



Office of Recommendations

- Highlighted Recommendation
 - **West Fertilizer Explosion and Fire (R2 to EPA)**
 - April 17, 2013
 - Major FGAN detonation that destroyed the WFC facility
 - Damaged to more than 150 offsite buildings
 - 15 fatalities (12 emergency responders, 3 public)
 - More than 260 injured



West Fertilizer Explosion and Fire




CSB Rec No. 2013-02-I-TX-R2 (R2) to EPA:

Develop a general guidance document on the agricultural exemption under EPCRA Section 311(e)(5) and its associated regulation to clarify that fertilizer facilities that store or blend fertilizer are covered under EPCRA. Communicate to the fertilizer industry publication of this guidance document as well as the intention of Section 311(e)(5).



West Fertilizer Explosion and Fire

EPA implementation of R2:



Office of Land and
Emergency Management

EPA 520-F-22-001
September 2022

EPCRA Reporting Requirements for Fertilizer Retailers

This fact sheet was developed to help fertilizer retailers comply with their Emergency Planning and Community Right-to-Know Act (EPCRA)¹ reporting requirements, by providing the U.S. Environmental Protection Agency's (EPA's) interpretation of the EPCRA section 311(e)(5)² Retail Fertilizer Exemption and an overview of all the EPCRA reporting requirements.

EPCRA was created to help communities plan for chemical emergencies. It requires industry to report on the storage, use, and releases of certain chemicals to federal, state, tribal, territorial, and/or local governments. It then requires these reports be used to prepare for and protect communities from potential risks.

Fertilizer Retailers are required to report their chemicals stored on site unless their chemicals meet the retail fertilizer exemption as explained below. Under certain circumstances, fertilizers held for sale by retailers are exempt from EPCRA sections 311 and 312.³ *Hazardous Chemical Inventory Reporting* requirements.⁴ The *Hazardous Chemical Inventory Reporting Requirements* are outlined on pages 5 - 6 of this fact sheet.




Photo 1: A grain elevator, a type of fertilizer retailer.

Grain elevators may mix fertilizer to meet retail customer specifications. Fertilizers intended to be used or handled are not eligible for the Retail Fertilizer Exemption.

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¹ 40 CFR 350 - 372; 42 U.S.C. Chapter 116

² Also known as Title III of the Superfund Amendments and Reauthorization Act (SARA Title III)

³ 40 CFR 370.66; 42 U.S.C. 11021(a)(5)

⁴ 40 CFR part 370; 42 U.S.C. 11021-22

⁵ 52 FR 38349, October 15, 1987

- EPA permitted the CSB opportunities to provide feedback
- EPA released the guidance document in October 2022.
- <https://www.epa.gov/epcra/epcra-fact-sheets>
- Posted on the EPA website and sent to EPA Regions, SERC-TERC newsletters, as well as the fertilizer industry.

Closed – Acceptable Action