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Environmental Protection

Environmental Protection; toxic chemical release reports

NEV. REV. STAT. § 459.— (new).
AB 424 (Dubois); 1989 STAT. Ch. 162

Under existing federal law, owners and operators of facilities that manufacture¹ or use² toxic chemicals³ must submit annual toxic chemical release reports to the Administrator of the Environmental Protection Agency and to selected state officials.⁴ The Emergency Planning and Community Right-To-Know Act of 1986 was enacted by Congress to establish state and local committees to devise and distribute emergency plans for a more effective response to local emergencies.⁵ Consistent with federal law, Chapter 162 requires that the federal toxic chemical release forms⁶ must also be submitted to selected Nevada governmental agencies.⁷

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1. Reports must be filed by manufacturers who produced more than 50,000 pounds of a toxic chemical in 1988. 42 U.S.C. § 11023(f) (Supp. IV 1986). The threshold is lowered to 25,000 pounds for 1989 and thereafter. *Id.*

2. Only users of more than 10,000 pounds of a toxic chemical must report. *Id.*

3. See 40 C.F.R. § 372.65 (1988) (list of chemicals considered toxic under the Emergency Planning and Community Right-To-Know Act of 1988).

4. See 42 U.S.C. § 11023 (Supp. IV 1986) (toxic chemical release form requirement). See also *id.* § 11001 (Supp. IV 1988) (Emergency Planning and Community Right-To-Know Act). The selected state officials are to be chosen by the Governor. *Id.* § 11023(a) (Supp. IV 1986). Only employers of 10 or more full-time workers are required to submit release forms. *Id.* § 11023(b) (Supp. IV 1988).

5. *Id.* § 11001 (Supp. IV 1988).

6. See 40 C.F.R. § 372.85 (example of a reporting form).

7. 1989 Nev. Stat. ch. 162, at 335 (enacting NEV. REV. STAT. § 459.—). The Governor will designate the agencies to receive reports. *Id.*

