

## Where Did The Tier II Report Requirements Come From?

In November 1986, Congress passed the Emergency Planning and Community Right-to-Know Act (EPCRA) also known as Title III of the Superfund Amendments and Restoration Act (SARA), or SARA Title III.

The law has two main purposes: 1) to encourage and support emergency planning for responding to chemical accidents, and 2) to provide local governments and the general public with information about possible chemical and/or toxic hazards in their community. These two objectives are accomplished through the use of the Tier II Chemical Inventory Reporting system.

### What is the purpose of the Tier II form?

The Tier II form requires manufacturers to submit basic facility identification information, employee contact information for both emergencies and non-emergencies, and information about chemicals stored or used at the facility:

- The chemical name or the common name as indicated on the MSDS;
- An estimate of the maximum amount of the chemical present at any time during the preceding calendar year and the average daily amount;
- A brief description of the manner of storage of the chemical;
- The location of the chemical at the facility; and
- An indication of whether the owner of the facility elects to withhold location information from disclosure to the public.

Some states have specific requirements in addition to the Federal Tier II requirements. To obtain the current Tier II reporting procedures for your State, please use the link listed below: <http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/tier2.htm>

For more information about chemical inventory reporting under EPCRA you can view or download the EPA's Fact sheet:

[http://yosemite.epa.gov/oswer/ceppoweb.nsf/vwResourcesByFilename/epcra.pdf/\\$File/epcra.pdf](http://yosemite.epa.gov/oswer/ceppoweb.nsf/vwResourcesByFilename/epcra.pdf/$File/epcra.pdf)  
(PDF) (March 2000)

### What are some common chemicals and/or materials within the concrete industry that are required to be reported?

If you have over 10,000 lbs of any commodity that has an MSDS sheet, you must report this under the Tier II Reporting Act. This went into effect March 2003.

If the MSDS on a material indicates that it contains a Hazardous Substance and if you currently have or have stored at one time 10,000 pounds or more of the material at anytime during the year you must report it.

- Example: Aluminum oxide (found in fly ash) is reportable under Sections 311 and 312.
- Example: Diesel fuel is covered under Sections 311 and 312. Ten thousand pounds of diesel fuel is approximately 1,300 gallons. If you have 1,300 gallons or more of diesel fuel on your site at any one time, you must report.

Presently, sand and other aggregates are also covered under these sections. However, the U.S. Environmental Protection Agency (EPA) has proposed a rule that will exempt reporting of sand and gravel.

Additionally, other materials routinely present at a concrete operation that could contain hazardous material are admixtures. It is recommended that you refer to your admixture's MSDS to see if they require being reported.

### Who do I need to send my Tier II report to?

Send the original, signed Tier II report and filing fee to your applicable State Agency Tier II Chemical Reporting Program and/or the Environmental Protection Agency (EPA).

Also, send a signed copy of the Tier II report to the Fire Department with jurisdiction over your facility and to the Local Emergency Planning Committee (LEPC) for your County/Area.

Maintain a signed copy in your facility safety and environmental records.

### When do I need to have my Tier II completed and submitted by?

Tier II reports must be submitted to the above mentioned agencies no later than March 1<sup>st</sup> of each year.