

EPA Takes Step to Reduce TRI Reporting Burden

After years of advocating reform of the U.S. **Environmental Protection Agency's** (EPA) **Toxics Release Inventory (TRI)** rule, IPC's efforts have finally paid off. On December 22, 2006, EPA published a final TRI rule that reduces the burden of reporting for small businesses and companies that use small amounts of TRI chemicals.

Since the beginning of the TRI program, EPA has continually increased the burden of TRI reporting by constantly reinterpreting requirements, expanding the forms, adding more chemicals, requiring participation of additional industry sectors, and lowering reporting thresholds. In 1998, when EPA began its efforts to classify lead as a persistent, bioaccumulative and toxic chemical (PBT) and lower the reporting threshold, IPC began battling for TRI reform on behalf of its members. Since that time, IPC staff and members have pressed for TRI reform through congressional lobbying, participation in online dialogues and filing comments over the years with EPA and OMB (Office of Management and Budget).

Although TRI does not restrict chemical

use, it does require the annual completion of a nine-page report for each TRI chemical processed or used above the reporting threshold. Despite the protest of IPC, EPA in 2001 lowered the reporting threshold for lead from 25,000 pounds to 100 pounds. Previously, only the largest of PCB facilities reported under TRI, but suddenly most EMS and PCB facilities were liable. In July 2002, the first year under the new thresholds, TRI Form R Reports were filed by 2,025 facilities in the electrical and electronics equipment manufacturing sector. The associated cost of compliance in the first year alone was estimated by EPA at \$7,400 per facility.

The December 2006 TRI rule expands eligibility for use of the streamlined TRI Form A Certification Statement (Form A) in lieu of the more detailed Form R, by TRI facilities submitting required annual reports on releases and other waste management. Under the new rule, facilities may once again use the shorter Form A to report the use of lead. Since lead was labeled a PBT in 2001, use of the burden-reducing Form A has not been allowed. Now Form A may be used for certain

chemicals of greater concern, including PBTs, when there are no releases or other disposal. To be eligible to use Form A for PBT chemicals, facilities must eliminate all releases or other disposal and must reduce other waste management of the chemical as a waste, such as recycling and treatment, to no more than 500 pounds. The final rule will not eliminate reporting on any releases of PBT chemicals; it will allow a limited amount of recycling and treatment to be reported on Form A, letting the community know that the facility is managing between 0 pounds and 500 pounds of the chemical as waste.

The final rule also expands the current use of Form A for non-PBT chemicals by raising the eligibility limit on total waste management (i.e., releases, recycling, energy recovery, and treatment) from 500 pounds to 5,000 pounds, with a cap on releases and other disposal of 2,000 pounds.

The "cap" means that releases and other disposal must not comprise more than 2,000 pounds of the 5,000-pound total limit for all waste management.

According to EPA, the final rule provides an incentive for facilities that report TRI to reduce releases and use preferred waste management methods in order to qualify to use Form A and ensures that important information will continue to be provided to communities consistent with the goals and statutory purposes of the TRI program.

With this rule, EPA is rightfully taking a step to rebalance the TRI program, which had embarked on a program of increasing burden on industry during the last 10 years (Figure 1). Although TRI reporting will continue to be a requirement for our members, Form A represents a step in the right direction of balancing the public's right to know with the principle of minimizing regulatory burdens. Many IPC members that use lead or other TRI chemicals in small quantities will be able to benefit from this rule by using the shorter Form A.

For more information or to view the final rule, visit EPA's Web site at www.epa.gov/tri.

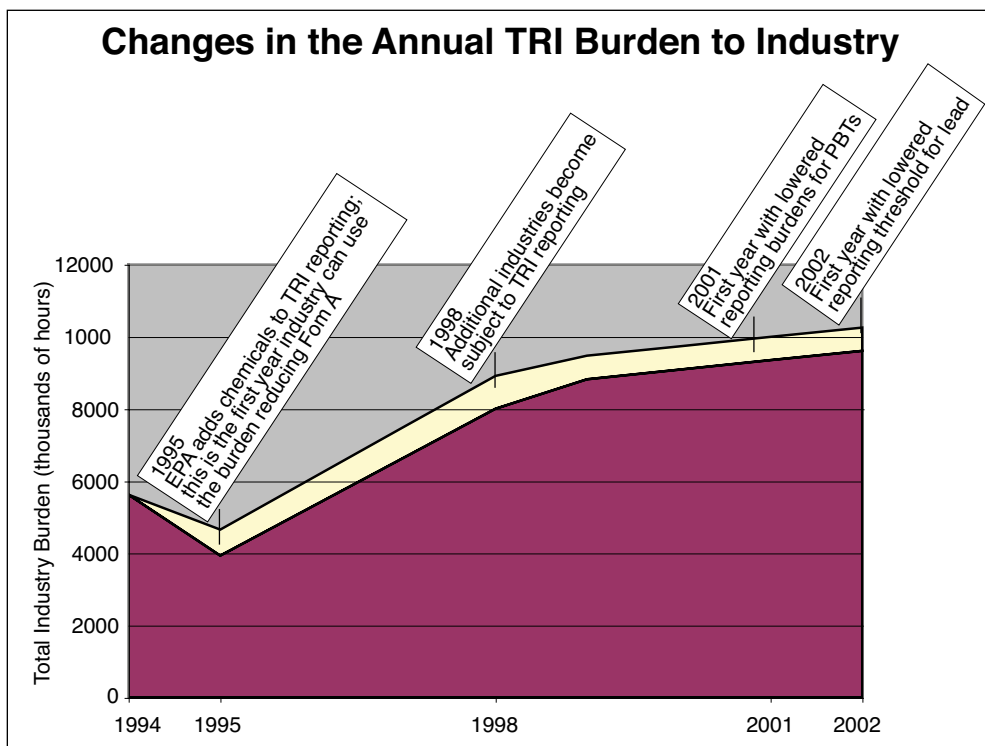


Figure 1

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IPC Activities on EPA TRI Ruling

1998	EPA issues a draft rule proposing to lower the TRI reporting thresholds for lead from 25,000 lbs to 10 lbs.
October 1999	Holly Evans , IPC vice president of government relations, testifies before the U.S. Senate Committee on Small Business regarding the shaky science underlying the rule and its impact on small businesses.
December 1999	IPC files comments opposing the TRI lead reporting rule.
July 2000	IPC and other industry associations send a letter asking EPA to have the rule reviewed by EPA's Science Advisory Board.
January 2001	EPA lowers the TRI reporting threshold for lead from 25,000 pounds to 100 pounds based on the shaky designation of lead as a PBT (persistent, bioaccumulative, and toxic). As a result of the lowered threshold, reporting in the electronics sector is no longer limited to large OEMs and PCB firms but includes almost all EMS and PCB facilities.
March 2001	IPC and other associations send a letter to EPA Administrator Christine Todd Whitman on the effect of the rule on small businesses.
April 2001	IPC joins an industry group in suing EPA over the poor scientific basis for the rule and EPA's failure to consider the impacts on small businesses.
October 2001	IPC meets with EPA Deputy Administrator Linda Fisher to discuss our concerns regarding the recent lead rule expanding the burden of TRI.
February 2002	IPC again asks EPA Administrator Whitman to provide a one-year delay in the reporting deadline for the new TRI lead rule, since EPA failed to provide sufficient compliance assistance to small businesses.
March 2002	During Capitol Hill Day, IPC members discuss the burden of TRI reporting with their Representatives.
May 2002	In comments on the Office of Management and Budget (OMB) Draft Report on the Costs and Benefits of Federal Regulations, IPC highlights the excessive burden on industry posed by the TRI program.
June 2002	IPC President Denny McGuirk testifies before the United States House of Representatives Committee on Small Business .
September 2002 and January 2003	IPC files comments on EPA's TRI Information Collection Request (ICR). Based on IPC's concerns, OMB reduces the three-year approval period to one year to encourage EPA to work on reducing the burden of TRI.
September 2003	Fern Abrams , IPC director of environmental policy, testifies before the United States House of Representatives Committee on Resources, Subcommittee on Energy and Mineral Resources .
September 2003	IPC files comments to OMB on EPA's TRI Information Collection Request.
December 2003	IPC comments on EPA's TRI Burden Reduction Online Dialogue asking EPA to address the burdens of TRI through reform. Many IPC members also participate in the dialogue.
March 2004	IPC comments on EPA's Proposed TRI Form Modifications state that EPA's proposed modifications did not do enough to address the growing burdens of TRI.
July 2005	IPC comments on EPA's TRI ICR again highlighting the burden posed by TRI.
July 2005	IPC meets with the Department of Commerce regarding the burden of TRI and its effects on the manufacturing industry.
December 2005	IPC comments on the Draft Toxics Release Inventory Burden Reduction Proposed Rule.
December 2006	EPA publishes final rule reducing the TRI burden.

Testimony, letters, and comments mentioned above can be viewed at www.ipc.org/TRI and www.ipc.org/EHSComments.