



# Modifications to the List of Regulated Substances

## Clean Air Act, Section 112(r)

On January 31, 1994, the Environmental Protection Agency established a list of chemicals and threshold quantities that identify facilities subject to the risk management planning requirements of the Clean Air Act (CAA) section 112(r). The substances were listed because they have the potential to pose the greatest hazard to public health and the environment in the event of an accidental release. On August 25, 1997, and January 6, 1998, EPA published final rules modifying sections of the original rule (known as the List Rule) that listed covered chemicals and thresholds.

### Background on the Original 1994 List Rule

Under the risk management program in section 112(r) of the Clean Air Act, facilities that handle certain hazardous substances must act to reduce the likelihood and severity of accidental chemical releases. To comply with section 112(r), facilities must conduct a hazard assessment, develop a prevention program, implement an emergency response program, and submit a summary of their program to EPA. Since these summaries, known as Risk Management Plans (RMPs), are to be made publicly available, communities will now be able to receive facility-specific information on potential hazards and the steps being taken to prevent accidents. EPA expects that this new information about accident prevention programs will foster community dialogue about chemical hazards. EPA believes this dialogue, as well as implementation of the facility prevention programs, will contribute to reducing the number and severity of chemical accidents.

To determine which facilities would be required to implement a risk management program, EPA was required to develop an initial list of at least 100 substances that, in the event of an accidental release, could cause death, injury, or serious adverse effects to human health or the environment. If a facility has more than a threshold quantity of these substances in a process, then it must develop and implement a risk management program. Facilities must submit their summaries, or RMPs, by June 21, 1999.

The list EPA published in 1994 (40 CFR §68.130) included 77 acutely toxic substances, 63 flammable gases and volatile flammable liquids, and Division 1.1 high explosive substances as listed by the Department of Transportation. The List Rule established a threshold quantity for each listed substance and established procedures for making a threshold determination. Recent modifications to the rule have deleted or exempted certain substances and clarified sections of the rule.

## What Has Changed?

On August 25, 1997, and January 6, 1998, EPA modified the List Rule as follows:

**Modification of hydrochloric acid listing.** EPA removed hydrochloric acid solutions at concentrations of less than 37% hydrogen chloride. Solutions of 37% or greater remain on the list.



**Deletion of explosives.** In response to actions taken by the explosives industry, EPA deleted Division 1.1 explosives (high explosives). The explosives industry developed and will implement new safety practices, including actions to enhance coordination between explosives facilities and emergency planners. As a result, EPA concluded that current regulations and voluntary industry practices adequately protect the public and the environment from the hazards of accidents involving explosives.



**Clarification for flammable mixtures.** EPA clarified that regulated flammable substances in mixtures that do not have a National Fire Protection Association (NFPA) flammability hazard rating of 4 are not covered by the rule. This clarification reflects EPA's original intent to focus on flammable substances with the potential to be involved in vapor cloud explosions that are hazardous to the public.



**Threshold determination exemption.** Regulated flammable substances in gasoline used as fuel are exempted from threshold quantity determinations. EPA took this action because gasoline is a mixture that has an NFPA flammability rating of less than 4, meaning that it does not present a significant explosion risk to the public from vapor release to the air. EPA also exempted regulated substances in naturally occurring hydrocarbon mixtures prior to initial processing because the Agency believes that the hazards of such mixtures do not warrant regulation.



### Revisions to the stationary source definition.

(1) EPA clarified that the exemption for regulated substances in transportation is not limited to pipelines - it can also include activities "incident" to

transportation such as unloading and immediate re-loading of regulated chemicals. (2) EPA also removed references to "active shipping papers" because they won't be generated in every instance and to "temporary storage" in order to avoid confusion with storage incident to transportation. (3) The definition was further modified to clarify that naturally occurring hydrocarbon reservoirs, such as underground wells that produce crude oil and gas, are not stationary sources.



### Exemption of Outer Continental Shelf sources.

Facilities on the Outer Continental Shelf, such as oil exploration platforms, are not covered under CAA 112(r).

## Will There Be More Changes to the List?

EPA must review the list of chemicals and threshold quantities every five years. As a result of these reviews, EPA may decide to make further changes to the list. The List Rule also includes a process that allows members of the public to petition for addition of chemicals to the list, or deletion of listed chemicals.

## For More Information

This factsheet briefly outlines major changes to the List Rule - you will need to read the regulation for a more comprehensive explanation of how this affects your facility. For more information on the original list of chemicals and the modifications made to it, you may either call EPA's toll-free hotline or visit the CEPPPO website:

CAA 112(R)/EMERGENCY PLANNING AND  
COMMUNITY RIGHT-TO-KNOW HOTLINE  
(800) 424-9346 OR (703) 412-9810  
TDD (800) 553-7672  
Monday-Friday, 9:00 am to 6:00 pm EST  
CEPPPO HOME PAGE at <http://www.epa.gov/ceppo/>