

Small Business Paperwork Reduction Act: Reporting Chemical Inventories

Statement by Chief Gary E. Warren
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Affairs
of the
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I am Deputy Chief Gary Warren of the Baltimore County Fire Department. I am responsible for hazardous materials and special operations in Baltimore County, MD, and serve on the Hazardous Materials Committee of the International Association of Fire Chiefs (IAFC). It is on behalf of the IAFC that I appear here today. I would like to thank the Committee for allowing me to address a concern shared by my fire service colleagues relating to the Small Business Paperwork Reduction Act.

Local fire departments are the primary providers of fire suppression and local hazardous materials response services throughout the United

States. I need not remind the Committee that, like politics, all incidents involving dangerous chemicals are local.

The Small Business Paperwork Reduction Act seeks to provide relief to small business from federal paperwork requirements. America's fire departments have no quarrel with the intent of this bill. However, we are concerned that relaxing the threat of fines against businesses that will not comply with existing safety regulations will have the effect of relaxing compliance. Relaxing compliance leads to delayed compliance - and even non-compliance - which is at the heart of our concern.

There are approximately 60,000 incidents in the United States each year that involve dangerous chemicals. Many of these involve transportation accidents as well as chemicals inventoried by business, large and small. The issue of concern is chemical inventory reporting required under Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986.

In an emergency, fire fighters are expected to enter structures to protect life, health, property and the environment. Advance knowledge of the presence of dangerous chemicals is crucial to our ability to protect ourselves. We *must* be aware of their presence to avoid serious injury or worse. An injured fire fighter cannot render aid to civilians or protect property and the environment. He also diverts attention from those priorities as his fellow fire fighters come to his aid.

The SARA Title III reporting requirements apply to several hundred chemicals that are considered extremely dangerous. Exemptions are already in place for many of these for quantities up to 10,000 pounds. There are smaller reporting thresholds for chemicals that are particularly lethal, such as sodium cyanide, used in very limited industrial applications in addition to its more well-known use by state penitentiaries in gas chambers. If that chemical is present in a facility to which we must respond in an emergency, we need to know *before* we respond to the alarm.

We understand that the legislation provides exemptions that authorize fines where the "agency head determines that the violation has the potential to cause serious harm to the public interest" or that the "head of the agency determines that the violation presents a danger to the public health or safety." In our view, this language is very broad. Who is the "agency head?" How does he determine danger? By what definition?

We understand that these exemptions are well intentioned. However, they will not strengthen and will probably weaken a fire department's ability to collect information necessary to ensure public safety. The existing requirement under SARA Title III is not onerous. In fact, I have personally assisted small business owners in completing the required paperwork for submission. It takes about an hour the first time it's completed. The original document can be resubmitted each year with minor changes, such as quantities on-hand and the date on top of the form.

To restate, existing dangerous chemical reporting requirements authorized under SARA Title III are a crucial life safety tool available to local fire departments. Any unintended relaxation of the requirement is unacceptable. The requirement itself is not onerous. I urge you not to "fix" a system that is not broken.

Again, thank you for allowing me to testify. I am happy to answer any questions the Committee may have.