



Your Checklist for Complying with the California Hazardous Materials Business Plan Program



About Encamp:

Encamp is the largest third party Tier II filer, filing 27,000 reports since 2019, and over 13,000 in 2022 alone for our clients. Our mission is to solve the complexity of compliance. Using a blended method of high-tech solutions and high-touch expert support, we help top organizations maintain accurate and ongoing EPCRA compliance through centralized data, visibility across all facilities, actionable reporting insights, and top-tier expert support. We hope this checklist will help you keep your sites in compliance with the notoriously challenging California HMBP Program. If you have any questions feel free to get in touch with us [here](#).

Overview

The California Hazardous Materials Business Plan (HMBP) Program is a state-mandated initiative designed to protect public health, safety, and the environment from potential hazards posed by the use of hazardous materials.

The program requires businesses to have detailed emergency response and training plans in place, ensuring that hazardous materials are handled, stored, and disposed of safely. By understanding, adhering to, and maintaining compliance with the program's requirements, organizations fulfill their legal obligations, contribute to the safety of their communities, and maintain a positive reputation.



Introduction

Navigating the complexities of the California HMBP Program poses a significant challenge for organizations, particularly for environmental compliance managers tasked with maintaining adherence to this mission critical regulatory framework. The program, legislated at the state level (thus supplanting and fulfilling requirements under the federal EPCRA regulation), plays an integral role in safeguarding public health, with its primary function being to keep first responders informed and well-equipped in the event of an incident.

The HMBP's comprehensive nature demands the establishment and maintenance of detailed emergency response plans and rigorous training programs across organizations. It is ideally managed in a top-down fashion to ensure consistency across sites, readiness for internal audits – or regulatory inspections – whenever necessary.

Yet, the onus of understanding and strictly adhering to the program's guidelines reaches beyond the realm

of statutory compliance. It's an opportunity for environmental compliance managers to demonstrate their company's commitment to proactive community safety and the promotion of environmental sustainability.

As compliance managers know, the work they do has implications far beyond simply checking boxes and submitting reports. Failure to maintain compliance can have adverse effects on their company's reputation, as well as potential impacts to the environment and human health.

In speaking with hundreds of customers, many of whom have to adhere to HMBP requirements, we wanted to compile and share a detailed checklist of actions that compliance managers and leaders need to take to show regulatory excellence and the promotion of environmental sustainability.

Expert tip



“When developing HMBPs in California, it's crucial to consult your facility's CUPA (Certified Unified Program Agency) for any additional requirements beyond state regulations. CUPAs often impose supplementary mandates that must be adhered to alongside state obligations, ensuring comprehensive compliance and risk mitigation.”

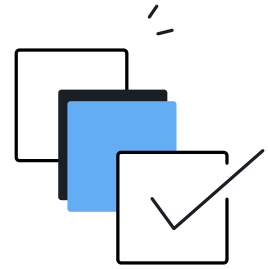
- **Megan Walters**, CHMM, VP of Compliance & Customer Success, Encamp

2021

The Santa Barbara County District Attorney's office settles with a fruit processor for **over \$70,000 in penalties** related to HMBP after an incident leads to an investigation. “Violations involving the handling of hazardous materials pose a danger to members for the public and to first responders. As this case makes clear, they also threaten the safety of company employees,” said District Attorney **Joyce E. Dudley**.



Checklist



Identify all hazardous materials:

Proper identification of hazardous materials is foundational in maintaining HMBP compliance. First, compile an inventory of all hazardous materials present at your facility. This will help you understand whether or not you're required to report, based on thresholds. The inventory should include material in flammable cabinets, maintenance facilities, batteries in powered industrial vehicles, and even housekeeping materials. California also requires facilities to add hazardous waste to their HMBPs.

Why it's important:

Taking ongoing inventory of on-site chemicals ensures that when a hazardous material exceeds its reporting threshold, you're ready to update your Plan accordingly. Enterprise-grade software like Encamp can help to automatically calculate whether or not you've exceeded these thresholds.

Develop an HMBP:

The plan itself should outline business activities, facility information, hazardous materials inventory, a site map, an emergency response plan, and an employee training program. California Electronic Reporting System (CERS) has templates for the majority of these requirements and the CUPA may as well.

Why it's important:

A comprehensive HMBP ensures that all potential risks – like how to respond to spills on the property – are addressed, and critical information is readily available for first responders in case of an emergency.

Submit the HMBP to the local CUPA via CERS:

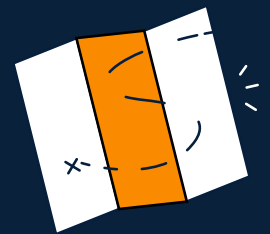
The state of California requires that filers use the CERS to submit their site's HMBP by the requisite due date. Any changes that occur to your facility, what hazardous materials are stored and quantities, emergency contacts, and other important details should be shared with your CUPA through an update in CERS.

Why it's important:

Timely submission of your HMBP ensures your site remains in compliance, and enables the local CUPA to review your plan and follow up with any additional questions they may have.

Keep in mind

It's crucial for safety and emergency response to have an up-to-date site map as well. Be sure to indicate where hazardous materials are stored, emergency exits, and where PPE and emergency response equipment are located. Check with your CUPA to see if additional requirements for your site maps exist!



Perform facility inspections:

Regularly conduct inspections of sites under your management to verify HMBP compliance, and adherence to safety standards. Be sure to review emergency and site contacts, safety equipment, hazardous materials, etc. in your regular inspections.

Why it's important:

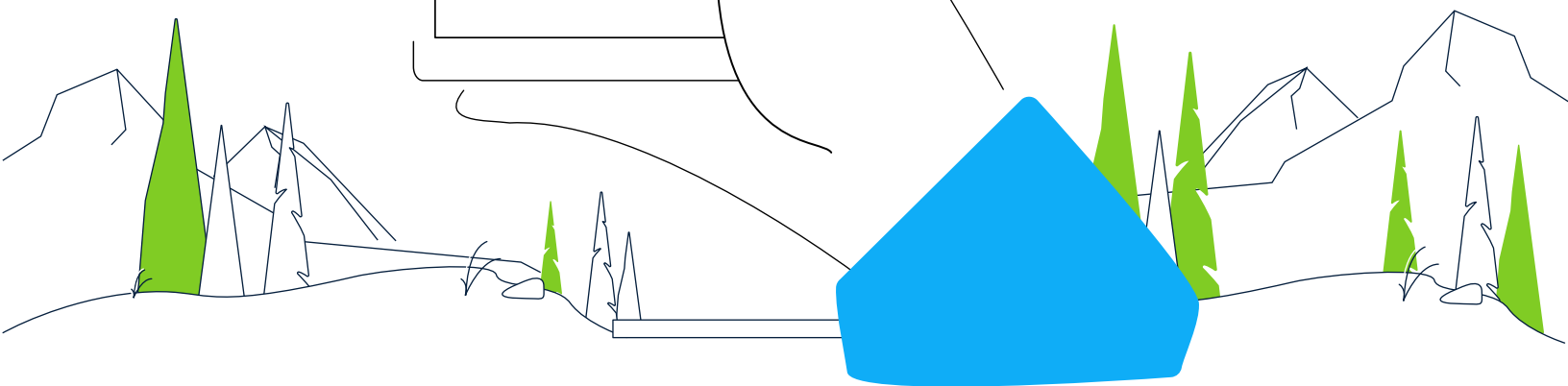
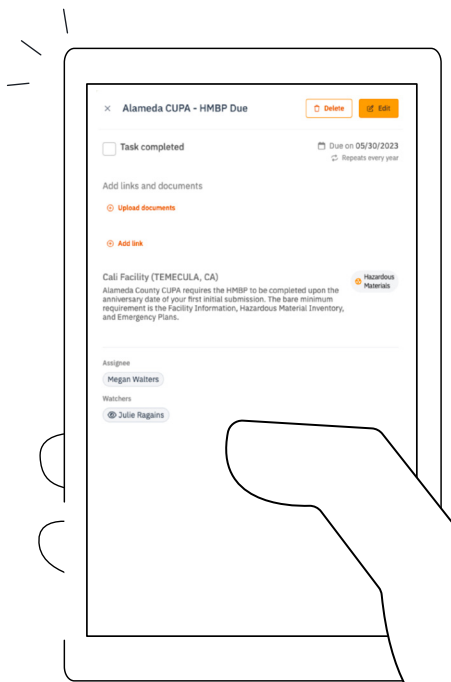
Regular inspections help identify any gaps in compliance and safety standards, enabling you to address these promptly. Regular inspections also ensure safety procedures are up to date so you and your colleagues are prepared in the event of an emergency.

□ Navigate local variations:

Understand any variations in requirements by different local CUPAs if your business operates in multiple jurisdictions. Some CUPAs like the Santa Cruz County Environmental Health require any amount of hazardous material to be reported using a short form HMBP¹. Others have specific requirements around batteries on site, site map requirements, and lower thresholds for hazardous waste.

Why it's important:

Compliance requirements may vary between different local CUPAs. Understanding these variations ensures compliance across all your business locations. Enterprise-grade software like Encamp can automate surfacing of requirements, as shown below.



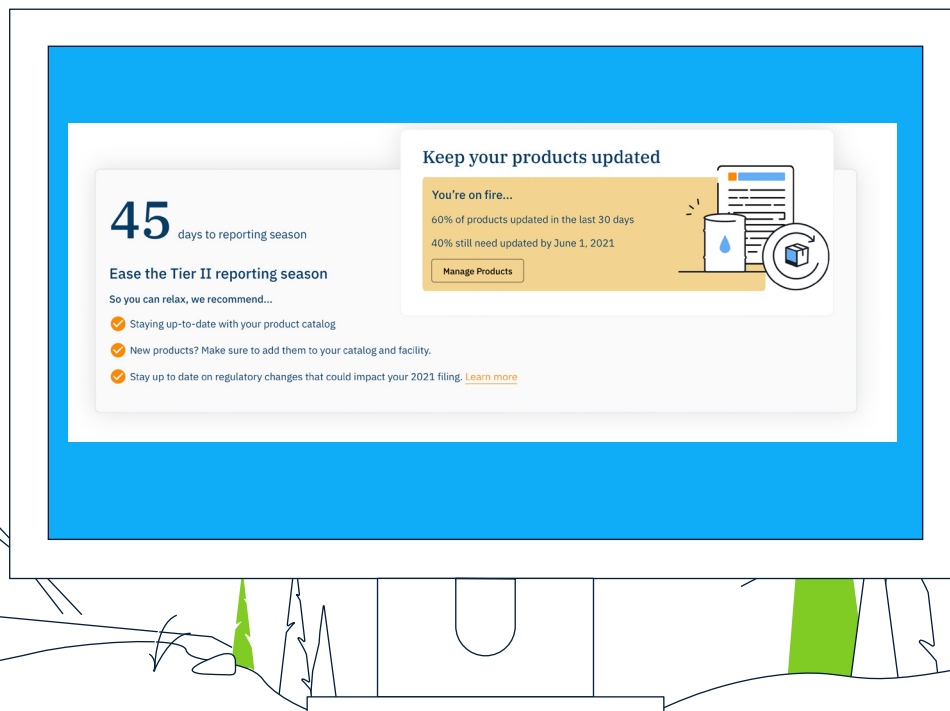
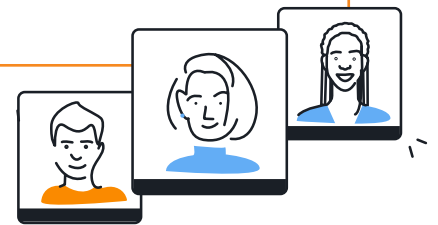
1. Source: <https://www.sceeh.com/NewHome/Programs/HazardousMaterialsWaste/HazardousMaterialsManagementPlans.aspx>

□ Employee training:

Provide ongoing training to employees responsible for handling hazardous materials or responding to emergencies. Crafting an effective employee training plan for handling hazardous materials goes beyond mere compliance – it's about empowering your workforce with the knowledge and skills to handle materials safety. A comprehensive plan should cover essential areas such as proper handling techniques, efficient utilization of emergency response equipment, well-defined evacuation procedures, and effective emergency response and mitigation strategies.

Why it's important:

Well-trained employees can handle hazardous materials safely and respond effectively to emergencies, reducing the risk of accidents and environmental damage.



Update the HMBP:

Be sure to review and update your HMBP as required. This could be annual, or within 30 days of a triggering event like increasing the quantity of a prior reported material by 100%, bringing on-site any new hazardous materials, or significant changes in your operations.

Expert tip



“Maintaining the currency of your HMBP in alignment with your facility’s present state is paramount for safeguarding the well-being of your employees, the surrounding workforce and residents, as well as the environment. Envision yourself as a first responder, and critically evaluate whether the information provided equip you adequately to respond to any potential incident.”

- **Eugene Simonds**, Compliance Expert, Encamp

Why it’s important:

Keeping your HMBP up to date not only ensures that your site remains in compliance, it also ensures that, in the event of an incident, emergency responders have all of the information they need to make well-informed decisions.

Engage stakeholders at the facility:

Engaging stakeholders during the preparation of your HMBP is vital for achieving a comprehensive and effective plan. By involving relevant parties such as employees, local communities, and regulatory agencies, you gain valuable insights, diverse perspectives, and a deeper understanding of the potential risks and challenges associated with your operations.

Why it’s important:

This collaborative approach fosters buy-in, promotes transparency, and ultimately leads to a more robust and tailored HMBP that aligns with the needs and expectations of all stakeholders involved.

How Encamp helps

- Increase visibility of all things Chemicals for HMBP, Tier II/Sara reporting
 - Centralized Product Catalog
 - Established Data Pipelines
 - Automated SDS Digitization
- Submit your reports & complete fee payments with expertise and automation
- Team of compliance professionals that are best-in-class for any kind of regulatory support
- Centralizes all of your data into one platform



Reporting outside CA too?

Download our [Ultimate Tier II Checklist](#) now for a comprehensive list of tasks to avoid scrambling to meet your EPCRA obligations.

About us

Encamp helps hundreds of EHS professionals and compliance managers like you meet their HMBP and EPCRA requirements. To learn how you can reclaim your time, and mitigate organizational risk, [speak with an expert today](#).

