

## APPENDIX E: MISSOURI TIER II REPORTING PROCESS

### GENERAL INFORMATION

#### WHO MUST SUBMIT THIS FORM?

The owner or operator of a facility where hazardous chemicals are used, produced, or stored must submit a Tier Two Form if the quantity of hazardous chemicals on hand exceeds specific thresholds (see below). The Missouri Tier Two Form is required instead of the Tier I form.

#### WHAT CHEMICALS MUST BE REPORTED?

Any substance for which your facility must keep a Safety Data Sheet (SDS) under OSHA's Hazard Communication Standard is classified as a "hazardous chemical". Any "hazardous chemical" that your facility has more than ten thousand (10,000) pounds of on hand at any one time during the calendar year must be reported on the Missouri Tier Two form. A partial list of hazardous chemicals may be found on the internet at "[List of List for Extremely Hazardous Substances](#)" but the simplest way to determine if a chemical is required to be reported is (1) OSHA required SDS and (2) 10,000 pounds on hand.

*Extremely Hazardous Substances* (EHS) as specified in 40 CFR Part 355 must be reported on the Tier Two form if a facility has on hand at any one time during the calendar year more than five hundred (500) pounds or the threshold planning quantity (TPQ), whichever is lower. To obtain a list of extremely hazardous substances, contact the Missouri Department of Public Safety, Missouri Emergency Response Commission at (800) 780-1014 or go to [Missouri Emergency Response Commission's Website](#) on the Internet.

Under Missouri law, explosives and blasting agents in excess of one hundred (100) pounds must be reported to the fire department within 24 hours of being present at a facility. If storage is longer than 15 days, these substances must be reported to the fire department, the LEPC, and the Missouri Emergency Response Commission using the Missouri Tier Two form. This requirement does not apply to materials in transit provided that the transporter is in compliance with U.S. Department of Transportation regulations.

#### WHAT CHEMICALS ARE EXCLUDED?

Section 311(e) of Title III EPCRA excludes the following substances:

1. Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.
2. Any substance present as a solid in a manufactured item to the extent exposure to the substance does not occur under normal conditions of use.
3. Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public.
4. Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual.
5. Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer. (This exclusion does not apply to the one time reporting of extremely

hazardous substances under Section 302 of EPCRA.)

### **WHEN TO SUBMIT THIS FORM**

Owners or operators of facilities that have hazardous chemicals on hand in quantities equal to or greater than set threshold levels must submit Missouri Tier Two forms by March 1st of each year. The information required must be reported to the Missouri Emergency Response Commission and the Local Emergency Planning Committee within sixty (60) days of a new extremely hazardous substance being present at the facility at or above the threshold planning quantity (TPQ) (11 CSR40-4.040 (1)). If any new hazardous chemical or extremely hazardous substance comes onto the site in a quantity sufficient to require reporting, an updated Missouri Tier Two form must be provided within three (3) month (11 CSR40-4.040 (1)(D)(2)).

### **WHERE TO SEND YOUR COMPLETED TIER TWO:**

Send (via email, fax or hardcopy) a completed, signed Missouri Tier Two form to each of the following organizations:

Missouri Emergency Response Commission at: <https://hazmat.dps.mo.gov>,  
The Mid-America LEPC at [elynych@marc.org](mailto:elynych@marc.org) or fax at (816) 421-7758  
The fire protection service that covers your facility

### **PENALTIES:**

Any owner or operator who violates any Tier Two reporting requirements shall be liable to the United States for civil penalty of up to \$27,500 per day for each such violation. Each day a violation continues shall constitute a separate violation. Under Missouri law, there is also a penalty of up to \$5,000 per day for failure to provide the type of information required on the Missouri Tier Two form.