

DDA Subject

ROUTING AND TRANSMITTAL SLIP

Date
4 October 1988

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. DIRECTOR OF MEDICAL SERVICES		
2.		
3.		
4.		
5.		

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS
#1 FOR ACTION - PLEASE PROVIDE APPROPRIATE RESPONSE AND A DROP COPY TO DDA.

SUSPENSE: 24 OCTOBER 1988

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, office symbol, Agency/Post)	Room No.—Bldg.
EXA/DDA	Phone No.

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

**EXECUTIVE SECRETARIAT
ROUTING SLIP**

TO:	ACTION	INFO	DATE	INITIAL
1 DCI				
2 DDCI				
3 EXDIR				
4 D/ICS				
5 DDI				
6 DDA	X (w/att)			
7 DDO				
8 DDS&T				
9 Chm/NIC				
10 GC				
11 IG				
12 Compt				
13 D/OCA				
14 D/PAO				
15 D/PERS				
16 D/Ex Staff				
17 D/SafetyDiv/OMS	X(w/b att)			
18				
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22				

SUSPENSE _____ Date

Remarks

ER 88-3814X

Executive Secretary

4 Oct '88

Date

3637 (10-81)

Mod 13



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 30 1988



THE ADMINISTRATOR

Honorable William H. Webster
Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Mr. Webster:

The U.S. Environmental Protection Agency (EPA) has promulgated regulations to implement the Emergency Planning and Community Right-to-Know Act of 1986 (also referred to as Title III of the Superfund Amendments and Reauthorization Act). This statute, which provides an innovative new approach to environmental protection, encourages and supports emergency planning efforts at the State and local level and provides residents and local governments with information concerning potential chemical hazards present in their communities. Title III was enacted to ensure that we could properly respond to incidents similar to the release of methyl isocyanate in Bhopal, India in 1985.

The requirements of the Emergency Planning and Community Right-to-Know Act constitute a comprehensive mandate for emergency planning and an assurance that citizens have the information necessary to understand and assess chemical hazards in their communities. It is the responsibility of all sectors of society, including Federal agencies, to work together to prevent, prepare for and respond to potential chemical hazards. Only through this "cooperative spirit" can we achieve the goal of protecting the health and safety of all citizens.

Federal agencies are not legally obligated to comply with the requirements of Title III, as Federal agencies are not included in the statute's definition of "person" contained in section 329(7). However, EPA is encouraging your agency's voluntary compliance with the emergency planning and notification efforts that are underway and strongly urges your facilities to comply with all of the community right-to-know reporting requirements outlined in Enclosure 1. Although several of the statutory reporting deadlines have passed, it is important that Federal agencies attempt to fulfill all applicable requirements of the statute as soon as practicable. EPA is aware of several Federal agencies that have established or initiated programs to address implementation of Title III at their facilities. We commend these efforts and encourage all Federal agencies to pursue such action.

-2-

Every agency should be aware that contract operators of government-owned, contractor-operated (GOCO) facilities are subject to Title III to the same extent as any other operator and, therefore, are statutorily required to comply with the full range of planning, notification and reporting requirements of the Emergency Planning and Community Right-to-Know Act. Federal agencies that have GOCO facilities may wish to determine whether their contractors know of and are complying with all applicable provisions of Title III described in Enclosure 1.

EPA realizes that the disclosure of certain information relating to Federal facilities or activities may be prohibited under various statutes governing national security. However, facilities that withhold information because of national security concerns should, to the extent possible, provide other information to assist communities in planning for and responding to emergency situations. EPA is currently examining alternatives for reporting "classified" information concerning chemical hazards that will not compromise national security.

We strongly recommend that all Federal agencies develop internal policies to address all the major provisions of Title III, in particular the facility requirements under:

- Sections 301 - 303: Report the presence of extremely hazardous substances in excess of the Threshold Planning Quantities (TPQ) to the applicable State emergency response commission (SERC) and local emergency planning committee (LEPC).
- Section 304: Provide emergency release notification for extremely hazardous substances and all CERCLA hazardous substances to the LEPC and SERC of any area likely to be affected by the release.
- Sections 311 and 312: Submit a material safety data sheet (MSDS) for each chemical for which a MSDS must be prepared under the Occupational Safety and Health Act of 1970 and its implementing regulations or a list of such substances and a Tier I or Tier II inventory form to the appropriate LEPC, SERC and fire department.
- Section 313: Report annually on the amounts of chemicals released to each environmental medium. The purpose of this reporting requirement is to inform the public and government officials about routine releases of toxic chemicals into the environment.

In order to assist each Federal agency in developing a comprehensive Title III program, we would like to extend an invitation to your staff to attend a workshop on the Emergency Planning and Community Right-to-Know Act on October 6, 1988. The purpose of this workshop is to provide Federal agencies with a thorough understanding of the Title III provisions and provide technical assistance to enable your agency to design and implement an efficient voluntary program that, were the Federal agency considered a private facility, would satisfy the requirements of the statute. Additional information concerning the workshop is provided in Enclosure 2. Representatives from your agency that attend the EPA Federal Agency Environmental Roundtable have been informed about the upcoming workshop.

-3-

We would like to request information from each agency on the current status of your Title III program, policies and guidance as outlined in Enclosure 3. This information will enable EPA to provide Federal agencies with technical assistance necessary to develop their voluntary Title III programs, enhance those that are already established, identify the universe of Federal installations that would be affected by Title III were they private installations and possibly develop guidance for Federal agencies concerning various aspects of Title III.

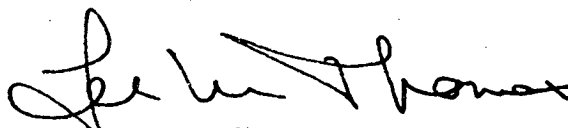
As stated previously, it is important that Federal agencies initiate appropriate actions to meet the requirements of the Emergency Planning and Community Right-to-Know Act. A Federal Facilities Title III Workgroup has been established at EPA to examine various approaches to promote the voluntary compliance by Federal agencies with the statute and we welcome your agency's participation in the workgroup. As the workgroup considers and develops various approaches, we will be seeking your comments and assistance through agency representatives on the National Response Team and the EPA Federal Agency Environmental Roundtable.

Finally, it is critical that Federal agencies contribute to the "cooperative spirit" of the Emergency Planning and Community Right-to-Know Act so that all citizens can benefit from the full implementation of this statute. Only by ensuring that communities and States have a complete picture of all potential chemical hazards can they succeed in meeting the important goals of Title III.

Please submit, as soon as possible, the name of a contact person for the October 6 workshop to Ms. Kathy Hutson, Office of Federal Activities (A-104), U.S Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 475-8789. In addition, your response to Enclosure 3 would be appreciated no later than November 4, 1988.

Thank you for your time and cooperation in this matter. Together we can make Title III a real success story.

Sincerely,



Lee M. Thomas

Enclosures

cc:

Chief
Safety Staff

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