



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

May 15, 2001

OFFICE OF
ENVIRONMENTAL INFORMATION

William D. Judd
Environmental Science Services
888 Worcester Street, Suite 240
Wellesley, MA 02482

Dear Mr. Judd:

This letter responds to your May 4, 2001 facsimile, as well as a follow-up telephone conversation, requesting guidance regarding the reporting requirements of section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). Specifically, your facsimile requests guidance about the application of the manufacturing activity threshold to imported toxic chemicals.

According to your facsimile, a customer facility directly purchases a toxic chemical from a foreign source. However, due to lack of storage capacity at its own facility site, the customer facility leases storage tanks at a chemical distributor facility and has the imported toxic chemical delivered to, and stored at, the chemical distributor. Later, the customer facility will receive the imported toxic chemical on site via tanker truck. Based on this background information you would like guidance on the EPCRA section 313 reporting obligations.

The customer facility imported the toxic chemical and when the toxic chemical is actually delivered to the customer facility site the customer facility should consider the toxic chemical towards its manufacturing activity threshold for that chemical. If the chemical distributor that initially receives the imported toxic chemical did not have any input regarding the quantity or identity of the toxic chemical imported, then the chemical distributor did not cause the importation of the toxic chemical and the chemical distributor does not have to apply the toxic chemical toward its manufacturing threshold for that chemical. (See Q&A 222 and 220 in the 1998 EPCRA Section 313 Questions and Answers document, EPA 745-B-98-004, December 1998). Of course, the chemical distributor should consider the toxic chemical imported toward its processing threshold for that chemical because the chemical distributor is repackaging the chemical and distributing the chemical in commerce by delivering the chemical to the customer facility by tanker truck. (See 1998 Q&A 163, *supra*).

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I hope this information is helpful to you in understanding the reporting requirements of section 313 of EPCRA. If you have any other questions, or desire further information, please call Larry Reisman, of my staff, at 202.260.2301.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Dombrowski". The signature is written in a cursive style with a prominent initial "J".

John M. Dombrowski, P.E., Chief
TRI Regulation Development Branch