



ASSOCIATION CONNECTING  
ELECTRONICS INDUSTRIES

*Public Policy Issue Brief*

## ***TOXICS RELEASE INVENTORY (TRI) LEAD RULE***

### **ISSUE**

The Environmental Protection Agency's (EPA's) recent rule lowering the reporting threshold for lead under the Toxic Release Inventory (TRI) will impose a high cost on the Printed Wiring Board (PWB) and Electronic Manufacturing Service (EMS) industries, while providing no environmental benefit.

### **BACKGROUND**

On January 17, 2001 EPA published a Final Rule changing the Toxics Release Inventory (TRI) reporting threshold for lead and lead compounds from 25,000 lbs per year to 100 lbs per year. This drastic reduction in the threshold is based on EPA's classification of lead as a persistent, bioaccumulative, and toxic (PBT) metal. Beginning with this year, any company that uses 100 pounds of lead must file an annual report. This very low threshold will likely require every PWB and EMS facility to file annual TRI reports, many for the first time.

EPA failed to properly consider the impacts on small businesses associated with this rule, as required by the Small Business Regulatory Enforcement Fairness Act (SBREFA). EPA underestimated both the direct and indirect costs of the rule on small businesses, and violated SBREFA requirements by failing to conduct proper small business outreach from the outset of the rule's development. On June 13, 2002, IPC president Denny McGuirk testified at a House Small Business Committee Government Reform and Oversight Subcommittee Hearing that EPA's failure to review the affect of the rule on small businesses was inappropriate given the rule's substantial burden on small businesses. Facilities are unable to fulfill their obligations to provide accurate information under the TRI program, due to the lack of available information, inadequate outreach and assistance, and the impossibility of compiling data retroactively. McGuirk urged EPA to suspend or otherwise delay the lowered reporting thresholds for lead until small business concerns are properly addressed and the results of EPA's SAB review is completed.

In addition, Major scientific questions have been raised concerning EPA's application of the PBT methodology to metals. Following substantial industry pressure, EPA Deputy Administrator Linda Fisher announced that the agency would subject itsBT methodology to review by the agency's Science Advisory Board (SAB). The review, however, will not be completed until after the July 1, 2002 reporting deadline

The lead and lead compounds reporting requirements of the Toxics Release Inventory (TRI) were established under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA). The rule is part of the EPA's efforts to expand the public's access to information about chemicals, especially those considered PBTs. EPA posts the reporting results on the Internet so national and community environmental groups can target the offending facilities.

### **OUTLOOK**

Following the June 13<sup>th</sup> Government Reform and Oversight Subcommittee hearing, EPA Assistant Administrator Kim Nelson offered to meet with small businesses to discuss burden reductions. IPC will push to have the meeting as soon as possible given the July 1<sup>st</sup> reporting deadline for lead used in 2001.

### **TAKE ACTION**