

Toxics Release Inventory/Community Right-to-Know: U.S. Environmental Protection Agency Final Rule Adding 12 Chemicals



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The United States Environmental Protection Agency (“EPA”) published a final rule in the November 30th Federal Register adding 12 chemicals to the list of toxic chemicals subject to the reporting requirements under the Emergency Planning and Community Right-to-Know Act (“EPCRA”). See 87 Fed. Reg. 73475.

EPA states that the addition of the chemicals is in response to a petition previously submitted by the Toxics Use Reduction Institute that had requested the addition of 25 chemicals to the EPCRA Section 313 Toxic Chemicals List.

The Toxics Release Inventory (“TRI”) is a publicly available database that contains information on toxic chemical releases and other waste management activities reported annually to EPA by certain covered industry groups as well as federal facilities. It was established pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986 and subsequently expanded by the Pollution Prevention Act of 1990. Facilities in certain industries which manufacture, process, or use significant amounts of toxic chemicals, are required to report on their releases of these chemicals on an annual basis.

The TRI contains information on releases of over 650 chemicals in chemical categories from industries including manufacturing, metal and coal mining, electric utilities, and commercial hazardous waste treatment (among others). Such companies that manufacture, process, or otherwise use specified toxic chemicals in amounts above reporting threshold levels are required to submit reports to EPA and to designated state officials.

EPA states in the November 30th Federal Register Notice that it has determined that each of the 12 chemicals meet the EPCRA criteria. Further, it concluded that, based on bioaccumulation and persistence data, one chemical should be classified as a persistent, bioaccumulative, and toxic chemical. As a result, it would be designated as a chemical of special concern with a 100-pound reporting threshold.

A copy of the Federal Register Notice which contains descriptions of the added 12 chemicals can be downloaded [here](#).