

# Right to know

**...and failure  
to keep it  
informed  
can cost a  
bundle**

Compiled by GCSAA  
Government Affairs  
Committee and Staff

**C**ongress recently approved the largest appropriation to date — \$27 million for fiscal 1990 — for the U.S. Environmental Protection Agency to implement the federal right-to-know act, specifically to encourage local emergency planning.

As *The Florida Green* went to press, Congress also had ordered the Federal Emergency Management Agency to prepare by March 31 a study on the major threats facing communities and local emergency management coordinators.

In 1986, the U.S. Congress enacted the Emergency Planning and Community Right-to-Know Act as a response to growing concerns about the effects of chemical

releases on communities.

The act does three things:

- Supports emergency planning efforts at the state and local levels.
- Provides citizens and local governments with information concerning potential chemical hazards present in their communities.
- Establishes enforcement procedures and civil, administrative and criminal penalties for non-compliance.

**S**UBTITLE A establishes the framework for emergency planning by state and local governments by calling for the creation of state emergency response commissions and local emergency planning committees. These local panels are designed to work on emergency response plans in cooperation with representatives of facilities — including golf courses — covered by the law.

**S**UBTITLE B, which was designed to provide information to appropriate local, state and federal officials on the type, amount, location, use, disposal and release of chemicals, includes three reporting provisions:

**SECTION 311** applies to all facilities, such as golf courses, that are subject to the Occupational Safety and Health Act of 1970 and subsequent OSHA regulations. The owner or operator of a golf facility must submit material safety data sheets, referred to as MSDS's, or a list of the chemicals for which the facility is required to keep MSDS's to state emergency response commissions and local emergency planning committees and fire departments.

Updates are due within three months after OSHA regulations require the

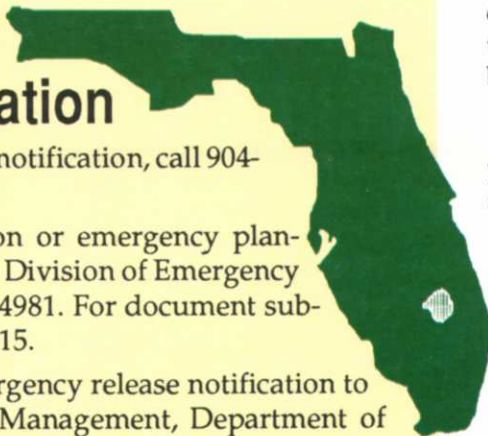
## Here's where to get information

For emergency release notification, call 904-488-1320.

For general information or emergency planning notification, call the Division of Emergency Management at 904-487-4981. For document submissions, call 904-487-4915.

Submit follow-up emergency release notification to Division of Emergency Management, Department of Community Affairs, 2740 Centerview Drive, Tallahassee, FL 32399.

Submit MSDS's, chemical inventories and annual toxic chemical release forms to State Emergency Response Commission, Division of Emergency Management, Department of Community Affairs, 2740 Centerview Drive, Tallahassee, FL 32399.





owner/operator to prepare or have available an MSDS for a specific hazardous chemical. A revised MSDS must be submitted for significant new information regarding a chemical for which an MSDS was previously submitted.

Also under Section 311, EPA can establish threshold quantities for hazardous chemicals, so that no reporting is required if a facility has a below-threshold amount of a hazardous chemical.

**SECTION 312** requires facilities covered by Section 311 to submit a chemical inventory form annually by March 1. The inventory forms must contain an estimate of the maximum amount of the hazardous chemicals present at the facility during the preceding year, an estimate of the average daily amount of hazardous chemicals at the facility and the location of these chemicals at the facility.

Section 312 calls for two reporting "tiers." Tier I requires only general information on the amount and location of hazardous chemicals at the facility. Tier II information, which need not be submitted unless requested by the state commission or the local planning committee or fire department, requires more detailed information about each chemical.

**SECTION 313** requires EPA to establish an inventory of toxic chemical emissions from facilities that meet certain criteria. The information will be used to establish a computerized national database accessible by the general public.

Under Section 313, owners and operators of certain facilities must complete a toxic chemical release form for specified chemicals, reflecting releases during the preceding calendar year, to be submitted to EPZ and state officials annually on or before July 1.

Facilities that use more than 10,000 pounds of a single listed toxic chemical or that manufacture or process more than 25,000 pounds total of any of the listed chemicals must submit toxic chemical release forms. These forms request information on the maximum amount present at the location; treatment and disposal methods; and annual quantity released into the envi-

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ronment for each listed chemical or chemical category.

The initial list of toxic chemicals subject to reporting requirements consists of 329 entries, including 20 categories of chemicals. EPA's administrator may add or delete chemicals on the list based upon an agency deter-

tion of health or environmental hazards.

State governors and the public may petition the administrator to add to or delete from the list.

**T**ITLE III outlines trade secret protection and enforcement procedures.

SECTION 322 applies to trade secret claims under reporting requirements for emergency planning and Sections 311, 312 and 313. Even if specific chemical identity of an extremely hazardous substance or chemical is allowed to be withheld as a trade secret, the generic class or category of the

## Fire department is the place to start in Florida

Florida's 1985 Worker and Community Right-to-Know Law establishes the Florida Substance List for reporting purposes and requires specified employers to notify fire departments and emergency service personnel of existing toxic substances.

A 1988 statute, the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act, establishes a fee system and penalty provisions.

Both laws apply to golf course operations.

The Worker and Community Right-to-Know law is administered by the state **Department of Labor and Employment Security**. The state **Department of Community Affairs** administers the Hazardous Materials Emergency Response and Community Right-to-Know Act.

The Toxic Substances Advisory Council assists in reviewing the Florida Substance List, which is maintained and distributed to employers by the state Department of Labor and Employment Security.

The list identifies substances by their chemical or common names. Generic substances or categories are excluded from the list. Substances not currently on the list that have been determined to pose a serious threat to public health or safety may be added on an emergency basis following a public hearing. The emergency revision will become permanent unless it is repealed by the legislature within a year.

Golf course operations must provide fire departments with the following information:

- Chemical name and common name of each substance in the workplace included on the Florida Substance List.

- Workplace location information.
- Copies of material safety data sheets (MSDS's).

Facilities that must report under Section 312 of Title III are required to pay an annual registration fee. The fee is based upon the number of employees and ranges from \$25 to \$2,000. However, the maximum fee is limited to \$500 for facilities that do not produce, store or use an extremely hazardous substance in excess of the threshold planning quantities established by Title III.

Additionally, a one-time fee of \$50 is required from facilities that must notify the state emergency response commission under Section 302.

The Florida Department of Labor and Employment Security may file suit in circuit court for alleged violations of the Worker and Community Right-to-Know Law. Employers found to be in non-compliance are liable for civil penalties of not more than \$1,000 per violation.

Employers will not be held responsible when injury or death occurs as the result of exposure to a substance that is recognized as hazardous as a matter of common knowledge.

The following penalties may be assessed under the Hazardous Materials Emergency Response and Community Right-to-Know Act:

- Maximum of \$2,000 for failure to report within 30 days after receipt of a notice of non-compliance.
- Maximum of \$4,000 for failure to report within 30 days after receipt of second notice.
- Civil penalties of \$5,000 for each item of false information submitted.

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chemical must be provided.

SECTION 323 requires that chemical information withheld from the public as a trade secret must be made available to health professionals for diagnostic purposes and emergency assessment activities. In these cases, the person receiving the information must be willing to sign a confidentiality agreement with the facility.

SECTION 325 provides for enforcement procedures and penalties as follows:

- Civil penalties for owner/operators not complying with emergency planning requirements.
- Civil, administrative and criminal penalties for owner/operators not complying with emergency notification requirements following the release of a listed hazardous substance.
- Civil and administrative penalties for owner/operators not complying with reporting requirements in Sections 311, 312 and 313.
- Civil and administrative penalties for trade secret claims that are ruled frivolous.
- Criminal penalties for disclosure of trade secret information. ■


### Banner re-labeled for Florida

Banner, a fungicide manufactured by Ciba-Geigy, has now been approved for disease control on all bermudagrass in Florida except on golf greens when temperatures exceed 90° Fahrenheit.

The label amendment was one of several for Banner announced by the U.S. Environmental Protection Agency Jan. 4.

In addition, Banner's watering-in statement has been amended to address recommendations on a case-by-case basis. For example, to control soil-borne diseases, the new label suggests watering Banner in shortly after application. To control foliar diseases, the sprayed area should be allowed to dry before irrigating.

"These label amendments are encouraging," said Dr. Doug Houseworth, Ciba-Geigy turf and ornamental products manager for technical support. "We will continue research on difficult-to-control diseases." ■



# THE NEW DNA SUN HELMET

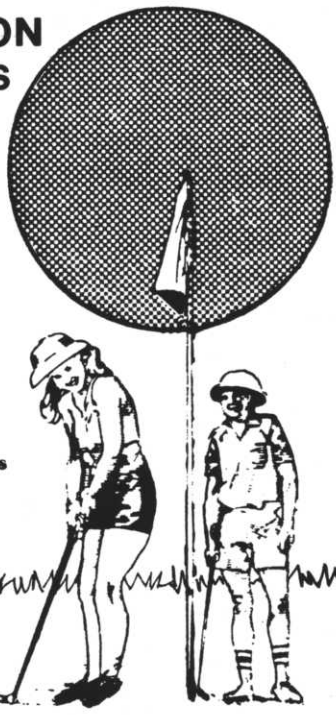
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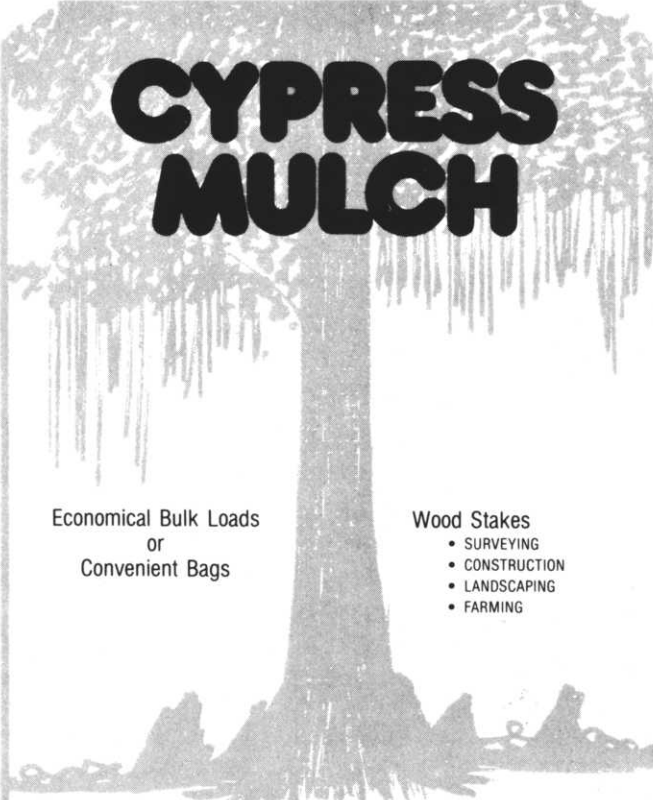
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