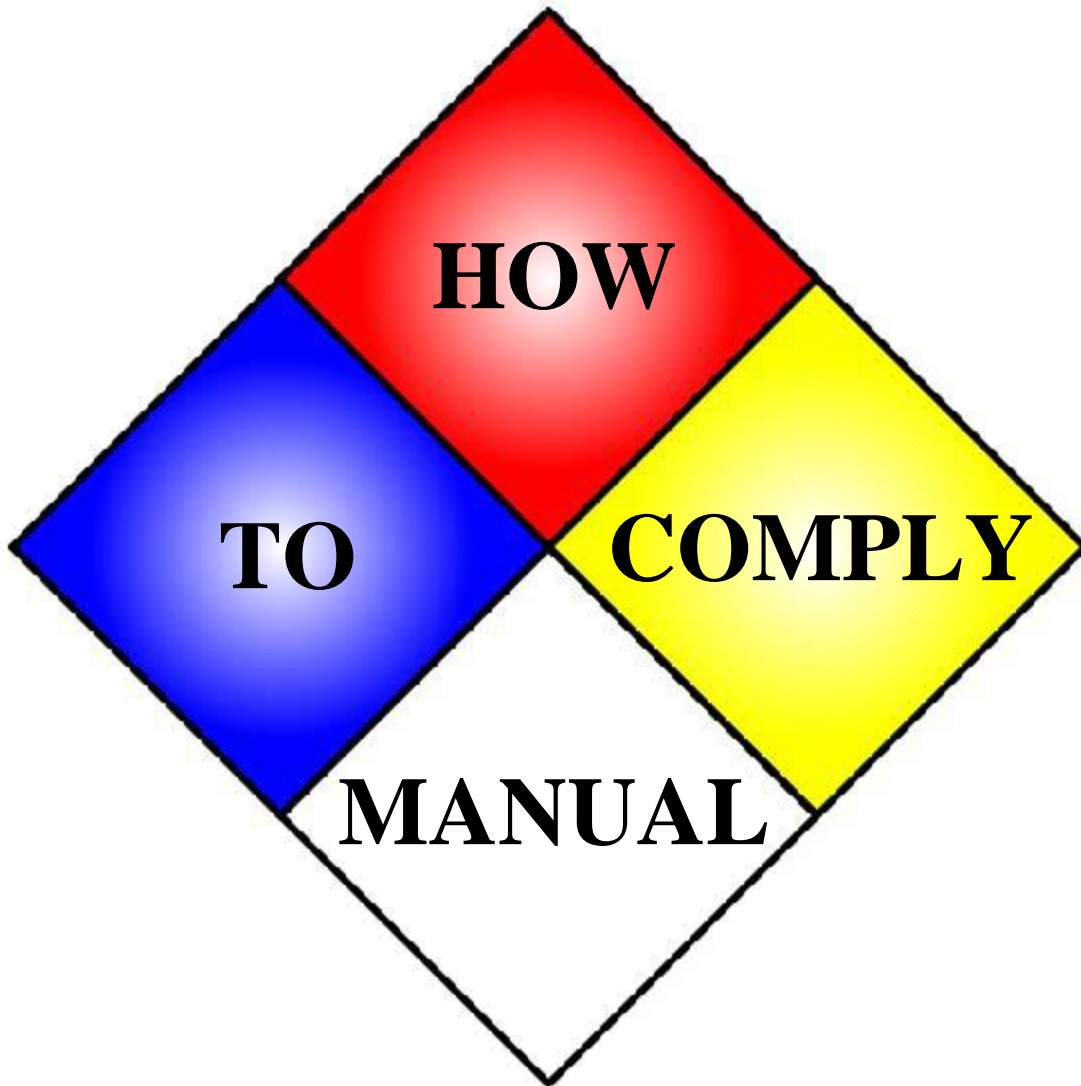




State of Florida
**STATE EMERGENCY RESPONSE
COMMISSION**
For Hazardous Materials



*Updated in Partnership: Florida Division of Emergency Management and the
Statewide Local Emergency Planning Committees*

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INTRODUCTIONS

This document is designed to help facility owners and/or operators comply with reporting requirements of the Emergency Planning and Community Right-To-Know Act (EPCRA), Title III of the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. § 11001, et seq. (SARA Title III) and the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act of 1988, Chapter 252 Part II, Florida Statutes. Any facility, public or private, that has present hazardous materials at, or above established Threshold Planning Quantities (TPQs) may potentially be subject to this law. Because EPCRA is complex and has multiple reporting requirements, the State Emergency Response Commission (SERC), the policy board appointed by the Governor, has developed this manual to assist facilities in meeting State and Federal requirements.

EPCRA is administered by the U.S. Environmental Protection Agency (EPA) and implemented by the Florida Division of Emergency Management (FDEM). The purpose of this law is to encourage emergency planning efforts at the State and local levels, and to increase the public's knowledge and access to information about potential chemical hazards that may exist in their communities. The reporting data is collected annually and used by ten (10) Local Emergency Planning Committees (LEPCs) to develop regional hazardous materials emergency response plans in order to better respond to and recover from a release of extremely hazardous or toxic substances. These regional response plans are reviewed, updated, and approved by the SERC annually. All chemical data collected, and emergency response plans are available for the general public to review upon request.

EPCRA is divided into three subtitles:

- 1) SUBCHAPTER I: Emergency Planning and Release Notification (*Sections 301 through 304*).
- 2) SUBCHAPTER II: Reporting Requirements (*Sections 311 through 313*).
- 3) SUBCHAPTER III: General Provisions (Administration, Enforcement, and Trade Secret Protection) (*Sections 321 through 330*).

NOTE: It is important to review each section independently of one another to determine whether your facility needs to comply with a particular section.

EPCRA utilizes the EPA "List of Lists" for chemical reporting. This list includes chemicals referenced under five Federal statutory provisions, listed as follows:

- 1) EPCRA Section 302 Extremely Hazardous Substances (EHSs);
- 2) CERCLA Hazardous Substances (HSs);
- 3) CAA Section 112(r) List of Substances for Accidental Release Prevention;
- 4) EPCRA Section 313 Toxic Chemicals (a.k.a. Toxics Release Inventory (TRI) Chemicals); and
- 5) CERCLA Hazardous Substance (HS) - Chemical Categories.

The Consolidated List of Chemicals Subject to the Emergency Planning and Community Right-to-Know Act (EPCRA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Section 112(r) of the Clean Air Act, are listed by the CAS number of the chemical.

This consolidated chemical list includes chemicals subject to reporting requirements under the Emergency Planning and Community Right-to-Know Act (EPCRA), also known as Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and section 112(r) of the Clean Air Act (CAA). This consolidated list does not include all hazardous chemicals subject to the reporting requirements in EPCRA Sections 311 and 312, for which Material Safety Data Sheets (MSDSs) or Safety Data Sheets (SDSs) must be developed under OSHA's Hazard Communication Standard (29 CFR 1910.1200). These hazardous chemicals are identified by broad criteria, rather than by enumeration. There are over 500,000 products that satisfy the criteria. *See 40 CFR Part 370* for more information.

This consolidated list has been prepared to help facilities handling chemicals determine whether they need to submit reports under Sections 302 and 313 of EPCRA and to determine if releases of chemicals are reportable under Section 103 of CERCLA and Section 304 of EPCRA. It will also help facilities determine whether they will be subject to accident prevention regulations under CAA section 112(r). This document also includes waste stream codes for listed and unlisted hazardous wastes under the Resource Conservation and Recovery Act (RCRA); a list of radionuclides reportable under CERCLA and the definitions or explanation of chemical categories listed under EPCRA Section 313 and CERCLA.

In order to complete the reporting requirements under Sections 312 and 313, you will need the primary North American Industry Classification System (NAICS) Codes of your facility and the Dunn and Bradstreet number. These can be obtained from the financial officer of your facility. The NAICS Codes can be found at: <https://www.census.gov/eos/www/naics/>

NOTE: Since current rules and regulations regarding additions, deletions and other requirements manifest Legislative changes, it is the responsibility of the facility owner or operator to adjust reporting procedures to reflect any changes in the law.

LIST OF ACRONYMS

CAS Number - Chemical Abstract Service Number

CERCLA - Comprehensive Environmental Response, Compensation and Liability Act

CFR - Code of Federal Regulations

DEO - Department of Economic Opportunity

EHS - Extremely Hazardous Substance

EPA - Environmental Protection Agency

EPCRA - Emergency Planning and Community Right-To-Know Act

HS – Hazardous Substance

LEPC - Local Emergency Planning Committee

MSDS – Material Safety Data Sheet

NFPA - National Fire Protection Association

NAICS – North American Industry Classification System

NRC - National Response Center

OSHA - Occupational Safety and Health Administration

PBT - Persistent Bioaccumulative Toxic Chemicals

RCRA - Resource Conservation and Recovery Act

RMP - Risk Management Planning

RQ - Reportable Quantity

SARA - Superfund Amendments and Reauthorization Act of 1986

SDS - Safety Data Sheet

SERC - State Emergency Response Commission

SIC Code - Standard Industrial Classification Code

SWO - State Watch Office

TPQ - Threshold Planning Quantity

TQ - Threshold Quantity

TRI - Toxics Release Inventory

EPCRA TELEPHONE NUMBERS AND/OR ADDRESSES

(Telephones answered during business hours, Monday - Friday)



State Emergency Response Commission

2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100
(800) 635-7179 (Florida only)
(850) 815-4000

Web Site Address: <http://www.floridadisaster.org/HazMat/>



U.S. Environmental Protection Agency

Post Office Box 70266
Washington, D.C. 20024-0266
(800) 424-9346

Web Site Address for EPCRA: <http://www2.epa.gov/epcra>

Web Site Address for Clean Air Act, Section 112(r): <http://www2.epa.gov/laws-regulations/summary-clean-air-act>

U.S. Environmental Protection Agency, Region IV

Sam Nunn Atlanta Federal Center
61 Forsyth Street SW
Atlanta, Georgia 30303-8960
(404) 562-9900

Web Site Address: <http://www2.epa.gov/aboutepa/about-epa-region-4-southeast>



Occupational Safety and Health Administration

Private Sector Complaints and Safety Issues - (800) 321-6742
Fatalities - (800) 321-6742
Fort Lauderdale - (954) 424-0242
Jacksonville - (904) 232-2895
Tampa - (813) 626-1177

Web Site Address: <http://www.osha.gov>



Dunn and Bradstreet Office

(973) 921-5500

(Call to obtain your facility's identification number or to have one assigned.)

Web Site Address: <http://www.dnb.com/>

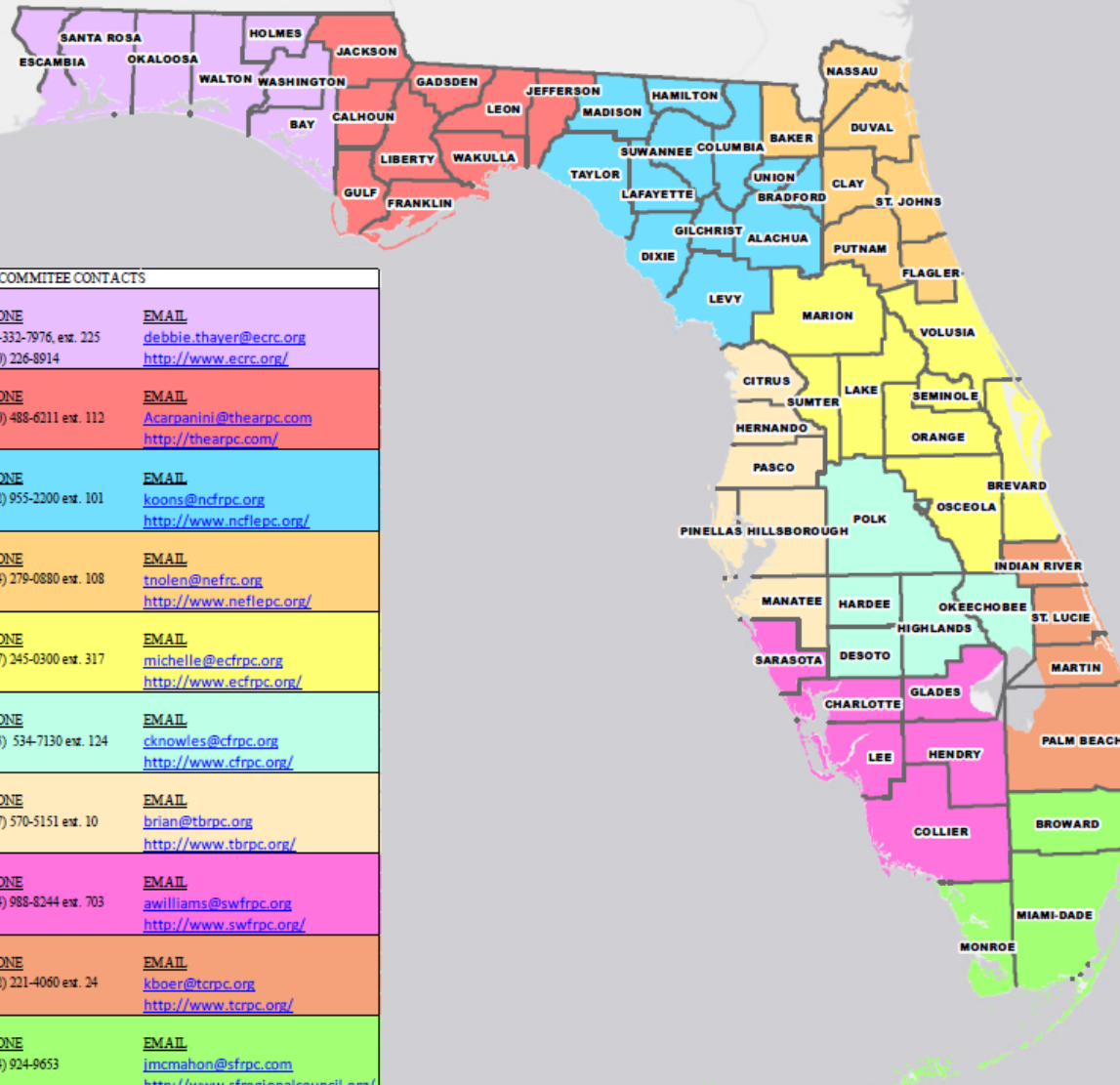
Emergency Telephone Numbers

(Telephones answered 24 hours a day, seven days a week.)

FOR REPORTING EMERGENCY RELEASES OR SPILLS ONLY:

National Response Center
(800) 424-8802

Florida State Watch Office
(800) 320-0519 or (850) 815-4001



FLORIDA LOCAL EMERGENCY PLANNING COMMITTEE CONTACTS				
EMERALD COAST LOCAL EMERGENCY PLANNING COMMITTEE				
CHAIR	STAFF	ADDRESS	PHONE	EMAIL
Richard Delp	Debbie Thayer	4081 East Olive Road, Suite A Pensacola, FL 32514	850-332-7976, ext. 225 (800) 226-8914	debbie.thayer@ecrc.org http://www.ecrc.org/
APALACHEE LOCAL EMERGENCY PLANNING COMMITTEE				
CHAIR	STAFF	ADDRESS	PHONE	EMAIL
Kevin Peters	Anthony Carpanini	2507 Callaway Road, Suite 200 Tallahassee, FL 32308	(850) 488-6211 ext. 112	Acarpanini@thearp.com http://thearp.com/
NORTH CENTRAL FLORIDA LOCAL EMERGENCY PLANNING COMMITTEE				
CHAIR	STAFF	ADDRESS	PHONE	EMAIL
Shayne Morgan	Scott Koons	2009 N.W. 67 Place Gainesville, FL 32653-1603	(352) 955-2200 ext. 101	koons@ncfrpc.org http://www.ncflepc.org/
NORTHEAST FLORIDA LOCAL EMERGENCY PLANNING COMMITTEE				
CHAIR	STAFF	ADDRESS	PHONE	EMAIL
Richard Knoff	Tyler E. Nolen	100 Festival Park Avenue Jacksonville, FL 32202	(904) 279-0880 ext. 108	tnolen@nefrpc.org http://www.neflepc.org/
EAST CENTRAL FLORIDA LOCAL EMERGENCY PLANNING COMMITTEE				
CHAIR	STAFF	ADDRESS	PHONE	EMAIL
Butch Loudemilk	Michelle Cechowski	455 North Garland Avenue Orlando, FL 32801	(407) 245-0300 ext. 317	michelle@ecfrpc.org http://www.ecfrpc.org/
CENTRAL FLORIDA LOCAL EMERGENCY PLANNING COMMITTEE				
CHAIR	STAFF	ADDRESS	PHONE	EMAIL
Todd Tanner	Curtis Knowles	555 East Church Street Bartow, FL 33830	(863) 534-7130 ext. 124	cknowles@cfrcpc.org http://www.cfrcpc.org/
TAMPA BAY LOCAL EMERGENCY PLANNING COMMITTEE				
CHAIR	STAFF	ADDRESS	PHONE	EMAIL
Robert Bassett	Brian Ellis	4000 Gateway Centre Blvd., Suite 100 Pinellas Park, FL 33782-3616	(727) 570-5151 ext. 10	brian@tbrpc.org http://www.tbrpc.org/
SOUTHWEST FLORIDA LOCAL EMERGENCY PLANNING COMMITTEE				
CHAIR	STAFF	ADDRESS	PHONE	EMAIL
Bruce Porter	Amelia Williams	1400 Colonial Blvd, Suite 1 Fort Myers, FL 33907	(844) 988-8244 ext. 703	awilliams@swfrpc.org http://www.swfrpc.org/
TREASURE COAST LOCAL EMERGENCY PLANNING COMMITTEE				
CHAIR	STAFF	ADDRESS	PHONE	EMAIL
Frank Lasaga	Kathryn Boer	421 SW Camden Avenue Stuart, FL 34994	(772) 221-4060 ext. 24	kboer@tcrcpc.org http://www.tcrcpc.org/
SOUTH FLORIDA LOCAL EMERGENCY PLANNING COMMITTEE				
CHAIR	STAFF	ADDRESS	PHONE	EMAIL
Ray McDonald	Jason McMahon	One Oakwood Blvd, Suite 221 Hollywood, FL 33020	(954) 924-9653	jmcmahon@sfrpc.com http://www.sfrpc.org/

Disclaimer: Map is intended for reference only
No warranty for accuracy provided

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LOCAL EMERGENCY PLANNING COMMITTEES STATE OF FLORIDA



SECTION 302 - CHEMICAL NOTIFICATION

Your facility must report under Section 302 if an Extremely Hazardous Substance (EHS) is present in an amount that meets or exceeds the Threshold Planning Quantity (TPQ) for any of the EHSs. The EHSs can be found in the "Title III List of Lists" in Appendix A. The EHSs are any of the chemicals listed under the column titled, "Section 302".

This regulation applies even if the chemical is on site for only a day.
There are no exemptions for Emergency Planning Notification.

To determine whether the facility has an EHS that meets or exceeds the TPQ, the owner or operator must determine the **total amount** of that substance present at any one time at the facility, regardless of location, duration on premises, number of containers, or method of storage. The amount of an EHS present in mixtures or solutions in excess of one (1) percent must be included in the determination. If the ingredient is a carcinogen, you must list the chemical if it is present in excess of 0.1 percent regardless of whether the ingredient is listed as active or inert.

The TPQ is the amount, *in pounds*, found under the column titled, "Section 302 (EHS) TPQ". To determine the quantity of an EHS or a non-EHS hazardous chemical component present in a mixture, multiply the concentration of the hazardous chemical component (in weight percent) by the weight of the mixture (in pounds).

Example: A facility has 150 pounds (lbs.) of a mixture that contains 50 weight percent of a certain EHS. The quantity of EHS present in the mixture is 75 lbs. (150 pounds multiplied by 0.5). Compare this to the TPQ of the EHS to determine if you are required to comply with the emergency notification requirements of EPCRA Section 302.

For an EHS that is a solid in its natural chemical state two (2) TPQs are assigned, 500/10,000. The first TPQ applies only if the solid exists in powdered form and has a particle size less than 100 microns; or is in solution; or is in molten form; or meets the criteria for a National Fire Protection Association (NFPA) rating of 2, 3, or 4 for reactivity. If the solid does not meet any of these criteria, it is subject to the second TPQ.

For the three (3) forms of solids that are listed in 40 CFR Part 355, use these instructions to determine the quantity of Extremely Hazardous Substance present:

- (a) **Solid in powdered form with a particle size less than 100 microns.** Multiply the weight percent of solid with a particle size less than 100 microns in a particular container by the total weight of solid in the container.

Example: A facility has a 5,000-pound container that contains 25% of a pure EHS solid powder with a particle size less than 100 microns. The quantity of EHS powder is 1,250 pounds which is greater than the TPQ of 500 lbs. The facility must report under Section 302 of EPCRA.

- (b) **Solid in solution.** Multiply the weight percent of the non-reactive solid in solution in a particular container by the total weight of solution in that container. Multiply this amount by 0.2.

(This reduction in quantity must not be used to determine the amount present at one-time at a facility for reporting under CFR 370.10.)

Example: A facility has 20 gallons of a solution of 37% by weight paraquat dichloride on-site. The density of the solution is 9.33 pounds per gallon. Therefore, this solution contains 69 pounds of paraquat dichloride (20 gallons x 9.33 lb./gal x 0.37). The facility would multiply 69 pounds by 0.2, which equals 13.8 pounds. This amount is then compared to the TPQ for paraquat dichloride, which is 10 pounds. Because this amount exceeds the 10 pounds TPQ, the facility is required to comply with the emergency notification requirements of Section 302 of EPCRA.

- (c) **Solid in molten form.** Multiply the weight of the non-reactive solid in molten form by 0.3. (This reduction in quantity must not be used to determine the amount present at one-time at a facility for reporting under CFR 370.10.)

Example: To determine if the presence of a molten solid EHS triggers an emergency planning notification, the facility owner/operator will multiply the weight in molten form by 0.3 and compare the resulting figure to the lower TPQ for the chemical in question.

When there are EHSs in pure form and mixture, the facility must add together all sources of the EHS and compare this to the TPQ.

Example: A facility has 600 pounds of a non-reactive EHS solid in solution. They also have 400 pounds of the same non-reactive solid EHS in powder form with particle size less than 100 microns. Therefore, the lower TPQ of 500 pounds applies to both forms. The facility would multiply the 600 pounds in solution by 0.2, which equals 120 pounds. Adding 120 pounds with 400 pounds equals 520 pounds, which exceeds the 500 pounds TPQ. Therefore, the facility would be required to report under Section 302 of EPCRA.

The reducing factors of 0.2 for molten solids and 0.3 for solids in solution are not to be used for the 12 solid reactive chemicals that are noted by footnote “a” in Appendix A, and B in 40 CFR part 355. Those reactive solids and their Reportable Quantity (RQ) and Threshold Planning Quantity are presented in the following table:

REACTIVE SOLIDS	RQ	TPQ
Aluminum Phosphide	100	500
Lithium Hydride	100	100
Methyl Isothiocyanate	500	500
Methyl Phosphonic Dichloride	100	100
Phosphorus	1	100
Phosphorus Pentachloride	500	500
Potassium Cyanide	10	100
Potassium Silver Cyanide	1	500
Sodium Azide (Na(N ₃))	1000	500
Sodium Cyanide (Na(CN))	10	100
Sulfur Trioxide	100	100
Zinc Phosphide	100	500

These chemicals can also be found in the “List of Lists”.

The list of EHSs may be revised by the Environmental Protection Agency (EPA). It is the facility's responsibility to be aware of the changes made to the list and make any necessary notifications. A facility has sixty (60) days to make a notification after acquiring an EHS that meets or exceeds the TPQ. A separate notification must be made for each facility. This is a one-time notification (EPCRA Section 302).

Fees are assessed on facilities subject to Section 302. Those fees are detailed in the Summary of Fees on page 23.

SECTION 303 - FACILITY REPRESENTATIVE DESIGNATION

Any facility subject to Section 302 must send the SERC and LEPC the name and telephone number of a contact person (facility representative) at the facility. The name of the facility representative must be kept current. The purpose for reporting under Section 302 is to alert the LEPC to which facilities have EHSs and, must be included in Emergency Response Plans. The role of the facility representative is to provide the LEPC with the necessary data to develop Emergency Response Plans.

REPORTING PROCEDURES FOR SECTION 302 AND SECTION 303

To report under Sections 302 and 303, Florida utilizes E-Plan for electronic filing and fee payment, (<https://erplan.net/eplan/home.htm>). If the facility files through E-Plan or EPA Tier II Submit then the notification to the SERC, LEPC, and local fire department has been satisfied.

NOTE: A change in the identity of the owner/operator of a facility where a change in the Federal Employer Identification Number (FEIN) has been made requires a new notification and filing fee. If the change is in name only then no notification or fee is required.

The EPA's current rules implementing Sections 302 and 303 are in 40 CFR Parts 300 and 355.

STATEMENT OF DETERMINATION

A Statement of Determination Form (SOD) is provided to be used for indicating the reporting status relative to Sections 302 and 303 and Sections 311, 312, and 313. This form may be used for either negative or positive declarations specific to sections of the law and reporting year.

SECTION 304 - EMERGENCY RELEASE NOTIFICATION

Section 304 requires certain releases of chemicals to be reported by the facility owner or operator. There are two (2) types of chemicals that require reporting under this section:

- 1) Extremely Hazardous Substances (EHSs); and
- 2) Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Hazardous Substances (HSs).

Both the EHSs and the CERCLA HSs are found in the "Title III Consolidated List of Chemicals."

If an amount equal to, or greater than, the Reportable Quantity (RQ) is released or spilled from a fixed facility, notification must be made immediately (within 15 minutes) to the SERC and LEPC by calling the Florida State Watch Office (SWO) at **(850) 815-4001 or (800) 320-0519** (this telephone is answered 24-hours a day and is an EMERGENCY number only). An RQ is the amount which requires notification if released into the environment (air, water or land). In addition, CERCLA spills must also be reported to the National Response Center (NRC) at **(800) 424-8802**. In the event the incident is transportation related, Section 304 requirements can be met by calling 911 or, in the absence of a 911 system, contacting the local telephone operator.

This emergency notification must include:

- 1) The chemical name;
- 2) an indication of whether the substance is an EHS;
- 3) an estimate of the quantity released into the environment;
- 4) the time and duration of the release;
- 5) the medium (air, water, and/or land) into which the release occurred;
- 6) any known or anticipated acute or chronic health risks associated with the emergency and where appropriate, advice regarding medical attention necessary for exposed individuals;
- 7) proper precautions, such as evacuation or sheltering in place; and
- 8) the name and telephone number of a contact person.

EHS/CERCLA releases of greater than or equal to the RQ that occur under normal operations and are stable in quantity and rate are to be reported under "Continuous Release" reporting guidelines only if the release does not qualify as a "Federally Permitted Release".

As soon as practicable (within seven (7) days) after a release which requires notification, the owner or operator of the facility must provide one or more written follow-up emergency notice(s). The written follow-up emergency notice(s) must include:

- 1) Information setting forth and updating the information required for the initial emergency notification;
- 2) actions taken to respond to and contain the release;
- 3) any known or anticipated acute or chronic health risks associated with the release; and
- 4) advice regarding medical attention necessary for exposed individuals.

This follow-up notice must be sent to:

- 1) the SERC; SERC's address located on page 5, and
- 2) the appropriate LEPC.

EXEMPTION: Section 304 does not apply to any release of an EHS which results in exposure to persons solely within the site on which the facility is located. However, caution dictates that notification be made anyway, unless you are certain that the release will not result in exposure to persons outside the site.

NOTE: Releases of CERCLA HSs are also subject to the release reporting requirements over their respective RQs of CERCLA Section 103 (40 CFR, Part 302).

EPA regulations implementing Section 304 are set out in 40 CFR Part 355.

[SECTION 311 - SDS/CHEMICAL LIST SUBMITTAL](#)

The chemicals covered under Section 311 are:

- 1) Any of the EHSs that meet or exceed the TPQ, or 500 pounds, at any one-time, whichever is less; and
- 2) any of the hazardous chemicals that meet or exceed 10,000 pounds at any one-time for which OSHA requires an SDS to be maintained.

The list of EHSs is found in the "Consolidated List of Chemicals."

There are over 500,000 chemicals and mixtures for which OSHA requires an SDS to be maintained. There is no list of OSHA regulated chemicals. Refer to the *OSHA Hazard Communication Standard, 29 CFR 1910.1200*, to determine which chemicals OSHA defines as hazardous.

The SERC encourages facilities to submit a list of the covered chemicals in lieu of the SDSs; however, the list must be grouped by the following EPA Physical and Health Hazard Categories.

PHYSICAL HAZARDS	HEALTH HAZARDS
Flammable (gases, aerosols, liquids, or solids)	Carcinogenicity
Gas under pressure	Acute Toxicity (any route of exposure)
Explosive	Reproductive Toxicity
Self-heating	Skin Corrosion or Irritation
Pyrophoric (liquid or solid)	Respiratory or Skin Sensitization
Oxidizer (liquid, solid, or gas)	Serious eye damage or eye irritation
Organic Peroxide	Specific target organ toxicity (single or repeated exposure)
Self-reactive	Aspiration Hazard
Pyrophoric gas	Germ Cell Mutagenicity
Corrosive to metal	Simple Asphyxiant
In contact with water emits flammable gas	Hazard Not Otherwise Classified (HNOC)
Combustible Dust	
Hazard Not Otherwise Classified (HNOC)	

These categories are not mutually exclusive; a chemical can fall under more than one category. The form "Section 311 Reporting Form" can be used when submitting a list.

See the "Hazard Category Comparison for Reporting Under Sections 311 and 312" for assistance in converting the information on the SDS into the EPA Physical and Health Hazard Categories.

The SDSs, or list, must be submitted to:

- The SERC;
- the appropriate LEPC
- the local fire department
- or E-Plan

Florida utilizes E-Plan for electronic filing and fee payment, (<https://erplan.net/eplan/home.htm>). If the facility files through E-Plan or EPA Tier II Submit then the notification to the SERC, LEPC, and local fire department has been satisfied.

This is a one-time reporting requirement; however, within ninety (90) days of discovering significant new information on a chemical, or upon acquiring a new chemical that is covered, a facility must submit an SDS or a list of those chemicals. A facility must submit a revised list, or an addition to the list, if the new information about that chemical changes the hazard category under which it falls, or if the facility acquires a new substance that meets or exceeds the threshold that was not included on the initial list. EPA may lower the threshold of 10,000 pounds for hazardous chemicals. If this happens, information will have to be submitted on the chemicals at or above the new threshold.

The Hazard Communication Standard, revised in 2012, requires that the chemical manufacturer, distributor, or importer provide an SDS for each hazardous chemical to downstream users to communicate information on these hazards. MSDSs were replaced with SDSs in June 2015.

To obtain an SDS, contact the supplier of your chemicals. A sample letter requesting an SDS can be found below.

EPA's rules regarding Section 311 are in 40 CFR Part 370.

NOTE: There are exemptions for reporting under Sections 311 and 312. Refer to "Sections 311 and 312 Exemptions from Reporting" to determine if any of your chemicals are exempt from reporting under Sections 311 and 312 or if your facility is affected by the recent reporting changes under those sections of EPCRA.

Government bodies and private industries must submit an SDS, or a list of the chemicals, for certain chemicals present at each facility when filing the annual submittal.

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SAMPLE SDS REQUEST LETTER

XYZ Chemical Corporation
Post Office Box 999
Anytown, Florida 12345

(Supplier Address)

Dear Supplier:

In connection with our purchase of your product, **Chemical ABC** (*Name of Chemical(s)*), we require a Safety Data Sheet (SDS), formerly referred to as a Material Safety Data Sheet (MSDS) for that product which meets the standards prescribed by the Occupational Safety and Health Administration's Hazard Communication Standard.

We at **XYZ Chemical Corporation** (*Name of Company*) take pride in our efforts with respect to the health and safety of our employees and the appropriate disposal of hazardous materials and environmental protection. Your cooperation in promptly supplying us with the most recent SDS for the product(s) we are purchasing with *Purchase Order #* would be most appreciated.

If an SDS is not required on this product, please indicate below and return a copy of this correspondence.

SDS is not required on product(s) requested:

Signature/Date

Please send the SDS and/or this letter to:

SDS Coordinator (name)
XYZ Chemical Corporation
Post Office Box 999
Anytown, Florida 12345

Very truly yours,

(NAME)

SECTION 312 - CHEMICAL INVENTORY



The E-Plan online reporting system allows you to create a Tier II Report that is submitted to the State of Florida annually in order to meet the SERC and LEPC reporting requirements. This platform allows for Tier II filing organizations to easily file their Tier II Report with the State each year.

The facilities and chemicals covered by Section 312 are the same as in Section 311. Refer to this section for the information.

The Facility Chemical Inventory Report (Tier II Report) is an **annual** reporting requirement due every January 1 through March 1. Facilities report EHS inventories on site at any one time during the previous calendar year. The State of Florida Division of Emergency Management now utilizes E-Plan on-line filing of Tier II Reports (<https://erplan.net/eplan/home.htm>). The E-Plan online system accepts electronic submissions from the EPA's Tier II Submit and Tier II Manager.

Florida utilizes E-Plan for electronic filing and fee payment, (<https://erplan.net/eplan/home.htm>). As an alternate method, facilities may use the EPA program Tier II Submit, a new version is available around November of each year. This form contains information on the quantities and locations of chemicals. For information or assistance on filing Tier II reports electronically, contact the SERC at (800) 635-7179 (Florida only) or (850) 815-4000 or (<http://www.floridadisaster.org/HazMat/>). If the facility files through E-Plan or EPA Tier II Submit then the notification to the SERC, LEPC and local fire department has been satisfied. *EPA's rules regarding Section 312 are in 40 CFR Part 370.*

A map of the Statewide LEPC district boundaries and contact information is provided on page 6.

The SERC's mailing address:

State Emergency Response Commission
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

SECTIONS 311 AND 312 - EXEMPTIONS FROM REPORTING

OSHA regulations [29 CFR § 1910.1200(b)] currently provide the following exemptions:

- 1) Any hazardous waste defined by the Solid Waste Disposal Act, as amended (42 U.S.C. § 6901 et seq.), when subject to regulations issued under that Act;
- 2) Tobacco or tobacco products;
- 3) Wood or wood products;
- 4) "Articles" - defined under Section 1910.1200(b) as a manufactured item:
 - a) which is formed to a specific shape or design during manufacture;
 - b) which has end use functions(s) dependent in whole or in part upon the shape or design during end use;
 - c) which does not release, or otherwise result in exposure to, a hazardous chemical under normal conditions of use.
- 5) Food, drugs, cosmetics, or alcoholic beverages in a retail establishment which are packaged for sale to consumers;
- 6) Food, drugs, or cosmetics intended for personal consumption by employees while in the work place;
- 7) Any consumer product or HS, as those terms are defined in the Consumer Product Safety Act (15 U.S.C. § 1251 et seq.) respectively, where the employer can demonstrate it is used in the work place in the same manner as normal consumer use, and which use results in a duration and frequency of exposure which is not greater than exposures experienced by consumers;
- 8) Any drug, as that term is defined in the Federal Food, Drug and Cosmetic Act (21 U.S.C. § 301 et seq.), when it is in solid, final form for direct administration to the patient, i.e., tablets or pills.

In addition, Section 311(e) of EPCRA excludes the following substances:

- 9) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration;
- 10) Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use;
- 11) Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public;
- 12) Any substance to the extent it is used in a research laboratory, a hospital or other medical facility under the direct supervision of a technically qualified individual;
- 13) Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

REPORTING CHANGES FOR RETAIL PETROLEUM FACILITIES

Amendments to Sections 311 and 312 reporting requirements as they apply to qualified retail petroleum facilities were passed by final rule on February 11, 1999 [**Federal Register: February 11, 1999 (Volume 64, Number 28, Pages 7031-7047)**]:

Reportable: In most cases, fuels must be considered under EPCRA Sections 311 and 312, and must be reported if the maximum inventory during the reporting year exceeds the EPCRA reporting threshold of 10,000 pounds, i.e., any retail gas station that has at least 10,000 pounds (roughly 1,500 gallons) of gasoline or diesel fuel stored in tanks that are not entirely underground must report the total gasoline or diesel fuel at the facility, including any that is stored entirely underground. The facility must report by March 1st of each year to the Florida Division of Emergency Management, Local Emergency Planning Committee, and the local fire department for reportable chemical inventories during the previous calendar year.

Exemptions: There are some limited exceptions for fuel storage. However, these apply only to retail establishments and only to storage in underground storage tanks (USTs). For such facilities, the conditional exemption applies to only two (2) fuel types:

- For gasoline (all grades combined) at a retail gas station, the threshold level is 75,000 gallons, if the tank(s) was stored entirely underground and was in compliance at all times during the preceding calendar year with all applicable Underground Storage Tank (UST) requirements found in 40 CFR Part 280 or requirements of the State UST program approved by the Agency under 40 CFR Part 281.
- For diesel fuel (all grades combined) at a retail gas station, the threshold level is 100,000 gallons, if the tank(s) was stored entirely underground and the tank(s) was in compliance at all times during the preceding calendar year with all applicable UST requirements found in *40 CFR Part 280.21(a)* or requirements of the State UST program approved by the Agency under *40 CFR Part 281.31*.

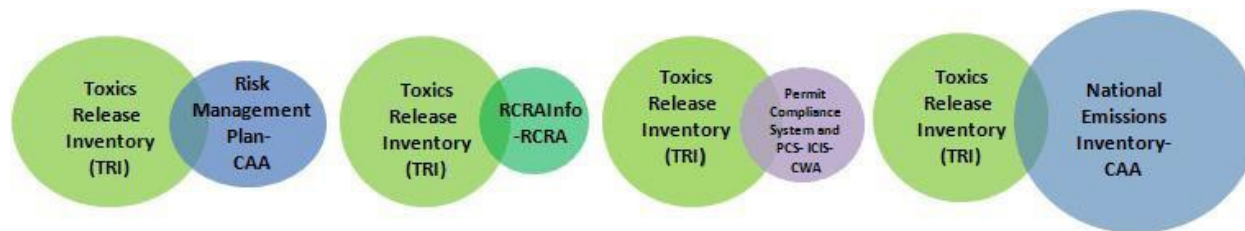
If a facility is not in compliance with the UST requirements, it is not eligible for the higher EPCRA thresholds when it first fails to meet the UST requirements.

Example: If an owner or operator of a retail gas station has a tank system that was not in compliance with the UST requirements that went into effect in December of 1998 (*see 40 CFR § 280.21(a) and § 281.31*), stating that the owner or operator cannot apply the higher thresholds.

Similarly, any retail gas station that has at least 75,000 gallons of gasoline or 100,000 gallons of diesel fuel stored entirely underground must report on the total amount of gasoline or diesel fuel at the facility, including any that is not stored entirely underground. In other words, whether the facility triggers the threshold for underground storage or for aboveground storage, they report on the total amount of gasoline or diesel fuel at the facility.

Convenience stores and truck stops that sell gasoline or diesel fuel to the public also meet the definition of retail gas stations. Beginning with the 1998 reporting year, owners/operators of facilities whose gasoline and diesel fuel inventories do not exceed the new reporting thresholds and who meet the above referenced criteria are no longer required to submit Material Safety Data Sheets (MSDSs) or Safety Data Sheets (SDSs), chemical lists, or file Tier II Inventory Reports for these substances. For additional information on these requirements, please refer to the above referenced Federal Register citation.

SECTION 313 - TOXIC CHEMICAL RELEASE FORMS



The Emergency Planning and Community Right-to-Know Act originally required TRI reporting using four-digit Standard Industrial Classification (SIC) Codes. However, the Office of Management and Budget replaced the SIC Code System with the NAICS Code System, developed by the U.S. Census Bureau. TRI adopted this system in 2006 (71 FR 32464).

How to Determine if a Facility's Six-Digit Primary NAICS Code is Covered by the TRI Program? – Check TRI Web Site/ Covered Industries at: <http://www.epa.gov/tri/>

In order to be covered under Section 313, a facility must have ten or more full-time employees and must manufacture, process, or otherwise use a listed **toxic chemical** that meets or exceeds specified threshold quantities, which are cumulative for the calendar year.

Federal facilities, per Executive Order 12856 issued in 1993, are also required to comply with Section 313 if they manufacture, process, or otherwise use a listed toxic chemical that meets or exceeds specified threshold quantities, which are cumulative for the calendar year. The requirement for Federal facilities to report under Section 313 went into effect beginning with the 1994 reporting year.

TRI Facts

What Are TRI Toxic Chemicals?

In general, chemicals covered by the TRI Program are those that cause:

- *Cancer or other chronic human health effects*
- *Significant adverse acute human health effects*
- *Significant adverse environmental effects*

There are currently over 650 chemicals covered by the TRI Program. Facilities that manufacture, process, or otherwise use these chemicals in amounts above established levels must submit annual TRI reports on each chemical.

What types of industries are included in TRI?

Facilities that report to TRI are typically larger facilities involved in manufacturing, metal mining, electric power generation, chemical manufacturing, and hazardous waste treatment. *** Not all industry sectors covered by the TRI Program are required to report, and not all facilities in covered sectors are required to report to TRI.*

The Toxic Chemicals and the chemical categories regulated under Section 313 are marked with an "X" or "A313" in the column titled "313" listed in the "Consolidated List of Chemicals".

A Toxic Chemical Release Form, Form R or Form A, must be filled out for each toxic chemical above the threshold amount and sent to the Federal EPA. Florida has access to their database and does not require facilities to send the SERC TRI information, but there is an annual fee associated with TRI chemicals. The Form reflects releases during the preceding calendar year and is reported **annually** from January 1 through June 30, and due by **July 1**. Beginning in 1995, facilities that release less than 500 pounds of a listed toxic chemical and that also do not use, produce, or manufacture in excess of one million pounds of that substance over the annual reporting period have the option of submitting an abbreviated Certification Form, Form A in lieu of the more detailed Form R.

To obtain reporting forms and instructions, contact the EPA TRI Hotline at (800) 424-9346.

You may also obtain forms, reporting requirements, guidance documents, and information on training by accessing the EPA Web Site at the following address: <http://www.epa.gov/tri/>

Copies of technical guidance documents for certain specific industrial situations are available from the SERC.

Thresholds: If you manufacture, import, or process any of the listed toxic chemicals, the threshold amount is:

- 1) **75,000** pounds during calendar year 1987;
- 2) **50,000** pounds during calendar year 1988; and
- 3) **25,000** pounds during calendar year 1989 and subsequent years.

Thresholds are different for certain Persistent Bioaccumulative Toxic (PBT) chemicals, see EPA's "PBT Final Rule Summary".

If you use any listed TRI chemical in any other way (without incorporating it into any product or producing it at the facility), the threshold amount is **10,000** pounds in calendar year 1987 and subsequent years.

EPA's rules regarding Section 313 are contained in 40 CFR Part 372.

Fees are assessed on facilities (except Federal facilities) subject to Section 313. See below for an explanation of fees.

On October 29, 1999, the U. S. Environmental Protection Agency issued a final ruling (64 FR 58666) that establishes much lower reporting thresholds for certain PBT chemicals. The PBT chemicals and reporting thresholds are shown on EPA's "PBT Final Rule Summary". This rule went into effect starting with the 2000 reporting year.

On June 26, 2000, the U. S. Environmental Protection Agency issued a final ruling (65 FR 39552) that deleted Phosphoric Acid (CAS #7664-38-2) from the list of chemicals subjected to reporting requirements under Section 313 of EPCRA. This rule relieves facilities of their obligation to report releases for Phosphoric Acid during the 1999 reporting year, and for future years.

The U. S. EPA issued a final ruling lowering the reporting thresholds for Lead and Lead compounds on February 16, 2001, with the first reports at the lower thresholds reported in July 2002. The new reporting threshold was established as low at 100 pounds.

FEES FOR EPCRA

The Florida Hazardous Materials Emergency Response and Community Right-to-Know Act of 1988, Chapter 252, Part II, Florida Statutes, provides a funding mechanism to support emergency planning efforts and the extensive Community Right-to-Know requirements. The following summary outlines the four (4) fees:

1) One-Time Filing Fee - Pursuant to Section 252.85(2), Florida Statutes, any "public or private" facility subject to Section 302 shall pay a one-time filing fee of \$50 per facility utilizing E-Plan for electronic filing and fee payment, (<https://erplan.net/eplan/home.htm>).

The one-time filing fee shall not be required for any agricultural facilities with a SIC Code of 01, 02, or 07 subject to the emergency notification requirement solely because of the presence of EPCRA listed substances in temporary or portable storage units located at the facility for less than 48 consecutive hours.

- Standard Industrial Classification Codes 01, 02, and 07 have been replaced by the North American Industrial Classification System (NAICS) Codes of 111XXX, 112XXX, 115XXX, 311119, 311611, 541320, 541690, 541940, 561730, or 812910.

NOTE: Any change in the identity of the owner/operator requires a new Section 302 notification and filing fee.

2) Annual Registration Fee - Pursuant to Section 252.85(1), Florida Statutes, any "private" facility subject to either § 302 or § 312 must pay an annual registration fee due every **March 1** (governmental bodies are exempt from the annual registration fee). This fee is based on the number of full-time and part-time employees that an employer has **throughout the State of Florida**. Annual registration fees are calculated in one of three (1 of 3) ways:

A) Facilities regulated under Chapter 368 (gas transmission and distribution facilities), Chapter 527 (sale of liquefied petroleum gas), or Section 376.303 (aboveground and underground storage tanks), Florida Statutes, which do not have present Extremely Hazardous Substances (EHSs) equal to or in excess of Threshold Planning Quantities (TPQs) will pay \$2.50 per employee (minimum \$25, maximum \$500) for all employees throughout the State of Florida. The number of employees is based on the total number of each full-time and part-time employee (non-seasonal) reported to the Department of Revenue for unemployment compensation tax purposes, now known as the Reemployment Assistance Program Law *for the last month of the calendar year*.

NOTE: Owners/operators of retail petroleum facilities, e.g., gas stations, convenience stores, truck stops, etc. that store gasoline and diesel fuel entirely underground in tanks that hold less than 75,000 gallons of gasoline or 100,000 gallons of diesel fuel, do not have any other EPCRA covered substances in threshold amounts on-site, and are in compliance with Underground Storage Tank (UST) requirements are not required to file under Sections 311 and 312, or pay annual registration fees. For additional information on the reporting changes for retail petroleum facilities, refer to the following citation: [*Federal Register: February 11, 1999 (Volume 64, Number 28, Pages 7031-7047)*].

B) "Agricultural facilities" which have hazardous materials present and which qualify for the routine agricultural use exemption under EPCRA, Section 311(e), will pay \$10 per employee (minimum \$25, maximum \$1,000). The number of employees is based on the total number of each full-time and part-time **non-seasonal** employees reported to Department of Revenue for unemployment compensation tax purposes, *the total number of which shall not be less than the number for the month reflecting the lowest number of employees for the calendar year*.

C) All other facilities will pay \$10 per employee (minimum \$25, maximum \$2,000). The number of employees is based on each full-time and each part-time employee employed within the State by the owner or operator of a facility as reported to Department of Revenue for unemployment compensation tax

purposes for the last month of the calendar year.

3) Toxics Chemical Release Inventory (TRI) Reporting Fee - An owner or operator of a facility with a covered NAICS Code that is required to submit a Federal EPA TRI Report to the Commission under Section 313 of EPCRA, shall be required to pay an annual reporting fee of \$150 per TRI Form R Report for those Section 313 listed EPCRA substances in effect on January 1, 1997 (the TRI reporting fee form can be used when submitting the fee, due on or before **July 1** of each year). A \$75 fee per chemical is required to be submitted with the Certification Form A Report.

4) Late Fees - Pursuant to Section 252.85 (3)(a)(b), Florida Statutes, late fees will be assessed for failure to file a report that substantially complies with the requirements of EPCRA, or for failure to pay any fee. A written notification will be sent to the facility that explains which report or fee has not been submitted. The first late notification assesses a fee of up to \$2,000, and the second notification assesses a maximum fee of \$4,000.

SUMMARY OF THE FLORIDA FILING/FEE REQUIREMENTS

SECTION	FILING REQUIREMENT	FEE AMOUNT	DUE DATE
302	E-Plan to File E-Plan to Pay	\$50 PER FACILITY (public and private)	ONE-TIME FILING
302 (Agricultural facilities subject to "routine agricultural use" exemption)	E-Plan to File E-Plan to Pay	\$10 PER EMPLOYEE \$25 MINIMUM \$1,000 MAXIMUM	JANUARY 1 THROUGH MARCH 1 EACH YEAR
302 OR 312 (private only)	E-Plan to File E-Plan to Pay	\$10 PER EMPLOYEE \$25 MINIMUM \$2,000 MAXIMUM	JANUARY 1 THROUGH MARCH 1 EACH YEAR
312 (Certain regulated industries covered by Chapters 368, 527, or § 376.303, Florida Statutes)	E-Plan to File E-Plan to Pay	\$2.50 PER EMPLOYEE \$25 MINIMUM \$500 MAXIMUM Companies are eligible for the reduced fee only if they do not have present EHSs that meet or exceed the TPQ.	JANUARY 1 THROUGH MARCH 1 EACH YEAR
313 TRI	Federal database CDX to File E-Plan to Pay	\$150 PER FORM R REPORT \$75 PER CHEMICAL LISTED ON FORM A REPORT	JULY 1 EACH YEAR
RMP	Federal database CDX to File E-Plan to Pay	MULTIPLE SEE TABLE BELOW	APRIL 1 EACH YEAR

5) Risk Management Program (RMP) Reporting Fee - RMP facilities must submit a registration fee and the appropriate registration fee form (unless you file/pay through E-Plan) to the State Emergency Response Commission no later than *April 1*. Fees are based upon the highest Program Level assigned to a regulated process. If your source location has more than one regulated process on-site, you must pay for the highest single Program Level Process and submit one fee form for that location. Fee caps are available for facilities with the same single chemical processes at multiple locations, and certain agricultural operations (see fee chart). Failure to submit the required fees by the deadline may result in the assessment of late fees. The Registration Fee Form RMP-001 is for single locations and for locations with process(es) subject to Program Level 3. Form RMP-002 is for multiple locations that are not subject to Program Level 3.

FLORIDA RMP FEE SYSTEM CHART

Program Level	Fee for one stationary	Fee for each additional location (must be same owner and chemical process).	Fee Cap
1	\$100	\$50	\$1000
2	\$200	\$200 each for first 3 sources then \$100 per each additional source	\$2000
2 and have SIC Group # of 01, 02, or 07	\$100	\$100 for first source then \$50 per each additional source	\$800
3	\$1000	No Multiple Fee Reduction	No Fee Cap

Standard Industrial Classification (SIC) Codes 01, 02, and 07 have been replaced by the North American Industrial Classification System (NAICS) Codes of 111XXX, 112XXX, 115XXX, 311119, 311611, 541320, 541690, 541940, 561730, or 812910.

NOTE: Florida RMP late fees may be assessed in accordance with Section 252.939, Florida Statutes and Rule 27P-21.003, Florida Administrative Code for failing to submit your annual registration fee to the Division by the above deadline. Late fees will be assessed at the rate of 10% of the annual registration fee per month but may not exceed 50% of the annual registration fee owed for any fee cycle.

COMMON EPCRA QUESTIONS:

Who must pay the annual registration fee? On or before every March 1, any private facility subject during the previous calendar year to either Section 302 or Section 312 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, EPCRA, must pay the annual registration fee.

Who is subject to Section 302? The owner or operator of any facility that has present at any one-time an amount that meets or exceeds the TPQ for any of the EHSs.

Must a facility have EHSs present for a specified period of time before Section 302 reporting requirements are triggered? *No*, if EHSs are present in amounts equal to or in excess of established TPQs, the facility must comply with Section 302 regardless of the amount of time those substances were present in those amounts.

Who is subject to Section 312? The owner or operator of any facility that has either of the following:

- 1) Any of the EHSs that meet or exceed the TPQ, or 500 pounds, whichever is less; or
- 2) Any of the hazardous chemicals that meet or exceed 10,000 pounds for which OSHA requires an SDS to be maintained.

How do I determine the amount of the fee? The fee is based on the number of employees employed within the State by the facility owner or operator during the preceding year. The amount of the registration fee is either \$2.50 or \$10 per employee, with a minimum amount of \$25, and a maximum amount of \$2,000 per year.

What types of facilities qualify for reduced fees? Any facility regulated under Chapters 368 (gas transmission and distribution facilities) or 527 (liquefied petroleum gas), or Section 376.303 (aboveground and underground storage tanks), Florida Statutes, and **does not** have present an EHS that meets or exceeds the TPQ, pays an annual registration fee of \$2.50 per employee, with a minimum of \$25, and a maximum of \$500 per year.

NOTE: The owner or operator pays only one registration fee per year regardless of the number of facilities that are subject. The fee is based on the total number of employees that the owner or operator has *employed throughout the State of Florida*.

When do I file the Tier II Report and pay the annual registration fees? Tier II filing season begins January 1 and both the Tier II Report and annual registration fees are due by March 1 of each year. The filing fee is a one-time fee due within sixty (60) days of the time a facility becomes subject to Section 302.

NOTE: Any change in the identity of the owner/operator of a Section 302 facility requires a new Section 302 notification and filing fee.

What is the definition of an employee? Employee means any employee who is eligible for coverage by Unemployment Compensation Insurance under the laws of the State of Florida as of December *of the preceding year*.

How do I determine the number of employees? Use the number of employees **statewide** that you register with the Department of Revenue on your quarterly unemployment compensation tax and wage report for the quarter that includes December of the preceding year. You can find the number of employees on Department of Revenue form RT-6 or RT-7.

NOTE: Agricultural facilities which have chemicals that qualify for exemptions under Section 311(e) of EPCRA should determine the number of employees based on non-seasonal employees (see above for fees and a list of exemptions).

What are the penalties for not complying in a timely manner? Late fees are assessed for failure to pay the annual fee or submit a report due in a timely manner. Late fees can be assessed in amounts up to twice the amount of the annual registration or filing fee required for timely submission, up to \$4,000 per late submission.

How do I submit the annual registration fee? Florida utilizes E-Plan for electronic filing and fee payment at: <https://erplan.net/eplan/home.htm>. Filers have the option of paying fees with a credit card or electronic funds transfer (ACH) from their bank account

Are there any exemptions to the annual registration fee? Governmental bodies are exempt from paying the annual registration fee.

Is there a fee for Section 313 Form R Reports? Yes, a fee of \$150 is assessed for each chemical reported on a Toxic Chemical Release Inventory Report, due on or before **July 1** of each year.

Under Section 313, is there a fee for the Certification Form (Form A)? Yes, a \$75 fee applies for each chemical reported on the Certification Form (Form A).

What are the statutory authorities for the fees? Section 252.85(1)(2), Florida Statutes. For definitions and late fees, see Section 252.85(3)(a)(b), Florida Statutes, and Rule 9G-14, Florida Administrative Code.

Whom do I call if I have additional questions? Technological Hazards Unit at (800) 635-7179 or (850) 815-4000 during business hours, Monday through Friday are available to respond to questions. They also have available, at no charge, reporting forms, chemical lists, "How-To-Comply" Manuals, and other information about EPCRA, the State Laws, and the Administrative Rule. This information may also be obtained from the State Emergency Response Commission's Web Site.

General Provisions

The general provisions of EPCRA address trade secret protection, provision of information to health professionals, public availability of information, enforcement, citizen suits, and the exemption for transportation.

SECTION 322 - TRADE SECRETS

Specific chemical identity of a trade secret chemical can be withheld from an **SDS, Emergency Inventory Reporting Form (Tier II Report)**, or Toxic Chemical Release Form. Applications for trade secret protection are made to EPA. There are penalties for frivolous claims for trade secret protection. The withholder must show each of the following:

- 1) the information has not been disclosed to any person other than a member of the LEPC, a government official, an employee of such person, or someone bound by a confidentiality agreement, and that measures have been taken to protect the confidentiality, and the withholder intends to continue to take such measures;
- 2) the information is not required to be disclosed to the public under any other Federal or State law;
- 3) the information is likely to cause substantial harm to the competitive position of the person; and
- 4) the chemical identity is not readily discoverable through reverse engineering.

SECTION 323 - INFORMATION FOR HEALTH PROFESSIONALS

This section requires disclosure of information including trade secret chemical identity information to health professionals, doctors, and nurses in certain specified situations.

SECTION 324 - PUBLIC AVAILABILITY OF INFORMATION

Each Emergency Response Plan, SDS, SDS list, Chemical Inventory Form (Tier II Report), Toxic Chemical Release Form, and follow-up emergency notice shall be made available to the general public upon request by contacting the Florida Division of Emergency Management Public Information Officer at www.floridadisaster.org.

NOTE: There is a copying charge of fifteen (15) cents per page for up to twenty-five (25) pages and one (1) dollar per page for over twenty-five (25) pages of copy requested. You may schedule an appointment to view our files by calling (800) 635-7179 (in Florida only) or (850) 815-4000 between 8:00 a.m. and 5:00 p.m., Monday through Friday.

SECTION 325 - FEDERAL ENFORCEMENT PENALTIES

Section 325 provides for administrative, civil, and criminal penalties for violations under the following sections:



REQUIREMENT	SECTION	ADMINISTRATIVE	CIVIL	CRIMINAL
Emergency Planning Notification	302		\$57,317	
Facility Representative	303		\$57,317	
Emergency Release Notification	304	\$57,317 or \$171,952	\$57,317 or \$171,952	\$57,317 or \$171,952
Chemical Inventory	312	\$57,317	\$57,317	\$57,317
Toxic Release Inventory	313	\$57,317	\$57,317	\$57,317
Trade Secret Claim	322	\$57,317	\$57,317	\$57,317

Section 252.86, Florida Statutes, provides for civil and criminal penalties for the provision of false information. Furthermore, any provision of Section 325 or Section 326 of EPCRA which creates a Federal Cause of Action, other than an administrative proceeding, provides a corresponding Cause of Action under the State law, with jurisdiction in the circuit courts. Sections 252.86 (3)(a)(b) provide for the assessment of late fees for failure to submit a report that substantially complies with the requirements of EPCRA or Section 252.87, Florida Statutes, by the specified date or for failure to pay any fee required under Section 252.85, Florida Statutes.

SECTION 326 - CIVIL ACTIONS

This section authorizes citizen and civil suits by State or local governments against owners or operators of a facility, for failure to comply with specific provisions of the Act. It also authorizes citizen suits against the EPA Administrator and State officials for failure to comply with the obligations imposed on them by the Act.

SECTION 327 - EXEMPTION FOR TRANSPORTATION

The transportation exemption applies to substances being transported, not to particular facilities. Substances present at a terminal which are being transported, or stored while waiting for transport, are exempt from reporting requirements. The exemption does not apply to the emergency reporting of a chemical release requirements of Section 304.

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Florida Pesticide Reporting Guidelines

This list is compiled from the EPA List of Lists (2015) and updated with common Pesticide Trade Names. This is meant as a supplement to the EPA List of Lists for use to clarify and assist handlers and responders in the field with Florida reporting requirements and the more common chemical nomenclature.

Threshold Planning Quantity (TPQ) – The presence of (EHSs) in quantities at or above the (TPQ) requires certain emergency planning activities to be conducted. The consolidated list presents the TPQ (in pounds) for section 302 chemicals in the column following the CAS number. For chemicals that are solids, there are two TPQs given (500/10,000). In these cases, the lower quantity applies to solids in powder form with particle size less than 100 microns, or if the substance is in solution, or in molten form. Otherwise, the 10,000-pound TPQ applies.

Section 304 RQ - Facilities must immediately report accidental releases of EHS chemicals and HSs in quantities greater than corresponding RQs defined under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to State and local officials. Information about accidental chemical releases must be available to the public, Florida Reporting requirements below.

CERCLA RQ - Releases of CERCLA HSs, in quantities equal to or greater than their RQ in pounds, are subject to Florida Reporting requirements below.

Florida Reporting Requirements:

National Response Center (NRC) **Florida State Watch Office**
(800) 424-8802 (800) 320-0519 or (850) 815-4001

Florida Department of Environmental Protection:
Spill Reporting Requirements <https://floridadep.gov/pollutionnotice>

Florida Division of Emergency Management
2555 Shumard Oak Blvd.
Tallahassee FL, 32399
<https://www.floridadisaster.org/HazMat>

NOTE: All TPQs and RQs are listed in pounds.

CHEMICAL NAME	PESTICIDE TRADE NAME	CAS #	TPQ 1 / TPQ 2	SECTION 304 RQ	CERCLA RQ
Acrolein	Aqualine	107-02-8	500	1	1
Acrylonitrile	Acritet, Acrylofume, Carbacryl	107-13-1	10,000	100	100
Aldicarb	Temik	116-06-3	100/10,000	1	1
Aldrin	Aldrex, Aldrite, Drinox	309-00-2	500/10,000	1	1
Allyl alcohol	Allyl Alcohol	107-18-6	1,000	100	100
Aluminum phosphide	AL-Phos, Quickphos, Phostoxin	20859-73-8	500	100	100
Amiton	Tetram, Citram	78-53-5	500	500	
Amiton oxalate	AMITON Oxalate	3734-97-2	100/10,000	100	
Amitrole	Amitrole, Amizol, Fenavar	61-82-5			10
Ammonia	Ammonia	7664-41-7	500	100	100
Antimycin A	Fintrol, Virosin	1397-94-0	1,000/10,000	1,000	
ANTU	Krysid, Dirax.	86-88-4	500/10,000	100	100
Arsenic pentoxide	Wood Preservation	1303-28-2	100/10,000	1	1
Arsenic trioxide	Arsenic Trioxide	1327-53-3	100/10,000	1	1
Arsenous trichloride	Arsenous Trichloride	7784-34-1	500	1	1
Azinphos-ethyl	Azinos, Bionex, Ethyl Guthion	2642-71-9	100/10,000	100	
Azinphos-methyl	Guthion, Carefree	86-50-0	10/10,000	1	1
Bromadiolone	Nitragin, Maki, Cromone, Contral	28772-56-7	100/10,000	100	
Calcium arsenate	Pencal, Spray-cal, Turf-cal	7778-44-1	500/10,000	1	1
Camphechlor	Toxaphene	8001-35-2	500/10,000	1	1
Captan	Captan	133-06-2			10
Carbaryl	Sevin, Savit	63-25-2			100
Carbofuran	Furadan, Brifur, Chrisfuran	1563-66-2	10/10,000	10	10
Carbon disulfide	Carbon Disulfide	75-15-0	10,000	100	100
Carbophenothion	Trihion, Dagadip, Garrathion	786-19-6	500	500	
Chlordane	Belt, Chlorkill, Niram	57-74-9	1,000	1	1
Chlorfenvinfos	Supona, Apachlor, Birlane	470-90-6	500	500	
Chlorine	Clorine	7782-50-5	100	10	10
Chlormephos	Dotan	24934-91-6	500	500	
Chlormequat chloride	CeCeCe, Cycocel, Cycogan	999-81-5	100/10,000	100	
Chloroform	Chloroform	67-66-3	10,000	10	10
Chlorophacinone	Rozal, Caid, Ramucide	3691-35-8	100/10,000	100	
Chloroxuron	Tenoran, Norex, Tenolan	1982-47-4	500/10,000	500	
Chlorpyrifos	Dursban, Lorsban	2921-88-2			1
Chlorthiophos	Celathion	21923-23-9	500	500	
Coumaphos	Co-Ral, Baymix	56-72-4	100/10,000	10	10
Creosote	Creosote	8001-58-9			

CHEMICAL NAME	PESTICIDE TRADE NAME	CAS #	TPQ 1 / TPQ 2	SECTION 304 RQ	CERCLA RQ
Crimidine	Castrix	535-89-7	100/10,000	100	
Cyanophos	Cyanox	2636-26-2	1,000	1,000	
Cycloheximide	ACT 1, Dione	66-81-9	100/10,000	100	
Demeton	Systox	8065-48-3	500	500	
Demeton-S-methyl	Metasystox, Demeton Methyl	919-86-8	500	500	
Dialifor	Dialifor	10311-84-9	100/10,000	100	
Diazinon	Diazinon, Spectracide	333-41-5			1
Dicamba	Banvil	1918-00-9			1,000
Diclone	Phygon, Quintar	117-80-6			1
Bis(2-chloroethyl) ether	Chlorex	111-44-4	10,000	10	10
Dichlorvos	DDVP, Vapona, Avavap, Benfos, Cyponsa, Duravox, Cichlorvos	62-73-7	1,000	10	10
Benzenemethanol, 4-chloro-alpha-4-(chlorophenyl)-alpha-(trichloromethyl)	Kelthane	115-32-2			10
Dicrotophos	Bidrin, Carbicron	141-66-2	100	100	
DDD	DDD	72-54-8			1
DDE	DDE	72-55-9			1
DDT	DDT	50-29-3			1
Dimefox	Hahane, Pestox XTV	115-26-4	500	500	
Dimethoate	Cygon, De-Fend, Rogor	60-51-5	500/10,000	10	10
Dimetilan	Snip	644-64-4	500/10,000	1	1
4,6-Dinitro-o-cresol	DNOX, Chemsect, Sinox	534-52-1	10/10,000	10	10
Dinitrobutyl phenol	Premerg, Basanit, Dinitro, Ancracm Dynap, Premerge Plus	88-85-7	100/10,000	1,000	1,000
Dinoterb	DNTB, Herbogil	1420-07-1	500/10,000	500	
Dioxathion	Delnav, Deltil	78-34-2	500	500	
Diphacinone	Ramik, Diphacin	82-66-6	10/10,000	10	
Diquat	Diquat	85-00-7			1,000
Disulfoton	DiSyston, Solvirex	298-04-4	500	1	1
Diuron	Direx, Karmex	330-54-1			100
Endosulfan	Thiodan, Endocel, Endosan	115-29-7	10/10,000	1	1
Endothall	Accelerate, Aquathol, Hydrothol	145-73-3			1,000
Endothion	Endothian	2778-04-3	500/10,000	500	
Endrin	Endrex, Hexadrin	72-20-8	500/10,000	1	1

CHEMICAL NAME	PESTICIDE TRADE NAME	CAS #	TPQ 1 / TPQ 2	SECTION 304 RQ	CERCLA RQ
Epichlorohydrin	Epichlorihydrin	106-89-8	1,000	100	100
EPN	EPN	2104-64-5	100/10,000	100	
Ethion	Ethion	563-12-2	1,000	10	10
Ethoprop	Mocap, Jolt	13194-48-4	1,000	1,000	
1,2-Dibromoethane	EDB	106-93-4			1
Ethylene oxide	ETO, Oxirane	75-21-8	1,000	10	10
Famphur	Warbex	52-85-7			1,000
Fenamiphos	Nemacur	22224-92-6	10/10,000	10	
Fensulfothion	Dasanit, Terracur P	115-90-2	500	500	
Ferrous sulfate	Iron Sulfate	7782-63-0			1,000
Fluenetil	Lambrol	4301-50-2	100/10,000	100	
Fluoroacetamide	Baran, Fussol, Rodex	640-19-7	100/10,000	100	100
Fonofos	Dyfonate	944-22-9	500	500	
Formaldehyde	Methanal, Formalin	50-00-0	500	100	100
Formetanae hydrochloride	Carzol, Dicarzol	23422-53-9	500/10,000	100	100
Formothion	Nem-A-Tak, Geofos	2540-82-1	100	100	
Fuberidazole	Voromit	3878-19-1	100/10,000	100	
Azinphos-methyl	Guthion, Carefree	86-50-0	10/10,000	1	1
Hexachloropropene	Nabac	1888-71-7			1,000
Isobenzan	Teledrin	297-78-9	100/10,000	100	
Isodrin	Isodrin	465-73-6	100/10,000	1	1
Lead arsenate	Lead arsenate	7645-25-2			1
Leptophos	Phosuel, MBCP	21609-90-5	500/10,000	500	
Cyclohexane, 1,2,3,4,5,6- hexachloro- (1.alpha.,2.alpha,3.beta., 4.alpha.,5.alpha.,6.beta.)	Lindane	58-89-9	1,000/10,000	1	1
Malathion	Malathion	121-75-5			100
Mephosfolan	Cytrolane	950-10-7	500	500	
Mercuric cyanide	Mercuric Chloride	592-04-1			1
Mercuric oxide	Santar	21908-53-2	500/10,000	500	
Methamidophos	Monitor, Filitox	10265-92-6	100/10,000	100	
Methidathion	Supracide	950-37-8	500/10,000	500	
Mercaptodimethur	Mesurool	2032-65-7	500/10,000	10	10
Ethanimidothioic acid, N-[methylamino)carbonyl]	Lannate, Nudrin	16752-77-5	500/10,000	100	100

CHEMICAL NAME	PESTICIDE TRADE NAME	CAS #	TPQ 1 / TPQ 2	SECTION 304 RQ	CERCLA RQ
Bromomethane	Bromo Methane	74-83-9	1,000	1,000	1,000
Isothiocyanato methane	Vorlex	556-61-6	500	500	
Methylmercuric dicyanamide	Cyano, Morsodren, Panogen	502-39-6	500/10,000	500	
Mevinphos	Phosdrin	7786-34-7	500	10	10
Mexacarbate	Zectran	315-18-4	500/10,000	1,000	1,000
Monocrotophos	Azodrin, Monocil	6923-22-4	10/10,000	10	
Naled	Dibrom	300-76-5			10
Nicotine	Nicotine	54-11-5	100	100	100
Nicotine sulfate	Nicotine Sulfate	65-30-5	100/10,000	100	100
Norbormide	Norbormide	991-42-4	100/10,000	100	
Oxamyl	Vydate	23135-22-0	100/10,000	100	100
Oxydisulfoton	Disyston S	2497-07-6	500	500	
Paraquat dichloride	Gramoxone	1910-42-5	10/10,000	10	
Paraquat methosulfate	Pillarquate	2074-50-2	10/10,000	10	
Parathion	Ethyl parathion	56-38-2	100	10	10
Methyl parathion	Methyl parathion	298-00-0	100/10,000	100	100
Cupric acetoarsenite	Paris Green	12002-03-8	500/10,000	1	1
PCP	Penta	87-86-5			10
Ethaneperoxyic acid	Peracetic Acid	79-21-0	500	500	
Phenol	Phenol	108-95-2	500/10,000	1,000	1,000
Phenylmercuric acetate	Agrosan	62-38-4	500/10,000	100	100
Phorate	Thimet, Agrimet	298-02-2	10	10	10
Phosfolan	Cyolane, Cylane	947-02-4	100/10,000	100	
#N/A	Appa, Imidan, Procate	732-11-6	#N/A	#N/A	#N/A
Phosphamidon	Apamidon, Dimecron	13171-21-6	100	100	
Phosphine	Phosphine	7803-51-2	500	100	100
Phosphorus (yellow or white)	Phosphorus	7723-14-0	100	1	1
Pirimifos-ethyl	Primicid, Fernex, Primotec	23505-41-1	1,000	1,000	
Potassium permanganate	Potassium Permanganate	7722-64-7			100
Promecarb	Carbamult	2631-37-0	500/10,000	1000	1000
Propionic acid	Chemstoc, Grain treat	79-09-4			5,000
Prothoate	Fostion	2275-18-5	100/10,000	100	
Pyrethrins	Pyrethrins	121-21-1			1
Pyriminil	Vacor	53558-25-1	100/10,000	100	
Quinoline	Quinoline	91-22-5			5,000

CHEMICAL NAME	PESTICIDE TRADE NAME	CAS #	TPQ 1 / TPQ 2	SECTION 304 RQ	CERCLA RQ
Sarin	Sarin	107-44-8	10	10	
Silvex (2,4,5-TP)	Silvex	93-72-1			100
Sodium arsenate	Sodium Arsenate	7631-89-2	1,000/10,000	1	1
Sodium arsenite	Penite	7784-46-5	500/10,000	1	1
Sodium azide (Na(N3))	Azide, Kazoe	26628-22-8	500	1,000	1,000
Sodium cacodylate	Bolate, Bulls-Eye	124-65-2	100/10,000	100	
Sodium cyanide (Na(CN))	Cymage	143-33-9	100	10	10
Fluoroacetic acid, sodium salt	Sodium Fluoracetate	62-74-8	10/10,000	10	10
Sodium hypochlorite	Sodium Hypochlorite	7681-52-9			100
Sodium Selenate	Sodium Selenate	13410-01-0	100/10,000	100	
Strychnine	Strychnine	57-24-9	100/10,000	10	10
Strychnine, sulfate	Strychnine Sulfate	60-41-3	100/10,000	10	10
Sulfotep	Bladafune, Dithio	3689-24-5	500	100	100
Sulfoxide, 3-chloropropyl octyl	Sulfoxide, 3-Chloroprophyloltyl	3569-57-1	500	500	
Sulfur dioxide	Sulfur Dioxide	7446-09-5	500	500	
Sulfuric acid (aerosol forms only)	Sulfuric Acid	7664-93-9	1,000	1,000	1,000
TEPP	Tetron, Vapotone	107-49-3	100	10	10
Terbufos	Counter, Contraven	13071-79-9	100	100	
Thallium sulfate	Thallium Sulfate	10031-59-1	100/10,000	100	100
Thiofanox	Benelux, Dacamox	39196-18-4	100/10,000	100	100
Thiram	Thiram	137-26-8			10
Phosphonic acid, (2,2,2-trichloro-1-hydroxyethyl)-dimethyl ester	Neguvon	52-68-6			100
Triamiphos	Wepsyn 155	1031-47-6	500/10,000	500	
Trichloronate	Agritox, Agrisil	327-98-0	500	500	
Warfarin	Co-Rax, Rodex	81-81-2	500/10,000	100	100
Warfarin sodium	Warfarin Sodium	129-06-6	100/10,000	100	100
Zinc phosphide	Phosvin, Ratal	1314-84-7	500	100	100
Zirconium sulfate	Zinc Sulphate	14644-61-2			5,000

FLORIDA STATE EMERGENCY RESPONSE COMMISSION (SERC)
SECTION 302 EMERGENCY PLANNING NOTIFICATION AND FEE PAYMENT

Section 302 requires notification that the facility has one or more Extremely Hazardous Substances at or above the Threshold Planning Quantity. Paper forms and payments made by check are no longer accepted by the Florida Division of Emergency Management State SERC. Online Section 302 notification filing, and payment are to be completed in E-Plan.

FILING FEE: There is a one-time filing fee for the life of the facility, unless there is a change in ownership.

See E-Plan website link below for electronic payment instructions and online Section 302 Filing:

Telephone: (850) 413-9970 or (800) 635-7179 (Florida Only)
Web Site: <https://tier2.erplan.net/onlinefiling/filingLogin.htm>

FLORIDA DIVISION OF EMERGENCY MANAGEMENT
Statement of Determination

(Check Only One)

Exempt from Reporting for Filing Year _____ **Deregistration - Facility Decommissioned**

*Due to Chemicals Being Removed or Under Threshold for the Filing Year

Facility Name:				
Physical Address & City, Zip:				
LEPC District:		County:		SERC ID or Access ID:
SECTIONS 302 - 303	<input type="checkbox"/>	Extremely Hazardous Substances (EHSs) ARE / WERE present only in amounts less than established Threshold Planning Quantities (TPQs) as of this date:		
	<input type="checkbox"/>	No EHSs ARE / WERE present on-site during the current filing year. ALL EHSs were removed as of this date:		
SECTIONS 311 - 312	<input type="checkbox"/>	EHSs ARE / WERE present only in amounts below established Threshold Planning Quantities (TPQs) as of this date:		
	<input type="checkbox"/>	No EHSs ARE / WERE present on-site during the current filing year. List the date ALL EHSs were removed:		
SECTION 313	<input type="checkbox"/>	Not within covered NAICS Codes.		
	<input type="checkbox"/>	Within covered NAICS Codes, but less than ten (10) employees.		
	<input type="checkbox"/>	Within covered NAICS Codes, but no Section 313 chemicals WERE / ARE present <i>or</i> WERE BELOW Section 313 Threshold Planning Quantities.		
OTHER	<input type="checkbox"/>	Closed Facility: <input type="checkbox"/> YES <input type="checkbox"/> NO	Chemicals Removed: <input type="checkbox"/> YES <input type="checkbox"/> NO	Chemicals Reduced Below TPQ: <input type="checkbox"/> YES <input type="checkbox"/> NO
		Date Effective:		

Further Explanation if Necessary:

Certification: (Read and sign after completing all sections)

I certify under penalty of law that I have personally examined and am familiar with the information submitted on this page, and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate and complete.

 Name and Official Title of Owner / Operator OR Owner / Operator's Authorized Representative

 Signature

 Date Signed

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