



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Toxic Chemical Release Reporting/EPCRA: U. S. EPA Proposes to add Nonylphenol Ethoxylates to Section 313 List

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The United States Environmental Protection Agency ("EPA") announced in a November 16th Federal Register Notice that it is proposing to add Nonylphenol Ethoxylates ("NE") to the list of toxic chemicals subject to reporting under Section 313 of the Emergency Planning and Community Right-to-Know Act ("EPCRA"). See 81 Fed. Reg. 80624.

EPA states that it has determined that NE meets the EPCRA Section 313(d)(2)(C) toxicity criteria.

Congress enacted EPCRA in 1986 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 establishes the Toxics Release Inventory ("TRI").

The TRI is a publically available database containing information on toxic chemical releases and other waste management activities reported annually by certain covered industry groups as well as federal facilities. It requires facilities in certain industries which manufacture, process, or use significant amounts of toxic chemicals, to report annually on their release of these chemicals.

The reports contain information about the types and amounts of toxic chemicals that are released each year to the air, water, land and by underground injection. It also contains information on the quantities of toxic chemicals sent to other facilities for further waste management.

EPA states that in general toxic chemicals are those that cause:

- Cancer or other chronic human health effects
- Significant adverse acute human health effects
- Significant adverse environmental effects

The surfactant properties of NEs are stated to have resulted in their widespread industrial and commercial use in adhesives, wetting agents, emulsifiers, stabilizers, dispersants, defoamers, cleaners, paints and coatings. The use of these substances as surfactants is stated to have resulted in their release to surface waters.

EPA believes that longer chain NEs can break down in the environment to short-chain NEs and nonylphenol. These are stated to be highly toxic to aquatic organisms. Based on a review of the available production and use information members of the NEs category are expected by the agency to be

manufactured, processed, or otherwise used in quantities that would exceed EPCRA Section 313 reporting thresholds.

[A copy of the Federal Register Notice can be downloaded here.](#)