

Chemical processing company will pay \$23,400 fine to settle claim by EPA that the company violated the Emergency Planning and Community Right-to-Know Act by failing to report that it stored certain chemicals on-site

26. September 2011 By Madelaine Lane

John R. Hess & Company, a chemical processing facility in Cranston, Rhode Island, has agreed to pay a penalty of \$23,400 to settle claims by the Environmental Protection Agency (“EPA”) that the company failed to appropriately report chemicals used on site, thereby violating the Emergency Planning and Community Right-to-Know Act (“EPCRA”).

In 1986, Congress passed EPCRA, which establishes requirements for federal, state, and local governments and industry regarding emergency planning and community reporting on hazardous and toxic chemicals. The goal of EPCRA is to improve community preparedness regarding chemical emergency planning by increasing the public’s knowledge and access to information on the presence of hazardous chemicals in their communities. EPCRA requires annual submissions of chemical inventory data by facilities to state and local planning officials for incorporation into ongoing emergency planning, and companies that release certain chemicals have to report this information for incorporation into a national data base known as the Toxics Release Inventory.

According to the EPA’s New England office, John R. Hess & Company failed to file Toxic Chemical Release Inventory Forms listing the chemicals processed, manufactured, or used at its facility in Cranston, RI, thus violating EPCRA. The alleged violations took place in 2008 and 2009, and this settlement agreement arises from an EPA inspection of the Hess facility in 2010.

The EPA alleges that this enforcement proceeding is expected to encourage better compliance with EPCRA reporting requirements and to ensure that communities know of potentially dangerous chemicals used in the neighborhood. More importantly for companies, this enforcement action serves as a reminder of the importance of remaining in compliance with all reporting requirements. Many industries—even those that do not manufacture chemicals—use chemicals in their production of other goods and materials that are regulated by EPCRA. All industries that use hazardous and toxic chemicals have a duty to comply with the EPCRA, or risk similar action by the EPA.