

BATTERY USER ADVISORY: EPCRA AND CERCLA REQUIREMENTS

You may be subject to mandatory federal and state notification and reporting requirements if you have certain quantities of batteries stored and/or installed at a single location. Please read this bulletin for the relevant details.

The Battery Council International (BCI) has prepared this advisory to alert end-users and customers of commercial/industrial use batteries of certain notification and reporting requirements that may be applicable under the Emergency Planning and Community Right-to-Know Act (EPCRA) and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This advisory focuses on common types of batteries, including the following: lead-acid, lithium-ion, sodium-ion, and flow battery electrolyte.

EPCRA imposes obligations on facilities that store, use, and/or release certain hazardous substances above specific threshold amounts. This includes certain substances contained in batteries. Under Sections 311 and 312 of EPCRA, facilities that are required to maintain Safety Data Sheets (SDS) under the Occupational Safety and Health Administration (OSHA) regulations for hazardous chemicals stored, installed, or used in the workplace or that store any extremely hazardous substance (EHS) above certain threshold quantities are required to make an initial notification (referred to as Tier I) to their State Emergency Response Commission (SERC) and Local Emergency Planning Committee (LEPC). This notification is required to contain Safety Data Sheets (SDS) for all substances stored and/or installed onsite above the threshold quantities or provide a detailed list of all substances and their hazards. Tier I reports are required to be submitted within 90 days of exceeding the threshold quantity of a hazardous chemical and within 60 days of exceeding the threshold quantity of an EHS. However, facilities should consult state and local requirements, which may impose more stringent timeframes for reporting.

Facilities subject to Tier I reporting are also required to submit an annual inventory report (referred to as a Tier II report) to the SERC, LEPC, and the local fire department by March 1 of each year following the year reporting is triggered. State and local agencies may have specific requirements regarding the submission of Tier II reports.

In addition, the release of certain battery substances above specific reportable quantities in a 24-hour period may trigger immediate reporting obligations under Section 103 of CERCLA and Section 304 of EPCRA. The entities that are required to be notified will depend on whether the substance released is an EHS and/or a CERCLA hazardous substance. If the substance is both an EHS and a CERCLA hazardous substance or is a CERCLA hazardous substance only, and the release is reportable, then immediate notifications are required to be made to the LEPC and the SERC in accordance 40 CFR Sections 355.40 and 355.43 and the National Response Center in accordance with 40 CFR Part 302. If the substance released is an EHS only, then notifications should be made to the LEPC and SERC. End-users should consult state and local requirements, which may impose additional reporting obligations.

TYPICAL NOTIFICATION AND REPORTING THRESHOLDS

Battery Type	Typical Hazardous Chemicals/EHS Present	Typical Threshold for Tier I/Tier II Reporting	Typical Reportable Quantities for Release Reporting
Lead-Acid	Sulfuric Acid, Lead, Lead Oxide, Lead Sulfate	500 pounds for sulfuric acid (EHS) 10,000 pounds for lead and compounds	1,000 pounds for sulfuric acid 10 pounds for lead* and certain lead compounds
Lithium-Ion	Lithium, Lithium Cobaltate, Organic Electrolyte	10,000 pounds for lithium compounds	
Sodium-Ion	Sodium Polyanionic Compounds, Sodium Salt Electrolyte, Organic Carbonate Solvents	10,000 pounds for sodium compounds	
Flow Electrolyte	Zinc, Zinc-chloride, Zinc-bromide, vanadium electrolyte solution, vanadium trisulfate, vanadium oxide sulfate, sulfuric acid	500 pounds for sulfuric acid (EHS) 10,000 pounds for zinc and vanadium compounds	1,000 pounds for sulfuric acid 1,000 pounds for zinc*, zinc-chloride, zinc bromide

Note: EPA lists the Threshold Planning Quantity (TPQ) for Extremely Hazardous Substances (EHS) in 40 CFR Part 355 Appendix A and B. Since sulfuric acid is an EHS, the TPQ is 500-pounds. Reportable Quantities for immediate release reporting can be found in 40 CFR § 302.4 (for CERCLA hazardous substances) and 40 CFR Part 355 Appendix A and B. Users should consult the SDS sheets for the batteries stored or installed to identify the chemicals that may be present in the batteries and applicable thresholds for reporting.

**No reporting of releases may be required if the diameter of the pieces released is larger than 100 micrometers (0.004 inches). See 40 CFR 302.4 for more information.*