

# Lead-Acid Batteries and EPCRA Reporting

## *EPCRA Sections 302, 304, 311 & 312*

Industrial lead-acid batteries, such as those used in forklifts, do **NOT** meet the OSHA definition of an "article" ([US EPA, Oct. 1998](#)). Therefore, the lead and acid that compose these batteries must be included when determining the various thresholds for these EPCRA section regulations.

The acid in lead-acid batteries is **Sulfuric Acid**, which is an Extremely Hazardous Substance (EHS). The following table outlines the applicable EPCRA Sections and their respective thresholds for **Sulfuric Acid**:

<i>EPCRA Sections</i>	<i>Thresholds</i>
302 - Emergency Planning Notification	TPQ $\geq$ 1,000 lbs.
304 - Emergency Release Notification	RQ $\geq$ 1,000 lbs.
311 - MSDS Reporting	*TPQ $\geq$ 500 lbs.
312 - Chemical Inventory Reporting (i.e. Tier II)	*TPQ $\geq$ 500 lbs.

\*The reporting threshold for **Sulfuric Acid** is the designated TPQ or 500 lbs, whichever is less.

The **lead** used in lead-acid batteries does not qualify for any OSHA or EPCRA exemptions. **Lead** is not an EHS, and the following table outlines the applicable EPCRA Sections and their respective thresholds for lead:

<i>EPCRA Sections</i>	<i>Thresholds</i>
311 - MSDS Reporting	TPQ $\geq$ 10,000 lbs.
312 - Chemical Inventory Reporting (i.e. Tier II)	TPQ $\geq$ 10,000 lbs.

The [definitive letter](#) on the topic of lead-acid batteries and EPCRA (**Sections 302, 304, 311 & 312**) reporting was written by the U.S. EPA in October, 1998, and it is used by OSHA and the U.S. EPA as the authoritative document in concluding that lead-acid batteries do not warrant exemption status as *articles* (OSHA), and that the **lead** and **sulfuric acid** must be included when calculating EPCRA thresholds (U.S. EPA).

## ***EPCRA Section 313***

The reporting of **lead** and **sulfuric acid** (and their releases) in lead-acid batteries used in cars, trucks, most cranes, forklifts, locomotive engines, and aircraft for the purposes of EPCRA Section 313 is not required. Lead-acid batteries used for these purposes are exempt for Section 313 reporting per the "Motor Vehicle Exemption." See page B-22 of the [U.S. EPA Guidance Document for Lead and Lead Compound Reporting under EPCRA Section 313](#) for additional information of this exemption.

**Lead** in lead-acid batteries used for other purposes that are not covered under the Motor Vehicle Exemption may or may not be subject to the "Article Exemption." **Lead**, however, can be subject to the Article Exemption only if the following is true:

- You process or otherwise use lead without changing the shape or design (which is most likely the case in a battery); **AND**
- Your processing or otherwise use does not result in the release of more than 0.5 lbs., of **lead** in a reporting year from all like articles (what this means is that even if your **lead** emissions from all batteries is less than 0.5 lbs., for the reporting year, you will not meet the Article Exemption requirements).

If you determine that the **lead** in the batteries is not subject to the Article Exemption, then **lead** is subject to EPCRA Section 313 requirements and reporting. The following table outlines in general the reporting threshold for lead subject to EPCRA **Section 313**:

<b><i>Chemical</i></b>	<b><i>Reporting Thresholds</i></b>
Lead (a PBT chemical - 40 CFR 372.25(h))	Reporting Threshold > 100 lbs. <sup>1</sup>

<sup>1</sup> See page 1-6 of the [U.S. EPA Guidance Document for Lead and Lead Compound Reporting under EPCRA Section 313](#) for additional information of this reporting threshold.

For more information and guidance on lead reporting ONLY, review the [U.S. EPA Guidance Document for Lead and Lead Compound Reporting under EPCRA Section 313](#).