

Toxics Release Inventory (TRI) Burden Reduction - Fact Sheet

Reducing Burden While Ensuring Public Access to High-Quality Information

Actions Being Announced September 21, 2005

- **A Burden Reduction Proposed Rule (“Proposal”)**: To allow certain TRI reporters to use the short TRI Form A instead of the longer TRI Form R, saving roughly 165,000 hours of burden each year while ensuring full Form R (long form) reporting on over 99% of toxic releases and other waste management activities.
- **A Congressional Notice (“Letter to Congress”)**: To inform Congress -- as required by EPCRA Section 313(i) -- that EPA is planning to initiate a rulemaking to modify the frequency of TRI reporting.
- **A Public notice**: To inform the public of EPA’s proposal, notice to Congress and opportunity for public comment consistent with our commitment to transparency in both rulemaking and program changes.

Background

- The statutory goals of the TRI program are “...to inform persons about releases of toxic chemicals to the environment; to assist government agencies, researchers, and other persons in the conduct of research and data gathering; to aid in the development of appropriate regulations, guidelines and standards; and for other similar purposes (EPCRA, Sec 313(h)).”
- Over the past decade, expansions to provide the public information on additional chemicals and industrial sectors have roughly doubled the reporting burden associated with the TRI program.
- The actions being announced follow other improvements designed to streamline the TRI program, while ensuring the Agency continues to meet its statutory obligations. Basically, the Agency’s approach is a two pronged one with regulatory and IT related enhancements.
- In the IT realm, the Agency has continued to improve the reporting software such that there has been a major reduction in data errors. The cost of processing some forms has decreased by a factor of thirty. EPA also launched a pilot in four states this year, under which facilities that use the EPA “TRIME” software and take advantage of the Agency’s Central Data Exchange (CDX) can submit their data simultaneously to both EPA and the States, providing further savings.

Proposal Summary

- **Proposal would provide regulatory relief to about 33% of TRI reporters:**
 - Including small facilities that handle lead and have no releases, but must report because they meet threshold requirements.
- **Changes apply to all chemicals, including “persistent, bioaccumulative, and toxic” or “PBT” chemicals, with the exception of dioxin and dioxin-like compounds.**

- **For the first time would allow use of the short form (“Form A”) for PBTs:**
 - Would only apply to those facilities with zero release of these chemicals to the environment, who further must meet a threshold for total amount of the chemical managed. These requirements would create an incentive for improved waste management; and
 - Would impact less than one percent of all PBT related waste management.
- **Would also expand use of “Form A” for non-PBTs by:**
 - Changing maximum Annual Reportable Amount from less than 500 lbs to less than 5,000 lbs;
 - Annual reportable amount is the amount of the chemical or chemical compound used for energy recovery, recycled, treated, or released; and
 - Annual reportable amount for non-PBTs does not include amounts released as part of a remedial action or other one-time event.
- **Combined changes would eliminate about 165,000 hours of reporting burden while impacting reporting on less than one percent of all releases.**

Congressional Notification

- **Today we are also notifying Congress that we intend to take action to consider altering reporting frequency – in particular, we will be looking at alternate year reporting:**
 - Notification of Congress is required by statute; the statute also requires EPA to wait at least 12 months after notification before initiating a rulemaking to change reporting frequency.
- **Changing reporting frequency (e.g., alternate year reporting) could:**
 - Provide burden relief to all reporters;
 - Make approximately \$2 million available in the alternate year to improve the information provided to citizens and communities by:
 - improving the TRI-Made Easy (TRI-ME) software automated data quality checks and pre-population features,
 - conducting and providing more analysis on the TRI data and providing citizens with a greater understanding of trends over time, and
 - investing in greater electronic reporting capabilities including a web-based TRI-ME for all reporters.
- **EPA recognizes that there will be legitimate concerns about data loss during the non-reporting years and will carefully examine the impact on data users as we develop any proposals for public comment and consideration.**
- **As part of any modification to reporting frequency, we will continue to balance our burden reduction efforts with our commitment to providing important information to interested communities and the general public.**
- **We will evaluate a range of options in a full notice and comment rulemaking, and will begin talking to stakeholders in the near future to solicit all viewpoints on this issue.**