

LEPCs in the Modern World
July 11, 2010

It is quite true that EPCRA contains a requirement for LEPCs to prepare an emergency plan. As was pointed out in the EPCRA history document prepared for the CEPC in March 2010 - forwarded with this document - much has changed since 1986. Expectations of LEPCs have adapted to incorporate the broader, community-based, all-hazards emergency planning realm.

This can be seen in EPA guidance to LEPCs. The most comprehensive of these comes from Region 6 and it reflects the adaptation of LEPCs to this modern approach. This guidance focuses on the role of LEPCs within the broader community context and does not read EPCRA as requiring LEPCs to prepare a limited hazmat plan.

The initial two sections from the Region 6 LEPC Handbook are quoted in full below as they are fully illustrative of the modern approach:

General

The role of LEPCs is to form a partnership with local governments and industries as a resource for enhancing hazardous materials preparedness. Local governments are responsible for the integration of hazmat planning and response within their jurisdiction. This includes ensuring the local hazard analysis adequately addresses hazmat incidents; incorporating planning for hazmat incidents into the local emergency plan and annexes; assessing capabilities and developing hazmat response capability using local resources, mutual aid and contractors; training responders; and exercising the plan.

It's necessary for industry to be a part of that planning process to ensure facility plans are compatible with local emergency plans. Every regulated facility is responsible for identifying a facility emergency coordinator; reporting hazmat inventories annually to the LEPC, SERC, and local fire department; providing material safety data sheets (MSDS) or a list of hazardous chemicals; allowing local fire departments to conduct on-site inspection of hazmat facilities ; and providing annual report of toxic chemicals released to EPA and the State.

LEPCs are crucial to local hazardous materials planning and community right-to-know programs. The membership comes from the local area and should be familiar with factors that affect public safety, the environment, and the economy of the community. That expertise is essential as the LEPC advises the writers of the local emergency management plan, so that the plan is tailored to the needs of the planning district.

In addition to its formal duties, the LEPC can serve as a focal point in the community for information and discussion about hazardous substance emergency planning, and health and environmental risks. Citizens may expect the LEPC to reply to questions about chemical hazards and risk management actions.

Members of the LEPC represent the various organizations, agencies, departments, facilities, and/or other groups within the district. Each member must realize that he or she represents their organization on the LEPC and that they are responsible for coordinating information and

activities from the LEPC to their organization and for providing accurate feedback from their organization back to the LEPC.

The LEPC has many responsibilities, mandates, and deadlines. The membership should organize to handle these various tasks by utilizing individual efforts, sub-committees, or contracted assistance.

Primary LEPC Responsibilities

As mentioned in Section I, the Emergency Planning and Community Right-to-Know Act (EPCRA) establishes the LEPC as a forum at the local level for discussions and a focus for action in matters pertaining to hazardous materials planning. LEPCs also help to provide local governments and the public with information about possible chemical hazards in their communities.

The major legal responsibilities of LEPCs are listed below. The citations are from EPCRA, Public Law 99-499.

Each LEPC:

- *Shall review local emergency management plans once a year, or more frequently as circumstances change in the community or as any facility may require (Section 303 (a)).*
- *Shall make available each MSDS, chemical list described in Section 311(a)(2) or Tier II report, inventory form, and follow-up emergency notice to the general public, consistent with Section 322, during normal working hours at a location designated by the LEPC (Section 324(a)).*
- *Shall establish procedures for receiving and processing requests from the public for information under Section 324, including Tier II information under Section 312. Such procedures shall include the designation of an official to serve as coordinator for information (Section 301©).*
- *Shall receive from each subject facility the name of a facility representative who will participate in the emergency planning process as a facility emergency coordinator (Section 303(d)).*
- *Shall be informed by the community emergency coordinator of hazardous chemical releases reported by owners or operators of covered facilities (Section 304(b)(1)(a)).*
- *Shall be given follow-up emergency information as soon as practical after a release, which requires the owner/operator to submit a notice (Section 304(c)).*
- *Shall receive from the owner or operator of any facility a MSDS for each such chemical (upon request of the LEPC or fire department), or a list of such chemicals as described (Section 311(a)).*
- *Shall, upon request by any person, make available an MSDS to the person in accordance with Section 324 (Section311(a)).*

- *Shall receive from the owner or operator of each facility an emergency and hazardous chemical inventory form (Section 312(a)).*
- *Shall respond to a request for Tier II information no later than 45 days after the date of receipt of the request (Section 312(e)).*
- *May commence a civil action against an owner or operator of a facility for failure to provide information under Section 303(d) or for failure to submit Tier II information under Section 312(e)(1) (Section 32 6(a)(2)(B)).*

NASTTPO ADAPTATION OF THESE CONCEPTS TO INCORPORATE OECD SPI

Melding these concepts with EPCRA, NASTTPO has recommended that SERCs such as the CEPC should expect LEPCs to practice the “Golden Rules” stated at the end of the NASTTPO White Paper and specifically to be able to demonstrate these outcomes:

- LEPCs will be part of a community-wide, all-hazards planning effort producing a community emergency operations plan that includes hazardous materials. This community EOP needs to incorporate the EPCRA planning elements. Depending upon the needs and assets of the community, the LEPC may be the focus of this effort or support it using the information acquisition resources available to LEPCs under EPCRA.
- LEPCs will actively promote or conduct community right-to-know efforts so that members of the public are (1) better aware of hazards in the community and (2) better understand their own preparedness obligations and opportunities.
- LEPCs will use programs such as the hazardous materials emergency planning grant program to conduct programs that identify risks, especially from transportation, improve planning, and evaluate planning and training through exercises.
- LEPCs should evaluate other programs to address specific risks in their community such as school chemical cleanup and meth labs.