

# **Facilities fail to report the existence of toxic chemicals on properties**

A Reuters examination has uncovered that a national program, which is intended to flag and inform the public of the presence of hazardous chemicals, is not working in many states. This is because the program has poor oversight and plant owners are subsequently becoming careless with reporting issues.

## **Emergency Planning and Community Right-to-Know Act**

The Emergency Planning and Community Right-to-Know Act mandates that facilities issue a record, which lists potentially hazardous chemicals stored on properties. The mandated list is called a Tier II report, and the report is documented with local, state and county officials. The information should be publicly available.

Thousands of facilities in the country must report hazardous chemical inventories under the system. This is because approximately 500,000 chemicals are integrated into the reporting laws. However, facilities are misidentifying dangerous chemicals or the location of such substances. In some cases, companies are failing to report the chemicals on the whole.

For example, in 2006, Carhartt did not report that it was storing chlorine on the property. The result: two firefighters were exposed to the compound and one individual experienced chemical burns while attempting to close a leaking tap. Emergency teams believe it is crucial to record what substances are present on the site in an event of a disaster

like this one. Any shortcomings in reporting can result in a serious accident.

However, that was not the only event that resulted from negligent reporting. In 2013, residences and companies were evaluated after an explosion at Nova-Kem. The accident injured an employee and emitted toxic chemicals into the open, including chlorine. In this case, too, the company did not report hazardous chemicals.

## **No state or federal oversight**

Reuters notes that since 2005, mishaps at plants that carried some of the most unsafe Tier II substances have caused around 60 fatalities. Moreover, the calamities have equated to about 1,300 injuries and \$1.6 billion in financial damages.

Errors in facilities' inventories are resulting in injury and death. This is all baffling, as a safety specialist from the United Steel Workers labor union notes that the reporting process is not too burdensome. Nevertheless, some point to the problem of weak federal and state oversight. Moreover, the Environmental Protection Agency (EPA), the regulator that enforces the Tier II system, has no true auditing method for Tier II reports. This is leading to limited national compliance.

In time, oversight and compliance will hopefully improve. Perhaps the EPA will revisit the reporting system and identify any issues that are leading to accidents. If you have been injured in a work-related accident, contact an experienced personal injury law or workers compensation attorney. A lawyer can help you address any legal rights or claims that derive from an accident.