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**Penn State
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Business Seminar of the Week**

An Employer's Obligation to Disclose Information to the Public - PART II
John C. Becker
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In a previous column I discussed some of an employer's obligation to disclose information to the public. For employers who are subject to OSHA's Hazard Communication Standard, there are additional requirements.

The first of these additional

obligations requires an employer, or facility operator, to submit a copy of each MSDS to the state commission, the local committee and the local fire department if hazardous chemicals are present in amounts equal to or greater than 10,000 pounds, or extremely hazardous substances greater than or equal to 500 pounds, 55 gallons, or the threshold planning quantity, whichever is less. On October 17, 1989, MSDS's for all remaining hazardous chemicals will be submitted, regardless of the amount maintained at the facility.

The next additional requirement deals with reporting to the state commission, local planning committee and local fire department.

Those employers or facility operators who file an MSDS must also file a chemical inventory form known as either a "Tier 1" or "Tier 2" form. The initial filing date of the inventory form was March 1, 1988 and the obligation continues annually thereafter. With the expansion of the MSDS filing requirement in October, 1989, filing of the chemical inventory form will also apply to those employers and facility operators. Expansion of OSHA's hazard communication regulations on May 23, 1988 will create the obligation for additional employers to file chemical inventory forms on March 1, 1989, the annual renewal date for all initial filings.

When selecting the report form to use, a "Tier 2" form can be used in place of a "Tier 1" form. At present, the state emergency response commission requests Pennsylvania employers and facility operators to use the "Tier 2" form to fulfill the reporting requirement. The Bureau of Worker and Community Right to Know in the Pennsylvania Department of Labor and Industry will be the place where MSDS's and "Tier 2" inventory report forms will be filed to satisfy filing with the state commission.

Under EPA regulations, any person may obtain an MSDS from

a specific facility by submitting a written request to the local planning committee. If an employer or facility operator has selected the "Tier 1" inventory report form, a "Tier 2" report may be requested by a state commission or local planning committee member acting in his or her official capacity, or if the request is limited to hazardous chemicals stored in amounts in excess of 10,000 pounds. In other situations, a request for a "Tier 2" inventory form may be made if the request includes a general statement of need. Such a situation might be a request by a private citizen for "Tier 2" report forms. When the request is received by a state commission or local planning committee, the statement of need will be evaluated and then forwarded to the employer or facility operator.

A final requirement of SARA deals with reporting requirements for release of toxic chemicals. This obligation is limited to certain employers and facility operators. To be subject to this requirement, an owner or facility operator must meet all of these guidelines:

The facility must have 10 or more full time employees.

The facility must be classed in one of the standard industrial classification codes from 20 through 39, as in effect on January 1, 1987.

The facility manufactures, processes, or otherwise uses a toxic chemical in excess of a threshold quantity of that chemical as set by regulations.

Threshold quantities of toxic chemicals vary according to activity that involves the product and the year in which it takes place. For example, facilities that manufacture or process a toxic chemical during 1987 are obligated to file a report if more than 75,000 pounds of the chemical was manufactured or processed. In 1988, this figure is reduced to 50,000 pounds and further reduced in 1989 and thereafter to 25,000 pounds. If a chemical is "otherwise used" at a facility the threshold amount is 10,000 pounds for any year.

The list of toxic chemicals to which this requirement applies was published in the Federal Register, Volume 52, No. 107.

State Plowing Contest

MANCHESTER (York) — The Pennsylvania State Plowing Contest will be held on Friday, August 26, during Old Tyme Days, at Rentzel's Sale Barn, Manchester, York County. Rain date is Saturday, August 27.

Winner of the state contest will be eligible to plow in the National Contest, being held in conjunction with the 1988 World Ag Expo, September 7 to 10 at the Amana Colonies, Iowa. National winners become eligible to compete in the 1989 National Plowing Contest in Klepp, Norway.

An estimated 28 countries are expected to participate in the 1988 World Plowing Contest, also being hosted in Amana as part of the World Ag Expo. Dauphin Councillor Bob Miller will represent the United States in that contest. Tentative planning includes demonstrations by Russian plowmen as part of the world plowing activities.

Pennsylvania plowing competitors interested in more information on the 1988 state contest should contact Richard Pennay, state ASCS office, 717-782-4593.

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