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ELECTRONICS INDUSTRIES®

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March 11, 2004

Office of Environmental Information (OEI) Docket  
Mail Code: 28221T  
Environmental Protection Agency  
1200 Pennsylvania Ave., NW,  
Washington, DC 20460

**RE: *Toxics Release Inventory Reporting Forms Modification Rule (Docket ID No. TRI-2004-0001)***

IPC - Association Connecting Electronics Industries - is pleased to submit the following comments in response to the proposed Toxics Release Inventory Reporting Forms Modification Rule. IPC is the national trade association for the electronic interconnection industry, and represents over 2,200 member companies. Printed circuit boards and electronic assemblies are used in a variety of electronic devices that include computers, cell phones, pacemakers, and sophisticated missile defense systems. Virtually one hundred percent of IPC members that manufacture printed circuit boards and electronics assemblies are required to report under the Toxic Release Inventory (TRI). TRI reporting is a significant and growing burden for the increasingly beleaguered American manufacturing sector. IPC appreciates the opportunity to file these comments.

IPC believes that the value of the TRI program is best preserved through the collection of meaningful information at a minimal burden to reporting industries. While IPC recognizes the importance of the TRI program in generating information for the public, we believe the Environmental Protection Agency (EPA) can and should seek to continually improve the efficiency of the TRI program. IPC is encouraged that EPA is seeking to reduce the burden imposed by the TRI program through the removal of unnecessary data elements.

Unfortunately, EPA's proposed rule falls short of that goal. Although well intentioned, the proposed changes fail to address the foremost sources of burden in the TRI program and thus yields little, if any, real reduction in reporting burdens. IPC believes that EPA's analysis of the burden reduction associated with this proposed rule is flawed and incomplete and fails to consider the burden imposed by proposed changes. Much of this increased burden is due to

the need for subsequent year reporters to become familiar with the new reporting forms and instructions. Given the extremely modest nature of the proposed changes, combined with EPA's stated intentions to pursue additional, more substantial burden reductions in the near future<sup>1</sup>, IPC urges EPA to withhold the changes proposed in this rulemaking until the agency is ready to proceed with the more significant second set of reductions anticipated to be proposed later this year.

The burden reductions proposed in this rulemaking are extremely minor. EPA has proposed to eliminate the reporting of several data elements, specifically

- facility latitude and longitude coordinates;
- permit and environmental program identification numbers other than the TRI facility identification number;
- percentage of the total quantity of toxic chemicals contributed by stormwater; and
- optional submission of additional information in Part II, Section 8.11.

EPA has also proposed to simplify Part II, Section 7 reporting by

- 'streamlining' the number of codes used to characterize on-site waste treatment in Column B of Section 7A;
- eliminating the reporting of influent concentration in Column C of Section 7A;
- allowing facilities to report their treatment efficiency as a range instead of an exact percentage in Column D of Section 7A;
- eliminating Column E of Section 7A which requires the facility to indicate as to whether or not the waste treatment efficiency reported in Section 7A, Column D is based on actual operating data; and
- substituting three new treatment codes for the existing list of codes used in completing Section 7C--On-Site Recycling Processes.

While we appreciate EPA's efforts to reduce the burdens associated with TRI reporting, the proposed burden reductions are extremely modest. The reporting of minor data like facility coordinates, waste treatment codes, or other program ID numbers, while time consuming, are not a significant contributor to TRI burdens. In order to accomplish more significant burden reduction, the Agency must recognize and seek to minimize the major sources of the burden associated with TRI reporting. One of these, the need to annually review the continually changing, voluminous, complex, and often conflicting instructions and guidance produced by EPA headquarters, the EPA regions, and the states, is necessitated by frequent changes in the reporting program such as those proposed by this rulemaking. Another significant source of burden is the duplicative nature of Section 8 of the TRI Form R, which requires the restatement, in a different format, of data reported elsewhere in the form.

Until the Agency is willing to address these fundamental sources, they will fail to accomplish any meaningful burden reduction.

The proposed changes in the reporting forms, while fairly minor, will still require all subsequent year filers to review the changes between the new reporting forms as compared to prior years. EPA's burden estimate must include additional time for subsequent year

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<sup>1</sup>Federal Register: January 10, 2005 (Volume 70, Number 6), Page 1678

facilities needing to read the new instructions, attend training, and adjust internal tracking and reporting systems to the new form. It appears that EPA has failed to consider the burden imposed through frequent changes in the TRI reporting form.

EPA did not account for the burden associated with learning the new codes proposed for Part II Section 7a and 7c. Most facilities, which have the same inputs, processes, and wastes from year to year, use the previous year's data in preparing the current year's report. The consolidation of waste codes will actually increase the reporting burden for these facilities by requiring them to assess which of the new codes appropriately describe their wastes.

The proposed changes to the reporting forms are also likely to increase the incidence of reporting errors due to the unfamiliarity with the new forms and the introduction of new reporting codes. The detection and correction of these errors will impose additional burdens for both EPA and the reporting facilities. The estimated burden reduction associated with the proposed rule should be reduced to account for these additional burdens.

While reporting facilities are keenly interested in TRI burden reductions, EPA must recognize that frequent changes to the reporting forms can have a negative effect. IPC urges EPA to minimize the disruptions caused by repeated changes in the reporting forms by consolidating its currently proposed changes with the anticipated second phase of burden reduction.

EPA's analysis of the burden reductions associated with this rulemaking has not been appropriately derived. The proposed rule presents burden reduction estimates for six different types of submissions: first year reporters utilizing Form R for PBT substances, first year reporters utilizing Form R for non-PBT substances, first year reporters utilizing Form A, subsequent year reporters utilizing Form R for PBT substances, subsequent year reporters utilizing Form R for non-PBT substances, and subsequent year reporters utilizing Form A.

While there are clear and logical reasons why one might expect different burden reductions for first year reporters and subsequent year reporters, and equally logical reasons why one might expect those utilizing Form A to have different burden reductions than those utilizing Form R, there is no reason to expect a difference in the burden reductions for those utilizing Form R to report PBT substances and those utilizing Form R to report non-PBT substances. The burden associated with the data elements affected by this proposed rulemaking should be unaffected whether a facility is reporting a PBT or non-PBT substance. The PBT designation does not in any way affect the changes in reporting requirements proposed in this rule. Each of the data elements modified by the proposal would be completed exactly the same for PBT and non-PBT chemicals.

Review of EPA's November 2004 "Economic Analysis of the Proposed Rule to Modify or Remove Certain Data Elements from Form A", prepared by the EPA Analytic Support Branch of OEI, indicates that these disparities are due to EPA efforts to scale 'realistic burden estimates' to 'OMB approved form completion times' for PBT and non-PBT forms. For example, (see table below) for the data element Latitude/Longitude, the realistic burden estimate for the first year is 0.5 minutes for management review, 4.5 minutes for technical staff, and zero minutes for clerical. Yet after EPA applies a scaling factor, management

review of PBT forms represents a 2.08 minutes management burden, a 4.5 minute technical review, and a 7.05 minute clerical review. For non-PBT forms, the very same latitude and longitude data element represent 2.11 minutes for management, 4.5 minutes for technical staff, and 3.93 minutes for clerical burden savings. Yet this is the same latitude and longitude. It is unclear why scaling of 'realistic burden estimates' is necessary. It would appear more logical that the realistic burden estimates for the data elements would equal the burden reduction.

### **Burden Estimates for Latitude/Longitude<sup>2</sup>**

	<b>Realistic Estimate (minutes)</b>	<b>Scaled PBT Form R Burden Reductions (minutes)</b>	<b>Scaled Non-PBT Form R Burden Reductions (minutes)</b>
<b>Management Review</b>	0.5	2.08	2.11
<b>Technical Staff</b>	4.5	4.5	4.5
<b>Clerical</b>	0	7.05	3.93

While we appreciate EPA's efforts to reduce the burden of TRI reporting, IPC believes that true burden reductions will be recognized only through the implementation of more significant changes such as those discussed in EPA's stakeholder dialogue referenced in the preamble to the proposed rule. IPC respectfully requests that EPA make a concerted effort to comply with the requirements of the Paperwork Reduction Act by proposing as soon as possible the more significant burden reductions discussed during the stakeholder dialogue, including increasing reporting thresholds for classes of chemicals or facilities with low reported releases, expanding eligibility for Form A, and introducing a "no significant change" option for chemical reports that have not changed significantly relative to a baseline reporting year.

IPC urges EPA to minimize the burdens for reporters, data users, and EPA that are caused by repeated changes in the reporting forms. Given EPA's intention of proposing additional, more substantial burden reductions, IPC believes EPA should withhold the changes proposed in this rulemaking until the agency is ready to proceed with the more significant second set of reductions anticipated to be proposed later this year.

IPC appreciates the opportunity to provide comments on the proposed burden reductions.

Sincerely,



Fern Abrams  
Director of Environmental Policy

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<sup>2</sup> Economic Analysis of the Proposed Rule to Modify or Remove Certain Data Elements from Form A, prepared by the EPA Analytic Support Branch of OEI, November 2004