

# Industrial Toxic Chemicals:

## An Overview of How to Learn More about a Business' Toxics Use & Generation

### Act 100

Every 3 years, a business must develop a plan to reduce its generation and/or use of toxic materials, if the business is either a:

- 1) Business that generates more than 2,640 pounds of hazardous waste annually (A hazardous waste is ignitable, corrosive, reactive, and toxic; or is on an EPA list. Go To <http://www.epa.gov/epawaste/hazard/index.htm> for further explanation.) Or,
- 2) Manufacturer that uses 1,000 pounds or more of a toxic chemical listed by the EPA under the Emergency Planning and Community Right to Know Act, Section 313 (For a list of chemicals: Go To <http://www.epa.gov/tri/trichemicals/index.htm>; Go To most recent "Reporting Year List of TRI Chemicals")

The business then must submit this plan to the Department of Environmental Conservation at the Agency of Natural Resources. The plan does not become a public document. However, the following must also be submitted, which *do become public documents*:

- (1) An annual report of toxics reduction. This simple document includes a business' identification information and the amount of a toxic substance used the previous year and the current year.
- (2) A plan summary, if submitted by a Class A generator (produce more than 1,000 kg of hazardous waste per month), Class B generator (produce between 100-1,000 kg of hazardous waste per month and more than 1,200 kg per year) or large user (employs 10 full-time employees and uses over 10,000 kg of a toxic chemical per year or between 1,000-10,000 kg if the toxic chemical is more than 10% of the toxic substances used at the business). This document must list:
  - Methods for toxics reduction (e.g. – product reformulation, improved operation and maintenance of production units) & the business' decision for each method (i.e. – method not considered, method considered but rejected [economic feasibility], method considered by rejected [technical feasibility], method to be implemented)
  - A list of toxic substances and wastes covered by the plan
  - A statement about upper management or the corporate policy towards toxics use reduction

To see these documents, ask Paul Van Hollebeke, Waste Prevention Specialist for the DEC: (800) 974-9559 or (802) 241-3629; also see <http://www.anr.state.vt.us/DEC/ead/ppap/index.htm>

### Hazardous Materials Tier II, Community Right to Know

In general, a business must report when it has onsite over 100 pounds of a chemical (or 10,000 pounds of fuel) requiring a Materials Safety Data Sheet or a carcinogenic or explosive chemical. The business must submit a Tier II inventory chemical inventory list (and Hazardous Chemical Report when a chemical reaches reportable levels during the year) to the Emergency Planning and Community Right to Know Act program (overseen by the Emergency Management Division of Vermont's Department of Public Safety), the Local Emergency Planning Committee, and the local fire department. See [http://www.dps.state.vt.us/vem/index\\_hazmat.htm](http://www.dps.state.vt.us/vem/index_hazmat.htm) for more information.

The following become *public documents*:

- Chemical Emergency Response Plans
- Material Safety Data Information (MSDS)
- Follow-up Emergency Notice
- Hazardous Materials Release & Inventory Reports (Tier II Forms)

Go To [http://www.dps.state.vt.us/vem/lepc\\_serc.html](http://www.dps.state.vt.us/vem/lepc_serc.html) to find contact information for place to see and make copies of the above documents.