

REPORTING REQUIREMENTS (EPCRA, CERCLA, PROP 65 AND OTHER STATE LAWS)

OVERVIEW

The prospect of reporting information to governmental entities, whether due to an unanticipated event or through a regular reporting program, often requires a complex inquiry into a myriad of factual issues and consideration of potentially overlapping statutory programs. BCLP has extensive experience in helping clients navigate this complicated terrain.

Reporting requirements can arise unexpectedly, as in the case of an unanticipated release or discovery of a previously unknown condition, or may be triggered by a planned event, such as the disposition of real estate. Requirements can also be triggered during an internal audit, brownfield redevelopment, or due diligence for a commercial transaction. In addition, there are federal and state laws that mandate the regular reporting or disclosure of certain information to regulatory agencies. Our lawyers routinely assist clients in complying with all of these requirements. In addition, because the disclosure of certain information can have public and media relations implications, BCLP lawyers frequently help clients formulate strategies for addressing these issues as well.

MEET THE TEAM



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RELATED PRACTICE AREAS

- Energy & Natural Resources

EXPERIENCE

- Advising clients on the Emergency Planning and Community Right-to-Know Act of 1986 (“EPCRA”), including chemical inventory reporting and Toxic Release Inventory (“TRI”) reporting;
- Advising clients on the Toxic Substances Control Act (“TSCA”), regarding releases of regulated toxic substances;
- Advising clients on the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA” also known as the “Superfund” Law), regarding releases of hazardous substances;
- Advising clients on the Resource Conservation and Recovery Act (“RCRA”), regarding releases of hazardous wastes;
- Advising clients on the Hazardous Materials Transportation Act, regarding releases of hazardous materials;
- Advising clients on the California’s Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986, regarding chemicals known to cause cancer or reproductive toxicity; and
- Advising clients on the Analogous programs under State and local laws regarding the releases of oil and hazardous and toxic substances.