
TOXICS RELEASE INVENTORY

ALTERNATE THRESHOLD FOR LOW ANNUAL REPORTABLE AMOUNTS;

TRI FORM A TOXIC CHEMICAL RELEASE REPORTING

INFORMATION COLLECTION REQUEST SUPPORTING STATEMENT

OMB CONTROL NO. 2070-0143

EPA ICR # 1704.09

December 10, 2007

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APPENDICES

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1 IDENTIFICATION OF THE INFORMATION COLLECTION REQUEST

1(a) Title and Number of the Information Collection

Title: **Alternate Threshold for Low Annual Reportable Amounts; Toxic Chemical Release Reporting**

EPA ICR No. 1704.08

OMB Control No. 2070-0143

1(b) Short Characterization/Abstract

This Information Collection Request (ICR) is for the information collection requirements for toxic chemical release reporting under §313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (42 U.S.C. 11001 et seq.) and the information collection requirements in §6607 of the Pollution Prevention Act (PPA) (42 U.S.C. 11071 to 11079). In short, EPCRA §313 requires certain owners or operators of certain facilities in covered industries that manufacture, process, or otherwise use any of nearly 650 listed toxic chemicals and chemical categories (hereafter "toxic chemicals") in excess of the applicable threshold quantities to report their environmental releases and transfers of and waste management activities for such chemicals annually.¹ Under §6607 of the PPA, facilities must provide information on the quantities of the toxic chemicals in waste streams and the efforts made to reduce or eliminate those quantities.

Currently, facilities subject to the TRI reporting requirements may use either the EPA Toxics Release Inventory Form R (EPA Form #9350-1), or, if they meet lower threshold requirements, the EPA Toxics Release Inventory Form A Certification Statement (EPA Form #9350-2), which is approved under Office of Management and Budget (OMB) Number 2070-0143 (see the Form A ICR Supporting Statement for more information on these reporting requirements). With Form R, one chemical is reported per form; with Form A, multiple chemicals may be reported per form.²

Facilities with low quantities of listed toxic chemicals in waste may certify that they do not exceed an annual reportable amount (ARA) on Form A. Detailed release and waste management information need not be reported. Previously, a facility that met the EPCRA §313 reporting thresholds, but estimated that their estimated total ARA of the listed toxic chemical did not exceed 500 pounds per year, could take advantage of the alternate manufacture, process or otherwise-use thresholds of 1 million pounds per year for that listed toxic chemical, provided that the facility met certain other conditions. Due to the TRI Burden Reduction Rule promulgated December 22, 2006,

¹ Certain sectors are subject to TRI reporting. For a complete listing of the North American Industry Classification System (NAICS) codes subject to TRI reporting see Appendix F of this ICR Supporting Statement. These NAICS codes correspond to the Standard Industrial Classification (SIC) codes included in the statutory requirement pursuant to EPCRA §313 (42 U.S.C. 11001 et seq.) and PPA §6607 (42 U.S.C. 11071 to 11079).

² Refer to Appendix A of this Supporting Statement for a blank Form A; refer to Appendix A of the Form R Supporting Statement for a blank Form R. For the full set of instructions and Forms, refer to <http://www.epa.gov/tri/report/#forms>.

Form A eligibility is expanded to allow, for the first time, limited use of Form A for persistent, bioaccumulative, toxic (PBT) chemicals. (71 FR 76932, December 22, 2006). The new eligibility criteria for Form A reporting are as follows:

- New Eligibility for Form A: PBT Chemicals -- allows a facility reporting on PBT chemicals, except dioxin and dioxin-like compounds, with zero disposal or other releases to use Form A, provided they meet the 1,000,000 pound alternate reporting threshold and have 500 pounds or less of total other waste-management quantities. (Sections 8.2 – 8.8)
- Expanded Eligibility for Form A: Non-PBT Chemicals -- allows a facility reporting on Non-PBT chemicals with an ARA (Sections 8.1 – 8.8) of 5,000 lbs or less and 2,000 lbs or less of disposal or other releases to use Form A, provided they meet the 1,000,000 pound alternate reporting threshold.

Each qualifying facility that chooses to apply this alternate manufacture, process or otherwise-use threshold must file a Form A Certification Statement certifying that they met the condition of the alternate threshold for one or more chemicals, in lieu of completing a Form R for each listed chemical for which the facility exceeded statutory thresholds. The Form A Certification Statement is submitted to both the EPCRA reporting center and the designated state recipient in the same manner that the Form R is submitted. The Form A Certification Statement provides a signed statement that the sum of the amount of the listed toxic chemical or chemicals in releases or wastes did not exceed the appropriate PBT or Non-PBT release and waste thresholds for the reporting year, and that the chemical(s) was manufactured, processed, or otherwise-used in an amount not exceeding 1 million pounds during this reporting year. A single Form A Certification Statement may contain as many listed toxic chemicals as meet the conditions of the alternate threshold.

EPA is proposing changes to the Form R and Form A Certification Statement to standardize responses and enhance the utility of the data. More specifically, the changes to the forms and TRI Reporting Forms and Instructions (RFI) described below allow facilities to provide more detailed information on how they estimate their data, facilitate efficient contact with the appropriate facility personnel, and improve understanding of the reasons behind form revisions or withdrawals.³ The changes are presented below:

- 1) *Provide more specific "basis of estimate" codes (Form R only).* Facilities may currently select among four codes to indicate how they calculate their release quantities: the use of monitoring data (code M), mass balance calculations (C), emission factors (E), and other approaches (O). The modification in the RFI to provide more specific codes will allow reporting facilities to provide more detailed information. Collecting this detailed information—more specific “basis of estimate” data—will help the TRI Program determine which methods are most often used and/or appropriate for use by particular industries for certain chemicals, as well as when new TRI guidance may be needed. Therefore, EPA will provide a more extensive list of codes for "basis of estimate" in the RFI, including (M1) and (M2) for continuous and periodic/random monitoring, respectively; and (E1) and (E2) for published and site-specific emission factors,

³ For specific details, refer to Appendix A: Blank Form A, and Appendix B: Reporting Form Instructions Associated with Form Changes.

respectively. (Note: codes (C) and (O) remain unchanged). Via these codes, facilities will indicate the principal method used to determine the quantities reported to TRI.

- 2) *Enhance Public Contact information (Form R and/or Form A, as noted below).* These changes provide efficiency gains for the Agency and the reporting facilities. Adding a "Public Contact" field to the Form A will provide the name of a person who can respond to questions from the public about the Form A Certification Statement in the same way that a person currently responds for Form R submissions. In addition, providing an e-mail address for the public contact on both Form R and Form A will make it easier to contact and follow-up with the Public Contact if necessary.
- 3) *Add boxes for entering revision codes (Form R and A).* The TRI Program currently receives many form revisions each year, but does not systematically collect information on the reasons for the revisions. The new revision codes will allow both the public and the TRI Program staff to better understand why a facility resubmitted a form. In addition, by analyzing the reasons for revisions, the TRI Program may be better able to address recurring reporting issues or problems that facilities may be facing, ultimately reducing errors and saving time for both the Agency and the reporting facilities. Therefore, facilities will now report up to two codes (listed and defined in the RFIs) indicating the main reason(s) that a form is being revised.
- 4) *Provide a field for withdrawing a form; and add boxes for entering withdrawal codes (Form R and A).* Currently, a facility that wishes to withdraw a previously submitted form must submit its request, including the rationale, as a hard copy memorandum to the TRI Data Processing Center via regular mail, certified mail, or overnight delivery. Adding a "Withdrawal" field and associated code boxes for reasons for withdrawal to Form R and Form A will (1) streamline the withdrawal process for facilities, (2) make it easier for EPA to automate the withdrawal process, and (3) improve the Agency's ability to analyze the reasons for withdrawals.

EPA has developed EPA Information Quality Guidelines to ensure the utility, objectivity, and integrity of information that is disseminated by the Agency. The information supporting this ICR is consistent with all appropriate EPA policies, including EPA's Information Quality Guidelines. In particular, the EPA Agency-wide quality system helps ensure that EPA organizations maximize the quality of information disseminated by the Agency. The quality system is documented in EPA Order 5360.1 A2, *Policy and Program Requirements for the Mandatory Agency-wide Quality System* and the *EPA Quality Manual for Environmental Programs* 5360 A1, May 2000. The information supporting this action is also consistent with *EPA's Guide to Writing Information Collection Requests Under the Paperwork Reduction Act of 1995*, revised November 2005. It is EPA's intention that collection of information under this ICR will result in information that will be collected, maintained, and used in ways consistent with both EPA's Information Quality Guidelines and the OMB Information Quality Guidelines.⁴

⁴ The Office of Management and Budget publishes these guidelines in accordance with the Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies (Government-wide Guidelines) published in interim final form by OMB in the *Federal Register* in Volume 66, No. 189 at 49718 on September 28, 2001, and updated in final form in Volume 2, No. 67 at 8452 on February 22, 2002.

OMB last approved this ICR on March 3, 2006, with an expiration date of January 31, 2008.⁵ The approved ICR reflected a reporting burden of 259,192 hours and \$12 million for Form A respondents.⁶ In this ICR Renewal, the effect of the TRI Burden Reduction Rule is expected to sustain the reduced overall burden due to increased Form A eligibility (i.e., number of Form Rs decreased and number of Form As increased, yielding a net burden decrease) with total responses, burden and cost of Form A reporting projected at 10,235 responses, 515,284 hours, and \$25.99 million. Further, the TRI Program is proposing to add certain data elements to both reporting forms. The addition of these data elements is estimated to increase the total reporting burden and cost for Form A reporting to 515,901 hours and \$26.01 million.

For a facility certifying for a single listed toxic chemical via a Form A Certification Statement, the burden is estimated to average 20.52 hours for a Non-PBT chemical and 35.89 hours for a PBT chemical under EPCRA §313 (all estimates incorporate proposed changes). (This estimate includes the time required for calculations, Form A Certification Statement completion, and record keeping.) By comparison, the average time using Form R (including calculations, form completion, and record keeping) is estimated to average 29.66 hours per form for a single listed Non-PBT chemical and 51.34 hours for a single listed PBT chemical (all estimates incorporate proposed changes). Thus, for a facility filing a Form A Certification Statement instead of Form R for a single listed chemical, the alternate threshold yields an average savings of 9.1 hours for a Non-PBT chemical and 15.4 hours for a PBT chemical.

2 NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

Section 313 of EPCRA, 42 U.S.C. 11023, requires certain facilities that manufacture, process, or otherwise use listed toxic chemicals in excess of the applicable threshold quantities to report their environmental releases of such chemicals annually either on Form R or Form A. Beginning with the 1991 reporting year, such facilities also began reporting source reduction and recycling data for listed chemicals, pursuant to §6607 of the Pollution Prevention Act, 42 U.S.C. 13106.

Each covered facility must report on each listed chemical manufactured, processed or otherwise used in excess of the reporting thresholds established in EPCRA §313(f)(1). EPA has authority to revise these threshold amounts pursuant to EPCRA §313(f)(2); however, such revised threshold amounts must obtain reports on a substantial majority of total releases of the chemical at all facilities subject to EPCRA §313. A revised threshold may be based on classes of chemicals or categories of facilities.

⁵ For a complete chronology of TRI rulemaking and ICR Renewals along with resultant impact on Form R reporting burden, see Figure 1 and Table 18 of the Form R ICR Supporting Statement.

⁶ The previous ICR period was 2006-2007. By the end of 2006, the TRI Burden Reduction Rule was promulgated and the inventory was recalculated at 3,344,292 hours (no cost reported) due to shifts from Form R reporting to Form A (decrease of Form R burden of 402,298 hours--see Economic Analysis of the TRI Burden Reduction Rule, December 2006). Please note that the recalculation of burden was estimated by subtracting projected changes from the previous ICR inventory. This calculation differs from the approach taken in the current ICR renewal economic analyses. In the 2006 calculation, the base number of the previous inventory was derived under different conditions (RY2002, 93,380 total forms) than the increments (RY2005, 89,312 total forms). In this ICR renewal (and Form R/A Supporting Statements), FY2005 data are used for baseline and increment estimates.

EPA established an alternate threshold under EPCRA §313(f)(2) for a category of facilities with low amounts of a listed toxic chemical in wastes. A facility that chooses to apply the alternate threshold must submit an EPA Toxics Release Inventory Form A Certification Statement (EPA Form #9350-2). EPA's regulations implementing TRI reporting are codified at 40 CFR part 372.

The information collected on the Form A Certification Statement is necessary to fulfill EPA's responsibilities under EPCRA §313(f)(2). A Form A Certification Statement addresses the statutory mandates and the public's right-to-know while allowing regulatory relief for facilities with lower volumes of chemicals in wastes. A Form A Certification Statement provides appropriate information:

- indicating the location of facilities manufacturing, processing or otherwise using these chemicals,
- demonstrating that the chemicals are being manufactured, processed or otherwise used at current reporting thresholds, and
- confirming that the sum of amounts of the chemical in releases and waste did not exceed the appropriate PBT or Non-PBT release and waste annual reportable amounts for that reporting year.

The requirement to submit a Form A Certification Statement fosters continued attention to chemical management practices and provides a locational tool vital to any compliance program or other interested party. It is necessary to receive some type of specific indication that a facility is taking advantage of the alternate threshold annually to assist in any compliance monitoring and enforcement efforts.

2(b) Practical Utility/Users of the Data

According to many, the TRI Program is one of the most effective environmental programs ever legislated by Congress and administered by EPA. Its success is due, in large part, to the right-to-know provisions contained in the legislation itself. By requiring that the resulting data be made publicly available "by electronic and other means," Congress ensured that citizens, the media, environmental advocates, researchers, the business community, and others could influence and evaluate industry's efforts to manage toxic emissions. Consequently, data collected under EPCRA §313 and §6607 of the PPA are made available through EPA's Envirofacts and TRI Explorer databases. In addition, the public may also obtain TRI information through other sources such as OMB Watch's Right-to-Know Network (RTK NET) at <http://www.rtk.net>. RTK NET provides free public access to numerous databases, text files, and conferences on the environment, housing, and sustainable development.

In addition to providing information to the public via electronic means, EPA also conducts outreach activities to make key groups and the public aware of TRI. Journalists; educators; public interest, labor, and environmental groups; trade associations; and state governments continue to be key targets in these outreach efforts. In addition, libraries in communities all across the United States (in particular, members of the Federal Depository Library Program) are committed to providing public access to TRI data in a variety of formats. Educators are using the data to conduct studies and courses on the environment. Labor unions are using the TRI data to improve conditions for workers. Businesses are using the data in many ways—as a basis for reducing

emissions, to cut costs, to improve operations, and for a variety of other reasons. Concerned citizens are a growing user group. These individuals, on their own and through organized groups, are using TRI to address concerns about the management and release of chemicals in their communities. Finally, states use the national data to compare chemical management and releases within industries and to set environmental priorities at the state level.

Because the value of TRI increases the more it is used, EPA encourages current users to acquaint new users with TRI; help people who already know about TRI to better use and understand the data; and, whenever possible, to provide feedback on ways to improve TRI products and services. The ICR Supporting Statement for Form R provides specific examples of some of the actual uses of TRI data.

The Form A Certification Statement provides information that a Section 313-listed chemical is being manufactured, processed or otherwise-used at or above threshold levels specified in 40 CFR parts 372.25 and 372.28. Through the use of the Form A Certification Statement, the individuals and groups described above will continue to have knowledge that the sum of the amounts in releases and waste for a particular facility do not exceed amounts specified in 40 CFR 372.27 for the chemical for which the alternate threshold was applied.

3 NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Non-Duplication

The information requested by the Form A Certification Statement reflects a subset of information requested by Form R. To the extent that the Form A reporting option is used by a portion of the TRI reporting community, corresponding data that would have been provide in a Form R will not be reported. Information comparing TRI reporting to information available under other statutes is available in the ICR Supporting Statement for Form R.

3(b) Public Notice Required Prior to ICR Submission to OMB

EPA is planning to submit a request to renew existing approved ICRs for both Form Rs and As to OMB. Both ICRs are scheduled to expire on January 31, 2008. Before submitting the ICRs to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collections. A Federal Register Notice will be published to announce this renewal request.

3(c) Consultations

EPA has consulted with a large number of individuals and organizations throughout all segments of the public in the development and continued implementation of the TRI Program. EPA has received feedback from various organizations, including environmental and public interest groups, trade associations, and individual representatives, through its outreach efforts in venues such as:

- Stakeholder meetings and online dialogues to discuss issues such as options for reporting burden reduction
- The TRI National Meeting held every year and open to the public every other year.

EPA continually seeks this feedback and incorporates it into the ongoing evolution of the TRI Program. Lists of organizations with which EPA has consulted in the past few years can be found in Appendix E of the Form R ICR Supporting Statement.

3(d) Effects of Less Frequent Collection

EPCRA §313 requires annual reporting on either Form R or Form A. Section 313(i) permits EPA to modify the reporting frequency by rulemaking; however, EPA must first notify Congress and then delay the initiation of such a rulemaking for at least 12 months, but no more than 24 months, from the date of the notification. In addition, EPA must find:

...that the modification is consistent with the provisions of subsection (h) of [EPCRA §313] based on -

- (i) experience from previously submitted toxic chemical release forms,
- (ii) determinations made under paragraph (3).

Paragraph (3), in turn, provides that EPA must determine:

(A) The extent to which information relating to the proposed modification provided on the toxic chemical release forms has been used by the Administrator or other agencies of the federal government, states, local governments, health professionals and the public.

(B) The extent to which information is (i) readily available to potential users from other sources, such as state reporting programs, and (ii) provided to the Administrator under another federal law or through a state program.

(C) The extent to which the modification would impose additional and unreasonable burdens on facilities subject to the reporting requirements under this section.

Since TRI represents the best available multi-media database for tracking toxic chemical releases in the United States, a change in the reporting frequency to less than once a year could have a significant impact on the availability of timely toxic chemical data and affect data users, particularly at the community level. Public access to the most current toxic chemical release data and other waste management information would become more difficult.

3(e) General Guidelines

This ICR adheres to the guidelines stated in the 1995 Paperwork Reduction Act, as amended, OMB's implementing regulations, and all applicable OMB guidance.

Although reporting facilities are required to identify the chemical for which reports are submitted, they can claim the chemical identity as a trade secret. A generic name must be provided as part of the information made available to the public. EPA securely stores and maintains the true identity of the chemical (see also Section 3(f)).

EPA continues to encourage submission through the Internet via EPA's Central Data Exchange (CDX) by using the Toxics Release Inventory Made Easy (TRI-ME) reporting software. In preparing submissions within the TRI-ME reporting software and submitting them via the Internet, both the cost and the time required to enter and process the data are reduced. Also, for facilities using the TRI-ME reporting software, quality checks are streamlined, allowing EPA to release the data to the public sooner. All these benefits apply to reporters using the technology, regardless of whether they submit via Form R or Form A.

Small facilities (less than 10 full-time employees or equivalent) are exempt from reporting under EPCRA §313. Two particular provisions that apply to TRI reporters universally: 1) the optional range reporting provision and 2) an alternate threshold allowing increased Form A eligibility are particularly beneficial to non-exempt smaller facilities with small releases and wastes.

3(f) Confidentiality

Respondents may designate the specific chemical identity of a substance as a trade secret according to EPCRA §322. Procedures for submission and review of trade secret claims under EPCRA §313 are set forth in 40 CFR 350. When a facility claims the chemical identity to be a trade secret and properly substantiates the claim, EPA will not disclose the identity of the chemical to the public. EPA securely stores forms with trade secret information and allows access to those documents only to persons with Trade Secret clearance. Data made available to the public through any means do not include trade secret information.

3(g) Sensitive Questions

This collection does not request any sensitive information.

4 THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents/NAICS Codes

The reporting requirements found in EPCRA §313 apply to owners and operators of facilities that have 10 or more full-time employees, manufacture or process more than 25,000 pounds or otherwise use more than 10,000 pounds of a listed chemical, and are in the manufacturing sector or in any of seven additional industry sectors added to the TRI Program by EPA in 1997. Historically, these sectors were identified by their Standard Industrial Classification (SIC) codes. Beginning with Reporting Year (RY) 2006, the TRI Program has converted from SIC codes to NAICS codes (71 FR 32464, June 6, 2006). The full list of NAICS codes for facilities that must report to TRI (including exemptions and/or limitations) if all other threshold determinations are

met can be found in Appendix F of the ICR Supporting Statement for Form R. A detailed listing of the six-digit NAICS codes and categories can be found in Table I of the Toxics Release Inventory Reporting Forms and Instructions.⁷

Recently there have been changes to the eligibility for Form A reporting. Previously, under the final PBT (Persistent Bioaccumulative Toxic Chemicals) Rule, published October 29, 1999, specified PBT chemicals were excluded from eligibility for alternate threshold reporting (i.e., the Form A Certification Statement cannot be used to report PBT chemicals). The recent TRI Burden Reduction Rule, however, allows the use of the alternate reporting threshold for PBTs (except dioxin and dioxin-like compounds) under certain conditions for the first time. Note below that these new thresholds that apply to PBT chemicals for alternative reporting are lower than the corresponding thresholds for Non-PBT chemicals.

The Form A Certification Statement can be submitted by those facilities that would otherwise be required to submit a Form R but determine that they are eligible to apply the alternate threshold based on the quantities of disposal and other releases and waste management that they report. Therefore, the alternate threshold does not affect facilities that are not already part of the TRI regulated community.

4(b) Information Requested

(i) Data Items

The following information must be reported on a Form A Certification Statement pursuant to 40 CFR part 372 (see Appendix A for a blank Form A):

- 1) Reporting year.
- 2) An indication of whether the chemical identified is being claimed as trade secret.
- 3) Chemical name or names and CAS number(s) (if applicable) of the chemical(s), or the category(ies) or the generic chemical name(s).
- 4) Signature of a senior management official certifying one of the following, as applicable, pursuant to 40 CFR part 372.27:

(Non-PBT)

“I hereby certify that to the best of my knowledge and belief for the toxic chemical(s) listed in this statement, for this reporting year, the annual reportable amount for each chemical, as defined in 40 CFR 372.27(a)(1), did not exceed 5,000 pounds, which included no more than 2,000 pounds of total disposal or other releases to the environment, and that the chemical was manufactured, or processed, or otherwise used in an amount not exceeding 1 million pounds during this reporting year;” or

(PBT)

“I hereby certify that to the best of my knowledge and belief for the toxic chemical(s) of special concern listed in this statement, there were zero disposals or other releases to the

⁷ To access TRI Reporting Forms and Instructions, see <http://www.epa.gov/tri/report/#forms>.

environment (including disposals or other releases that resulted from catastrophic events) for this reporting year, the “Annual Reportable Amount of a Chemical of Special Concern” for each such chemical, as defined in 40 CFR 372.27(a)(2), did not exceed 500 pounds for this reporting year, and that the chemical was manufactured, or processed, or otherwise used in an amount not exceeding 1 million pounds during this reporting year.”

- 5) Date signed.
- 6) Facility name and address.
- 7) Mailing address of the facility if different than (6).
- 8) Toxic chemical release inventory facility identification number if known.
- 9) Name and telephone number of a Technical Contact.
- 10) The six-digit NAICS codes for the facility or establishments in the facility.
- 11) Dun and Bradstreet Number of the facility.
- 12) Name of the facility's Parent Company.
- 13) Parent Company's Dun and Bradstreet Number.

These 13 elements are a subset of the information collected on Form R.

Beyond element 3, which allows for multiple chemicals to be reported on a single Form A Certification Statement, the only element unique to the Form A Certification Statement is element 4. Element 4 of the Form A Certification Statement corresponds to the certification statement on Form R and represents a signed statement by a facility owner/operator or senior management official. Unlike Form R, the signed statement on the Form A Certification Statement certifies that, for PBT chemicals, 1) disposal or other releases equaled zero, 2) total other waste management quantities equaled 500 pounds or less, and 3) that the amounts manufactured, or processed, or otherwise used did not exceed 1 million pounds for that year. For Non-PBT chemicals, the Form A Certification Statement certifies 1) that disposal or other releases are less than or equal to 2,000 pounds, 2) total other waste management quantities equaled 5,000 pounds or less, and 3) that the amounts manufactured, or processed, or otherwise used did not exceed 1 million pounds for that year.⁸

Justification for Form A Elements

Element 4 relates to the conditions being met in order to claim eligibility for the submission of a Form A Certification Statement. This element is essential in meeting the statutorily mandated requirement of continuing to capture a substantial majority of releases for each listed EPCRA §313 chemical.

Elements 6 through 13 are requested for identification purposes. Of these, elements 6 through 9 are necessary to determine which facility is claiming the alternate threshold along with the information needed to contact the claimant. Elements 11 through 13 are requested in order to cross-reference the facility with other reporting systems. These data elements are essential for enforcement purposes and have proven to be useful for cross-program multimedia investigations.

⁸ A copy of the Form A Certification Statement is attached in Appendix A. To access TRI Reporting Forms and Instructions, see <http://www.epa.gov/tri/report/#forms>.

Overall, the Form A Certification Statement provides appropriate information:

- indicating the location of facilities manufacturing, processing or otherwise using these chemicals,
- demonstrating that the chemicals are being manufactured, processed or otherwise used at current reporting thresholds, and
- confirming that the sum of amounts of the chemical in releases and waste did not exceed the appropriate PBT or Non-PBT release and waste annual reportable amounts for that reporting year.

The requirement to submit a Form A Certification Statement fosters continued attention to chemical management practices and provides a locational tool vital to any compliance program or other interested party.

Additional Data Elements

As mentioned above, EPA is proposing changes to the Form R and Form A Certification Statement to standardize responses and enhance the utility of the data. More specifically, the changes to the forms and TRI Reporting Forms and Instructions (RFI) described below will allow facilities to provide more detailed information on how they estimate their data, facilitate efficient contact with the appropriate facility personnel, and improve understanding of the reasons behind form revisions or withdrawals.⁹ The changes are presented below:

- 1) *Provide more specific "basis of estimate" codes (Form R only).* Facilities may currently select among four codes to indicate how they calculate their release quantities: the use of monitoring data (code M), mass balance calculations (C), emission factors (E), and other approaches (O). The modification in the RFI to provide more specific codes will allow reporting facilities to provide more detailed information. Collecting this detailed information—more specific “basis of estimate” data—will help the TRI Program determine which methods are most often used and/or appropriate for use by particular industries for certain chemicals, as well as when new TRI guidance may be needed. Therefore, EPA will provide a more extensive list of codes for "basis of estimate" in the RFI, including (M1) and (M2) for continuous and periodic/random monitoring, respectively; and (E1) and (E2) for published and site-specific emission factors, respectively. (Note: codes (C) and (O) remain unchanged). Via these codes, facilities will indicate the principal method used to determine the quantities reported to TRI.
- 2) *Enhance the Public Contact information (Form R and/or Form A, as noted below).* These changes provide efficiency gains for the Agency and the reporting facilities. Adding a "Public Contact" field to the Form A will provide the name of a person who can respond to questions from the public about the Form A Certification Statement in the same way that a person currently responds for Form R submissions. In addition, providing an e-mail address for the public contact on both Form R and Form A will make it easier to contact and follow-up with the Public Contact if necessary.

⁹ For specific details, refer to Appendix A: Blank Form R, and Appendix B: Reporting Form Instructions Associated with Form Changes.

- 3) *Add boxes for entering revision codes (Form R and A).* The TRI Program currently receives many form revisions each year, but does not systematically collect information on the reasons for the revisions. The new revision codes will allow both the public and the TRI Program staff to better understand why a facility resubmitted a form. In addition, by analyzing the reasons for revisions, the TRI Program may be better able to address recurring reporting issues or problems that facilities may be facing, ultimately reducing errors and saving time for both the Agency and the reporting facilities. Therefore, facilities will now report up to two codes (listed and defined in the RFI) indicating the main reason(s) that a form is being revised.
- 4) *Provide a field for withdrawing a form; add boxes for entering withdrawal codes (Form R and A).* Currently, a facility that wishes to withdraw a previously submitted form must submit its request, including the rationale, as a hard copy memorandum to the TRI Data Processing Center via regular mail, certified mail, or overnight delivery. Adding a "Withdrawal" field and associated code boxes for reasons for withdrawal to Form R and Form A will (1) streamline the withdrawal process for facilities, (2) make it easier for EPA to automate the withdrawal process and (3) improve the Agency's ability to analyze the reasons for withdrawals.¹⁰

As is the case for Form R, for Form A facilities must maintain records used to report the information required on the form according to 40 CFR §372.10. Those records may include estimation methodology and calculations; engineering reports; inventory, incident, and operating logs; and other supporting materials. Facilities must keep a copy of each report filed for at least three years.

(ii) Respondent Activities

As is the case for Form R, the regulated community eligible to file Form A is expected to comply with the reporting requirements. Facilities eligible for the alternate reporting threshold complete the Form A Certification Statement and submit it to EPA and the appropriate state agency. EPCRA §313(g)(2) provides that a "facility may use readily available data (including monitoring data) collected pursuant to other provisions of law, or where data are not readily available, reasonable estimates of the amounts involved." Respondents are not required to develop new information.

The same level of assistance provided to Form R respondents is available to facilities applying the alternate threshold and completing the Form A Certification Statement. Instructions, guidance documents, and a toll-free hotline are available to address general and technical inquiries from the regulated community.

The following steps will be completed by a facility using the alternate threshold and thus filing a Form A:

- Compliance Determination
- Calculations (Compliance)
- Completion of Form (Disclosure)
- Substantiation of a Trade Secret Claim (not performed by all respondents)
- Record keeping

¹⁰ Reporting instructions associated with the new data elements are presented in Appendix B.

Supplier Notification (not performed by all respondents)
Petition Submission (not a requirement)

Compliance Determination. Facilities must determine if they meet the criteria for EPCRA §313 reporting, if they are eligible to apply the alternate threshold, and/or if they are required to provide supplier notification. This determination is based on the NAICS code(s) for the facility, the number of full-time employees or equivalents, the chemicals manufactured, processed or otherwise used at the facility, the quantity of those chemicals and the quantity of releases and other waste management.

Calculations (Compliance). Facilities must calculate disposal and other releases quantities as well as the annual reportable amount for a chemical in order to determine if the facility is eligible to apply the alternate threshold for that chemical. Disposal and other releases are calculated as the combined total of total on-site disposal to Class I Underground Injection Wells, RCRA Subtitle C landfills, and other landfills; total other on-site disposal or other releases; total off-site disposal to Class I Underground Injection Wells, RCRA Subtitle C landfills, and other landfills; and total other off-site disposal or other releases. The annual reportable amount is calculated as the combined total of the amounts released at the facility (including disposal), treated at the facility (as represented by amounts destroyed or converted by treatment processes), recovered at the facility as a result of recycling operations, combusted for the purpose of energy recovery at the facility, transferred from the facility to off-site locations for the purpose of recycling, energy recovery, treatment, or disposal, and generated as non-production related waste. In addition, the facility must also determine that it did not manufacture, process, or otherwise use more than 1 million pounds of the listed chemical.

Completion of Form (Disclosure). Each facility taking advantage of the alternate threshold must complete the Form A Certification Statement.

Substantiation of a Trade Secrecy Claim. Facilities claiming a trade secret for the chemical identity should refer to documentation requirements discussed in the Trade Secrecy ICR for EPCRA (EPA #1428, OMB #2050-0078).

Record keeping. Each facility taking advantage of the alternate threshold is required to maintain records for a period of three years from the date of the submission of the Form A Certification Statement and to make the records available upon request. These records provide substantiation that an appropriate threshold determination was made and that the sum of amounts in releases and total waste did not exceed the appropriate threshold for that chemical for that reporting year. This documentation is necessary for any compliance effort attempting to verify claims made by a facility using the alternate threshold. Facilities must maintain a copy of each Form A Certification Statement and Form R submitted, as well as the documents, calculations, and other information they collected for developing the reports submitted.

Supplier Notification. No additional supplier notification requirements are associated with the Form A Certification Statement.

Petition Submission. No additional procedures relating to petition submissions are required by the Form A Certification Statement.

5 THE INFORMATION COLLECTED--AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

5(a) Agency Activities

EPA engages in many activities to fulfill the requirements of EPCRA. These activities can be grouped in the following categories that cover what the Agency does to assist the regulated community with compliance, to process the data, to maintain the database, and to make the data available:

- Assistance to Reporters
- Electronic Reporting
- Paper-Based Reporting
- Data Processing and Quality Control
- Database Organization
- Links to State Reporting
- Making Data Available
- List Revisions and Petition Reviews
- Trade Secrecy Reviews

Assistance to Reporters. The Agency operates a successful outreach program to assist businesses in obtaining and completing both the Form R and Form A Certification Statement. A CD-ROM containing an annually updated reporting package is distributed directly to all TRI respondents who reported in the prior year. EPA also makes this package available to potential reporters through its TRI Web site and TRI Regional office coordinators. The package contains an electronic copy of the reporting forms and detailed instructions along with a reporting software application that allows reporters to submit their data over the Internet or on computer diskettes. General guidance has been prepared for estimating releases, including 14 industry-specific guidance documents.

EPA operates a training program to familiarize EPA Regional personnel with the reporting requirements and to train them in providing technical assistance to respondents. Using that training, the EPA Regions conduct numerous workshops each year to explain the reporting requirements to the regulated community. EPA also conducts a training program on EPCRA §313 reporting requirements to train private businesses and consultants that wish to provide advice on EPCRA §313 compliance. Also, EPA operates a toll-free hotline to answer general questions and direct potential respondents to proper EPA personnel. A second hotline is available to answer questions about the electronic reporting software and the procedure for submitting and certifying data to EPA over the Internet. In addition, the Agency maintains a Web site with current program-specific information and guidance (<http://www.epa.gov/tri>).

Electronic Reporting. Ninety-seven percent of all TRI Form Rs and Form As are prepared and submitted using the Toxics Release Inventory Made Easy (TRI-ME) reporting software. TRI-ME is a software application that TRI facilities can use for entering and validating their data.

Historically, this software has been desktop-based and distributed via posting on the TRI Web site and mailing directly to facilities (via CD-ROM) each year. Beginning in RY2007, a new version of TRI-ME—TRI-ME *web*, will be fully launched with the intent to eventually replace TRI-Me desktop.

Given that this ICR covers the transition period between reporting by TRI-ME desktop and TRI-ME*web*, both methods are discussed here. Capabilities in TRI-ME desktop that will be replaced or incorporated into TRI-ME*web* include:

- Facilities can key or upload their data into TRI-ME. TRI-ME provides reporting guidance to help facilities determine if they need to report for specific chemicals and to assist them in the actual reporting. TRI-ME also provides facilities with extensive data validation checking through point-of-entry edit checks as well as a cumulative, mandatory batch test prior to submission. The cumulative batch test provides users with descriptive messages and links back to the form where potential errors exist.
- After entering their data into the TRI-ME application and validating them, facilities have two options for submitting their data to EPA. First, facilities can send their TRI data to EPA and certify them electronically via EPA's Central Data Exchange (CDX). Second, they can save the data to a diskette, print and sign a certification letter, and mail both items to TRI's EPCRA Data Processing Center.
- Data submitted to TRI via the CDX are automatically forwarded to the TRI EPCRA Data Processing Center (DPC) and loaded into the TRI Processing System (TRIPS) database. The TRIPS database is located at EPA's National Computer Center in Research Triangle Park, NC. For diskette submissions, the data are received at the DPC, cataloged, scanned for viruses and loaded into the TRIPS database.
- Through the TRI State Data Exchange Network, facilities are able to submit their data via CDX once to both EPA and the participating state government. Upon submission to CDX, a copy of the data is simultaneously sent to EPA's TRIPS database and to the appropriate state via the TRI State Data Exchange Network. This reporting option allows facilities to fulfill their legal obligation to report to the federal and state entities through a single submission of data to CDX.

In 2007 (RY 2006), the TRI Program piloted a Web version of the TRI-ME software that also increases the original functionality of the TRI-ME desktop application in several areas. Full implementation of TRI-ME*web* is planned for 2008 (RY2007).¹¹ Similar to the existing desktop version, the TRI-ME*web* application allows online submission and certification of the data. But additional enhancements include:

- **Preloaded Forms and Central Data Storage.** The TRI-ME*web* application allows users to preload their forms with prior year data stored in an EPA-maintained database. In addition, the application will store work-in-progress data via the same online database, so that users will no longer have to manage the data themselves (i.e., they will not have to save the information on their hard drive).

¹¹ TRI-ME*web* is slated to become the sole reporting software for TRI electronic reporting in 2009 or 2010, when the desktop version of TRI-ME will be discontinued.

- **Quick Lists.** The TRI-MEweb application will contain enhancements, including a redesigned questionnaire and “quick lists” that streamline reporting tasks. Similar to tax reporting software, from which TRI-MEweb was modeled, “quick lists” allow users to narrow their data entry to only the pertinent areas.
- **Data Quality Checks.** The Web version introduces new semantic checks of data quality that compare a facility’s data to prior year submissions; EPA registry data; and ultimately, data from industry and similarly sized facilities. Unlike in TRI-ME desktop, these comparisons will occur online in real time, allowing the user to review all data for possible quality concerns and make corrections at the same time.
- **On-Line Revisions.** The application will allow true online revision of data by facilities. Through this feature, facilities will be able to access previously submitted forms, and revise and recertify them in one quick and easy step.

Paper-Based Reporting. Facilities can also submit data to TRI on paper forms. When facilities submit TRI reports on paper, the information is keyed into the TRIPS database on a PC-based wide area network (WAN). Automated data quality checks begin at data entry; these include various edit checks and the start of standardization of some of the data fields. At this point, the emphasis is on identifying forms that are not completed correctly. If the problem(s) identified prevent further processing of the form, EPA sends a Notice of Significant Error (NOSE) to the respondent.

Unlike with paper submissions, the mandatory data validation routines in the TRI-ME reporting application will not allow the submission of forms that are not completed correctly. This protection applies to the data entry fields in the form but cannot, of course, apply to the signature field in cases when the reporter does not sign the Certification Statement for forms submitted on diskette.

Data Processing and Quality Control. Once the reported data have entered the TRIPS database, all the validation checks that were initially run via the TRI-ME application are repeated. For paper submissions, these checks are performed for the first time. Forms that fail these tests receive error notices known as Notices of Technical Error (NOTE). A NOTE points out possible data validity errors that are not technical in nature but are also not egregious enough to prevent the form from being disseminated (see NOSE above). In addition, a set of data quality checks that compare the incoming data with prior years data and various data thresholds are performed on the data for the first time. Further standardization of facility identification information continues.

Upon the completion of the data validation and quality checks, Facility Data Profile (FDP) reports are generated and made available for facility review on the FTP Web site. The reports contain an echoing back of the data and all validation (NOTE errors) and data quality messages that were generated after the data were loaded into the database. Facilities receive an e-mail alerting them when a report becomes available and asking them to access the password-protected site and review the report. After review, facilities can revise their data by submitting a certified replacement form via the TRI-ME software or on paper.

Database Organization. EPCRA §313(j) requires EPA to make TRI data available to the public through computer telecommunications and other means. EPA has found it beneficial to undertake a variety of activities to make the data more usable, given that computer searches only retrieve data in exactly the format requested. Because facilities report their data in a wide variety of ways, EPA has taken steps to use consistent names for counties, use a variety of nomenclature standards for names within the database, and assist in the standardization of the response data.

EPA generates a facility identification number for newly reporting facilities at the time of data entry. This allows linkage to all years of reports for a particular facility or location. The identification number also allows easy retrieval of cross-year data, even when a facility is sold or changes its name. This number has been sent to all facilities, and they are required to use it on all future submissions to the Agency. Use of the facility identification number also facilitates data quality reviews and cross-year analysis.

Links to State Reporting. Under EPCRA §313, facilities are required to submit forms both to EPA and the state in which they operate. For additional quality assurance and tracking purposes, EPA provides all states with a listing of facilities that reported to the Data Processing Center for each reporting year. This reconciliation activity typically results in the identification of several cases where facilities did not report to both. Many states then provide lists of forms to EPA when EPA has not received copies, and vice versa. Both the state and EPA then contact the facilities from which they are missing forms and request submission. This activity has provided a critical step to assist EPA in coordinating the data collection with the states and completing both data repositories.

In 2003, EPA implemented the TRI State Data Exchange Network, which enabled facilities to simultaneously submit their data to EPA and their respective state governments. This new reporting option allowed facilities to fulfill their legal obligation to report to the federal and state entities through the sole submission of data through CDX. To utilize the TRI State Data Exchange Network, facilities have to (1) use the TRI-ME desktop application, (2) submit their data over the Internet to EPA's CDX, and (3) be located in a participating state. At the same time a transmission is sent to EPA's TRIPS database, CDX sends the data on to participating states via the TRI State Data Exchange Network. The TRI State Data Exchange Network is a standards-based data network that allows the transfer of data between states and EPA. This capability will be sustained in the new TRI-MEweb application.

In 2006, EPA introduced a new flow to the TRI State Data Exchange Network by which data submitted via diskette and paper to the TRI Data Processing Center are also forwarded to participating states. This second stage of the network flow does not remove the obligation to report to both EPA and the reporter's state government because of necessary intervening steps such as data entry. However, it eliminates the need for dual data entry systems, allowing participating states to discontinue their data entry systems. In addition, these states no longer need to perform the annual form reconciliation with EPA, since they are obtaining the exact same flow of data that EPA receives from facilities.

Making TRI Data Available. Many options are available for accessing TRI data. For example, the annual TRI Public Data Release (PDR) includes an overview of the most recently reported TRI

data, information on trends, and downloadable data files of all TRI reports submitted for the reporting year. The TRI data for RY 2005 were released on March 22, 2007, which was earlier than ever before. The RY 2005 PDR includes key findings, links to the data, and a link to TRI Explorer, one of EPA's electronic tools for TRI data analysis.

The TRI Program has also developed the electronic Facility Data Release (e-FDR) in response to public requests to make the TRI data available as soon as possible after the data are received by EPA. The e-FDR is a facility-level, form-by-form release of the TRI data, which provides an early look at individual facility data, but which does not include the in-depth analyses (e.g., national trend analyses) that are provided in the PDR several months later. The first e-FDR, for RY 2003, was released in November 2004; the second e-FDR, for RY 2004, was released in November 2005; and the latest e-FDR, for RY 2005, was released in September 2006.

EPA has also developed database tools that can be used to access the data. One such tool, TRI Explorer, allows users to search the TRI data by ZIP code, county, and state, as well as view data at the national level. Combined with hazard and exposure information, it serves as a valuable tool for identifying potential chemical hazards in communities.

Using EPA's Envirofacts, users can determine which facilities in designated areas have reported toxic releases, including air emissions, surface water discharges, releases to land, underground injections, and transfers to off-site locations. Envirofacts allows the user to query and view data for each TRI Form R submitted by a facility.

Finally, the TRI Data Mart is a new tool that is to be released in 2007 to provide a single point of enhanced access to TRI data and analytical tools, just some of which are currently available through TRI Explorer or Envirofacts. The TRI Data Mart will provide greater analytical capabilities and be able to respond to a variety of customized data queries.

Trade Secrecy Reviews. Respondents claiming a chemical identity as a trade secret must include substantiation. Each year TRI receives reporting forms with the trade secret box checked but no accompanying substantiation form. In these cases, EPA treats the trade secret claim as a mistake, and notifies the submitter. In many of these cases, the trade secret claim was not intended and no substantiation is necessary. In other cases, however, EPA receives completed trade secret claims. For more information on trade secrecy reviews, including the costs to EPA, see the ICR for the Trade Secrecy Rule for EPCRA (EPA #1428, OMB #2050-0078).

5(b) Collection Methodology and Management

EPA continues to encourage Form R and A submissions through the Internet via EPA's CDX and the interactive, intelligent, user-friendly TRI-ME software. This software asks the user simple, straightforward questions to help the user determine if the facility is subject to TRI reporting. TRI-ME has greatly reduced data quality errors and has therefore reduced the likelihood of a facility being in violation of the reporting requirements, or having to subsequently submit revisions. In the last five years TRI-ME usage has increased. Ninety-seven percent (66 percent CDX and 31 percent diskette) of submissions were received electronically for RY 2005.

Beginning in RY2007, the TRI Program will fully implement TRI-MEweb, an innovative online application with all the functionality of TRI-ME desktop plus major enhancements. This online tool will have significant new features to further help reduce reporting burden, improve data quality, and reduce errors.

5(c) Small Entity Flexibility

EPCRA §313 (b)(1)(A) provides that facilities with fewer than 10 full-time employees (or the equivalent) are not required to report. In addition, the application of the alternate threshold and therefore use of the Form A is advantageous to those entities that might be classified as small under other definitions. The range established by the release and waste thresholds (in alternate threshold reporting) may apply proportionally higher to smaller entities, thereby resulting in greater regulatory relief for these smaller facilities. EPA considered a number of different annual reportable amount levels when it originally promulgated this rule. Originally, the 500 pound level was chosen because it appeared to best balance burden reduction with the need for data and information. It is also consistent with the requirements of EPCRA §313. However, the Agency has promulgated a new rule—the TRI Burden Reduction Rule (December 2006)—that increases the annual reportable amount for Non-PBT chemicals from 500 lbs to 5000 lbs, providing that disposal and other releases do not exceed 2,000 pounds. In addition, under this rule, PBT chemicals can be reported on Form A for the first time ever as long as disposal and other releases equals zero and the annual reportable amount does not exceed 500 pounds.¹²

Through the development of the Form A Certification Statement (in conjunction with the petition process, electronic reporting, efforts to review the original list of TRI chemicals to determine whether any of those chemicals do not meet the listing criteria, and other mechanisms), EPA has reduced, to the extent practicable and appropriate at this time, the burden on facilities providing the information collected under EPCRA §313. EPA continues to work with affected parties to identify opportunities for further burden reduction.

5(d) Collection Schedule

Facilities must report their information on a calendar-year basis, and submit Form Rs or Form As to EPA by July 1 each year. On average, EPA has released the national TRI data set to the public approximately 10 months after the annual reporting deadline. In response to public requests to shorten the time frame for release of TRI information, EPA is encouraging facilities to submit revised reports sooner, and streamlining data quality operations. The Agency expects these measures will help it to meet the ultimate goal of releasing data in the year of submission. Also, it is important to note that EPA's national database is just one avenue of access to the TRI information. Each state also makes its data available to the public, and most states are able to make their data available prior to EPA's release of the national data. For example, nearly half of the states release their TRI data within four months of the TRI reporting deadline.

¹² Prior to the TRI Burden Reduction Rule, the Annual Reportable Amount was defined as the sum of quantities reported in Form R sections 8.1-8.7; with implementation of TRI Burden Reduction Rule, the Annual Reportable Amount was redefined to include the sum of quantities in sections 8.1-8.8. As a result, some facilities previously filing Form As are expected to have to report on Form R instead.

6 ESTIMATING THE BURDEN AND COST OF THE COLLECTION

This information collection activity imposes burden and cost on those facilities that are eligible to use the alternate reporting threshold as implemented in Form A use under the EPCRA §313 reporting requirements. It also imposes costs on EPA to process and make available the data collected and stored in the Toxics Release Inventory. The following sections present the derivation of Form A respondent burden and cost as well as Agency burden and cost. For TRI reporters, estimates of average Form A reporting burden per respondent are presented. These unit burden estimates are then combined with appropriate wage rates to develop unit costs. Total Form A respondent burden and costs are estimated by combining the universe of reporting forms and facilities with estimates of unit burden and cost. This universe of reporting forms and facilities is based on reporting in RY2005, adjusted to account for the predicted impacts of the TRI Burden Reduction rule and proposed changes.¹³ When estimating reporter burden, the submission medium is assumed to be 100 percent paper, reflecting the most conservative case. The combined total number of forms and facilities (i.e., respondents) is hereafter referred to as the ICR Universe. The Form R burden and cost associated with the new data elements and revised instructions are presented separately in alternate tables and then accounted for in the bottom-line burden and cost estimates (highlighted).

OMB last approved this ICR request on March 3, 2006, with an expiration date of January 31, 2008.¹⁴ The approved ICR reflected a reporting burden of 259,192 hours and \$12 million for Form A respondents.¹⁵ In this ICR Renewal, the effect of the TRI Burden Reduction Rule is expected to sustain the reduced overall burden due to increased Form A eligibility (i.e., number of Form Rs decreased and number of Form As increased, yielding a net burden decrease) with total responses, burden, and cost of Form A reporting projected at 10,235 responses, 515,284 hours, and \$25.99 million. Further, the TRI Program is proposing to add certain data elements to both reporting forms. The addition of these data elements is estimated to increase total reporting burden and cost for Form A reporting to 515,901 hours and \$26.01 million, respectfully.

¹³ The methodology used in this ICR to estimate the number of forms and facilities that would be affected by the TRI Burden Reduction Rule is the same as the methodology used in the Economic Analysis (EA) of the TRI Burden Reduction Rule. Due to the difference in reporting years used in each analysis (RY2004 in the EA and RY2005 in the ICR), however, the estimated number of forms and facilities affected by the TRI Burden Reduction Rule differs slightly between analyses.

¹⁴ For a complete chronology of Rule changes and ICR Renewals along with resultant impact on Form R reporting burden, see Table 18 of the Form R ICR.

¹⁵ The previous ICR period was 2006-2007. By the end of 2006, the TRI Burden Reduction Rule was promulgated, and the inventory was recalculated at 3,344,292 hours (no cost reported) due to shifts from Form R to Form A reporting (decrease of Form R burden of 402,298 hours—see the Economic Analysis of the TRI Burden Reduction Rule, December 2006). Please note that the recalculation of burden was estimated by subtracting projected changes from the previous ICR inventory. This calculation differs from the approach taken in the current ICR Renewal's economic analyses. In the 2006 calculation, the base number of the previous inventory was derived under different conditions (RY 2002, 93,380 total forms) than the increments (RY2005, 89,312 total forms). In this ICR Renewal (and Form R/A Supporting Statements), RY 2005 data are used for baseline and increment estimates.

For Agency burden, estimates of fixed costs associated with rent for the EPCRA Reporting Center, development costs for data access tools, compliance assistance measures, and other activities and expenses are presented. Variable costs, dependent on the number of Form As processed, are also calculated. In Agency burden estimates, the FY2005 distribution of submission media (paper, diskette, CDX online) is assumed to be the same over the course of the ICR period.

6(a) Estimating Respondent Burden

This section presents the burden of this information collection activity on respondents in terms of the time required for facility personnel to perform the steps outlined in Section 4 of this document. These burden estimates are based on previous ICRs and economic analyses, respondent experience as reflected in comments to EPA and other parties, and information acquired through site visits and telephone interviews.

One factor to note is that reporter burden has been impacted over time by technology advances. For example, in 2003, EPA implemented the TRI State Data Exchange Network, which enabled facilities in participating states to submit their data simultaneously via CDX to EPA and to their state government. This new reporting option allowed facilities to fulfill their legal obligation to report to the federal and state entities through the sole submission of data to EPA via CDX. In addition, EPA has developed the interactive, intelligent, user-friendly TRI-ME software. This software asks the user simple, straightforward questions to help the user determine if the facility is subject to TRI reporting. TRI-ME has greatly reduced data quality errors and has therefore reduced the likelihood of a facility being in violation of the reporting requirements, or having to subsequently submit corrections. Additionally, EPA expects that TRI-ME has resulted in a burden reduction in the activities of Form R completion and recordkeeping/submission. As a conservative estimate of reporting burden, however, reporter burden savings associated with technology advances, including TRI-ME and concurrent federal and state reporting are not reflected in this ICR.

Form A Respondent Requirements

The burden to respondents is estimated for Form A Certification Statement requirements. Burden estimates are developed for the compliance activities and then multiplied by the number of facilities or reports (as appropriate) to estimate the total burden to respondents. The burden estimates used by EPA are national average values. As with any average, some facilities will be above the average, and others will be below it. Large, complex facilities may require more than the average time to comply. However, there are many other facilities subject to the rule that are not large or complex. Therefore, EPA believes that its burden estimates represent reasonable national averages. The activities associated with the alternate threshold reporting include report calculations and certification, form completion, and recordkeeping and submission.¹⁶ Specifically:

¹⁶ Facilities must also determine whether they are within a covered NAICS code; have the equivalent of 10 or more full-time employees; and manufacture, process or use any of the listed toxic chemicals above the threshold quantity. The time required for compliance determination at all facilities in covered NAICS codes with 10 or more employees is already accounted for in the Form R ICR (see Form R ICR Supporting Statement).

- **Rule Familiarization:** Facilities that are reporting under EPCRA §313 for the first time must read the reporting package and become familiar with the reporting requirements. This activity includes the time needed to review instructions, and the time needed to train personnel to be able to respond to a collection of information.
- **Calculations/Certification:** Facilities must gather data and perform calculations to determine eligibility for the alternate threshold. This activity includes the time to search data sources, and the time to complete and review the information.
- **Form Completion:** Facilities must complete the form. Facilities use a single Form A Certification Statement to submit certifications for all chemicals that are eligible for the alternate threshold.
- **Recordkeeping/Submission:** Facilities must maintain recordkeeping systems and submit the completed Form A Certification Statement to EPA and their state.

Each of these activities is described in more detail below.

Rule Familiarization. If a facility will be reporting under the EPCRA §313 requirements for the first time, facility staff must review and comprehend the reporting requirements as well as EPA procedures for submitting, revising, and withdrawing forms. At a minimum, this effort will involve reading the reporting instructions. However, it may also involve consulting EPA guidance documents, attending a training course, and/or calling the EPCRA technical hotline. The cost associated with rule familiarization occurs only in the first year that a facility becomes subject to reporting. In subsequent years, facility staff are assumed to be familiar with the requirements that apply to their facility. Thus, the facility would no longer bear this cost. Similarly, facilities that already report on one or more existing TRI chemicals will not incur a rule familiarization cost.

Calculations/Certification. To certify that a listed toxic chemical qualifies for the alternate threshold, a facility must estimate its disposal and other releases, its annual reportable amount, and the amount manufactured, processed, or otherwise used. If a facility's annual reportable amount for a Non-PBT chemical is 5,000 pounds or less and its disposal or other releases do not exceed 2,000 pounds, the facility is eligible to apply the alternate threshold of 1 million pounds manufactured, processed or otherwise used. If a facility's annual reportable amount for a PBT chemical is 500 pounds or less and its disposal or other releases are zero, the facility is eligible to apply the alternate threshold of 1 million pounds manufactured, processed or otherwise used.

Form A Certification Statement Completion. If a facility is eligible and chooses to apply the alternate threshold, it must complete the Form A Certification Statement. The facility completes one Form A Certification Statement that contains certifications for all the listed toxic chemicals to which it is applying the alternate threshold.

The new data elements proposed for Form A by EPA will add minimal burden to the form as follows:

- *Field for “Public Contact” including email address (affects Form A only)*¹⁷ - The facility

¹⁷ Estimates here apply to Form A only; Form R already has a field for Public Contact that is being modified to include email address. For Form R, the burden associated with the corresponding change—adding an email address—is assumed to be negligible.

will enter the name, telephone number (including area code), and e-mail address of the public contact. In the first year, this data element is estimated to take 0.2 minutes of management time, 0.5 minutes of technical time, and 1.3 minutes of clerical time to complete. In subsequent years, it is estimated to take 0.2 minutes of management time, 0.5 minutes of technical time, and 0.9 minutes of clerical time to complete.

- *Code boxes indicating that the form is a revision or withdrawal as well as the reason for revision or withdrawal (affects Form A and Form R).* For a revision or withdrawal, the facility will indicate with up to two codes the reason(s) for revision or withdrawal in the code box. Given that revision and withdrawal procedures are considered to be part of Rule Familiarization, these procedural changes, which apply to a subset of the ICR Universe, are negligible and assumed to be zero.

Recordkeeping/Submission. After a facility has certified a listed toxic chemical as eligible for the alternate threshold, it incurs additional labor costs for recordkeeping and submission. Recordkeeping allows a facility to use the information in making calculations in subsequent years, and as documentation in the event it receives a compliance audit. Facilities may maintain such records as estimation methodology and calculations, engineering reports, inventory, incident and operating logs, and any other supporting materials needed to document eligibility for the alternate threshold. Facilities must transmit Form A Certification Statements to EPA and State authorities.

Form A Respondent Burden

The calculations needed to determine eligibility for the Form A Certification Statement are a subset of the calculations necessary to complete Form R. Thus, the time required to calculate the annual reportable amount was estimated in previous ICRs by aggregating EPA's estimates of the time required to calculate each of the sections of Form R that are relevant to determining the annual reportable amount.

Since the last Form A ICR, this ICR incorporates two substantive changes. First, due to the TRI Burden Reduction Rule promulgated December 22, 2006, the expanded Form A eligibility will result in an increase in the number of Form As filed and therefore an increase in Form A reporting burden. The unit burdens (PBT and Non-PBT) associated with filling out Form A, however, remain unchanged. The change in the number of Form As filed is discussed in section 6(d). Second, EPA is proposing to add data elements and revise instructions for Form R and A that would improve the consistency and granularity of TRI data via details of standardized responses. The addition of data elements will slightly increase the unit burden associated with filling out Form A but should not affect the number of Form As submitted. Note that the tables below are often presented in (a) and (b) versions to reflect the base case (incorporating the TRI Burden Reduction Rule) and then the proposed changes. Reporting burden estimates by activity and labor category are shown in Table 1a. The incremental burden associated with the new data elements is shown in Table 1b.

Table 1a
Reporter Average Annual Burden Hour Estimates for Form A

Activity	Management	Technical	Clerical	Total Hours
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First-year activities				
Rule Familiarization - first-time filers	12	22.5	0	34.5
Calculations/ Certification - first-time Non-PBT filers	16.3	26	2.2	44.5
Calculations/ Certification - first-time PBT filers	16.1	25.7	2.2	44
Form A Completion - first-time filers	0.02	1.5	0.05	1.6
Recordkeeping/Submission	0	2.4	0.6	3
Total Non-PBT	28.3	52.4	2.9	83.6
Total PBT	28.1	52.1	2.9	83.1
Subsequent year activities				
Calculations/ Certification - subsequent year Non-PBT filers	5.95	9.5	0.75	16.2
Calculations/ Certification - subsequent year PBT filers	11.2	19	1.4	31.6
Form A Completion - subsequent year filers	0.09	1.2	0.03	1.3
Recordkeeping/Submission	0	2.4	0.6	3
Total Non-PBT	6.04	13.1	1.38	20.5
Total PBT	11.29	22.6	2.03	35.9
Source: Economic Analysis of the Toxics Releases Inventory Burden Reduction Rule, September 2006.				

**Table 1b
Reporter Incremental Annual Burden Increase Estimates for Form A**

Activity	Management	Technical	Clerical	Total Minutes	Total Hours
First-year activities					
Form A Completion - first-time filers (Non-PBT and PBT)					
<i>Include field for Public Contact information</i>	0.2	0.5	1.3	2.05	0.034
<i>Include code boxes on form to indicate reason(s) for revision or withdrawal, if a form is being resubmitted</i>	0.0	0.0	0.0	0.0	0.00
Total	0.2	0.5	1.3	2.05	0.034
Subsequent year activities					
Form A Completion - subsequent year filers (Non-PBT and PBT)					
<i>Include field for Public Contact information</i>	0.2	0.5	0.9	1.6	0.027
<i>Include code boxes on form to indicate reason(s) for revision or withdrawal, if a form is being resubmitted</i>	0.0	0.0	0.0	0.0	0.00
Total	0.2	0.5	0.9	1.6	0.027
Note that the derivation of reporting burden estimates associated with the new data elements and revised reporting instructions follows the methodology used in the Economic Analysis for the TRI Reporting Forms Modification Rule, July 2005.					

6(b) Estimating Respondent Costs

The cost to respondents is based on the time needed to complete the activities listed in Section 6(a) and the hourly cost of labor at appropriate levels (loaded labor rates). There are no specific capital and operation and maintenance costs associated directly with this information collection activity. There may be some small additional costs for mailing and supplies. Total annual costs for all facilities are discussed in Section 6(d).

(i) Estimating Labor Costs

Respondent costs are related to the number of chemical certifications reported on the Form A Certification Statements and the loaded hourly rates of the personnel who complete the reporting activities. For the first year, the total reporting burden is estimated to average 83.61 hours for a facility submitting a single certification statement for a Non-PBT chemical and 83.08 hours for a facility submitting a single certification statement for a PBT chemical under EPCRA §313 (all estimates incorporate proposed changes). (This estimate includes the time required for rule familiarization, calculations/certification, Form A Certification Statement completion, and recordkeeping/submission.) For subsequent reporting years, the total reporting burden is estimated to average 20.52 hours for a facility submitting a single certification statement for a Non-PBT

chemical and 35.89 hours for a facility submitting a PBT chemical under EPCRA §313 (all estimates incorporate proposed changes). These estimates include the time required for calculations/certification, Form A Certification Statement completion, and recordkeeping/submission. By comparison, the average time required for calculations, form completion, and recordkeeping/submission for Form R is estimated to average between 29.66 hours per form for a Non-PBT chemical and 51.34 hours per form for a PBT chemical in subsequent reporting years (all estimates incorporate proposed changes). Thus, for a facility filing a Form A Certification Statement for a single chemical, the alternate threshold yields an average savings of 9.1 hours for a Non-PBT chemical and 15.4 hours for a PBT chemical in subsequent reporting years.

For a facility that certifies multiple chemicals on a Form A Certification Statement, the burden per reported chemical is reduced. On average 2.2 chemicals were reported to EPA using Form A Certification Statements for RY2005. About 50 percent of the facilities using the Form A Certification Statement reported on one chemical, another 18 percent reported on two chemicals, 16 percent on three chemicals, and the remaining 16 percent of facilities reported on 4 or more chemicals. The typical per facility burden and cost for certifying one to three chemicals is shown in Tables 2a and 2b before and after the addition of the new data elements. The loaded hourly rates used in Tables 2a and 2b correspond with the loaded hourly rates for the relevant labor categories in the Form R ICR Supporting Statement.¹⁸

¹⁸ Employer Costs for Employee Compensation, Private industry workers, Goods-producing industries, white-collar occupations, as published by the U.S. Department of Labor, Bureau of Labor Statistics. The September 2006 values for these series are listed in Table 11 of the *Employer Costs for Employee Compensation Summary*.

Table 2a
Reporter Annual Burden and Cost per Facility (Assuming 1, 2, or 3 Chemicals)

Activity	Number of Chemicals Reported on Each Form A					
	1 Chemical		2 Chemicals		3 Chemicals	
	hours	cost	hours	cost	hours	cost
First-year filers						
Rule Familiarization - first-time filers	34.5	\$1,805	34.5	\$1,805	34.5	\$1,805
Calculations/ Certification - first-time Non-PBT filers	44.5	\$2,280	89	\$4,560	133.5	\$6,840
Calculations/ Certification - first-time PBT filers	44	\$2,253	88	\$4,506	132	\$6,759
Form A Completion - first-time filers	1.6	\$77	1.6	\$77	1.6	\$77
Recordkeeping/Submission	3	\$134	6	\$268	9	\$402
<i>Total per Facility - Non-PBT</i>	83.6	\$4,296	131.1	\$6,710	178.6	\$9,124
<i>Total per Facility – PBTs</i>	83.0	\$4,269	130	\$6,656	177	\$9,043
<i>Average per Chemical – Non-PBT</i>	83.6	\$4,296	65.5	\$3,355	59.5	\$3,041
<i>Average per Chemical – PBT</i>	83.0	\$4,269	65	\$3,328	59	\$3,014
Subsequent year filers						
Calculations/ Certification - subsequent year Non-PBT filers	16.2	\$831	32.4	\$1,662	48.6	\$2,493
Calculations/ Certification - subsequent year PBT filers	31.6	\$1,620	63.2	\$3,240	95	\$4,860
Form A Completion - subsequent year filers	1.3	\$64	1.3	\$64	1.3	\$64
Recordkeeping/Submission	3	\$134	6	\$268	9	\$402
<i>Total per Facility – Non-PBT</i>	20.5	\$1,029	39.7	\$1,994	58.9	\$2,959
<i>Total per Facility –PBT</i>	35.9	\$1,818	70.4	\$3,572	105	\$5,326
<i>Average per Chemical – Non-PBT</i>	20.5	\$1,029	19.8	\$997	19.6	\$986
<i>Average per Chemical – PBT</i>	35.9	\$1,818	35.2	\$1,786	35	\$1,775

Table 2b
Reporter Annual Burden and Cost per Facility (Assuming 1, 2, or 3 Chemicals),
Including New Data Elements

Activity	Number of Chemicals Reported on Each Form A					
	1 Chemical		2 Chemicals		3 Chemicals	
	hours	cost	hours	cost	hours	cost
First-year filers						
Rule Familiarization - first-time filers	34.5	\$1,805	34.5	\$1,805	34.5	\$1,805
Calculations/ Certification - first-time Non-PBT filers	44.5	\$2,280	89	\$4,560	133.5	\$6,840
Calculations/ Certification - first-time PBT filers	44.0	\$2,253	87.932	\$4,505	131.9	\$6,758
Form A Completion - first-time filers	1.6	\$79	1.6	\$79	1.6	\$79
Recordkeeping/Submission	3	\$134	6	\$269	9	\$403
<i>Total per Facility - Non-PBT</i>	83.6	\$4,298	131.1	\$6,712	178.6	\$9,127
<i>Total per Facility - PBTs</i>	83.1	\$4,271	130.0	\$6,658	177.0	\$9,045
<i>Average per Chemical - Non-PBT</i>	83.6	\$4,298	65.6	\$3,356	59.5	\$3,042
<i>Average per Chemical - PBT</i>	83.1	\$4,271	65.0	\$3,329	59.0	\$3,015
Subsequent year filers						
Calculations/ Certification - subsequent year Non-PBT filers	16.2	\$831	32.4	\$1,663	48.6	\$2,494
Calculations/ Certification - subsequent year PBT filers	31.6	\$1,620	63.2	\$3,240	94.7	\$4,860
Form A Completion - subsequent year filers	1.3	\$65	1.3	\$65	1.3	\$65
Recordkeeping/Submission	3	\$134	6	\$269	9	\$403
<i>Total per Facility - Non-PBT</i>	20.5	\$1,031	39.7	\$1,996	58.9	\$2,962
<i>Total per Facility - PBT</i>	35.9	\$1,819	70.5	\$3,574	105.1	\$5,328
<i>Average per Chemical - Non-PBT</i>	20.5	\$1,031	19.9	\$998	19.6	\$987
<i>Average per Chemical - PBT</i>	35.9	\$1,819	35.2	\$1,787	35.0	\$1,776
Note that the derivation of reporting burden and cost estimates associated with the new data elements and revised reporting instructions follows the methodology used in the Economic Analysis for the TRI Reporting Forms Modification Rule, July 2005.						

6(c) Estimating Agency Burden and Cost

This section estimates the burden and costs to EPA to process Form R reports based on information characterizing the resources used in previous years. EPA incurs burden and costs for five categories of activities: data processing, outreach and training, information dissemination, policy and petitions, and compliance and enforcement. These activities are described in detail in Table 3.

Table 3
EPA Activities for TRI Reporting Forms

Category	Description
Data Processing	Data entry – entering the information into the database, microfilming or microfiling the reports, and filing all reports; Data quality – reviewing reports for completeness, errors, and inconsistencies; making inquiries to resolve discrepancies; and reentering corrected data; Magnetic media support – distributing the computer program for electronic submissions; creating and updating intelligent reporting software; Programming and operating the EPA mainframe and local area network; Data analysis – developing tools to use TRI data, analyzing data to support EPA needs, and preparing data for use by others; and EPCRA Reporting Center fixed costs – rent and form storage.
Outreach and Training	Providing EPCRA technical hotline, technical guidance, industry outreach, and regional, state, and public training; and Responding to requests for information through TRI User Support.
Information Dissemination	Public Data Release, Internet, data access tools.
Policy and Petitions	Analysis to support petitions, list revisions, trade secret claims, and rulemakings.
Compliance and Enforcement	Technical assistance, compliance outreach, facility inspections, issuance of cases, and creation of Supplemental Environmental Projects (SEPs).

The estimate of EPA burden and costs is separated into a fixed component and a variable component; EPA staff commitments (as measured by FTEs) are reported in total. Activities and expenses that are not greatly affected by marginal changes in report quantities are reported as fixed costs. These activities and expenses include rent for the EPCRA Reporting Center, development costs for data access tools, compliance assistance measures, and other activities and expenses listed above. The variable component is the amount that varies depending on the number of forms. The variable unit costs are estimated as total data processing costs divided by the total number of reports processed in RY 2005. Table 4 details the costs associated with the activities of Table 3 in total and for each Form R and Form A.

Table 4
Agency Burden and Cost*

Category	Annual Cost (million)	Form R (million)	Form A (million)
Data Processing (Fixed Cost)	\$ 4.25	\$ 3.70	\$ 0.55
Forms Processing (Variable Cost)	\$ 0.45	\$ 0.39	\$ 0.06
Outreach and Training	\$ 1.10	\$ 0.96	\$ 0.14
Information Dissemination	\$ 0.81	\$ 0.70	\$ 0.11
Policy and Petitions	\$ 1.08	\$ 0.94	\$ 0.14
Compliance and Enforcement	\$ 0.37	\$ 0.32	\$ 0.05
Totals	\$ 8.06	\$ 7.01	\$ 1.05

*This estimate includes all Agency activities related to all TRI work, reflecting a 50 FTE effort with 13 FTEs from Regional office support. The portion of FTEs attributed to Form R activities is approximately 87% of the total, or 44 FTEs.

Note that total costs are allocated to Form Rs and As in same proportion as the number of Form Rs and Form As in the ICR Universe (66,751 Form Rs; 10,255 Form As). See the explanation of these counts in Section 6(d).

Table 5 summarizes the fixed and variable costs associated with reporting under the EPCRA §313 requirements by form type and by submission media.

Table 5
Agency Data Processing Costs

	Form R			Form A		
	Paper	CDX	Diskette	Paper	CDX	Diskette
Variable Cost Per Form	\$24.79	\$6.26	\$3.01	\$18.42	\$6.26	\$3.01
Fixed Costs	\$3.7 million			\$.55 million		
Average Cost per Form	\$61.25			\$59.63		

As discussed in the following section, approximately 10,235 Form A Certification Statements are expected to be filed per year incorporating projected effects of the TRI Burden Reduction Rule. Thus, the total annual burden to EPA associated with Form As is estimated to be \$0.99 million in fixed costs, \$0.06 million in variable costs, and 6 FTEs (or 56,160 hours at \$0.7 million in loaded labor costs). These costs reflect the burden to conduct the EPA activities described above plus an additional (variable) cost for each form processed depending on the submission media. The analysis assumes that, on average, the fixed FTE requirement is met by EPA employees at the general pay scale for grade GS-12, step 8 (at a loaded salary of \$115,289) using a loading factor of 1.4 that includes wages and benefits but not overhead which is included in the fixed costs portion of the Agency burden estimate.

6(d) Estimating the Respondent Universe and Total Burden and Costs

Total respondent burden is related to the number of chemical certifications reported on the Form A Certification Statements and the number of facilities that file Form A Certification Statements. Table 6 shows the assumed universe of TRI reporters and forms for both the Form R and Form A ICRs and the effect of changes in Form A eligibility. This universe is based on reporting in RY2005, adjusted to account for the impact that TRI Burden Reduction rule is expected to have on Form A reporting. Due to the TRI Burden Reduction Rule, 6,620 facilities are expected to make Form A Certification Statements for an additional 11,832 chemicals.¹⁹ For the purposes of bottom line burden hours and costs in this ICR Supporting Statement, EPA is summing current Form A reporting, based on RY2005, and expected increases in Form A reporting, post the TRI Burden Reduction Rule. This sum yields 10,235 facilities filing Form A Certification Statements for 22,561 chemicals. Since the number of Form A Certification Statements that will be filed after the TRI Burden Reduction Rule is unknown, the estimated number of facilities filing Form As is used as a proxy for the number of Form A Certification Statements in the ICR Universe.

It is estimated that approximately 11,780 Form Rs will be replaced by Form As, assuming all who are eligible for the simplified Form A take advantage of it. Additionally, a very small number of Form As—47—will no longer be eligible to be filed as a Form A and will be replaced by Form Rs due to the new definition of the Annual Reportable Amount.²⁰ These estimates (including newly eligible Form As) are strictly projections for what is expected in RY2007 given the anticipated effects of the TRI Burden Reduction Rule and assuming reporter characteristics are roughly the same in RY2007 as they were in RY2005. See Table 6 for additional details.

¹⁹ Note that, in a limited number of cases, the TRI Burden Reduction rule may require some facilities currently filing Form As to switch back to Form Rs (see next section and next footnote).

²⁰ Prior to the TRI Burden Reduction Rule, the Annual Reportable Amount was defined as the sum of quantities reported in Form R Sections 8.1-8.7; with implementation of the TRI Burden Reduction Rule, the Annual Reportable Amount was redefined to include the sum of quantities in Sections 8.1-8.8. Based on RY2005 TRI data, it is estimated that 35 facilities currently filing Form As on 47 chemicals would lose Form A eligibility.

Table 6
ICR Universe of TRI Facilities and Forms

	Form R	Form A
	Number of Chemicals (Same as Number of Forms)	Number of Chemicals (Note: Average of 2.2 Chemicals per Form)
RY2005 TRI Universe		
Number of Facilities	21,154	4,713
Number of PBT Chemicals	15,645	22 ¹
Number of Non-PBT Chemicals	62,891	10,754
Newly Eligible for Form A		
Number of Facilities		6,620
Number of PBT Chemicals		2,375
Number of Non-PBT Chemicals		9,457
Newly Ineligible for Form A		
Number of Facilities		35
Number of Non-PBT Chemicals		47
RY 2008 ICR Universe		
Number of Facilities	19,441	10,235
Number of PBT Chemicals	13,270	2,397
Number of Non-PBT Chemicals	53,481	20,164
RY 2008 ICR Universe of Forms		
Form R = 78,536-11,832 +47 = 66,751		
Form A ⁴ = [(10776+11,832)/2.2]-[47/1.1]=10,235		
Notes:		
1. In RY2005 the TRI Burden Reduction Rule was not in place (i.e., no eligibility for reporting PBTs on Form A) but Form As were incorrectly filed for 22 PBT chemicals.		
2. The number of facilities cannot simply be added or subtracted across columns or down rows due to the fact that any given facility may be filing both Form Rs and a Form A; also note that the categories of chemicals reported on each form are not mutually exclusive, with overlap of those switching (by chemical) from Form R to A and vice versa. 3) These projections assume that the number of facilities filing Form A is an adequate proxy for the number of Form A Certifications.		
4. To count the number of Form As, the number of chemicals has to be divided by the number of chemicals per form. For the main group of Form R chemicals being moved to reports on Form A, the average count of chemicals per Form A is 2.2; for the small group of chemicals that are no longer eligible for Form A and moved to Form R, the average count of chemicals per form is 1.1.		

Total respondent burden and cost for the Form A Certification Statement is shown in Tables 7a and 7b for the current Form A and for the new data elements, respectively.

**Table 7a
Total Annual Respondent Burden and Cost**

Activity	Hours	Number of Facilities	Number of Chemicals	Total Burden
Rule Familiarization - First-year filers	34.5	334	N/A	11,523
Calculations/Certification - First-year Non-PBT filers	44.5	N/A	729	32,441
Calculations/Certification - First-year PBT filers	43.966	N/A	11	484
Form A Completion - First-year filers	1.6	334	N/A	528
Calculations/Certification - Subsequent year Non-PBT filers	16.2	N/A	19,457	315,210
Calculations/Certification - Subsequent year PBT filers	31.58	N/A	2,364	74,655
Form A Completion - Subsequent year filers	1.3	9,901	N/A	12,758
Recordkeeping/Submission - All filers	3.0	N/A	22,561	67,684
Total Burden				515,284
Activity	Cost	Number of Facilities	Number of Chemicals	Total Cost
Rule Familiarization - First-year filers	\$1,805	334	N/A	\$602,974
Calculations/Certification - First-year Non-PBT filers	\$2,280	N/A	729	\$1,662,095
Calculations/Certification - First-year PBT filers	\$2,253	N/A	11	\$24,779
Form A Completion - First-year filers	\$77	334	N/A	\$25,863
Calculations/Certification - Subsequent year Non-PBT filers	\$831	N/A	19,457	\$16,176,831
Calculations/Certification - Subsequent year PBT filers	\$1,620	N/A	2,364	\$3,829,931
Form A Completion - Subsequent year filers	\$64	9,901	N/A	\$632,763
Recordkeeping/Submission - All filers	\$134	N/A	22,561	\$3,029,820
Total Cost				\$25,985,056

Table 7b
Total Incremental Annual Respondent Burden and Cost Increase

Activity	Minutes	Number of Chemicals	Total Burden (Hours)
Form A Completion - First-year filers			
<i>Include field for Public Contact information</i>	2.0	740	25
<i>Include code boxes on form to indicate reason(s) for revision or withdrawal, if a form is being resubmitted</i>	0.0	740	0
Form A Completion - Subsequent year filers			
<i>Include field for Public Contact information</i>	1.6	21,821	592
<i>Include code boxes on form to indicate reason(s) for revision or withdrawal, if a form is being resubmitted</i>	0.0	21,821	0
Total Burden			617
Activity	Cost	Number of Chemicals	Total Cost
Form A Completion - First-year filers			
<i>Include field for Public Contact information</i>	\$1.18	740	\$874
<i>Include code boxes on form to indicate reason(s) for revision or withdrawal, if a form is being resubmitted</i>	\$0.00	740	\$0
Form A Completion - Subsequent year filers			
<i>Include field for Public Contact information</i>	\$1.01	21,821	\$21,990
<i>Include code boxes on form to indicate reason(s) for revision or withdrawal, if a form is being resubmitted</i>	\$0.00	21,821	\$0
Total Cost			\$22,864
Note that the derivation of reporting burden estimates associated with the new data elements and revised reporting instructions follows the methodology used in the Economic Analysis for the TRI Reporting Forms Modification Rule, July 2005.			

6(e) Bottom-Line Burden and Cost Tables

This section presents the total burden and cost incurred by TRI reporters that use the alternate reporting threshold under EPCRA §313 and by EPA to process Form As annually.

(i) Respondent Tally

Table 8 presents the total annual reporting burden and cost associated with Form A.

Table 8
Total Annual Form A Reporting Burden and Cost

	Number of Respondents	Number of Responses	Number of Chemicals for Which Certifications Statements are Submitted	Annual Burden Hours	Annual Costs (2006 dollars)
Current Form A	10,235	10,235	22,561	515,284	\$25,985,056
New Data Elements and Instructions	10,235	10,235	22,561	617	\$22,864
Total				515,901	\$26,007,920
Notes:					
1. The basis for these estimates is derived from RY2005 TRI reporting.					
2. In comparison to the last ICR and last OMB Action, the estimates in this table reflect a net baseline shift of -213 responses, and -23,404 hours, plus a calculation correction of -6,333 to a previously reported overstated "Number of Responses."					

(ii) The Agency Tally

The total annual burden to EPA associated with Form As is estimated to be \$0.99 million in fixed costs, \$0.06 million in variable costs, and 6 FTEs (or 56,160 hours at \$0.7 million in loaded labor costs). These costs reflect the burden to conduct the EPA activities described above plus an additional (variable) cost for each form processed depending on the submission media.

(i) Variations in the Annual Bottom Line

Significant variation in the annual respondent reporting/recordkeeping burden and cost is not expected over the course of the clearance period.

6(f) Reasons for Change in Burden

OMB last approved this Information Collection request on March 3, 2006, with an expiration date of January 31, 2008. The approved ICR reflected a Form A respondent reporting burden of 259,192 hours and \$12 million. This previous ICR period was 2006-2007. By the end of 2006, the TRI Burden Reduction Rule was promulgated and the inventory was recalculated at 10,227 responses and 509,761 hours (no cost reported) due to shifts from Form R to Form A.²¹

²¹ Originally recalculated and reported on the OMB Action at 16,781 responses and 538,688 hours; estimates in text are corrected to incorporate a baseline shift and an overstated erroneous estimate of the "Number of Responses." The revised numbers for this last OMB Action in text are based on a consistent base and increment (RY2004) as are the final estimates for this ICR Universe in Table 8 (RY2005). By comparison, the previous recalculation was estimated by adding projected changes (derived from RY2004 with 89,645 total forms A and R) to the previous ICR inventory (based on RY2002 with 93,380 total forms A and R), without accounting for baseline shifts related to decreases in Form A reporting overall since RY2002.

In this ICR Renewal, the effect of the TRI Burden Reduction Rule is expected to sustain the reduced overall burden due to increased Form A eligibility (i.e., number of Form Rs decreased and number of Form As increased) with total respondent burden and cost of Form A reporting projected at 10,235 responses, 515,284 hours and \$25.99 million. Further, the TRI program is proposing to add certain data elements to both reporting forms. The addition of these data elements is estimated to increase the total reporting burden and cost for Form A reporting to 515,901 hours and \$26.01 million.

The burden estimated in this supporting statement differs from the last ICR as a result of increases in the number of chemicals for which facilities will now be able to file Form A Certification Statements due to the TRI Reporting Burden Reduction Rule. The number of chemicals for which Form A Certification Statements will be filed is estimated to increase from approximately 12,000 chemicals in RY2002 to approximately 22,600 chemicals. The addition of one data element is expected to result in a minor increase in reporting burden of 617 hours.

Refer to the Form R ICR Supporting Statement, Figure 1 and Table 18 for extended background information on the chronology of both TRI rulemaking and ICR Renewal.

6(g) Burden Statement (To appear on Collection Instrument)

The annual public burden for calculations, report completion, recordkeeping and submission, which is approved under OMB Control No. 2070-0143, is estimated to average 20.52 hours for a facility that certifies one Non-PBT chemical per Form A Certification Statement and 35.89 hours for a facility that certifies one PBT chemical per Form A Certification Statement (all estimates incorporate proposed changes). Responding to this information collection requires 1) determining whether a listed toxic chemical is eligible for certification under the alternate threshold, and 2) completing the Form A Certification Statement. The burden of determining eligibility for certification and associated recordkeeping is estimated to average 19.2 hours (not impacted by changes) for each Non-PBT chemical that is certified and 34.6 hours (not impacted by changes) for each PBT chemical that is certified. The burden of completing the Form A Certification Statement is estimated to average 1.32 hours (estimates incorporates proposed changes), regardless of the number or type (Non-PBT or PBT) of chemicals being certified. The total burden per response is the combination of these two, and will vary depending on the number of listed toxic chemicals being certified.

Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This burden includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID No. **EPA-HQ-TRI-2007-0355**, which is available for online viewing at www.regulations.gov, or in-person viewing at the Office of Environmental Information Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Office of Environmental Information Docket is (202) 566-1752. The www.regulations.gov site can be used to submit or view public comments, access the index listing of the contents of the public docket, and access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID No. **EPA-HQ-TRI-2007-0355** and OMB Control No. 2070-0143 in any correspondence.

The completed form should be submitted in accordance with the instructions accompanying the form.

December 2007

**APPENDIX A
BLANK FORM A**

December 2007

**APPENDIX B
REPORTING FORM INSTRUCTIONS
ASSOCIATED WITH FORM CHANGES**

Appendix B: Reporting Form Instructions Associated with Form Changes

This appendix presents the instructions that will accompany the proposed form revisions and additions by data element.

PART 1 FACILITY IDENTIFICATION INFORMATION

4.4 Public Contact

Enter the name and telephone number (including area code) of a person who can respond to questions from the public about the form. You should also enter an e-mail address for this person. If you choose to designate the same person as both the Technical and the Public Contact, or you do not have a Public Contact, you may enter "Same as Section 4.3" in this space. This contact person does not have to be the same person who prepares the form or signs the Certification Statement and does not necessarily need to be someone at the location of the reporting facility.

PART II CHEMICAL-SPECIFIC INFORMATION

Basis of Estimate Instructions (Applies to Form R only)

For each release and otherwise managed waste estimate (Sections 5 & 6), you are required to indicate the principal method used to determine the amount of release and otherwise managed waste reported. You should enter a letter code identifying the method that applies to the largest portion of the total estimated release and otherwise managed waste quantity.

The codes are as follows:

- M1 – Continuous emission monitoring
- M2 – Periodic or random emission monitoring
- C – Mass balance calculations
- E1 – Published emission factor
- E2 – Site-specific emission factor
- O – Other methods of estimation

For example, if 40 percent of stack emissions of the reported EPCRA §313 chemical were derived using source testing data, 30 percent by mass balance, and 30 percent by published chemical-specific emission factors, you should enter the code letter "M2" for periodic or random emission monitoring.

If the monitoring data, mass balance, or emission factor used to estimate the release is not specific to the EPCRA §313 chemical being reported, the form should identify the estimate as based on other methods of estimation (O).

If a mass balance calculation yields the flow rate of a waste, but the quantity of reported EPCRA §313 chemical in the waste is based on solubility data, you should report “O” because engineering calculations were used as the basis of estimate of the quantity of the EPCRA §313 chemical in the waste.

If the concentration of the EPCRA §313 chemical in the waste was measured by continuous emissions monitoring equipment and the flow rate of the waste was determined by mass balance, then the primary basis of the estimate should be “continuous emission monitoring” (M1). Even though a mass balance calculation also contributed to the estimate, “continuous emission monitoring” should be indicated because monitoring data were used to estimate the concentration of the chemical in waste.

Mass balance (C) should only be indicated if it is **directly** used to calculate the mass (weight) of EPCRA §313 chemical released. Monitoring data should be indicated as the basis of estimate **only** if the EPCRA §313 chemical concentration is measured in the waste. Monitoring data should **not** be indicated, for example, if the monitoring data relate to a concentration of the EPCRA §313 chemical in other process streams within the facility.

It is important to realize that the accuracy and proficiency of release estimation will improve over time. However, submitters are not required to use new emission factors or estimation techniques to revise previous Form R submissions.

Submitting a Request to Revise TRI Data

Facilities that filed a Form R and/or Form A Certification Statement under EPCRA § 313 may submit a request to revise a form that was previously submitted, stored in the Toxics Release Inventory Processing System (TRIPS), and made available to the public through Envirofacts and TRI Explorer. Facilities may request a revision for one or more of the following reasons:

- New Monitoring Data (RR1)
- New Emission Factor(s) (RR2)
- New Chemical Concentration Data (RR3)
- Recalculation(s) (RR4)
- Other Reason(s) (RR5)

The revision code(s) should be entered in the “Revision” box on the first page of the reporting form. You may enter up to two revision codes on the form.

Please note that late submissions for chemicals not reported in a previous reporting year are not considered revisions for that year.

How do I revise my submission(s)?

If you have determined that your facility wishes to revise a TRI submission, you must send your request to EPA and the appropriate State agency. For submitting a revision to EPA, please use one of the following methods:

1. TRI-MEweb. The preferred method for revising *TRI forms from Reporting Year 2005 through the current year* is to use TRI-MEweb. For more information regarding access to TRI-MEweb, please visit <http://www.epa.gov/tri>. TRI-MEweb provides several advantages compared to hard-copy reporting, such as pre-populating the form with the previous year's data, allowing reporters to electronically sign and submit the form over the Internet, providing automated data quality checks, and electronically confirming EPA's receipt of a submitted form. If you have questions about accessing TRI-MEweb, please contact the CDX Hotline at epacdx@csc.com or call toll-free at 1-888-890-1995.

2. TRI-ME via CDX. The preferred method for revising *TRI forms from Reporting Year 2002 through Reporting Year 2004* is to use the TRI Made-Easy (TRI-ME) software and submit the report via CDX and the Internet. You can download the TRI-ME software at <http://www.epa.gov/tri>. If revising a report from a particular reporting year, you must use the TRI-ME software for that same reporting year. For example, if you are revising a form for Reporting Year 2003, you must use the Reporting Year 2003 version of TRI-ME, which is available at <http://www.epa.gov/tri>. If you have questions about using the TRI-ME software and submitting a report through CDX, please contact the CDX Hotline at epacdx@csc.com or call toll-free at 1-888-890-1995.

3. TRI-ME via Diskette. If you do not have Internet access and you wish to revise a form for Reporting Year 2005 or a prior year, EPA encourages you to use the TRI-ME software and to submit your revised report by diskette to one of the addresses below. All diskette submissions must be accompanied by a signed Certification Statement. If you do not have the TRI-ME software for the reporting year that you need, please contact EPA at 301-429-5005.

Send diskette or hard copy revision requests by *regular mail* to the following address:

TRI Data Processing Center
P.O. Box 1513
Lanham, MD 20703-1513
Attention: TRI Revision Request

Send diskette or hard copy revision requests by *certified mail or overnight mail* to the following address:

TRI Data Processing Center
c/o Computer Sciences Corporation
Suite 150
8400 Corporate Drive
Landover, MD 20785-2294
Attention: TRI Revision Request
Phone: 301-429-5005

4. Hard Copy Form. EPA strongly discourages paper submissions due to the increased possibility of data entry errors; however, if necessary, you may revise a previously submitted hard-copy form by using either 1) a photocopy of the original or 2) a blank form.

- **Photocopy of Original Submission.** You may submit a photocopy of your original

submission (from your file) with the corrections made in blue ink. Please re-sign and re-date the certification statement on Page 1. For RY 2007 revisions and beyond, please enter the appropriate revision code(s). For RY 2006 and prior years, please enter an “X” in the space marked “Enter ‘X’ here if this is a revision,” on page 1 of the form.

- **Blank Form.** Hard copy submissions may be submitted using the form applicable for that particular reporting year or the most recent form available. You can request prior year reporting forms at tridocs@epa.gov. For RY 2007 revisions and beyond, please enter in the appropriate revision code(s). For RY 2006 and prior years, please enter an “X” in the space marked “Enter ‘X’ here if this is a revision,” on page 1 of the form.

See 3. above for mailing instructions for diskette and hard copy revision requests.

Submitting a Request to Withdraw TRI Data

Facilities that filed a Form R and/or Form A Certification Statement under EPCRA §313 may submit a request to withdraw a form that was previously submitted, stored in the Toxics Release Inventory Processing System (TRIPS), and made available to the public through Envirofacts and TRI Explorer. EPA may periodically review withdrawals.

Facilities may request a withdrawal for one or several reasons, such as:

- Did not meet the reporting threshold for manufacturing, processing, or otherwise use (WT1)
- Did not meet the reporting threshold for number of employees (WT2)
- Not in a covered NAICS Code (WT3)
- Other reason(s) (WO1)

The withdrawal code(s) should be entered in the “Withdrawal” box on the first page of the reporting form. You may enter up to two withdrawal codes on the form.

How do I withdraw my submission(s)?

If you have determined that your facility wishes to withdraw a TRI submission, you must send your request to EPA and the appropriate State agency. For submitting a withdrawal to EPA, please use one of the following methods:

1. TRI-MEweb. The preferred method for requesting a withdrawal of a previously submitted TRI form from Reporting Year 2005 through the current year is TRI-MEweb. For more information regarding access to TRI-MEweb, please visit <http://www.epa.gov/tri> or contact the CDX Hotline at epacdx@csc.com or call toll-free at 1-888-890-1995.

2. TRI-ME via CDX. For the RY 2007 version of the software only, withdrawals may be submitted electronically using the TRI-ME software and submitting the report via CDX and the Internet. You can download the TRI-ME software at <http://www.epa.gov/tri>. If you have questions about submitting via CDX, please contact the CDX Hotline at epacdx@csc.com or call toll-free at 1-888-890-1995.

3. TRI-ME via Diskette. For the RY 2007 version of the software only, withdrawals can be submitted via diskette to one of the addresses below. Withdrawals submitted on diskette using the prior versions of the TRI-ME software will not be accepted.

Send diskette or hard copy withdrawal requests by *regular mail* to the following address:

TRI Data Processing Center
P.O. Box 1513
Lanham, MD 20703-1513
Attention: TRI Withdrawal Request

Send diskette or hard copy withdrawal requests by *certified mail or overnight mail* to the following address:

TRI Data Processing Center
c/o Computer Sciences Corporation
Suite 150
8400 Corporate Drive
Landover, MD 20785-2294
Attention: TRI Withdrawal Request
Phone: 301-429-5005

4. Hard Copy Form. All other withdrawal requests may be submitted by hard copy as follows:

- Reporting Year 2007 Forward. You may submit a photocopy of your original submission (from your file). Using blue ink, re-sign and re-date the certification statement on Page 1 and enter the appropriate withdrawal code(s) in the space provided on page 1 of the form.\
- Reporting Year 2006 and Prior Years. Please submit a photocopy of the form you wish to withdraw (from your file), and attach – as a cover page – page 1 of the current year’s reporting form, which includes a field for the withdrawal codes. Using blue ink, please sign and date the certification statement and enter the appropriate withdrawal code(s) in the space provided on page 1 of the current year’s form.

See 3. above for mailing instructions for diskette and hard copy withdrawal requests.