



National Association of SARA Title III Program Officials

Concerned with the Emergency Planning and Community Right-to-Know Act

GUIDANCE DOCUMENT SMALL BUSINESS EXEMPTIONS UNDER §§ 311-312 EPCRA

April 26, 2012

QUESTION PRESENTED

Are businesses that are otherwise liable for reporting under §§ 311-312 of EPCRA exempt from doing so if they employ fewer than 10 employees?

SHORT ANSWER

No.

Only EPCRA § 313 “toxic chemical release form” reporting requirements provide an exception for businesses employing fewer than 10 employees. 42 U.S.C. § 11023(b)(1)(A).

DISCUSSION

Only § 313 of EPCRA explicitly provides that employers of fewer than 10 persons that are in Standard Industrial Classification Codes 20 through 39 are exempt from completing a toxic chemical release form. 42 U.S.C. § 11023(b)(1)(A). There is no statute, regulation, or ruling of a court which indicates an exception to the rule that all facilities falling within the reporting requirements of §§ 311-312 are otherwise exempt from reporting because they happen to employ fewer than 10 employees.