

Guidance in Completing the Tier II Chemical Inventory Report

In 1986, Congress reauthorized and amended the Hazardous Waste Superfund Clean-up Regulations (a.k.a. SARA). Title III of SARA created the Emergency Planning and Community Right-to-Know Act (EPCRA), which required industrial facilities to provide information to the:

- Local fire fighters regarding the chemical hazards at your facility in the event that they must respond to a fire;
- Local Emergency Planning Committee so they can adequately prepare an emergency response plan for the community; and
- People in the community because they have a right-to-know the chemical hazards in their community.

The report is known as the Tier II Chemical Inventory Report and is due March 1st of every year. The Tier II report must be submitted to the State Emergency Response Commission, the Local Emergency Planning Committee, and to the fire department with jurisdiction over the facility. It is important to note that some states and local agencies have different rules, fees, and unique forms so it is necessary to contact the local emergency response agency for information for your locality.

The Tier II report requires the following information:

- Facility information such as address, SIC Code and the names of people who would be responsible in the event of an emergency at this facility and their 24-hour phone numbers;
- Chemical information such as, the chemical name, CAS No., the physical state of the chemical (solid, liquid, gas), pure chemical or a mixture, the physical and health hazards (fire, reactive, sudden release of pressure, or immediate or delayed health hazards);
- Inventory quantities such as the average, maximum quantity and the number of days per year;
- Storage conditions, such as the type of container, temperature and pressure; and
- Storage location, preferably a location description that is related to an attached site plan.

Additionally, the EPA has created a list of “Extremely Hazardous Substances” that must be reported on the Tier II, if stored above the threshold planning quantity. The Extremely Hazardous Substances (EHS) and their threshold planning quantities are listed in the Title III Consolidated List of Lists. This list and additional instruction for Tier II reporting is accessible at:

<http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/tier2.htm>

Applicability to C & D Batteries

Owners or operators of facilities storing lead-acid batteries are required to determine whether Tier II reporting thresholds are exceeded for batteries stored at their facility. The chemicals of concern are lead and sulfuric acid. It is important to note that sulfuric acid is also an EHS and the reporting threshold is 500 lbs. Lead is a hazardous substance and the reporting threshold is 10,000 lbs.

Although it would appear that a manufactured battery would meet the definition of an “article,” OSHA specifically excluded lead-acid batteries from the Article Exemption in a 1997 letter from the Acting Director of the Office of Health Compliance Assistance to the Texas Department of Health. The Deputy Project Director stated that, “Because [workers service batteries, which leads to exposure], an MSDS would be required and the facility owner or operator would need to report the sulfuric acid at 500 pounds, the lead at 10,000 pounds, and any other chemicals to which the worker is exposed to at the applicable threshold.”

The following information is necessary in completing this Tier II report:

Chemical Name	Lead	Sulfuric Acid
EHS	No	Yes
CAS No.	007439-92-1	007664-93-9
Reporting Threshold	10,000 lbs.	500 lbs.
Pure or Mixture	Pure	Mixture
Physical State	Solid	Liquid
Physical or Health Hazard	Delayed Health Hazard	Immediate Health Hazard

As facility owners or operators, you must survey all facility equipment and systems containing reportable batteries to determine whether the reporting thresholds are exceeded for the total weight of pure sulfuric acid and the total weight of lead contained in all of the reportable batteries on site.

To determine if the thresholds are exceeded, you will need to know the model number of the batteries and then consult the tables entitled *Hazardous Material Quantities*. If you do not know the model number of the batteries, then you must estimate the weight of batteries and then multiply this by 18% (a battery is estimated to contain 18% of its weight as pure sulfuric acid) and this will provide the estimated total weight of pure sulfuric acid at your facility.

Note that if the threshold is exceeded at any time during the year, you must report the materials that exceed the threshold on a Tier II by March 1 of the following year.