



## Alabama Emergency Response Commission (AERC) Updates

2020 has been a year of unprecedented events that have re-shaped our global landscape. The [Australian bushfires](#), the US [west coast wildfires](#), the global [COVID-19 pandemic](#), and the [Ammonium Nitrate Explosion in Beirut](#) are just a few of the significant events that have occurred this year. During the Atlantic Hurricane Season, a record breaking 29 named storms have made landfall in the United States. Raging fires, extreme weather, and improper storage of chemicals can have catastrophic impact to both life and property if precautions are not taken. We encourage facilities to reach out to their LEPC/TERC/SERC and discuss emergency planning and preparedness especially regarding extreme weather events, chemical storage concerns, and power issues.

Whether it was a natural or a man-made event, one thing that ties all these events together for the AERC is the importance of planning and the communication of information during an emergency response. During a recent conference call, a firefighter shared an experience with a Tier II facility in Texas that occurred during Hurricane Harvey in 2017. They saw on the Tier II report that the facility had styrene on-site and knew that this particular chemical polymerizes when heated. The facility lost power during the hurricane and they were at high risk for their large tank of styrene polymerizing and releasing. The responder reached out to the facility and offered assistance before anything happened. The facility declined, hoping to resolve things on their own. A few hours later, the coolers failed and the storage tank was compromised. The facility called the responder back asking for help and they were able to get the situation under control without any injuries. The responder had the foresight to reach out to the facility using available Tier II data and when things went bad, the facility used their previously established contact for assistance. If something happens at your facility, do you know whom to call? Do you have a plan in place? Have you shared that plan with your LEPC or local first responders? Chemical incidents occur frequently and your diligence to safety and taking proactive steps could literally save lives.

This idea of communicating hazards and carefully planning is not a one-way street. It's imperative that both facilities and responders communicate with one another. During severe weather events such as hurricanes, responders coming to provide aid will often request Tier II Chemical data for facilities that are in the path of the hurricane. The responders can review that information on their way into the damage zones to help mitigate threats from chemical releases at facilities. The AERC wants to remind everyone to make sure that your chemical information is up to date. It's important to review location information and make sure that latitude and longitude coordinates as well as addresses are up to date as well.

The AERC did not hold meetings during 2020 due to the COVID-19 pandemic. Efforts are underway to evaluate other remote meeting platforms for 2021. Please reach out to [Beth Woodfin](#) should you have any questions or concerns that need to be brought before the AERC.

\*This newsletter is distributed via e-mail for ease of distribution and to reduce paper waste. Any words in blue throughout this document are hyperlinks that can be clicked on for additional information. The link will open in a different window. Sometimes popup blockers will disable links from opening. If this occurs, hold down the "CTRL" button while clicking on the hyperlink to bypass this issue. If you need further assistance, contact [Beth Woodfin](#). Please feel free to forward this information to other stakeholders.\*

## Regulatory Updates



- On [July 24, 2020 \(85 FR 44770\)](#), the EPA published a technical amendment to remove the outdated substantiation form for trade secrecy claims from the Code of Federal Regulations. The most current substantiation form is posted on the [EPA's website](#).
- On [July 24, 2020 \(85 FR 42311\)](#), the EPA published a rule making changes to the EPCRA, CERCLA, CAA 112(r) Consolidated List of Lists. These changes updated identifiers, formulas, and names for certain TRI-listed chemicals.
- Per the EPA, "Section 7321 of the National Defense Authorization Act for Fiscal Year 2020 (P.L. 116-92) (NDAA) added 172 Per- and Polyfluoroalkyl Substances (PFAS) to the TRI chemical list with an effective date of January 1, 2020. Reporting on these chemicals is effective for Reporting Year 2020 so the first reports are due by July 1, 2021, for the 2020 chemical data." Click [here](#) for more information.
- The EPA has compiled PFAS guidance documents into the [GuideMe](#) section of their website.
- The EPA provided clarification within a note in 40 CFR 355.41 to make regulated entities aware that SERCs and/or

LEPCs may have a specific format for the follow-up report of the emergency release notification information. For more information, please see: [EPCRA \(Non-Section 313\) Regulatory Amendments](#).

- CAMEO $fm$  is the program that the AERC/LEPCs uses to import .t2s files. It is being discontinued and replaced by *CAMEO Data Manager*. This software upgrade is extensive. If there are any bugs or glitches, you may be asked to re-submit your .t2s file. Please be patient with the responders as they adjust to the new system.

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## Reminders



- The ADEM [SARA Title III Webpage](#) is updated periodically throughout the year and contains FAQs and useful information on EPCRA reporting requirements.
- For all EPCRA reporting, you must check with your LEPC and Local Fire Department (if applicable) to see what format they require for compliance. Retain proof-of-receipt from all three entities.
- The AERC requires all EPCRA correspondence to be submitted electronically either through [AL312@adem.alabama.gov](mailto:AL312@adem.alabama.gov) or E-Plan.
  - **Please note:** the old file extension @adem.state.al.us has been discontinued. Be sure to update the e-mail address before filing season to avoid returned e-mails.
- The only two acceptable forms of submission for Tier II reporting to the AERC are [Tier2Submit](#) or [E-Plan](#).
- Tier II forms are due by March 1st. All forms received after March 1<sup>st</sup> are considered late.
- Verify all street addresses and latitude and longitude coordinates! If you do not have a street address, please register a 911 address so that First Responders can easily locate your facility.
- Please note: if you submit a Tier II form that is lacking any required categories/fields or contains inaccurate information, it can be considered invalid and rejected. If a document is rejected, please make accurate and timely corrections as soon as possible, and resubmit.
- TRI forms are due July 1<sup>st</sup> and must be filed through EPA's [TRI-MEweb](#) system.

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## Training Opportunities



- E-Plan offers free [webinars](#) in January and February.
- Tier2Submit 2020 tutorial is available [here](#).

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## Voices from Industry

Voices from Industry is a new segment that allows industry representatives to suggest a topic that might be valuable to others in that sector. This edition's topic, Paraquat Dichloride, was suggested by Sharon Cunningham of the Alabama Farmer's Cooperative. If you would like to suggest topics for this section, please contact [Beth Woodfin](#).

Paraquat Dichloride is a herbicide that can be poisonous to humans. Operators must take additional training to use this product. According to the EPA, this product is classified as a Restricted Use Pesticide with the Danger/Poison signal word because of its high level of acute toxicity to humans. The ingestion of this product can be fatal, even in small doses and there is no antidote. Paraquat can also be fatal if inhaled, as well as being corrosive to the skin and eyes. In recent years, several fatalities, including children, have been attributed to paraquat. Some of those deaths were the result of individuals drinking paraquat that was illegally stored in beverage containers. To prevent future fatalities along with reducing the exposure to individuals using paraquat, the EPA has taken action that now requires:

- Restricting the use of paraquat to certified applicators only. Individuals working under the direct supervision of a certified applicator will no longer be able to apply paraquat.
- A new closed-system on non-bulk paraquat containers so the product can be directly transferred into the application equipment.
- Applicators to complete a mandatory training program on paraquat use every 3 years when using products with the new label requirements.
  - Side note from Sharon: this training is on-line and takes about 45 minutes to complete. The quiz can be retaken back-to-back as many times as needed.
- New supplemental warning materials.
- Label changes that highlight toxicity issues and incorporate statements about use only by a certified applicator and completing an EPA approved training before using.

More information about Paraquat Dichloride can be found on the [EPA's website](#).

**Additional Resources:**

-[The CDC's Paraquat Basics](#)

-[Paraquat Certified-Applicator Training](#)

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## **America's Water Infrastructure Act**

The America's Water Infrastructure Act (AWIA) was signed into law in 2018 amending the Emergency Planning and Community Right-to-Know Act (EPCRA). AWIA Section 2013 requires community (drinking) water systems serving more than 3,300 people to develop or update risk assessments and emergency response plans (ERPs). There are a series of [Fact Sheets](#) that the EPA has created that will help water systems navigate these new requirements.

This law affects more than just the drinking water systems, it also amends [spill reporting](#). Fortunately, for those reporting in Alabama, the procedure has not changed for facilities. In general, facilities that have a spill of a reportable quantity of an EPCRA Extremely Hazardous Substance (EHS) or a CERCLA Hazardous Substance, would still need to contact the National Response Center (NRC) or the AEMA State Warning Point (as appropriate) to file a verbal report of the spill and notify their Local Emergency Planning Committees. When a call is made to the NRC the NRC report is sent to ADEM.

ADEM, specifically the ADEM Water Division, serves as the states drinking water primacy agency. A NRC report that involves a discharge into a body of water within the state is sent to the ADEM Water Division. The Water Division then contacts the drinking water municipality downstream of the spill to provide them the spill information so that they can take appropriate actions at their intake stations.

Remember that the spills are to be reported "immediately" and while that timeframe is not explicitly stated, the EPA assumes within 10-15 minutes. It's important to make that call quickly so that downstream impacts can be mitigated as much as possible.

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This newsletter brought to you by the Alabama Emergency Response Commission/ADEM  
Beth Woodfin/ [beth.woodfin@adem.alabama.gov](mailto:beth.woodfin@adem.alabama.gov) /1350 Coliseum Blvd. Montgomery, AL 36110