used or stored, potential hazards, storage amounts and location of emergency response equipment. This information is available for public review.

Toxic Chemical Release Inventory Reports

You have the right to know if manufacturing plants are releasing toxic chemicals into the air, water, or soil in your community. Manufacturing firms with 10 or more employees which handle certain toxic chemicals above specific amounts must complete a Toxic Release Inventory (TRI) which is an inventory of routine toxic chemical emissions. The report must identify the total quantity of chemicals released during the year, including accidental spills and routine plant emissions.

The data gathered from these reports help in research and development of regulations, guidelines, and standards.

The U.S. EPA uses this information in its national computerized database called the Toxic Release Inventory, or "TRI". The TRI database and toxic chemical release report forms are available for public review.

How Do You Request Right-To-Know Information?

To obtain Community Right-to-Know information you will need to contact the agency that maintains the information. The following pages will assist you in determining the appropriate agency to contact.



If you need further assistance, contact Cal EMA Hazardous Materials Section at (916) 845-8768. You will be referred to the local, state, or federal agency which can provide the information you seek. Right-to-Know information is available from these agencies upon filing a written request.

Emergency Response Plans

To review your community's emergency response area plan you will need to contact your local city or county CUPA or AA. You can find out who your CUPA or AA is by going to www.calcupa.net. To review the regional plan for your planning district you will need to contact the California Emergency Management Agency (Cal EMA) at (916) 845-8768.

Emergency Release Reports

To obtain information on a spill or release of hazardous materials you need to submit a written request to Cal EMA that includes your name and phone number in case there are questions regarding your request. Address your request to:

California Emergency Management Agency
Hazardous Materials Section
Public Information Request
3650 Schriever Avenue
Mather, CA 95655

Cal EMA maintains an online spill database: www.calema.ca.gov

Hazardous Material Inventory Reports

To review a list of hazardous chemicals, annual chemical inventory and business plan information for facilities in your area, contact the local city

or county CUPA or AA where the facility is located. You can find out who your CUPA or AA is by going to www.calcupa.net

What If You Have Difficulty Obtaining Information?

Agencies will make every effort to locate and forward information you request in a timely manner, however, at times information is not available because it was not provided. If you have difficulty obtaining Community Right-to-Know information from your local CUPA or AA, you may contact the California Emergency Management Agency, Hazardous Materials Section at (916) 845-8768

How long will it take?

Generally, information will be made available in less than 10 days from the date the written request was received. A longer time line may be required if the request is for voluminous amounts of records or consultation or coordination with other agencies is required. A letter justifying the extension and the date the records will be made available, will be sent to the requesting person.

What about trade secrets and confidential information?

Facilities in California that handle significant quantities of hazardous materials are required to make full disclosure of all information listed in the "What Information is Available" (page 9). A facility may claim some information a trade secret if it believes that release of the information will be detrimental to its business. If this occurs, the facility has the burden of proving that the information should not be released to the public through a declaratory judgment in court. The law also classifies some information as confidential. Confidential information includes precise chemical location information and facility site maps. Confidential information is not available for public access. Official government employees, first responders, medical and public health personnel will still have access to trade secret and confidential information to ensure the protection of public health and safety.

What About Other Environmental Laws?

You can find major environmental laws listed on the U.S. EPA website. This booklet outlines a small part of the many environmental laws that exist today to protect you, your family, and your community from hazardous materials. There are important laws such as the Clean Air Act, Clean Water Act, National Environmental Policy Act, Air Pollution Act of 1990, Safe Drinking Water Act, and many more. Each of these laws have been enacted as a means of controlling hazardous materials with an aim of protecting public health, wildlife, and the environment.

You can read about these laws at: www.epa.gov

Where to Go to Obtain Further Information

- **California Emergency Management Agency**

California Emergency Management Agency
Hazardous Materials Section
3650 Schriever Avenue
Mather, CA 95655

This office will assist you with public information requests on spills/releases and can direct you to your Local Emergency Planning Committee (LEPC), CUPA, or AA if not known. Cal EMA is responsible for coordinating federal and state hazardous material emergency planning and Community Right-to-Know programs. CUPA's and AA's are responsible for conducting emergency response planning and handling of public requests for the local area under their jurisdiction.



- **Emergency Planning and Community Right-to-Know Information Hotline**

U.S. EPA
Ariel Rios Federal Building
1200 Pennsylvania Blvd. N.W.
Washington, DC 20460
(800) 424-9346

The automated hotline can answer technical or regulatory questions regarding SARA Title III. To speak to a live person, call the hotline toll-free between the hours of 6:00 a.m. and 2:00 p.m. Pacific Time.

- **Hazard Evaluation System and Information Service (HESIS)**

850 Marina Bay Parkway
Building P, 3rd Floor
Richmond, CA 94804
(Main: 510-620-5817) (In California: 866-282-5516)

Provides information on the Health effects of toxic substances in the workplace and how toxic substances may be used safely.

- Toxic Information Center

(800) 72-TOXIC or (800) 728-6942 (Regulatory Information)

(800) 69-TOXIC or (800) 698-6942 (Emergency Response)

Department of Toxic Substances Control , Public and Business Liaisons provide information to health professionals and the general public on the health effects of chemicals.

- Regional Poison Control Centers

(Refer to your telephone book for the center nearest you.) Provides a 24-hour hotline to answer questions about illness from emergency chemical exposures. Call 911 if life threatening.





***Cal* EMA**
CALIFORNIA EMERGENCY
MANAGEMENT AGENCY