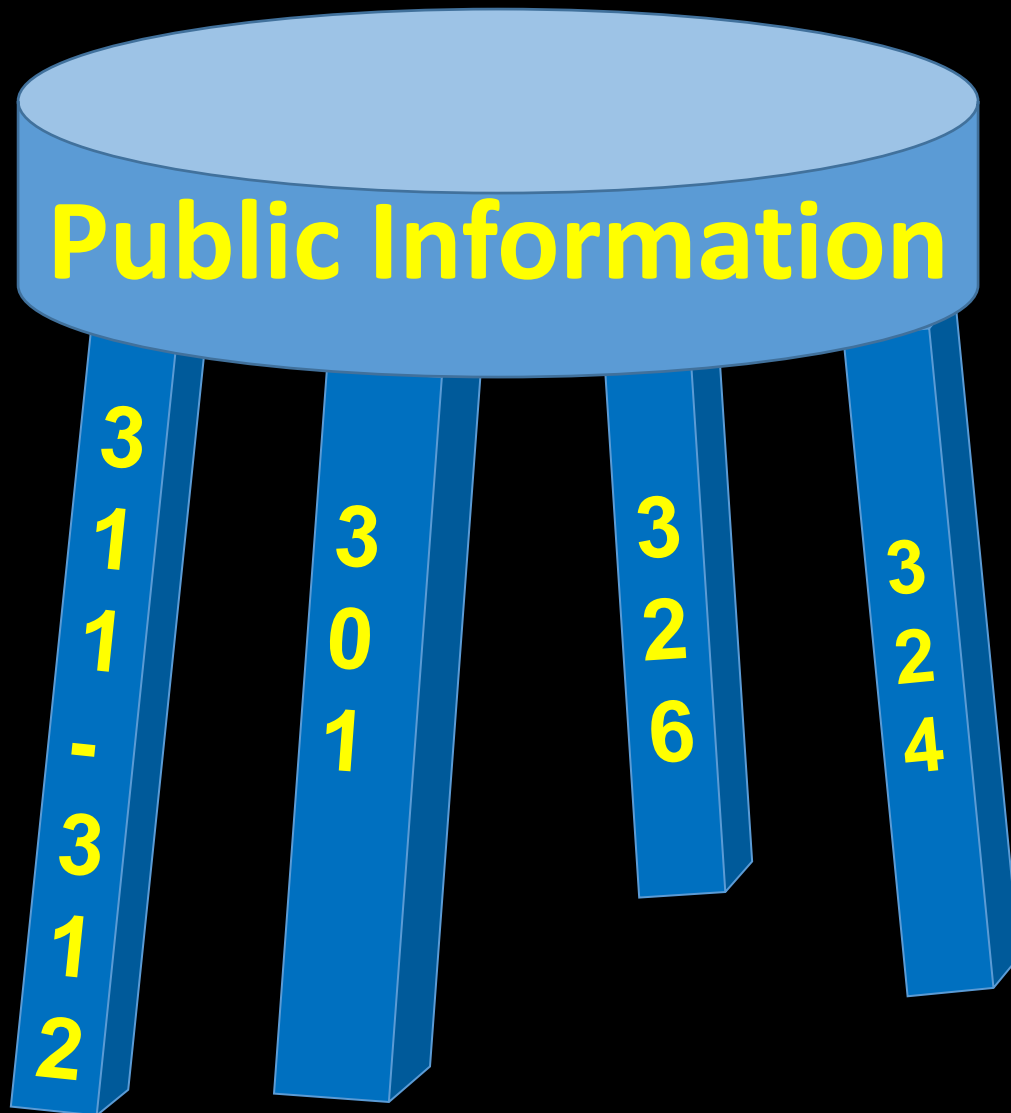




PUBLIC ACCESS TO INFORMATION

Thanks to Tim Gablehouse, Colorado for provision of
information useful in this presentation





- General rule: all EPCRA information available to public
- Special rule for location information on Tier II
- Special rules for medical treatment
- Annual notice of availability

- Each emergency response plan, MSDS, chemical lists, chemical inventory forms, and follow-up emergency notice shall be made available to the general public
- Upon request by an owner or operator of a facility subject to Tier II reporting... the appropriate LEPC shall withhold from disclosure the location of any specific chemical




- Each LEPC shall annually publish notice in the local newspapers: emergency response plan, MSDS, and inventory forms submitted
- Such notice shall announce where the public may review information at location designated by LEPC



- Can use social media to accomplish goal:
- Facebook
- Twitter
- Website

Chesapeake Local Emergency Planning Committee

Phone: 757-382-6297 Fax: 757-382-8228
Email: chesapeakelepc@cityofchesapeake.net
Chairman: William Reiske Vice Chairman: Pat Lewis
Address: Chesapeake LEPC, C/O Chesapeake Fire Department,
304 Albemarle Drive, Chesapeake, VA 23322



Meetings

Contact:
Robb Braidwood, CEM -
757-382-6504
Suzie Parsons - 757-382-6504
sparsons@cityofchesapeake.net

Day/Time:
4th Thursday of the Month at 2:00
p.m., except Nov 17 and Dec 15 @
12 Noon

Location:
304 Albemarle Drive
Fire Department Classroom

The Local Emergency Planning Committee serves as the focal point for emergency response planning for emergencies involving natural disasters, hazardous materials and for the management of information within the City. The Committee is also responsible for the development and distribution of a local emergency response plan.
(Emergency Planning and Community Right to Know Act of Title III of the Superfund Amendments and Reauthorization Act of 1986)

The LEPC is a product of federal legislation that was passed in the wake of the Bhopal disaster in India, where thousands of people died because of an accident involving hazardous materials.

To prevent similar occurrence in our communities, in 1986 Congress passed a law that establishes requirements for businesses and for federal, state and local governments regarding emergency planning and community right to know.

LEPC's are links between citizens, industry and the government. Because LEPC's are most familiar with the hazards in their own community, and because local citizens tend to be the first responders in an emergency, LEPC's are in the best position to assist local governments in developing emergency plans.

The role of an LEPC is to form a partnership with local governments and industries as a resource for enhancing hazardous materials preparedness. Membership comes from the local area, representing various organizations, agencies, departments, facilities and other groups within the district.

- Any MSDS or Tier II information which the LEPC has in its possession shall be made available to a person making request
- If LEPC does not have the MSDS or Tier II information... LEPC shall ... request MSDS, or Tier II information in excess of 10,000 pounds from the facility... and make such information available... to person making request



- Any person may request an ... LEPC for an MSDS or Tier II information ... with respect to a specific facility.
- Any such request shall be in writing and shall be with respect to the specific facility.



- LEPC shall establish procedures for receiving and processing requests from public for information under section 324, including Tier II information under section 312
- Such procedures shall include designation of official to serve as coordinator for information.



**KEEP
CALM
AND ASK A
COORDINATOR**

- Establish reasonable procedures !!
- OK to charge reasonable fee for copies (use your own city/county/parish procedures)
- Annual notice and location required under 324 should be completed
- State public records laws also apply
- LEPC can ask for ID, and other reasonable security protocols
- LEPC should not ask “why” requestor wants information (medically-based questions)
- Does not need to be electronic (state laws)



- Request for list of all facilities with chemicals can be rejected
- Request to review all available MSDSs or Tier II forms can be handled by allowing person to sit in a conference room and review information
- LEPCs not required to provide copy of all MSDSs or Tier II forms

- Any person may commence civil action against SERC for failure to provide mechanism for public availability of information under Section 324, or failure to respond to request for Tier II information under section 312
- Notice what's missing ??



Public Law 99-499 Title III, of the Emergency Planning and Community Right-to Know Act of 1986 (EPCRA), Section 324, requires public notice at least once annually informing the public of the means to access information about chemicals stored, manufactured, and used within the community.

Under Sections 303, 311, 312 and 324 of EPCRA, the following documents are on file and available for public viewing:

- The local community emergency operations plan
- Chemical inventory forms, filed by covered facilities within the community
- Material Safety Data Sheets, filed by covered facilities within the community
- Follow-up emergency release notification reports, filed by covered facilities within the community
- Information concerning LEPC meetings, including notices, agendas, and minutes
- The location for viewing of these documents is the _____
(agency or organization) office at _____
(street/city) between the normal working hours of _____
(i.e., 8:00 AM to 4:30 PM Monday through Friday).

The Contact for the _____ County/ Parish LEPC
is _____ and may be reached at _____ (phone) or
_____ (email address) for further information
pertaining to the request for viewing these documents.