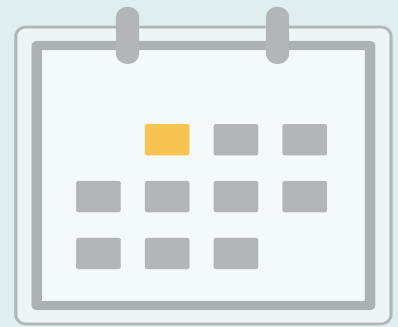


TIME TO FILE YOUR TIER II



Completed Tier II forms are due to your state responders, local emergency officials, and local fire departments by March 1. Tier II reporting is required under section 312 of the Emergency Planning and Community Right-to-Know Act (**EPCRA**) for the purpose of providing state and local officials and the public with information on the hazardous chemicals being stored in their communities.

Your facility must report if it:

1. Is covered under OSHA's Hazard Communication Standard and is required to prepare or have available safety data sheets (SDSs) for one or more hazardous chemicals; and
2. Meets either of the following conditions:
 - a. An extremely hazardous substance (EHS) is present at any one time in an amount equal to or greater than 500 pounds (approximately 55 gallons) or the threshold planning quantity (TPQ), whichever is lower. *EHSs and their TPQs can be found at 40 CFR 355 Appendices A and B.*
 - b. A hazardous chemical that is not an EHS is present at any one time in an amount equal to or greater than the threshold level for that chemical. The threshold level is 10,000 pounds unless the chemical is gasoline or diesel fuel at a retail gas station (where higher threshold levels apply).

There threshold level is zero if state responders, local emergency officials, or the local fire department specifically asks you for information on any or all of your hazardous chemicals.



If a violation is discovered, EPA considers:

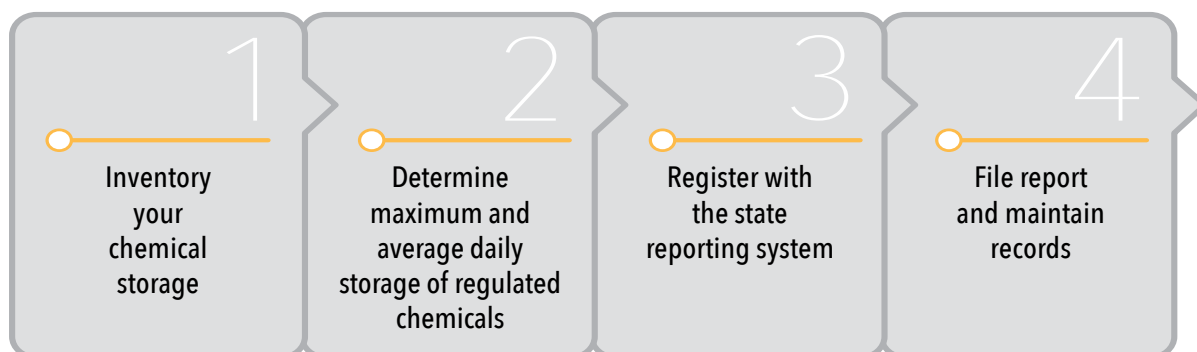
- The nature, extent, gravity, and circumstance of the violations
- Prior violations
- Willful or accidental violations
- Company cooperation
- Immediate steps to come into compliance

Did You Know?

The maximum Tier II civil and administrative penalty is almost \$62,700 per violation, and enforcement agencies can look back five years to spot any violations!



Steps to file:



TIME TO FILE YOUR TIER II

(CONTINUED)



What chemicals are excluded from the reporting requirements?

- Foods, food additives, color additives, drugs, or cosmetics regulated by the Food and Drug Administration;
- Substances that are present as a solid in any manufactured item when exposure to the substance does not occur in normal use;
- Any substance that is used for personal, family, or household purposes, or present in the same form and concentration as a packaged product used by the general public;
- Any substance used in a research laboratory or medical facility under the direct supervision of a qualified individual;
- Any substance used in routine agricultural operations or that is a fertilizer held for sale at a retailer; and
- Any chemical not required to have an SDS under OSHA's Hazard Communication Standard.

Note that most states want you to use the federal electronic Tier2 Submit software to submit your chemical information, but some have other submission requirements and fees. States may also have more stringent applicability requirements.

J. J. Keller can help assess your facility for applicability, complete Tier II reports on your behalf, and provide inspection support.

Contact us today to learn more.

JKellerConsulting.com/Tier-II
833-708-4627



Battery-operated forklifts onsite?

Lead-acid batteries contain
TWO Tier II reportable
components.



J. J. Keller
& Associates, Inc.[®]
Since 1953