

Some background on EPCRA

John A. Lory, Commercial Agriculture Program and University of Missouri Extension

What is EPCRA? The initials stand for “Emergency Planning and Community Right to Know Act”. These rules were first put in place in the 1980’s to facilitate a community’s right-to-know what chemicals are released into the environment and to help emergency responders know the potential hazards they may face in a building during an emergency situation. The law has at least three criteria that may require businesses notify local emergency planning. Only one typically applies to CAFOs.

CAFOs reporting to State Emergency Response Committees (SERC’s) and Local Emergency Planning Committees (LEPC’s) are reporting under EPCRA section 304 that governs accidental releases. Within that section of EPA regulations are rules that cover “continuous and stable” emissions from a facility, in this case your animal feeding and manure handling facilities.

Releases that exceed the “reportable quantity” or “RQ” trigger the requirement to report. The reportable quantities are expressed in “pounds per day”. There are hundreds of chemicals requiring reporting if they are released above a reportable threshold, from acetic acid ethenyl ester to zinc phosphide. The two materials most likely to be released in reportable quantities from CAFOs are ammonia and hydrogen sulfide and the reportable quantity for both materials is 100 pounds per day.

In the past, emissions exceeding a reportable quantity required notification of national authorities at the National Response Center under Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and state and local emergency response authorities under EPCRA. In December 2008 EPA released new rules that exempted animal feeding operations from reporting requirements under the CERCLA rules as of January 20, 2009. Specifically, the new rules exempt animal feeding operations from reporting releases of “hazardous substances” under CERCLA section 103.

The new rules that took effect on January 20, 2009 also clarified that CAFOs were still required to report under EPCRA section 304 to state and local authorities. Smaller operations, based on size (unpermitted operations in Missouri), are exempted from both CERCLA and EPCRA.

From EPA’s perspective, animal feeding operations that emitted more than 100 pounds per day of ammonia or hydrogen sulfide have had an obligation to report emissions for over a decade. The new rule has focused the attention of EPA and farmers on these requirements and clarified exactly who has an obligation to report.

For more information on EPCRA and CERCLA see the EPA website:

<http://www.epa.gov/emergencies/content/lawsregs/epcraover.htm>