# CHAPTER 30

## CHEMICAL EMERGENCIES


30.1 Definitions.
30.2 Department powers and duties.
30.3 Duties to be allocated to department of natural resources — emergency and hazardous chemicals.
30.4 Duties to be allocated to department of natural resources.
30.5 Powers of local emergency planning committees.
30.6 Liability of committee members.
30.7 Civil action.
30.8 Duties to be allocated to department of natural resources. Transferred to §30.4; 2017 Acts, ch 28, §11.
30.9 Duties to be allocated to department of homeland security and emergency management. Repealed by 2017 Acts, ch 28, §10.
30.10 Powers of local emergency planning committees. Transferred to §30.5; 2017 Acts, ch 28, §11.
30.11 Liability of committee members. Transferred to §30.6; 2017 Acts, ch 28, §11.
30.12 Civil action. Transferred to §30.7; 2017 Acts, ch 28, §11.


**30.1 Definitions.**

For the purposes of this chapter, unless the context otherwise requires:

1. *"Committee"* means a local emergency planning committee appointed by the department.

2. *"Department"* means the department of homeland security and emergency management.

3. *"Emergency Planning and Community Right-to-know Act"* means Pub. L. No. 99-499, Tit. III, 42 U.S.C. §11001 et seq., as amended to January 1, 1989.

89 Acts, ch 204, §2; 2010 Acts, ch 1061, §180; 2017 Acts, ch 28, §2 – 4
Subsection 1 stricken
Subsection 2 amended and renumbered as 1
NEW subsection 2

**30.2 Department powers and duties.**

1. The department has the powers necessary to carry out the functions and duties specified in state law and the Emergency Planning and Community Right-to-know Act, including the powers to solicit and accept gifts and grants, and to adopt rules pursuant to chapter 17A. All federal funds, grants, and gifts shall be deposited with the treasurer of state and used only for the purposes agreed upon as conditions for receipt of the funds, grants, or gifts.

2. The department may enter into agreements pursuant to chapter 28E to accomplish any duty imposed upon the department by the Emergency Planning and Community Right-to-know Act, but the department shall not compensate any governmental unit for the performance of duties pursuant to such an agreement. Funding for administering the duties of the department under sections 30.3 and 30.4 shall be included in the budgets of the department of natural resources and the department of homeland security and emergency management.

3. The department may request from any state agency or official the information and assistance necessary to perform the duties of the department. All state departments, divisions, agencies, and offices shall make available upon request information which is requested and which is not by law confidential.

4. The department shall designate local emergency planning districts and appoint persons to serve on local emergency planning committees. The department may, upon request, revise its designations of districts and appointments of committee members.

5. The department shall supervise and coordinate the activities of the committees.

6. Upon request by a state or local official or any person, the department shall obtain from a facility owner or operator the emergency and hazardous chemical inventory information which the owner or operator is required to prepare and submit pursuant to section 312 of the

Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11022, and provide the information to the requesting party.

7. The department shall make available to the public upon request during normal working hours material safety data sheets, lists of hazardous chemicals, inventory forms, toxic chemical release forms, and follow-up emergency notices in its possession pursuant to section 324 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11044.

8. The department shall perform all other functions and duties as specified in the Emergency Planning and Community Right-to-know Act.

9. Comprehensive emergency response plans required to be developed under section 303 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11003, shall be submitted to the department. After initial submission, a plan need not be resubmitted unless revisions are requested by the department. The department shall review the plan and shall incorporate the provisions of the plan into its responsibilities under chapter 29C.

10. The department shall make available to the public upon request during normal working hours the information in its possession pursuant to section 324 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11044.

89 Acts, ch 204, §6
CS89, §30.5
96 Acts, ch 1186, §23; 2007 Acts, ch 211, §31; 2013 Acts, ch 29, §29; 2017 Acts, ch 28, §5, 11
C2018, §30.2
Former §30.2 repealed by 2017 Acts, ch 28, §10
Section transferred from §30.5 in Code 2018 pursuant to directive in 2017 Acts, ch 28, §11
Section amended

**30.3 Duties to be allocated to department of natural resources — emergency and hazardous chemicals.**

Agreements negotiated by the department and the department of natural resources shall provide for the allocation of duties to the department of natural resources as follows:

1. Material safety data sheets or a list of chemicals required to be submitted to the department under section 311 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11021, shall be submitted to the department of natural resources. Submission to that department constitutes compliance with the requirement for notification to the department.

2. Emergency and hazardous chemical inventory forms required to be submitted to the department under section 312 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11022, shall be submitted to the department of natural resources. Submission to that department constitutes compliance with the requirement for notification to the department.

3. The department of natural resources shall advise the department of the failure of any facility owner or operator to submit information as required under sections 311 and 312 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11021 and 11022.

4. The department of natural resources shall make available to the public upon request during normal working hours the information forms in its possession pursuant to sections 312 and 324 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11022 and 11044.

5. The department of natural resources shall compile data or information from the emergency and hazardous chemical inventory forms required to be submitted to the department under section 312 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11022.

89 Acts, ch 204, §8
CS89, §30.7
91 Acts, ch 255, §6; 96 Acts, ch 1186, §23; 97 Acts, ch 40, §1; 2007 Acts, ch 211, §32; 2017 Acts, ch 28, §6, 11
C2018, §30.3
Former §30.3 repealed by 2017 Acts, ch 28, §10
Section transferred from §30.7 in Code 2018 pursuant to directive in 2017 Acts, ch 28, §11
Section amended

**30.4 Duties to be allocated to department of natural resources.**

Agreements negotiated by the department and the department of natural resources shall provide for the allocation of duties to the department of natural resources as follows:

1. Emergency notifications of releases required to be submitted to the department under section 304 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11004, shall be submitted to the department of natural resources. Submission to that department constitutes compliance with the requirement for notification to the department.

2. The department of natural resources shall advise the department of the failure of any facility owner or operator to submit a notification as required under section 304 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11004.

3. The department of natural resources shall make available to the public upon request during normal working hours the information in its possession pursuant to section 324 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11044.

4. The department of natural resources shall compile the data collected pursuant to section 313 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11023, and shall make the compiled data available to the public upon request.

89 Acts, ch 204, §9
CS89, §30.8
91 Acts, ch 255, §7; 2017 Acts, ch 28, §7, 11
C2018, §30.4
Referred to in §30.2
Former §30.4 repealed by 2017 Acts, ch 28, §10
Section transferred from §30.8 in Code 2018 pursuant to directive in 2017 Acts, ch 28, §11
Section amended

**30.5 Powers of local emergency planning committees.**

The local emergency planning committee appointed by the department for each local emergency planning district has the powers necessary to carry out the functions and duties specified in state law and the Emergency Planning and Community Right-to-know Act.

89 Acts, ch 204, §11
CS89, §30.10
2017 Acts, ch 28, §8, 11
C2018, §30.5
Former §30.5 transferred to §30.2; 2017 Acts, ch 28, §11
Section transferred from §30.10 in Code 2018 pursuant to directive in 2017 Acts, ch 28, §11
Section amended

**30.6 Liability of committee members.**

A person appointed as a member of a local emergency planning committee is not personally liable for a claim based upon an act or omission of the person performed in the discharge of the functions and duties specified in the state law and the Emergency Planning and Community Right-to-know Act, except for acts and omissions which involve intentional misconduct or knowing violation of the law, or for a transaction from which the person derives an improper personal benefit.

89 Acts, ch 204, §12
CS89, §30.11
2017 Acts, ch 28, §11
C2018, §30.6
Former §30.6 repealed by 2017 Acts, ch 28, §10
Section transferred from §30.11 in Code 2018 pursuant to directive in 2017 Acts, ch 28, §11

**30.7 Civil action.**

1. The department may commence a civil action against an owner or operator of a facility who has violated federal requirements to do any of the following:

*a.* Provide notification under section 302(c) of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11002(c).

*b.* Submit a material safety data sheet or a list under section 311(a) of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11021(a).

*c.* Make available information requested under section 311(c) of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11021(c).

*d.* Complete and submit an inventory form under section 312(a) of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11022(a), containing tier I information unless tier II information is submitted for the same period of time.

*e.* Provide information under section 303(d) of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11003(d).

*f.* Submit tier II information under section 312(e)(1) of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11022(e)(1).

2. The Iowa district court shall have jurisdiction over actions brought under this section and may grant any appropriate relief.

89 Acts, ch 204, §13
CS89, §30.12
2017 Acts, ch 28, §9, 11
C2018, §30.7
Former §30.7 transferred to §30.3; 2017 Acts, ch 28, §11
Section transferred from §30.12 in Code 2018 pursuant to directive in 2017 Acts, ch 28, §11
Subsection 1, unnumbered paragraph 1 amended

**30.8 Duties to be allocated to department of natural resources.** Transferred to §30.4; 2017 Acts, ch 28, §11.

**30.9 Duties to be allocated to department of homeland security and emergency management.** Repealed by 2017 Acts, ch 28, §10. See §30.2.

**30.10 Powers of local emergency planning committees.** Transferred to §30.5; 2017 Acts, ch 28, §11.

**30.11 Liability of committee members.** Transferred to §30.6; 2017 Acts, ch 28, §11.

**30.12 Civil action.** Transferred to §30.7; 2017 Acts, ch 28, §11.