



Remarks by
Bobby J. Sasser

Director

Corporate Safety Department

To The

President's Committee Meeting

San Antonio, Texas

April 27-29, 1987

First ten minutes will be a presentation regarding company safety performance. I will be speaking from the attached transparencies.

TX Tiner
RMC0066678

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R E Y N O L D S M E T A L S C O M P A N Y

ALUMINUM, BRICK AND GLASS WORKERS
INTERNATIONAL UNION

NATIONAL SAFETY COUNCIL AWARDS

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AWARD OF HONOR

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SHERWIN

TX Tiner
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R E Y N O L D S M E T A L S C O M P A N Y

ALUMINUM, BRICK AND GLASS WORKERS
INTERNATIONAL UNION

BEST SAFETY RECORD*
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PLANT	START DATE	END DATE	HOURS
SHERWIN	9-18-84	CONTINUING	3,498,290

* AS OF 3-31-87

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Now I come to the final portion of my presentation today, that being an overview of the Community Right-to-Know legislation, sometimes known as SARA. What the OSHA Hazardous Communication Standard is to employees in the plant, SARA is to the community surrounding the plant.

When President Ronald Reagan signed the Superfund Amendments and Reauthorization Act of 1986 on October 17th of that year, it affected virtually every Reynolds plant in the United States plus thousands of other industrial facilities of other companies.

Title III of this Act, developed primarily in response to the tragic Bhopal, India accident, is the emergency planning and Community Right-to-Know Section of the Act. It is a comprehensive new statute that establishes requirements for:

1. Emergency planning and preparedness
2. Community right to know reporting and
3. Toxic chemical release reporting.

The responsibility of overseeing company compliance with this regulation has been assigned to the Corporate Environmental Control Department. Its' Director, Larry Tropea, has stated that the objectives of this program are worthwhile but it will require a significant amount of work and close liaison with local officials and emergency response groups.

The Act directs the governors of each state to establish, by April 17, 1987, commissions, which in turn will create Local Emergency Planning Districts by July 17, 1987 and Local Planning Committees by August 17, 1987.

These Local Emergency Planning Committees, which may evolve from local fire departments, must develop plans by October 17, 1988 to

prevent accidents and to respond to emergency releases for each facility that reports to it.

There are three ways that a facility can determine if it is subject to the EPA Community Right-to-Know requirements. To determine who reports to the local committee, and who does not, the EPA published on November 17, 1986, its list of hazardous chemicals, with their threshold planning quantities and reportable quantities. If a facility produces, uses or stores any of these listed chemicals in amounts above the threshold planning quantities, it must report this fact to the local committee by May 17, 1987, or 60 days after this facility first accepts the chemical, whichever is later.

Each facility, subject to the regulation, must also designate a local contact person and report this designation to the local committee by September 17, 1987. This designee will work with the local committee to develop plans and to execute the plans should a release occur. The EPA will be issuing regulations and guidance in the future on the contents of these plans. The designee must also notify the planning committee of any changes at the facility which may be relevant to emergency planning.

In addition, the Act requires that any releases into the environment of any of the chemicals on the extremely hazardous substance list in excess of the reportable quantity must also be reported to the local committee and the state commission.

A second way for a plant to be subject to the EPA Community Right-to-Know requirements is to be subject to OSHA's Hazardous Communication Standard. If you are subject to that Standard then you must:

- a. Prepare and submit by October 17, 1987 either a MSDS on each hazardous chemical used or a list of all hazardous chemicals as defined by the Hazardous Communication Standard.

The MSDS(s) or the list must be submitted to the Local Emergency Planning Committee, the State Emergency Response Commission and the local fire department.

New or revised Material Safety Data Sheets must be submitted within three months of preparation.

- b. You must submit by March 1, 1988 and annually thereafter an Emergency and Hazardous Chemical Inventory Form to the Local Emergency Planning Commission, the State Emergency Response Commission and the local fire departments. This form will be very comprehensive in nature, requiring estimates of chemicals on hand, amounts, locations, and storage facilities.

The third way to find yourself subject to the EPA Community Right-to-Know requirements is to employ ten or more full-time workers and handle a statutory quantity of a toxic chemical found on the list of 311 environmentally hazardous chemicals listed by Maryland and New Jersey. If you are subject to this requirement of the Act you must submit to EPA and the state, by July 1, 1988, and annually thereafter, information on the chemicals and releases of the chemicals. The requirements and format for submitting this information has not been formulated; however, EPA is supposed to provide this information by June 1, 1987.

Violators of this Act may find themselves subject to various civil and criminal sanctions. An example of some of them are:

1. For failure to notify the State Emergency Response Commission that you are subject to the Act -- a civil penalty of up to \$25,000 per day and for each day the violation is allowed to continue.

2. For failure to observe the reporting requirements pertaining to MSDS's, the Emergency and Hazardous Chemical Inventory Forms and Toxic Chemical Release Forms -- any state or local government may commence a civil action against a facility.
 3. For failure to notify agencies of the release of a reportable quantity of an extremely hazardous substance:
 - a) Civil penalty up to \$25,000 for each violation.
 - b) Civil penalty up to \$25,000 for each day of continuing violation. Up to \$75,000 for each day for second violation.
 - c) Criminal penalty, upon conviction, for knowingly and willfully failing to notify of a release of extremely hazardous substance:
 - i) Fine up to \$25,000, or
 - ii) Up to two years imprisonment, or
 - iii) Both.
- For second or subsequent conviction:
- i) Fine up to \$50,000, or
 - ii) Imprisonment for not more than five years, or
 - iii) Both.

This has been a quick and brief overview of the Superfund Amendments and Reauthorization Act of 1986. As I said at the beginning, this Act and its requirements will affect virtually every Reynolds plant in the United States. Our Corporate Environmental Control Department, with assistance from the Corporate Industrial Hygiene Department have taken steps to ensure that company management understands the requirements of the Act and are taking steps to ensure that we meet the various compliance dates specified by the Act.

SUPERFUND AMENDMENTS
AND REAUTHORIZATION ACT OF 1986
(SARA)

Emergency Planning
and
Community Right-To-Know

I. Establishes

1. Emergency Planning and Preparedness
2. Community Right-To-Know Reporting
3. Toxic Chemical Release Reporting

II. State Roles

1. Governor must establish a State Emergency Response Commission (SERC) by April 17, 1987
2. SERC must divide state into Emergency Planning Districts by July 17, 1987
3. SERC must appoint members to Local Emergency Planning Committees (LEPC) for each district by August 17, 1987
4. LEPC must develop Emergency Response Plans by October 17, 1988

III. Industry Responsibilities

Three ways a plant can become subject to Community
Right-To-Know requirements

1. Handle any one of EPA's 403 extremely hazardous substances above the threshold quantity. Then you must:

- a) Notify SERC by May 17, 1987 that the plant is subject to the Emergency Planning Requirements.

After this date if a plant becomes subject to the Requirements it has 60 days to notify SERC.

- b) Designate by September 17, 1987 a facility representative to participate in the LEPC.
- c) Notify LEPC of changes at the facility which may be relevant to emergency planning.
- d) Provide LEPC with information relevant to developing an Emergency Response Plan.
- e) Notify both State and Local Emergency Groups when a reportable quantity of any extremely hazardous substance is released.

2. Be subject to OSHA's Hazard Communication Standard. Then you must:
 - a) Prepare and submit by October 17, 1987 either a MSDS or a list of all hazardous chemicals as defined by the Hazard Communication Standard.

MSDS or list must be submitted to the LEPC, the SERC and the local fire department. New or revised MSDS must be submitted within 3 months.
 - b) Submit by March 1, 1988 and annually thereafter an Emergency and Hazardous Chemical Inventory Form to LEPC, SERC and local fire departments.
3. Employ 10 or more full-time workers and handle a statutory quantity of a toxic chemical found in the 311 environmentally hazardous chemicals listed by Maryland and New Jersey.
 - a) Submit to EPA and the state by July 1, 1988, and annually thereafter, information on the chemicals and releases of the chemical.

ENFORCEMENT

The Act contains differing penalties for violations of its provisions.

1. For failure to notify SERC that you are subject to the Act -- civil penalty of up to \$25,000 per day for each day the violation continues.
 2. For failure to observe the reporting requirements pertaining to MSDS's, the Emergency and Hazardous Chemical Inventory Forms and Toxic Chemical Release Forms -- any state or local government may commence a civil action against a facility.
 3. For failure to notify agencies of the release of a reportable quantity of an extremely hazardous substance:
 - a) Civil penalty up to \$25,000 for each violation.
 - b) Civil penalty up to \$25,000 for each day of continuing violation. Up to \$75,000 for each day for second violation.
 - c) Criminal penalty upon conviction for knowingly and willfully failing to notify of release of extremely hazardous substance:
 - i) Fine up to \$25,000 or
 - ii) Up to 2 years imprisonment, or
 - iii) Both
- For second or subsequent conviction
- i) Fine up to \$50,000 or
 - ii) Imprisonment for not more than 5 years, or
 - iii) Both