

Toxics Release Inventory Reporting: U.S. Environmental Protection Agency Proposed Rule Updating List of North American Industry Classification System Codes



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

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The United States Environmental Protection Agency (“EPA”) published a July 22nd Federal Register Notice announcing a proposed rule that would reflect the United States Office of Management and Budget (“OMB”) 2022 North American Industry Classification System (“NAICS”) codes for reporting under the Toxics Release Inventory (“TRI”). See 87 Fed. Reg. 43772.

EPA states it currently uses 2017 NAICS codes and is proposing to implement the 2022 codes for TRI reporting year 2022.

In other words, facilities reporting to TRI would be required to use 2022 NAICS codes on reports that are due to EPA by July 1, 2023.

Section 313 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”) requires owners and operators of covered facilities in specified standard industrial classification codes that manufacture, process, or otherwise use listed toxic chemicals in amounts above specified threshold levels to report certain facilities specific information about such chemicals. Such information includes annual releases and other waste management quantities.

EPCRA requires EPA to publish a uniform toxic chemical release form for these reporting purposes.

EPA states that actual data required by a TRI form would not change because of the proposed rule.

The NAICS is the standard used by federal statistical agencies in classifying business establishments for purposes of collecting, analyzing and publishing statistical data related to the United States business economy.

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