

**Toxics Release Inventory Program:
Releases and Other Management of
Toxic Chemicals on or Near Tribal Lands**



Highlights

- TRI has information about toxic chemical releases in your community that you can access at any time
- There are several ways Tribes can participate in the TRI Program
- In April, a TRI rule was finalized that affects Tribes
 - Requires facilities in Indian country to report to EPA and Tribes instead of state governments
- Tribes are asked to provide a designated point of contact who can receive TRI reports



Webinar Agenda

- What is the Toxics Release Inventory?
- Why Should Tribes be Interested?
- TRI Reporting for Facilities in Indian country
- Annual TRI Data Cycle
- Opportunities for Engagement



What is the Toxics Release Inventory?



What is the Toxics Release Inventory?

- TRI is an information resource that enables you to find out about the management of toxic chemicals by certain facilities **on or near tribal lands**
- TRI can tell you about:



Releases



Waste transfers



Recycling



Pollution prevention

And much more!



Why was the Toxics Release Inventory Created?

Bhopal, India - December 1984

- A cloud of methyl isocyanate gas escaped from a Union Carbide chemical plant
- Thousands of people died the first night
- Thousands more have died due to long-term health effects
- Survivors continue to suffer with permanent disabilities

Institute, West Virginia - August 1985

- Serious chemical release at a similar facility in the United States
- Over 100 people hospitalized

Increased concern about preparedness for chemical emergencies and availability of information on hazardous substances

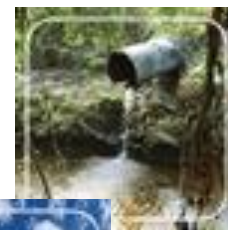


TRI's Statutory Authority

- **Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) § 313**
- **Pollution Prevention Act of 1990 (PPA) § 6607**

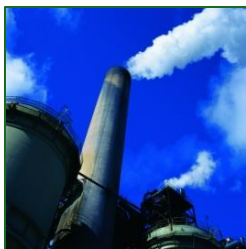
These laws require:

- Facilities in certain industrial sectors must report toxic chemical releases to air, water, and land to EPA and states each year
- EPA must maintain the data and make it available to the public
- Facilities must also submit data on source reduction activities and how toxic chemicals are managed through recycling, energy recovery, and treatment



What is a “release”?

- A **"release"** refers to different ways that toxic chemicals from industrial facilities enter the:



Air



Water



Land

- The likelihood of residents coming into contact with toxic chemicals depends on the type of release and other factors



Which facilities must report to TRI?

1. Facility must be in a TRI-covered industry sector or category, including:



Manufacturing



**Coal/Oil
electricity
generation**



**Certain Mining
Facilities**



**Hazardous
Waste
Management**



Federal Facilities

2. Facility must have the equivalent of at least **10 full-time employees**
3. Facility must manufacture, process or use more than a **certain amount of a TRI toxic chemical per year**



What are the limitations of TRI data?

- Only covers facilities within certain (not all) industry sectors, and only when reporting thresholds are exceeded
- Does not cover all toxic chemicals
- Does not cover all sources of pollution
- TRI data collected once per year
- Cannot describe frequency or duration of chemical release
- For information see:
<http://www.epa.gov/tri/triprogram/FactorsToConPDF.pdf>



What information do facilities report to TRI?

- On-site releases of TRI chemicals to:
 - Air
 - Water
 - Land
- Off-site transfer of chemical waste to other sites
- Other waste management
 - Recycling
 - Treatment
 - Energy Recovery
- Other pollution prevention- (source reduction) related information





Why Should Tribes be Interested?



Why is TRI important to Tribes?

- TRI can help Tribes:
 - Identify which chemicals are being released by facilities located on or near tribal lands
 - Track increases or reductions of toxic chemical releases from facilities over time
 - Prioritize efforts to reduce pollution from facilities located on or near tribal lands

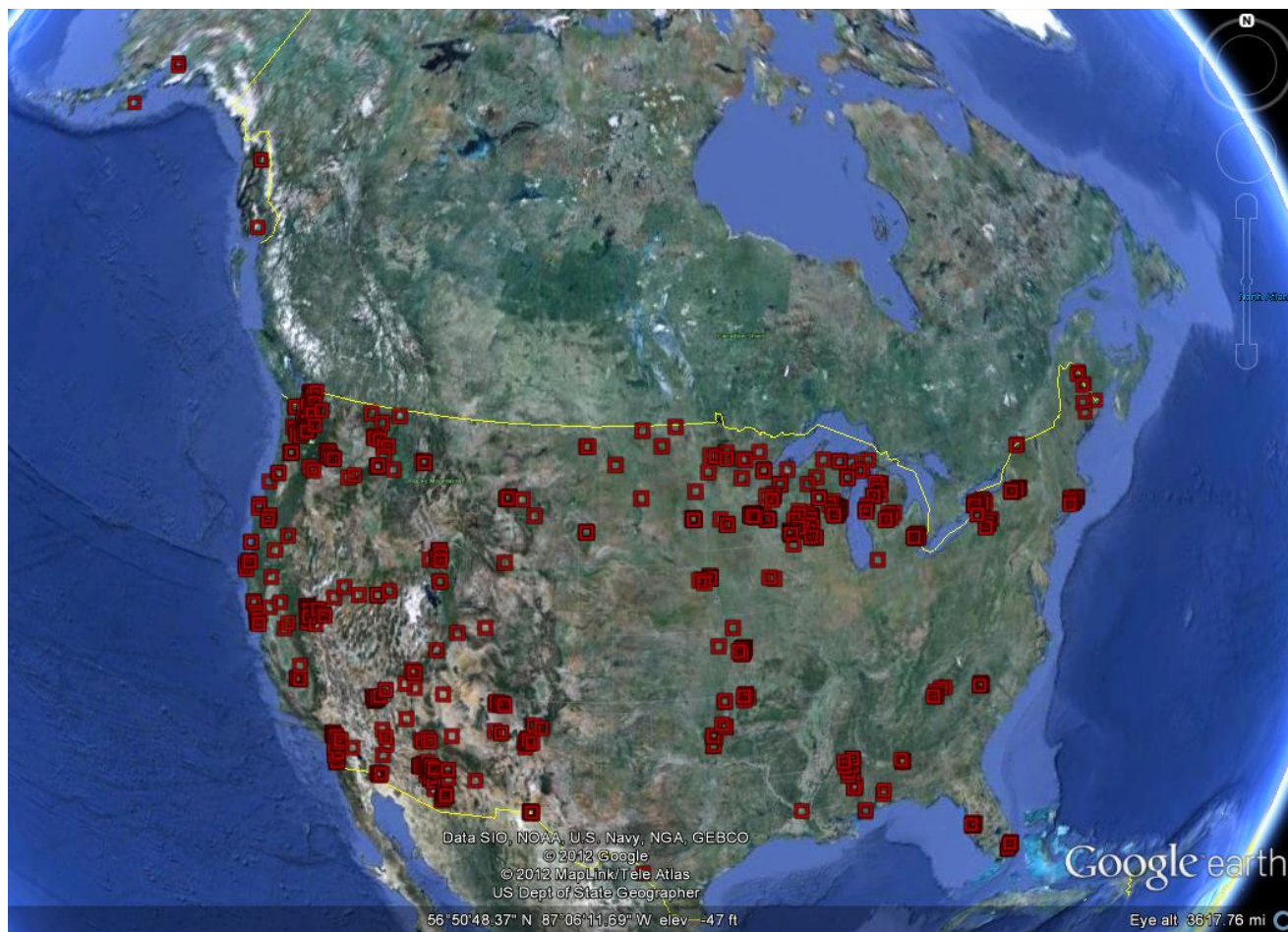


Toxic Releases on or Near Tribal Lands (2010 Data)

- ~41 TRI facilities operate in Indian country
 - 15 industry sectors, including Fossil Fuel Power Generation, Copper Ore & Nickel Ore Mining, Paper Manufacturing, Plastic Product Manufacturing, Petroleum Refining, Hazardous Waste Treatment and Disposal
- 293 facilities operate within 3 miles of tribal lands, releasing over 63 million pounds of toxic chemicals
- 1185 facilities operate within 10 miles of tribal lands, releasing over 219 million pounds of toxic chemicals



Facilities on or Within 10 miles of Tribal Lands





TRI Reporting for Facilities in Indian Country



TRI Reporting for Facilities in Indian Country

- On July 26, 1990, EPA finalized regulations requiring facilities located in Indian country to annually report TRI release data to the respective Tribal governments, as well as EPA.
- The final rule was inadvertently left out of the Code of Federal Regulations (CFR).
 - Due to the amount of time that passed, EPA initiated a proposed rulemaking to address the oversight
 - Early 2011: Opportunities for Tribes to consult with EPA
 - September 30, 2011: Proposed rule published



TRI Reporting for Facilities in Indian Country

- April 2012: Rule finalized
- Requires facilities meeting TRI reporting requirements and located in Indian country to submit TRI reports to EPA and the appropriate Tribal governments
- Tribal Chairperson or equivalent elected official can:
 - Petition EPA to add (or remove) a particular chemical or chemicals to (or from) the list of chemicals covered by TRI
 - Request that EPA apply TRI reporting requirements to a specific facility or facilities located within that Tribe's land

{EPA ultimately determines whether to add a facility or add/delete TRI chemicals}



TRI Reporting for Facilities in Indian Country

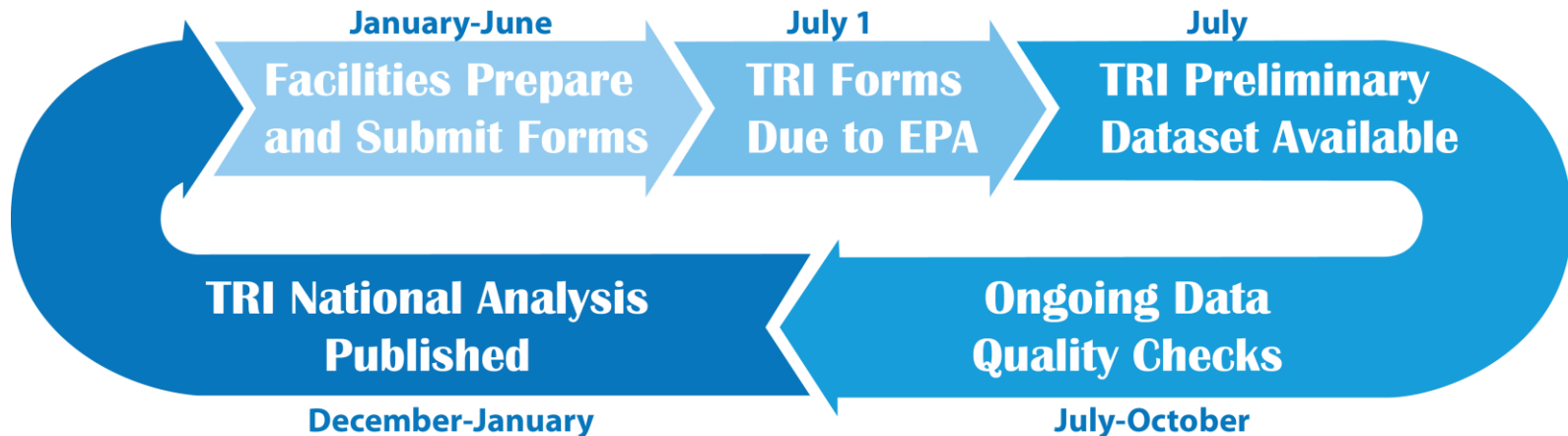
- In 2013, facilities meeting TRI reporting requirements located in Indian country are required to send their 2012 reports to the appropriate Tribe
- Most facilities transmit their reports electronically the last two weeks of June to meet the July 1st reporting deadline
- Tribes can expect to receive 2012 reports during the month of June, but reports may be transmitted earlier or later
- Final rule only requires that Tribes receive the TRI reports
- **EPA is asking all Federally-recognized Tribes to provide a designated point of contact who can officially receive TRI reports for facilities located in Indian country**



Annual TRI Data Cycle



Annual TRI Cycle and Data Quality Process



- Facilities prepare and submit their TRI forms for a given calendar year to EPA by July 1st of the following year
- The preliminary TRI dataset is typically released in July
- EPA conducts data quality checks and compliance assistance activities from July through October
- The TRI National Analysis is released in December
- Tribes begin receiving 2012 TRI Reports in June/July of 2013



TRI Data Exchange (TDX)

- TDX participation allows Tribes to receive TRI reports electronically
 - 21,000 facilities submit 80,000 chemical forms to TRI every year
 - 95% of all facilities submit forms via the Internet using TRI-MEweb
- Two ways to join TDX
 - Download Method
 - Access TRI reports using a free online tool
 - Node Transfer Method
 - Access TRI reports via an Exchange Network node
- For questions: Scott.Zachary@epa.gov or (202) 566-0953
- http://www.epa.gov/tri/stakeholders/state/state_exchange/index.htm



Opportunities for Engagement



Opportunities for Tribal Participation

- **TRI Bi-Monthly Regional/States/Tribes Conference Call**
 - EPA inviting tribes to participate in bimonthly calls to discuss TRI Program
 - Call held second Tuesday (every other month): 11:30 am – 12:30 pm ET
 - Call-in number: (866) 299-3188, Conference Code: 2025660753
 - Contact Cassandra Vail with questions: vail.cassandra@epa.gov or (202) 566-0753

- **TRI Data Exchange Monthly Calls**
 - Third Wednesday of each month at 2:00 pm ET
 - Call-in number: (866) 299-3188, Conference Code: 2025660953
 - Contact Zach Scott with questions: scott.zachary@epa.gov or (202) 566-0953



Learning More About TRI

- TRI website: www.epa.gov/tri
- TRI National Analysis
 - Published annually
 - Contains an analysis of releases on Tribal lands & Alaska Native Villages
 - Your feedback will help improve the Tribal analyses
- TRI for Tribal Communities webpage



EPA Regional TRI Contacts

- EPA is working with Regional Indian Program Coordinators and TRI Regional Coordinators to implement the TRI Tribal Rule

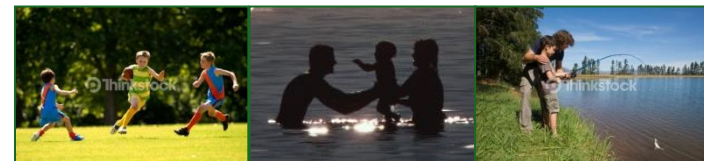
• USEPA Region 1	Dwight Peavey	(617) 918-1829	peavey.dwight@epa.gov
• USEPA Region 2	Nora Lopez	(732) 906-6890	lopez.nora@epa.gov
• USEPA Region 3	William Reilly	(215) 814-2072	reilly.william@epa.gov
• USEPA Region 4	Ezequiel Velez	(404) 562-9191	velez.ezequiel@epa.gov
• USEPA Region 5	Thelma Codina	(312) 886-6219	codina.thelma@epa.gov
• USEPA Region 6	Morton Wakeland	(214) 665-8116	wakeland.morton@epa.gov
• USEPA Region 7	Stephen Wurtz	(913) 551-7315	wurtz.stephen@epa.gov
• USEPA Region 8	Barbara Conklin	(303) 312-6619	conklin.barbara@epa.gov
• USEPA Region 9	Lily Lee	(415) 947-4187	lee.lily@epa.gov
• USEPA Region 10	Gabriela Carvalho	(206) 553-4016	carvalho.gabriela@epa.gov

TRI maintains the most current contact information at: http://www.epa.gov/tri/contacts/contacts_regional.htm



Is it safe to live near facilities that release toxic chemicals?

- The answer depends on many factors:
 - How much was released?
 - How toxic are the chemicals?
 - Where did the chemicals go?
 - How much did people breathe, eat or drink?
 - How often were people exposed?
 - Who was exposed?





TRI information is only one piece of the puzzle

While TRI provides important information about toxic chemical releases in your community, seeing the whole picture requires additional information such as compliance data, other environmental releases, air monitoring data, and permits. Other information to consider can include:

- Motor vehicle emissions
- Gasoline stations
- Dry cleaners
- Lead paint in homes
- Car painting shops
- Drum burnings/Forest fires





Providing Contact Information to EPA

EPA is asking all federally-recognized Tribes to provide a designated point of contact who can officially receive TRI reports for facilities located in their Indian country.

Please provide a contact name and mailing address to Cassandra Vail (vail.cassandra@epa.gov, 202-566-0753)

- Contact information will be published on the TRI website so that facilities in Indian country know where to send their TRI reports
- If no specific contact is provided, EPA will use the Tribal Council or Tribal Environmental Department as the default contact