EPCRA Part 2: TRI Reporting

Emergency Planning and ***Community Right-to-Know Act***

Presenters: Aubree Bovat, Kayla Turney, Sheryl Watkins

Moderator: Karen Thompson

Logistics

- How to ask questions?
  - Please enter your questions in the Questions box.
  - Q&A at the end.
- Can I get a certificate of completion?
  - Yes, webinar attendees will receive a certificate upon request.
  - Continuing Education for Certifications/Licenses.
- Will I get a copy of the slides?
  - Yes, we will post a recording of the webinar and a copy of the slides on our website. A link will be emailed to participants.

YOUR ENVIRONMENTAL COMPLIANCE IS CLEARLY OUR BUSINESS.

How to Get ALL4 Updates

04/21/2021

4 THE RECORD articles delivered to your inbox!

Subscribe to our podcast, *4 THE RECORD: Behind the Scenes*

YOUR ENVIRONMENTAL COMPLIANCE IS CLEARLY OUR BUSINESS.

www.all4inc.com

TRI Reporting

- This session will concentrate on Toxic Release Inventory (TRI) reporting.

We will discuss:

- Why TRI reporting is done
- How to determine if you need to report
- When the report is due
- What happens to the data you report

YOUR ENVIRONMENTAL COMPLIANCE IS CLEARLY OUR BUSINESS.

TRI Background

- Why was the TRI Program created?

  The Bhopal disaster was a gas leak incident on the night of 2–3 December 1984 at the Union Carbide India Limited (UCIL) pesticide plant in Bhopal, Madhya Pradesh, India. Over 500,000 people were exposed to methyl isocyanate (MIC) gas. The highly toxic substance made its way into and around the small towns located near the plant.

  Estimates vary on the death toll. The official immediate death toll was 2,259. The cause of the disaster remains under debate.

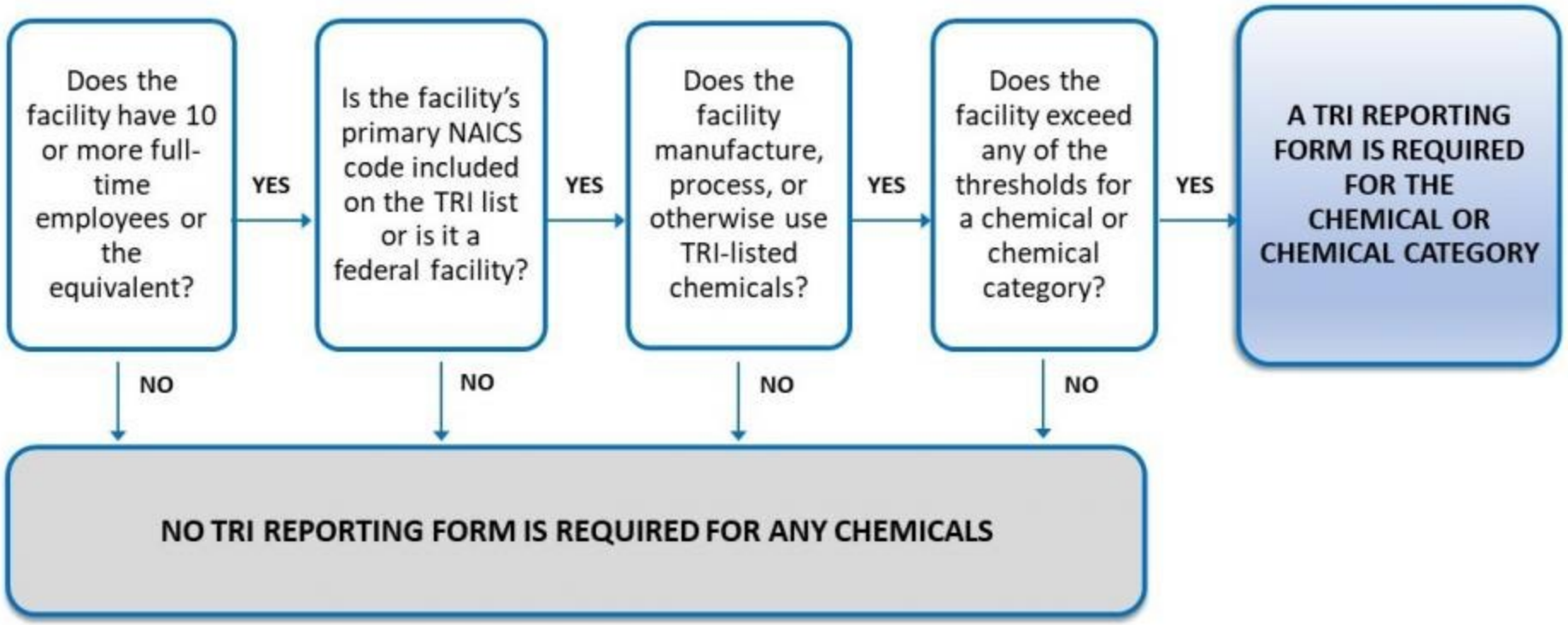
TRI Background

- In 1986, Congress passed the Emergency Planning and Community Right-to-Know Act (EPCRA) to support and promote emergency planning and to provide the public with information about releases of toxic chemicals in their community. Section 313 of EPCRA established TRI.

- By making information available to the public, TRI attempts to create an incentive for companies to improve environmental performance. The data it collects are annual, collected each July and made publicly available online; multimedia, reflecting chemical emissions to air, water and land; and broad, encompassing source reduction and other pollution prevention practices.

TRI Background

- Who Reports?



Taken from U.S. EPA website

TRI Background

- Employees? How do I determine if I have 10 or more full-time equivalent employees?
- The number of full-time employees is dependent only upon the total number of hours worked by all employees and other individuals (e.g., contractors) for the facility during the calendar year and not the number of persons working.
- A full-time employee, for purposes of EPCRA Section 313 reporting, is defined as working 2,000 hours per year.

TRI Background

- When making the full-time employee determination, the facility must consider all paid vacation and sick leave used as hours worked by each employee. In addition, EPA interprets the hours worked by an employee to include paid holidays. To determine the number of full-time employees working for your facility, add up the hours worked by all employees during the calendar year, including contract employees and sales and support staff, and divide the total by 2,000 hours. The result is the number of full-time employees.

TRI Background

- Primary North American Industry Classification System (NAICS) Code Determination
  - A final rule was published in the Federal Register (FR) on December 26, 2017 (82 FR 60906), to adopt 2017 NAICS codes for RY 2017 and subsequent reporting years.
  - The full list of NAICS codes for facilities that must report to TRI (including exceptions and/or limitations) if all other threshold determinations are met can be found on the TRI website: https://www.epa.gov/toxics-release-inventory-tri-program/my-facilitys-six-digit-naics-code-tri-covered-industry.
  - Covered NAICS codes are also listed at 40 CFR 372.23.

TRI Background

- Manufacture, Process or ***Otherwise Use***
  - February 2020 Updates to the interpretation of “Otherwise Use” can be found at: https://ofmpub.epa.gov/apex/guideme_ext/guideme/file/tri%20definition%20of%20otherwise%20use%20-%20february%202020.pdf#:~:text=TRI%20Definition%20of%20Otherwise%20Use%20%E2%80%93%20February%202020,contained%20in%20a%20mixture%20or%20trade%20name%20product .

TRI Background

- U.S. EPA has defined the term **otherwise use** to include "any use of a toxic chemical" contained in a mixture or other trade name product or waste, that is not covered by the terms **manufacture** or **process**.
- **Otherwise use** of a toxic chemical does not include disposal, stabilization (without subsequent distribution in commerce), or treatment for destruction, unless:
  - The toxic chemical that was disposed, stabilized, or treated for destruction was received from offsite for the purposes of further waste management; or

TRI Background

- The toxic chemical that was disposed, stabilized, or treated for destruction was manufactured as a result of waste management activities on materials received from off-site for the purposes of further waste management activities. Relabeling or redistributing of the toxic chemical where no repackaging occurs does not constitute otherwise use or processing of the toxic chemical.

Reporting Thresholds

Activity	Threshold
Manufacturing (including importing)	More than 25,000 pounds per EPCRA Section 313 chemical
Processing	More than 25,000 pounds per EPCRA Section 313 chemical
Otherwise used	More than 10,000 pounds per EPCRA Section 313 chemical

TRI-Listed Chemicals

- The TRI list of Toxic Chemicals is amended each year. https://www.epa.gov/sites/production/files/2020-02/documents/tri_chemical_list_changes_02_24_2020.pdf
- National Defense Authorization Act for Fiscal Year 2020 (NDAA) immediately added certain per- and polyfluoroalkyl substances (PFAS) to the list of chemicals covered by TRI. Reporting on the 172 PFAS initially added by the NDAA for Reporting Year 2020 is due by July 1, 2021. https://www.epa.gov/sites/production/files/2021-01/documents/tri_non-cbi_pfas_list_1_8_2021_final.pdf

TRI-Listed Chemicals

- https://www.epa.gov/toxics-release-inventory-tri-program/tri-listed-chemicals
- TRI Chemical List for Reporting Year (RY) 2020 can be downloaded at the U.S. EPA website. The current TRI toxic chemical list contains 770 individually listed chemicals and 33 chemical categories.

TRI Background

- Community- Right – to – Know
- TRI data are reported by certain industrial and federal facilities. U.S. EPA makes these data available through multiple online tools, many of which add context. A few places your data is publicly available are:
  - Envirofacts
  - TRI National Analyses and Factsheets
  - TRI for Communities Search
  - TRI Explorer
  - EnviroMapper

List of Websites

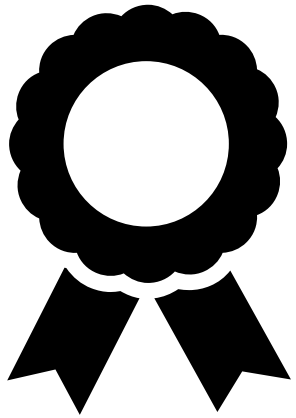
NAICS Codes: https://www.epa.gov/toxics-release-inventory-tri-program/my-facilitys-six-digit-naics-code-tri-covered-industry

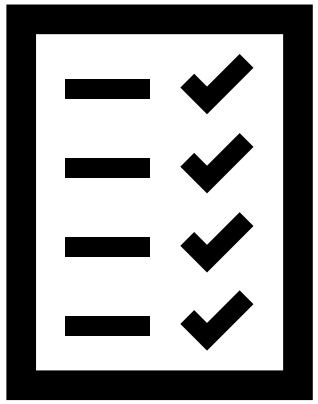
TRI Definition of Otherwise Use: https://ofmpub.epa.gov/apex/guideme_ext/guideme/file/tri%20definition%20of%20otherwise%20use%20-%20february%202020.pdf#:~:text=TRI%20Definition%20of%20Otherwise%20Use%20%E2%80%93%20February%202020,contained%20in%20a%20mixture%20or%20trade%20name%20product

Changes to the list of TRI Chemicals : https://www.epa.gov/sites/production/files/2020-02/documents/tri_chemical_list_changes_02_24_2020.pdf

Best Practices

- Let’s hear from the Panelists on few Best Practices for preparing your TRI.





YOUR ENVIRONMENTAL COMPLIANCE IS CLEARLY OUR BUSINESS.

Best Practices/Helpful Tips

- Sections 5.1 and 5.2: Fugitive and point source air emissions reported should match the quantities reported in state and national air emissions inventories for the same pollutant (Note: some compound groupings may differ in definition)
- Section 4: Check "Range Codes" reported for maximum amount of 313 chemical onsite in as the amount stored can change from year to year

Weight Range in Pounds

Range Code	From	To
01	0	99
02	100	999
03	1,000	9,999
04	10,000	99,999
05	100,000	999,999
06	1,000,000	9,999,999
07	10,000,000	49,999,999
08	50,000,000	99,999,999
09	100,000,000	499,999,999
10	500,000,000	999,999,999
11	1 billion	more than 1 billion

Best Practices/Helpful Tips (Cont.)

- Check other codes throughout report if data or process change
  - Basis of estimate (Section 5)
  - Waste stream type (Section 7)
  - Waste treatment codes (method, efficiency – Section 7)
- NA versus zero – “NA” if does not apply, has never applied, or cannot apply (e.g. you do not ship or transfer waste), zero if no transfer or release in the reporting year or below 0.5 lb (lower for Persistent Bioaccumulative Toxic (PBTs), dioxins)

Best Practices/Helpful Tips (Cont.)

- Dioxin and dioxin-like compounds: Confirm you assign your individual compounds releases to the correct Reporting Order (1-17) and fill out Schedule 1 (grams)

Individual Members of the Dioxin and Dioxin-like Compounds Category

Box #	CAS#	Chemical Name	Abbreviation
1.	1746–01–6	2,3,7,8-Tetrachlorodibenzo-*p*-dioxin	2,3,7,8-TCDD
2.	40321–76–4	1,2,3,7,8-Pentachlorodibenzo-*p*-dioxin	1,2,3,7,8-PeCDD
3.	39227–28–6	1,2,3,4,7,8-Hexachlorodibenzo-*p*-dioxin	1,2,3,4,7,8-HxCDD
4.	57653–85–7	1,2,3,6,7,8-Hexachlorodibenzo-*p*-dioxin	1,2,3,6,7,8-HxCDD
5.	19408–74–3	1,2,3,7,8,9-Hexachlorodibenzo-*p*-dioxin	1,2,3,7,8,9-HxCDD
6.	35822–46–9	1,2,3,4,6,7,8-Heptachlorodibenzo-*p*-dioxin	1,2,3,4,6,7,8-HpCDD
7.	3268–87–9	1,2,3,4,6,7,8,9-Octachlorodibenzo-*p*-dioxin	1,2,3,4,6,7,8,9-OCDD
8.	51207–31–9	2,3,7,8-Tetrachlorodibenzofuran	2,3,7,8-TCDF
9.	57117–41–6	1,2,3,7,8-Pentachlorodibenzofuran	1,2,3,7,8-PeCDF
10.	57117–31–4	2,3,4,7,8-Pentachlorodibenzofuran	2,3,4,7,8-PeCDF
11.	70648–26–9	1,2,3,4,7,8-Hexachlorodibenzofuran	1,2,3,4,7,8-HxCDF
12.	57117–44–9	1,2,3,6,7,8-Hexachlorodibenzofuran	1,2,3,6,7,8-HxCDF
13.	72918–21–9	1,2,3,7,8,9-Hexachlorodibenzofuran	1,2,3,7,8,9-HxCDF
14.	60851–34–5	2,3,4,6,7,8-Hexachlorodibenzofuran	2,3,4,6,7,8-HxCDF
15.	67562–39–4	1,2,3,4,6,7,8-Heptachlorodibenzofuran	1,2,3,4,6,7,8-HpCDF
16.	55673–89–7	1,2,3,4,7,8,9-Heptachlorodibenzofuran	1,2,3,4,7,8,9-HpCDF
17.	39001–02–0	1,2,3,4,6,7,8,9-Octachlorodibenzofuran	1,2,3,4,6,7,8,9-OCDF

Questions?

For More information on ALL4 visit www.all4inc.com