

**Supporting Statement for a Request for OMB Review under  
The Paperwork Reduction Act**

**1. IDENTIFICATION OF THE INFORMATION COLLECTION**

**1(a) Title and Number of the Information Collection**

**Title: Toxic Chemical Release Reporting and Renewals of Form R, Form A,  
and Form R Schedule 1**

**EPA ICR No.: 1363.26 OMB Control No.: 2025-0009**

**Docket ID No.: EPA-HQ-TRI-2017-0057**

**1(b) Short Characterization**

This Information Collection Request (ICR) is for the information collection requirements associated with EPA's Toxics Release Inventory (TRI) Program. Pursuant to section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA, 42 U.S.C. 11001 et seq.; see Appendix A), certain facilities that manufacture, process, or otherwise use specified toxic chemicals in amounts above reporting threshold levels as provided in 40 CFR 372.25 must submit annually to EPA and to their designated state or Indian country officials toxic chemical release forms containing information specified by EPA; see 42 U.S.C. 11023. In addition, pursuant to section 6607 of the Pollution Prevention Act (PPA, 42 U.S.C. 13101 et seq.; see Appendix B), facilities reporting under section 313 of EPCRA must also report pollution prevention and waste management data, including recycling information, for such chemicals; see 42 U.S.C. 13106. EPA compiles and stores these reports in a publicly accessible database known as the Toxics Release Inventory (TRI).<sup>1</sup>

Currently, facilities subject to the TRI reporting requirements may use either the EPA Toxics Release Inventory Form R (EPA Form No. 9350-1; see Appendix D-2), or, if they meet alternate threshold requirements, the EPA Toxics Release Inventory Form A Certification Statement<sup>2</sup> (simply referred to as "Form A" - EPA Form No. 9350-2; see Appendix D-1). With Form R, a facility reports one chemical per form; with Form A, a facility may report multiple chemicals per form.<sup>3</sup>

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<sup>1</sup> 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 H of this ICR Supporting Statement.

<sup>2</sup> The Form A submission requires a Certification Statement confirming that the sum of amounts of the chemical in releases and waste does not exceed the appropriate release and waste annual reportable amounts for that reporting year. See Form A in Appendix D-1 for Certification Statement details.

<sup>3</sup> See Appendix D-3. For the full set of instructions and Forms, refer to [https://ofmpub.epa.gov/apex/guideme\\_ext/f?p=guideme\\_ext:41](https://ofmpub.epa.gov/apex/guideme_ext/f?p=guideme_ext:41).

In the last ICR renewal, EPA revised the Form R and Form A to clarify data elements and enhance data utility. In this renewal, EPA is making changes to the forms. Please see Table 3 on page 17 for more information.<sup>4</sup>

Pursuant to EPCRA section 313 (and PPA section 6607, because of its linkage to EPCRA), EPA's Office of Chemical Safety and Pollution Prevention (OCSPP) collects, processes, and makes available to the public all of the information collected. EPA stores the information gathered under these authorities in a database available through the Internet. EPA, other federal, state, and local government agencies; industry; and the public use TRI extensively. Program offices within EPA and other government agencies have used TRI, along with other sources of data, to establish priorities, evaluate potential exposure scenarios, and conduct enforcement activities. Industries use TRI data to identify pollution prevention opportunities and set goals for emissions reductions. Environmental and public interest groups use TRI data to make the public more aware of releases of chemicals in their communities, as well as to initiate direct negotiation and risk reduction with facilities.

The TRI data are unique in providing a multi-media (air, water, and land) picture of toxic chemical releases, transfers, and other waste management activities by covered facilities on a yearly basis. With a centralized database and electronic data access tools, TRI provides a wide range of capabilities for a variety of users. Communities and governments can access the identities and quantities of listed toxic chemicals that many industrial facilities in their area release, transfer, or otherwise manage as waste. In addition, industries can use TRI as a tool for evaluating progress on their pollution prevention goals.

## **2. NEED FOR AND USE OF THE COLLECTION**

### **2(a) Need/Authority for the Collection**

This information collection activity is a statutory requirement pursuant to EPCRA section 313 and PPA section 6607. According to EPCRA section 313(h), the purpose of the data collected by the forms is to "inform persons about releases of toxic chemicals to the environment; to assist governmental agencies, researchers, and other persons in the conduct of research and data gathering; to aid in the development of appropriate regulations, guidelines, and standards; and for other similar purposes."

Section 6602 of the PPA establishes a national policy to prevent or reduce pollution at the source whenever feasible. To further this goal, EPA collects and disseminates information intended to fulfill that responsibility in part and to provide a basis for measuring progress in pollution prevention.

EPA's regulations implementing TRI reporting are codified at 40 CFR part 372; see Appendix C. Each covered facility must report on each listed chemical manufactured, processed or otherwise used in excess of the reporting thresholds established in EPCRA section 313(f)(1).

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<sup>4</sup> For additional details, refer to Appendices D1, D2 and D3 for Form A, Form R, and Form R Schedule 1, respectively, and Appendix E for Reporting Form R and Form A Changes and Associated Instruction Revisions.

EPA established an alternate threshold<sup>5</sup> under EPCRA section 313(f)(2) for a category of facilities with low amounts of a listed toxic chemical in wastes. A facility with such lower amounts of listed chemicals in wastes may submit an EPA Toxics Release Inventory Form A for the reportable chemicals instead of a Form R for each reportable chemical. Note that a Form A may contain multiple chemicals. Form A submissions foster continued attention to chemical management practices and provide important facility identification information. With a Form A, EPA and the general public receive a specific indication annually that a facility has a certain chemical; however, facilities provide less extensive reporting on chemicals when using the alternate threshold.

The information collected on the Form R, or alternatively on the shorter Form A, fulfills EPA's responsibilities under EPCRA section 313(f)(2), addressing the statutory mandates and the public's right-to-know. Table 1 summarizes the information reported by facilities on the two types of TRI reporting forms.

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<sup>5</sup> EPA has authority to revise the threshold amounts pursuant to EPCRA section 313(f)(2) provided that revised threshold amounts still result in reporting on a substantial majority of total releases of the chemical at all facilities subject to EPCRA section 313. A revised threshold may be based on classes of chemicals or categories of facilities.

**Table 1**  
**Form R and Form A Information Collection**

Information Collected	Form R	Form A
Location of facilities manufacturing, processing or otherwise using these chemicals	√	√
Indication that the chemicals are being manufactured, processed or otherwise used at current reporting thresholds	√	√
Certification that the sum of amounts of the chemical in releases and waste did not exceed the appropriate Non-PBT or PBT (lead in stainless steel, brass, or bronze alloy) release and waste annual reportable amounts for that reporting year		√
Accounting of quantities of chemicals entering environmental mediums on site	√	
Disclosure of chemical transfers to off-site locations	√	
Description of on-site waste treatment, energy recovery, and recycling processes	√	
Accounting of other disposal, source reduction and recycling activities	√	
Additional optional information on source reduction, recycling and pollution control activities	√	

**2(b) Practical Utility/Users of the Data**

The overall goal of the Toxics Release Inventory Program is to provide communities with information about toxic chemical releases and other waste management activities and to support informed decision making by industry, government, non-governmental organizations, and the public.<sup>6</sup> The Program's success is due, in large part, to the right-to-know provisions contained in the legislation. By requiring that the resulting data be made publicly available "by electronic and other means," Congress ensured that the general public, the media, environmental advocates, researchers, the business community, and others could evaluate and influence industry's efforts to manage toxic emissions. Consequently, EPA makes available data collected under EPCRA section 313 and PPA section 6607 through access tools such as EPA's Envirofacts, TRI Explorer, TRI.NET, and the web-enabled mobile application myRTK.

The TRI Program now provides the TRI Preliminary Dataset within weeks after the annual July 1 TRI reporting deadline. The release consists of downloadable files on the TRI website (also accessible through Data.gov), as well as updated online data access tools (Envirofacts and TRI Explorer).

The EPA generally makes available the annual TRI National Analysis and the final dataset used for that analysis within seven months after the reporting deadline. 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. Libraries in communities all across the United States (in particular, members of the Federal Depository Library Program) provide public access to TRI data. Environmental agencies, industry, and the public use TRI data. EPA program offices use TRI data, along with other data, to help establish programmatic priorities, evaluate potential hazards to human health and the natural environment, and undertake appropriate regulatory and/or

<sup>6</sup> U.S. EPA Toxics Release Inventory Program. <https://www.epa.gov/tri/>

enforcement activities. Environmental and public interest groups use the data to better understand toxic chemical releases at the community level and to work with industry, government agencies, and others to promote reductions in toxic chemical releases. Industrial facilities use the TRI data to evaluate the efficiency of their production processes and to help track and communicate their progress in achieving pollution prevention goals. States use the TRI data to compare toxic chemical releases and other waste management approaches within specific industries and to set environmental priorities at the state level. See EPA's *The Toxics Release Inventory in Action: Media, Government, Business, Community and Academic Uses of TRI Data* for more detailed descriptions of how these organizations use TRI data.<sup>7</sup> EPA encourages TRI data users to provide feedback on ways to improve TRI products and services.

### **3. NON-DUPLICATION, CONSULTATIONS, OTHER COLLECTION CRITERIA**

#### **3(a) Non-Duplication**

The basic information requested on Form R/Form A is required to be reported by law. Other statutes, however, also necessitate the reporting of information about releases of chemicals to the environment, as well as transfers, treatment, and source reduction and recycling activities, creating the possibility of overlap or duplication of reporting requirements. EPA anticipates some overlap and notes that section 313(g)(2) of EPCRA specifies that respondents may use readily available data collected pursuant to other provisions of law to complete the EPCRA section 313 reports. Information required by these other statutes may not provide readily accessible multi-media release and transfer, inventory, or pollution prevention data with the same scope, level of detail, chemical coverage, and frequency of collection as data currently included in TRI.

Several existing data sources contain media-specific data on releases and transfers, chemical inventory data, or pollution prevention information. In theory, information from these databases could be combined to form an analog of release and transfer data contained in TRI. However, given the currently available data sources (see Table 2 and Appendix F), this substitution is extremely unlikely. For example, differences exist across the databases in chemical coverage and facility coverage, as well as differences in the level of public access, reporting frequency, and the integration of data from various sources at the facility level. TRI contains information on releases, transfers, and other waste management activities for 595 individually listed chemicals and 31 chemical categories—with the total number of chemicals and chemical categories at 690. The following sections describe other sources of chemical releases and transfers, chemical inventory, and pollution prevention data and compare these sources with TRI.

#### **Chemical Release and Transfer Data**

TRI contains information on toxic chemicals handled by facilities, including details on quantities of chemicals managed through disposal or other release, recycling, energy recovery or treatment. These data include: 1) on-site releases with details on releases by environmental media

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<sup>7</sup> [https://www.epa.gov/sites/production/files/documents/tri\\_in\\_action\\_final\\_report\\_july\\_2013.pdf](https://www.epa.gov/sites/production/files/documents/tri_in_action_final_report_july_2013.pdf)

(e.g., stack or point air emissions, discharges to receiving streams or water bodies, etc.), and 2) off-site transfer data with details on the off-site locations that receive transfers and the disposal, treatment, energy recovery, or recycling methods used to manage the chemicals at the off-site locations. Waste management data include quantities that are treated, used for energy recovery, or recycled and are discussed in the section on pollution prevention below.

Table 2 presents a summary of national databases containing fixed location data on chemical releases and transfers, each of which are discussed in this section. Appendix F provides a comprehensive list of relevant data sources.

**Table 2  
Federal Databases with Air Release, Water Discharge, and Waste Management Data**

<b>Data Source</b>	<b>Media and Chemical Coverage</b>	<b>Relevant Release Statistics Available</b>	<b>Ease of Database Substitution for TRI Data<sup>a</sup></b>
National Emissions Inventory (NEI)	Contains annual emissions of 8 criteria air pollutants (CAPs) and 187 hazardous air pollutants (HAPs) for facilities.	Total annual releases.	Includes air releases only. Data are updated only every 3 years. Coverage of TRI chemicals is limited. TRI is the source of the NEI record for 62% of the 43,372 facility-chemical records (2011).
Integrated Compliance Information System–National Pollutant Discharge Elimination System (ICIS-NPDES)	Contains monthly discharge monitoring data for selected water parameters/pollutants and flow rates for all CWA major and many minor sources.	Concentration data; EPA now derives annual releases of pollutants for which concentrations and flows are reported as part of periodic discharge monitoring reports.	Includes a limited number of indicator parameters for which a monitoring requirement or discharge limit has been set. Many discharge parameters are not specific to an individual Chemical Abstract Service (CAS) number. Very limited monitoring data for minor dischargers. There were 3,196 facilities in TRI with water discharges greater than zero. 2,367 (74%) also have NPDES permit IDs.
Biennial Reporting System (BRS)	Contains annual volumes of RCRA wastes and how they are managed (offsite in the case of Large Quantity Generator and on-site in the case of treatment storage and disposal Facilities, TSDFs). Each waste stream is characterized by all applicable waste codes but volumes of each are not broken out. Data are reported once every two years.	Total annual off-site transfers of hazardous waste for land disposal; releases to publicly owned treatment works (POTWs).	Many RCRA waste codes are not specific to an individual CAS number. Quantities of chemicals in waste cannot be determined from BRS. Of about 25,900 facilities in Reporting Year (RY) 2013, 24% reported hazardous waste generation to RCRA BR and also reported to TRI. Of about 21,600 TRI filers in RY2013, 29% also reported hazardous waste generation to RCRA BR.

<sup>a</sup>“Ease of substitution” refers only to the potential of the information in the database to substitute for TRI reporting. It does not imply that the database is not adequate for the purposes for which it was designed.

## ***Air Releases***

The 1990 amendments to the Clean Air Act require EPA to monitor and regulate the emissions of criteria air pollutants (CAPs) and hazardous air pollutants (HAPs), requiring EPA to identify the sources of these pollutants, quantify the sources by category, develop regulations, and then assess public health and environmental impacts. To facilitate this process, the Agency created two emissions inventories: the National Toxics Inventory (NTI) for HAPs and the National Emission Trends (NET) for CAPs. In 1999, the EPA combined these two databases to form the National Emissions Inventory (NEI).

NEI is EPA's compilation of estimates of air pollutants discharged on an annual basis and their sources. Five main categories organize NEI data: point sources (stationary), nonpoint sources (stationary), on-road sources (mobile), non-road sources (mobile), and events (fires). The compilation includes emissions estimates submitted by state, local and tribal air pollution control agencies, emissions estimates calculated by EPA, and emissions obtained from other sources. EPA uses the NEI to track emissions trends over time, develop regional pollutant reduction strategies, set and analyze regulations, perform air toxics risk assessments including inhalation risks and multi-pathway exposure, model air pollutant dispersion and deposition, and measure environmental performance as required by the Government Performance and Results Act.

Since 1996, EPA has compiled the NEI every three years. For 2008, the Agency reengineered the NEI business process to shorten the period between collecting data for a given inventory year and publication of those data. The most recent inventory is the 2014 NEI, which EPA published in 2016.

While both datasets contain facility-chemical records with annual release estimates, there are a number of differences between NEI and TRI, including, which chemicals are in scope, the industrial sectors included in the inventory, and the type of information collected (e.g., for which environmental media releases are collected, and what other information besides environmental releases are collected).

- TRI reporting is required for 595 chemicals and 31 chemical categories known or reasonably anticipated to cause acute or chronic health effects or significant adverse environmental effects. NEI covers 8 Criteria Air Pollutants (CAPs) (i.e., carbon monoxide, volatile organic compounds, oxides of nitrogen, sulfur dioxide, particulate matter  $\leq$  2.5 microns, particulate matter  $\leq$  10 microns, ammonia, and lead) and 187 Hazardous Air Pollutants (HAPs). TRI covers two of the CAPs (ammonia and lead) and 181 of the 187 HAPs covered by NEI.
- NEI covers all sources of CAP and HAP emissions, including a number of sectors that are not included in TRI (e.g., agriculture, oil extraction and construction).
- NEI includes county-level emissions estimates for area, mobile and other sources not found in TRI.
- TRI includes information on releases, including air emissions and other types of releases (e.g., surface water discharges, underground injection, and landfill disposal of toxic chemicals). NEI focuses entirely on air emissions.



- TRI includes source reduction and waste management data that can be used to assess pollution prevention trends on a facility basis. For some records, NEI provides more detailed emission source-specific data about releases, such as process descriptions, throughput and stack height. The different information captured by the data systems largely reflects the different goals behind the development of the inventories. TRI's main purpose is to provide the public with information about potential chemical hazards, whereas NEI, among other purposes, seeks to produce data that would support modeling and risk assessment needs.
- TRI has reporting thresholds such as employment on site and chemical use/manufacture. NEI does not have such thresholds and includes smaller facilities as point sources or area sources. For example, a facility must report to TRI only if it has 10 or more full-time employee equivalents and manufactures, processes or otherwise uses any TRI-listed chemical in quantities greater than the established threshold (typically 25,000 pounds for manufacturing and processing and 10,000 pounds for otherwise use). PBT chemicals have lower thresholds for reporting to TRI. Organizations contributing to NEI are expected to submit release estimates for all CAA major facilities, defined as having the potential to emit ten or more tons per year of one HAP or 25 tons per year or more of any combination of HAPs.
- TRI data are reported by individual facilities, certified by facility officials, NEI data are compiled from a variety of sources and methods.

### ***Water Discharges***

The Integrated Compliance Information System–National Pollutant Discharge Elimination System (ICIS-NPDES)<sup>8</sup> is the repository of wastewater discharge monitoring and other CWA compliance activities (e.g., construction plans) required by CWA permits. The system also contains information about the compliance status, inspections, and enforcement actions related to facilities that discharge to surface waters ([www.epa.gov/enviro/facts/pcs-icis/search.html](http://www.epa.gov/enviro/facts/pcs-icis/search.html)). For entities permitted to discharge wastewater into navigable waters, ICIS-NPDES contains information on permit issuance and expiration dates, quantities of wastewater and concentrations of pollutants facilities are permitted to discharge, and monitoring data measuring facilities' discharges. ICIS-NPDES data are not directly comparable to TRI:

- Permit compliance data in ICIS-NPDES typically include monthly monitoring measures of pollutant concentrations in effluent discharges and measured flow, while TRI includes estimates of the total amount (in pounds) of a pollutant discharged to water. EPA now derives annual loadings from ICIS-NPDES, which is comparable to TRI releases to water.
- Monitoring required by the National Pollutant Discharge Elimination System (NPDES) covers only parameters the permit writer deems necessary to ensure compliance with permit limits set for the protection of the receiving water. The selected chemicals in wastewater do not comprehensively cover all TRI chemicals discharged to surface water at specific facilities. For TRI Facilities in Reporting Year (RY) 2011 with non-zero water releases, 9,677 of 11,468 (84%) also had NPDES Permit IDs.

### ***Waste Disposal***

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<sup>8</sup> ICIS-NPDES is the Clean Water Act (CWA) data system of record, replacing the Permit Compliance System (PCS).

Under the Resource Conservation and Recovery Act (RCRA), large quantity generators (LQGs) and treatment, storage, and disposal facilities (TSDFs) must submit information on the generation, management, and final disposition of RCRA-defined hazardous wastes every other year. Biennial Reporters submit the following information about each waste generated or managed in the preceding calendar year: constituent waste codes; amounts generated; on- and off-site treatment, storage, and management; wastes received; and the identification of off-site shipment recipients. Facilities submit these biennial Hazardous Waste Reports to the state or EPA Regional office. Following processing by the states and EPA Regions, these biennial reports (BR) are transferred into the BR module of EPA's RCRAInfo system. The Biennial Reporting data do not duplicate the information contained within TRI, as: (1) hazardous waste codes do not map to unique chemicals; (2) quantities of specific chemicals in the waste stream cannot be determined; and (3) reporting occurs every other year, as opposed to annually for TRI.

### **On-site Chemical Inventory Data**

In addition to data pertaining to releases, on-site management and transfers, TRI Form R requires reporting of the maximum amount of a qualifying chemical that is on site at any one time during the reporting year. There are a number of federal programs that also require disclosure of the presence or handling of chemicals and some that also require reporting of maximum amount on-site.

Under EPCRA section 312, the Emergency Response Program requires regulated facilities to submit annual inventory reports of hazardous chemicals stored on-site to their Local Emergency Planning Commission (LEPC) and the State Emergency Response Commission (SERC). The information contained in the Tier II reports surpasses the chemical inventory data requested on TRI Form R in terms of the chemicals covered, absence of thresholds, and level of detail. As Tier II information is currently not submitted by the state SERCs or LEPCs to EPA (due to level of effort) and is not made publicly available due to homeland security concerns, this information source is not considered a ready substitute for the portion of TRI concerning maximum amount of chemicals stored on site.

Under section 112(r) of the Clean Air Act, facilities with processes that use or store more than a specified amount of certain flammable and toxic substances must develop and implement a risk management program and submit to EPA a summary of their program—called a Risk Management Plan (RMP). These plans include the amounts (in pounds) of each substance that are processed or used, hazard assessments of the potential effects of hypothetical accident scenarios, a five-year history of accidental releases involving regulated substances at the facility, and information about the facility's accident prevention and emergency response programs. Facilities with processes that use or store more than a threshold amount (500–20,000 pounds) of a listed substance must file an RMP, including following a significant accidental release. Facilities must update and resubmit RMPs in events of operational changes, an accident, or every five years. RMP inventory data (i.e., identification of chemicals used and maximum amount on-site) do not

substitute for TRI as: (1) RMP covers only 54 of the 683 TRI chemical and chemical compound categories<sup>9</sup> and (2) RMP reporting occurs every five years, as opposed to annually for TRI.<sup>10</sup>

Under section 8(a) of the Toxic Substances Control Act (TSCA), chemical manufacturers and importers must report to EPA's Chemical Data Reporting (CDR) every four years. Facilities must report chemical production amounts for sites that produce (including imported) 25,000 pounds or more of a TSCA inventory chemical substance during any one calendar year between submission periods. Facilities must also report downstream uses of their chemicals as well as characterizing end uses of the chemical. CDR includes annual production volume, chemical concentration, and physical form data not found in TRI. CDR also contains a broader range of chemicals than TRI by covering the entire TSCA list. However, CDR reporting is applicable only to chemical manufacturers (including importers). Consequently, CDR reporting does not apply to industrial facilities in other sectors that process or otherwise use chemicals. As of 2011, there were 67,162 chemicals in CDR, over 700 of which are also in TRI. In CDR, there are 4,753 facilities, 1,735 of which are also in TRI.

### **Pollution Prevention Data**

TRI also collects pollution prevention data from reporting facilities. These data include quantities of chemicals managed by waste management practice (e.g., recycling, energy recovery, etc.) and source reduction activities implemented at the facility.

Under the Resource Conservation and Recovery Act (RCRA), facilities must report some pollution prevention data in their Biennial Hazardous Waste Reports (described above). While these biennial reports provide qualitative and quantitative pollution prevention information, facility and chemical coverage is not directly comparable to data required for TRI reporting. Biennial reports contain data on generation, transfer, and management of hazardous wastes; TRI reporting requires data on toxic chemicals in waste streams or process by-products (all production phases and media).

Under various state regulations, at least fourteen states<sup>11</sup> implement mandatory pollution prevention programs for TRI filers, facilities that use toxic chemicals, or generators of hazardous waste. Pollution prevention data are collected under these programs and stored in databases administered by state environmental agencies. The types of pollution prevention data collected vary by state, and may include both data similar to that collected by TRI (e.g., quantities of waste managed, source reduction activities) and details not found in TRI (e.g., pollution prevention plans, costs associated with waste management, etc.). However, no federal or state program collects all of the pollution prevention data currently required by TRI.

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<sup>9</sup> <https://www.epa.gov/rmp/list-regulated-substances-under-risk-management-plan-rmp-program>

<sup>10</sup> <https://www.epa.gov/rmp/risk-management-plan-rmp-rule-overview>

<sup>11</sup> Arizona, California, Georgia, Maine, Massachusetts, Minnesota, Mississippi, New Jersey, New York, Oregon, Tennessee, Texas, Vermont, and Washington.

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

Pursuant to 5 CFR 1320.8(d), EPA published a notice in the Federal Register (82 FR 24702, May 30, 2017) 83 FR 18553; April 27, 2018) announcing the proposal to renew this information collection activity, providing a 60-day public comment period. In response, EPA received 4 responsive comments from industry trade groups: Color Pigments Manufacturers Association (CPMA), National Lime Association (NLA), National Mining Association (NMA), and American Petroleum Institute (API). EPA published its responses to the comments received in the docket for the ICR ([EPA-HQ-TRI-2017-0057](#)). Neither CPMA nor NLA commented on specific changes contemplated by this ICR renewal. API and NMA provided comments substantive to changes being considered by this ICR renewal. EPA incorporated feedback provided by NMA in Part II of the Form R for changes to Sections 3.3, 5.5, 6.1, and 8.10. NMA supported these changes as well as requiring facilities to indicate when a metal compounds category form includes reporting on the parent metal. EPA will be moving forward with these changes. Both NMA and API expressed concerns with adding finer gradation for range codes used in Part II, Section 4.1 and with allowing facilities to indicate a chromium release contains hexavalent chromium; in response to these comments, EPA will not pursue these changes at this time. API also provided comments that were not in support of changes to Part II, Sections 3.2 and 3.3 of the Form R and to creating optional free text fields on the Form A; however, EPA is moving forward with these two changes, though is only proceeding with one optional text field on the Form A.

Pursuant to 5 CFR 1320.12(c), EPA published a notice in the Federal Register (82 FR 55359, November 21, 2017) announcing submission of the ICR renewal to OMB for review and approval, providing a 30-day public comment period. In response, EPA received comments from three mining industry groups: NMA, Idaho Mining Association (IMA), and Nevada Mining Association (NvMA). IMA did not comment on specific ICR renewal changes. Both NMA and NvMA supported EPA's changes to Part II, Sections 3.3, 5.5, and 8.10 of the Form R in response to NMA's earlier ICR renewal comments. NvMA also supported EPA dropping a proposed change to Part II, Section 4.1 in response to concerns from NMA and API.

### **3(c) Consultations**

Under 5 CFR 1320.8(d)(1), OMB requires agencies to consult with potential ICR respondents and data users about specific aspects of ICRs before submitting an original or renewal ICR to OMB for review and approval. In accordance with this regulation, EPA consulted with the following stakeholders:

- Glen J. Barrett, American Petroleum Institute
- Richard P. Krock, The Vinyl Institute
- Tatiana Letcheva, Color Pigments Manufacturers Association
- Lawrence W. Kavanagh, American Iron Steel Institute
- Matthew Mika, Tyson Foods
- David J. Constable, Green Chemistry Institute
- Michael P. Walls, American Chemistry Council

- Tawny Bridgeford, National Mining Association
- Jerry Roose, Freeport-McMoRan Copper & Gold

Of these stakeholders, only representatives from American Petroleum Institute, National Mining Association, and Color Pigment Manufacturers Association responded with comments. Comments from Color Pigment Manufacturers Association were largely non-ICR specific and were addressed in the Response to Comments document and will be further reviewed by the TRI Program outside the ICR renewal process. Both National Mining Association and American Petroleum Institute provided substantive comments which EPA considered and incorporated into subsequent ICR renewal changes. Changes to the ICR renewal as a result of comments received were published in the docket for the ICR ([EPA-HQ-TRI-2017-0057](#)), and have been summarized in Section 3(b) above. These include changes to the ICR renewal for Form R's Part II, Sections 3.3, 4.1, 5.5, and 8.10, and to a reporting indicator for hexavalent chromium releases.

### **3(d) Effects of Less Frequent Collection**

Section 313 requires annual reporting. 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 section 313 based on:

- (i) experience from previously submitted toxic chemical release forms; and
- (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. Additionally, public access to the most current toxic chemical release data and other waste management information would become more difficult.

### **3(e) General Guidelines**

Although reporting facilities must identify the chemical for which they submit reports, they can claim the chemical identity as a trade secret. In such circumstances, facilities provide a generic name 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) below).

Effective January 21, 2014, EPA requires the electronic submission of TRI Form R/Form A through the Internet via EPA's Central Data Exchange (CDX) by using the Toxics Release Inventory Made Easy Web (TRI-MEweb) reporting software (except for trade secret reports, which must be submitted on hard copy). TRI-MEweb helps facilities prepare high-quality reports more easily than they could by using paper reporting forms due to a number of technology advances, including built-in data quality checks.

Small facilities (with fewer than 10 full-time employees or the equivalent) are exempt from reporting under EPCRA section 313. Two particular provisions that apply to TRI reporters universally: 1) the optional range reporting provision<sup>12</sup> and 2) an alternate threshold allowing Form A eligibility, are particularly beneficial to non-exempt smaller facilities with small releases and wastes.

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<sup>12</sup> Range reporting provides an option for releases of less than 1,000 pounds to be recorded as a code representing one of three ranges (1 to 10 pounds, 11 to 499 pounds, or 500 to 999 pounds) rather than as a specific estimate of the release amount. Range reporting is not permitted on Form Rs for PBT chemicals. For further discussion, see Section 5(c).

### **3(f) Confidentiality**

Respondents may designate the specific chemical identity of a substance as a trade secret according to EPCRA section 322. Procedures for submission and review of trade secret claims under EPCRA section 313 are set forth in 40 CFR 350. Trade secret submissions are only accepted on hard copy and must adhere to the requirements provided in 40 CFR Parts 350 and 372.85(c)(3) and in the Reporting Forms and Instructions. 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 section 313 apply to owners and operators of facilities that have 10 or more full-time employee equivalents (i.e., a total of 20,000 hours worked per year or greater; see 40 CFR 372.3); are included in a North American Industry Classification System (NAICS) Code listed at 40 CFR 372.23 or under Executive Order 13148; federal facilities regardless of their industry classification; and that manufacture (defined to include importing), process, or otherwise use any EPCRA section 313 (TRI) chemical in quantities greater than the established thresholds for the specific chemical in the course of a calendar year. Historically the TRI-covered industrial sectors were identified by their Standard Industrial Classification (SIC) codes. Beginning with Reporting Year (RY) 2006, the TRI Program converted from SIC codes to North American Industry Classification System (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 H.

### **4(b) Information Requested**

#### **(i) Data Items, Including Recordkeeping Requirements**

Appendices D1, D2 and D3 provide copies of the proposed Form A, Form R, and Form R Schedule 1, respectively. For instruction revisions associated with the proposed form revisions, see Appendix E. To access existing TRI Reporting Forms and Instructions, see [https://ofmpub.epa.gov/apex/guideme\\_ext/f?p=guideme:rfi-home](https://ofmpub.epa.gov/apex/guideme_ext/f?p=guideme:rfi-home).

### ***Form R***

Facilities reporting to TRI report releases and other waste management of listed chemicals on Form R. The required data items, summarized below, are specified in 40 CFR 372.85. Form R consists of two sections. In **Part I**, respondents report facility identification information including: facility identification number; facility name and address; NAICS code; facility Dun and Bradstreet (D&B) number; parent company name; parent company D&B number; name, email address, and phone of the technical contact; and name, email address, and phone of the public contact. In **Part II**, respondents report:

- Toxic chemical identity,
- Mixture component identity,
- Activities and uses of the toxic chemical at the facility,
- Maximum amount of the toxic chemical on site at any time during the calendar year,
- Quantity of the toxic chemical entering each environmental medium on site,
- Transfers of the toxic chemical in wastes to off-site locations,
- On-site waste treatment methods and efficiency, and
- Source reduction and recycling activities.

On Form R **Schedule 1**, facilities reporting on dioxin and dioxin-like compounds report the individual grams data for each member of the dioxin and dioxin-like compounds category present. Form R Schedule 1 is a four-page form that mirrors the data elements from Form R Part II Chemical-Specific Information sections 5, 6, and 8 (current year only).

### ***Form A***

Form A also consists of two sections. **Part I** solicits the same information as Part I of Form R (see list above) but requires a different certification statement that represents a signed statement by a facility owner/operator or senior management official. In contrast to Form R where reduced threshold eligibility is not an issue, the Form A's signed statement certifies that the annual reportable amount as defined by 40 CFR 372.27(a) did not exceed 500 pounds for the reporting year, and that the amounts manufactured, or processed, or otherwise used did not exceed 1 million pounds for that year. In most instances, PBT chemicals may not be reported using Form A.<sup>13</sup> In **Part II**, a facility may report multiple chemicals on a single Form A. Specifically Form A solicits:

- Toxic chemical identity, and
- Mixture component identity.

In addition to annual reporting requirements, facilities must maintain records used to provide the information required on the form according to 40 CFR section 372.10. Those records may include estimation methodology and calculations; engineering reports; inventory, incident, and

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<sup>13</sup> The exception is lead in stainless steel, brass, or bronze alloys, which are not excluded from Form A eligibility.



operating logs; and other supporting materials. Facilities must keep a copy of each report filed for at least three years.

**Proposed Form Revisions**

As mentioned above, EPA is proposing revisions to the Form R and Form A that clarify data elements and enhance data utility. Specifically, the revisions to the forms and rationale for the revisions are presented in Table 3.

**Table 3  
Proposed Form Revisions**

	<b>Form Revision</b>	<b>Rationale</b>	<b>Form</b>
1	Provide Bureau of Indian Affairs (BIA) code as a separate element on the form. (Part I: Section 4.1)	Moving the tribal Bureau of Indian Affairs (BIA) code from the City/County/Tribe/State/ZIP Code field to its own box will increase visual clarity on the form and should increase data quality for this element by ensuring it appears as a discrete element reported as appropriate. No new information is required, and a facility that reports a BIA code need not provide a State abbreviation in the address box for the facility’s physical location.	R/A
2	When reporting a metal compound, indicate whether report also includes the elemental metal. (Part II: Section 1)	TRI policy allows for a facility reporting on an elemental metal and a metal compound to include data on both the chemical and chemical category on a metal compound reporting form. However, a facility does not indicate whether the metal compound reporting form contains data for both the individual chemical and the chemical category. Including this data element will help data users understand the reported information and provides greater context on the data provided on the reporting form.	R/A
3	Add subcategories of uses. (Part II: Sections 3.2a, b and Sections 3.3a, b, c)	Facilities indicate whether the reported ECRA Section 313 chemical is manufactured (including imported), processed, or otherwise used by the facility and the general nature of such activities and uses at the facility during the calendar year. Reporting on certain sub-activities or sub-uses for some categories of processing activities and otherwise use would help inform data users regarding how a facility uses the chemical and could better enable technology transfers related to pollution prevention activities involving a particular chemical within an industry. These sub-activities and sub-uses primarily originate from TRI guidance provided to help facilities determine which activities and uses to select, and thus should add negligible burden given that facilities already track activities and uses related to a TRI-listed chemical during the year.	R
4	Add a checkbox for “recycling” under processing (Part II, Section 3.2f)	Currently, a facility selects the “repackaging” checkbox in Section 3.2 if it processes or prepares an EPCRA Section 313 chemical (or product mixture) for distribution in commerce in a different form, state, or quantity for purposes of recycling. This change would update instructions for the “repackaging” checkbox to exclude these specific processing activities from its use and instruct a facility to use an added “recycling” checkbox for these activities.	R

5	Additional optional classification of on-site disposal releases for “waste rock piles” (Part II, Section 5.5)	<p>Incorporating optional “Waste rock piles” into Section 5.5 of Form R (“Disposal to land onsite”).” Waste rock refers to rock that contains insufficient metal concentration to economically process at any given time and is thus typically removed from a mine to allow access to the ore-grade rock. Chemicals contained in waste rock would thus be classified as such when EPA and others examine TRI data. EPA believes that this change would be appropriate due in part to the magnitude of the quantities involved.</p> <p>Section 5.5 of the form already distinguishes between releases to different disposal units (such as “RCRA subtitle C landfills” or “surface impoundments”). Providing an optional check box to indicate the disposal of waste rock piles and an optional data field to indicate quantity of the Section 5.5 disposal that comprised of waste rock will similarly provide context about the characteristics of typical management practices associated with this type of disposal (e.g., federal and state agencies generally require that waste rock be contained to reduce the risk of contaminants being released).</p>	R
6	Add management codes for the transfer of waste to POTWs. (Part II: Section 6.1)	This proposed change to Form R streamlines the reporting of transfers to POTWs. This new format allows facilities to report quantities individually with waste management activities for each POTW, thereby aligning reporting of transfers to POTWs with how facilities report on quantities of chemicals sent to other off-site transfer locations. Because not all facilities may have POTW waste management information, EPA proposes two codes to allow facilities to report a code when the ultimate disposition is unknown. This change would make section 6.1 (i.e., reporting on transfers to POTWs) parallel the data elements provided in section 6.2 (i.e., transfers to other off-site locations). Facilities that know how effectively a given POTW can treat a particular chemical will be able to provide information on this treatment on their Form R.	R
7	Incorporate additional barrier code for use when a reduction does not appear to be technically feasible (Part II: Section 8.11)	This proposed addition would recognize that beyond the barrier codes already provided that there may be situations where a facility may find itself unable to conduct a source reduction activity for an industrial operation for reasons other than technical or financial support and may elect to provide information related to these situations.	R
8	Add a free text field for each chemical listed on Form A. (Part II: Section 9.2)	Facilities have long been able to provide optional information on a Form R. EPA proposes adding this ability to the Form A Certification Statement. Facilities could highlight changes to activities related to a chemical listed on the Form A so as to showcase pollution prevention activities as well as indicate other pertinent information related to use of the chemical onsite. Section 9.2 is proposed as the identifier to align the Section identifier with that of the Form R Section 9.1 free text field for miscellaneous information.	A

**(ii) Respondent Activities**

Facilities engage in a number of activities to comply with the EPCRA section 313 reporting requirements. These activities fall into two distinct groups: Form Activities, consisting of rule familiarization, compliance determination, calculations and form completion, and recordkeeping and submission; and Non-Form Activities, consisting of supplier notification, non-reporter compliance determination, and petitions.

### **Form Activities**

- **Rule Familiarization:** Staff at a facility that is reporting under EPCRA section 313 for the first time must read the reporting package and become familiar with the reporting requirements. This includes the time needed to review instructions, and the time needed to train personnel to respond to a collection of information.
- **Reporter Compliance Determination:** At reporting facilities, staff must make the determination that the facility meets the criteria for EPCRA section 313 reporting. This activity includes the time required to become familiar with the definitions, exemptions, and threshold requirements under the TRI Program; to review the list of TRI chemicals; and to conduct preliminary threshold determinations to determine if the facility is required to report.
- **Calculations and Form Completion:** Facility staff must gather data and perform calculations to provide the information required on the form. This activity includes the time required to search data sources and the time to complete and review the information.
- **Recordkeeping and Submission:** Facility staff must maintain recordkeeping systems and submit the report to EPA and the state in which the facility is located. This activity includes the time required to transmit or otherwise disclose the information.

### **Non-Form Activities**

- **Supplier Notification:** Certain suppliers of mixtures or trade name products containing reportable substances must annually notify their customers of the product's composition, if the customer is subject to EPCRA section 313 reporting. This activity includes the time required to inform customers, either by letter or through the materials safety data sheet (MSDS) for the product.
- **Non-Reporter Compliance Determination:** In any given reporting year, a group of eligible facilities will complete compliance determination but will not file a Form R or Form A. The process for determining whether reporting is required is the same as described above under Form Activities; however, given that compliance determination applies to all other facilities in NAICS-code-eligible sectors (with ten or more employees)—including those that ultimately do not report to TRI—this separate activity accounts for the latter category.

- **Petitions:** Any person may petition the EPA to add or delete a chemical from the TRI toxic chemical list. EPA evaluates the toxicity of the chemical against the listing criteria established by Congress and makes a determination whether to grant or deny the petition request. If the petition is granted, EPA will propose a rule to either add or delete the chemical and after reviewing the public comments will issue a final rule. If the petition is not granted, EPA issues a notice explaining why the petition was denied. The activities required to prepare and file a petition include the following:
  - Read EPA policy and guidance documents and consult with EPA;
  - Plan activities;
  - Prepare literature search;
  - Conduct literature search;
  - Process, review, and focus information;
  - Write petition;
  - Review and edit petition; and
  - Submit petition to EPA and file.

EPA provides the reporting community with instructions, guidance documents, training materials, and toll-free hotlines to assist them in completing and submitting their reporting forms to EPA. These materials are accessible online: [https://ofmpub.epa.gov/apex/guideme\\_ext/f?p=guideme:home](https://ofmpub.epa.gov/apex/guideme_ext/f?p=guideme:home).

## 5. THE INFORMATION COLLECTED—AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

### 5(a) Agency Activities

EPA engages in many activities to fulfill the purpose and requirements of EPCRA. These activities fall into 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 (limited to trade secret reporting forms);
- 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 an outreach program to assist reporters with activities related to Form R (including Schedule 1)/Form A completion. EPA provides TRI reporting assistance with a variety of online tools and guidance, including TRI

Reporting Forms and Instructions and TRI-MEweb (TRI Made Easy) reporting software. TRI-MEweb is a Web-based software application that TRI facilities can use for entering, validating and submitting their data. The TRI Program also provides both basic and advanced downloadable TRI training slides plus online audio training modules on the TRI website.

EPA operates two toll-free hotlines to answer general questions and questions pertaining to electronic reporting and data certification over the internet. In addition, the Agency maintains a website with current program-specific information and guidance (<https://www.epa.gov/tri>). General guidance has been prepared for estimating releases, including 14 industry-specific guidance documents. Additionally, EPA provides guidance and assistance for persons or organizations regarding petitions to add or delete chemicals from the TRI list.

**Electronic Reporting.** As observed in 2016 for reporting year (RY) 2015, **over** ninety-nine percent of all TRI Form Rs and Form As were prepared and submitted electronically using TRI-MEweb.<sup>14,15</sup> Capabilities in TRI-MEweb include:

- **Easy Upload and Validation Checks.** Facilities can key, preload from a prior year submission, or upload their data into TRI-MEweb. TRI-MEweb also provides facilities with extensive data validation checking through point-of-entry edit checks as well as a cumulative, mandatory validation checks prior to submission.
- **Submittal to the Central Data Exchange (CDX).** After facilities enter and validate their data, certifying officials must electronically sign (i.e., certify) forms within TRI-MEweb.
- **Automatic Data Transmittal.** Once a facility's certifying official has certified its TRI submission, CDX automatically forwards it to the TRI Data Processing Center (DPC), which loads it into the TRI Processing System (TRIPS) database. The TRIPS database is located at EPA's National Computer Center in Research Triangle Park, NC.
- **TRI Submission shared with States.** Through the TRI Data Exchange, facilities can submit the data via CDX, which transmits the data to both EPA and the participating state government. This reporting option allows facilities to fulfill their legal obligation to report to both EPA and the appropriate state through a single transmission of data to CDX.
- **Preloaded Forms and Central Data Storage.** The TRI-MEweb application allows users to preload their forms with prior year data stored in an EPA-maintained database. This database is separate from the TRIPS database, which stores certified TRI submissions.

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<sup>14</sup> Based on TRI 2015 dataset from EPA 10/13/2016.

<sup>15</sup> Prior to TRI-MEweb, TRI reporting software had been desktop-based, distributed via the TRI Web site and mailed directly to facilities (via CD-ROM) each year. In RY 2007, TRI-MEweb, the new Web version of TRI-ME, was fully launched. The TRI-ME desktop software was retired from service in RY 2009.

- **Quick Lists.** TRI-MEweb provides “quick lists” that allow users to narrow their data entry to only the pertinent areas.
- **Data Quality Checks.** TRI-MEweb contains a number of data quality checks including internal consistency and semantic checks that compare a facility’s data to prior year submissions.
- **On-Line Revisions and Withdrawals.** The application allows online revision and withdrawal of data by facilities. Through this feature, facilities can access previously submitted forms, and revise or withdraw as needed.
- **Automated Section 8 Calculator.** TRI-MEweb automatically calculates Section 8 Column B (current year) estimates based on data entered in other form sections. Users may tailor the calculation's inputs, but cannot enter their own calculated values. This approach aims to reduce the frequent mathematical errors in Section 8 and simplify the reporting process.
- **TRI Assistance Library.** An online TRI Assistance Library (TRIAL) is available to help facility reporters complete their TRI submissions.

**Paper-Based Reporting.** As of January 21, 2014, only facilities submitting trade secret reporting forms are allowed to submit data to TRI on paper forms. Facilities submitting trade secret forms must submit two forms, one that is trade secret and one that is sanitized. The trade secret form goes into a separate database, and EPA keys the sanitized information into the TRIPS database. Automated data quality checks begin at data entry. At this point, the emphasis is on identifying forms that are not completed correctly and cannot be processed further because of fundamental errors (e.g. no chemical specified).

**Data Processing and Quality Control.** EPA no longer processes paper forms as of Reporting Year (RY) 2013. EPA only performs additional validation checks of electronic data that have been certified by TRI-MEweb and sent for processing into TRIPS through CDX. The validation checks look for duplicate records and determine if facility reconciliation is required before the data are released. EPA also conducts a set of data quality checks that compare the incoming data with prior years’ data and various data threshold checks.

Upon passing the data validation and quality checks in TRIPS, EPA generates an electronic Facility Data Profile (eFDP) report and makes it available for facility review through TRI-MEweb. The report contains an echoing back of the data and confirms that all validation checks have passed and that the facility’s data have been processed into the TRIPS database. However, as of RY 2013, the eFDP report can no longer be used by facilities to manually correct data submitted to EPA. Beginning with RY 2016, TRI-MEweb will use the terms Electronic receipt (e-Receipt) and Submission History rather than eFDP.

**Database Organization.** EPCRA section 313(j) requires EPA to make TRI data available to the public through computer telecommunications and other means. EPA ensures that each facility has a unique identifier—the TRI facility ID (TRIFID). EPA generates a TRIFID for newly reporting facilities at the time of data entry. The identification number allows easy retrieval of

cross-year data, even when a facility is sold or changes its name. Facilities receive notification of their TRIFID and must use it consistently over time.

**Links to State and Indian Country Reporting.** EPCRA section 313 requires facilities to submit forms to both EPA and the state or Indian country agency in which they operate. For coordination, tracking, and quality assurance purposes, EPA, state, and Indian country agencies reconcile their submissions at the end of the reporting cycle.

In 2004, EPA implemented the TRI State Data Exchange (now referred to as the TRI Data Exchange (TDX)), which enables facilities to simultaneously submit their data to EPA and the state or Indian country in which they are located. There are currently 50 TDX participants. This reporting option allows facilities to fulfill their legal obligation to report to EPA as well as the state or tribe through the sole submission of data through CDX.

**Making TRI Data Available.** There are many options available for accessing TRI data - ranging from data files to refined analyses. The annual TRI National Analysis is an overview of the most recently reported TRI data. It includes key findings, in-depth analyses, and information on trends. Two on-line data access tools, TRI Explorer and Envirofacts, make TRI data available to the public for further analysis. In addition, the public can download a desktop application, TRI.NET, from the TRI website. TRI.NET allows users to build custom reports of TRI data, to view and analyze TRI data using geospatial capabilities, and to combine TRI data with other related data for further analysis. Envirofacts provides Web services that allow developers to include dynamic TRI data queries in their applications.

The TRI Program historically did not release the latest year of TRI reported data until the release of the TRI National Analysis. However, starting in 2009, EPA began releasing the most recent year of TRI data within weeks after the July 1st reporting deadline. EPA provides the TRI preliminary dataset in downloadable data files, as well as via TRI Explorer, Envirofacts and Web services. Note, however, that these data have not undergone the manual data quality checks and verifications that EPA conducts prior to the TRI National Analysis release.

**List Revisions and Petition Reviews.** The list of toxic chemicals subject to reporting under EPCRA section 313 may undergo changes. EPA can initiate regulatory additions or subtractions of chemicals from the list of TRI-covered chemicals, either independently or in response to a petition.

**Trade Secrecy Reviews.** Facilities claiming a chemical identity as a trade secret must substantiate the claim by completing the Trade Secret Substantiation Form available from the TRI website ([www.epa.gov/tri](http://www.epa.gov/tri)) under "TRI Reporting Materials." For more information on trade secrecy reviews, including the costs to EPA, see the ICR for the Trade Secrecy Rule for EPCRA (EPA ICR No. 1428, OMB Control No. 2050-0078).

## **5(b) Collection Methodology and Management**

As of January 21, 2014, EPA requires electronic submission of all non-trade secret reporting forms through the Internet via EPA's CDX and the TRI-MEweb application. Note that for RY 2015, filers prepared ninety-nine percent of all TRI submissions using TRI-MEweb and submitted electronically to EPA via CDX.

### **5(c) Small Entity Flexibility**

Under EPCRA section 313 (b)(1)(A), facilities with fewer than 10 full-time employees (or the equivalent) do not have to report. In addition, EPA has taken several steps to minimize the burden for covered small businesses. EPA added a range reporting option to the Final Rule (53 FR 4500, February 16, 1988), which codified the EPCRA section 313 reporting requirements. Range reporting was the preferred option from the Regulatory Flexibility Act analysis to provide burden reduction for small businesses. Range reporting provides an option for releases of less than 1,000 pounds to be recorded as a code representing one of three ranges (1 to 10 pounds, 11 to 499 pounds, or 500 to 999 pounds) rather than as a specific estimate of the release amount. The benefit is not, however, limited to small businesses. Note that facilities may not use range reporting on Form Rs for PBT chemicals.

In response to a petition from the Small Business Administration, EPA promulgated the alternate threshold (59 FR 61488, November 30, 1994), manifested in Form A reporting, as discussed in Section 1(b). Although any reporting facility meeting the criteria may use the alternate threshold, this alternate threshold may be particularly advantageous to small entities.

### **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 of the following year. In response to public requests to shorten the time frame for release of TRI information, TRI began a modernization effort in 2007 that included transition to TRI-MEweb from desktop software, and a number of streamlining initiatives. One of the resultant improvements was the Preliminary Data Release that provides TRI database information as quickly as possible after the reporting deadline. Since 2010, EPA has released data less than one month after the reporting deadline in the TRI preliminary dataset with downloadable data files and access via TRI Explorer and Envirofacts.

## **6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION**

This information collection activity imposes burden and cost on certain facilities affected by EPCRA section 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 R and Form A respondent burden and cost as well as Agency burden and cost. For TRI reporters, the following sections present estimates of average Form R and Form A reporting burden per respondent. EPA develops unit costs by combining these form-



level unit burden estimates with an appropriate wage rate. Combining the universe of reporting forms with estimates of unit burden and cost provides an estimate of Total Form R and Form A respondent burden and costs. This universe of reporting forms consists of reporting in RY 2015 plus updates to reflect changes during the year of the ICR project—in this case, the modeled number of chemicals and facilities estimated to report under the Addition of 1-Bromopropane rule, published on November 23, 2015, and the Addition of Hexabromocyclododecane (HBCD) Category Rule, published November 28, 2016. The combined total number of forms and facilities (i.e., respondents) is hereafter referred to as the ICR Universe.

The methodology used to estimate reporting burden in this ICR renewal — Ratio-Based Burden Methodology (RBBM)<sup>16</sup> — is a restructured and simplified formulation of the previously employed methodology; OMB approved this new methodology, which was published on April 28, 2011.<sup>17</sup> When estimating reporter burden using RBBM, the Nominal Form R unit burden (35.70516 hours) is the base number and Form A unit burden is set at 61.5% of that value. These unit burdens reflect burden associated with form activities including rule familiarization, reporter compliance determination, calculations and form completion, and recordkeeping. In addition to Form R and Form A burden, total TRI Program burden is captured by adding non-form burden associated with supplier notification, non-reporter compliance determination, and petitions to form burden.

In accordance with the EPA’s RBBM methodology, certain types of modifications to forms are employed for the purpose of clarifying data elements and/or enhancing data utility and are considered not to accrue burden (See Docket ID EPA-HQ-OEI-2010-0835, “Revising TRI Burden to Ratio-based Burden Methodology,” Appendix C, Table C-5). Such changes can be so minuscule that EPA estimates them to have a negligible impact on form-related burden. The scope of these types of minuscule changes includes situations where burden associated with the data gathering and recording is negligible (and the frequency of reporting the data element is low), if a response is already implied in an existing data element (e.g., addition of an NA box), and where clarification on the reporting form is made but no new information is required. Additionally, the EPA associates no burden by convention for certain optional elements on TRI reporting forms.

OMB approved a combined Form R/Form A ICR on November 24, 2014, with an expiration date of November 30, 2017. The OMB approved burden estimate at that time was a total of 3.56 million hours. Several changes in the reporting requirements have occurred since OMB’s approval of the ICR on November 24, 2014.<sup>18</sup> Specifically:

- On September 30, 2014, EPA added a nonylphenol category to the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-

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<sup>16</sup> *Revising TRI Burden to Ratio-Based Methodology*, TRI Regulatory Development Branch, TRI Program Division, Office of Information Analysis and Access, Office of Environmental Information, January 2011, EPA Docket ID Number EPA-HQ-OEI-2010-0835; hereafter referred to as RBBM Reference Document (Docket #EPA-HQ-OEI-2010-0835), EPA, 2011.

<sup>17</sup> As opposed to a system several large matrices containing mixed scales, this structure is four ratio models plus a base number for Nominal Form R unit burden. For mathematical derivations, see *Ibid*.

<sup>18</sup> For a complete chronology of rule changes and ICR renewals along with resultant impact on Form R reporting burden, see Figure 2 and Table 18.

to-Know Act (EPCRA) of 1986 and section 6607 of the Pollution Prevention Act (PPA) of 1990. EPA received the first submissions for nonylphenol for reporting year 2015; the total number of form submissions was used to calculate the overall program burden therefore includes these nonylphenol submissions.

- On November 23, 2015, EPA added 1-bromopropane to the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 and section 6607 of the Pollution Prevention Act (PPA) of 1990. EPA estimates that this rule will increase the number of newly reporting facilities by four,<sup>19</sup> and will increase the total number of Form Rs and Form As submitted by 126 and 14 respectively, with an associated ongoing steady state burden increase of 4,806 hours.<sup>20</sup>
- On November 28, 2016, EPA added a hexabromocyclododecane (HBCD) category to the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 and section 6607 of the Pollution Prevention Act (PPA) of 1990. EPA estimates that this rule will increase the number of newly reporting facilities by three, and will increase the total number of Form Rs submitted by 101, with an associated ongoing steady state burden increase of 3,606 hours.<sup>21</sup>

Based on the latest data for RY 2015 with updates to reflect the estimated additional reporting resulting from the addition of the 1-bromopropane and HBCD category rules, EPA now estimates the total number of combined Form R and Form A responses to be 76,034, the associated total annual burden hours to be 3.597 million and the annual cost to be \$199.2 million (see Section 6(b) for breakdown by Form R, Form A, and non-Form contributions). These estimates incorporate the proposed revisions to Form R and Form A, which have been estimated to have a negligible impact on form burden.

Agency burden and cost associated with the TRI Program includes RFI and Compliance Assistance; TRI Reporting Software and Related Data Collection/Exchange IT Infrastructure, and Data Processing. Section 6(b) below presents the Agency's burden and cost of these activities.

### **6(a) Estimating Respondent Burden**

This section presents the burden of this information collection activity to Form R and Form A respondents in terms of the time required for facility personnel to perform the activities outlined in Section 3 of this document. As was done in the previous ICR, this ICR renewal uses EPA's new Ratio-Based Burden Methodology (RBBM), to estimate TRI respondent burden for both Form R and Form A reporting.<sup>22</sup>

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<sup>19</sup> Number of first time TRI filers calculated as the average annual percentage of new TRI first time filers from the last five reporting years across all chemicals and then multiplied by the number of facilities expected to report the chemical. First time filers: RY2011 = 2.90%, RY2012 = 3.27%, RY2013 = 2.98%, RY2014 = 2.70%, RY2015 = 2.74%, average = 2.92%.

<sup>20</sup> 4,806 hours = (Form R average burden of 35.70706 hours/form × 126 forms) + (Form A average burden of 21.95984 hours/form × 14 forms)

<sup>21</sup> 3,606 hours = (Form R average burden of 35.70706 hours/form × 101 forms) + (Form A average burden of 21.95984 hours/form × 0 forms)

<sup>22</sup> For references on methodology development, see RBBM Reference Document (Docket #EPA-HQ-OEI-2010-0835), EPA, 2011.

Ratio-Based Burden Methodology simplifies calculations, supports internal consistency, and sharpens transparency while retaining the components of the previous methodology and maintaining its overall total burden estimate as a starting point.<sup>23</sup> For activities associated with filing TRI chemical reports, RBBM burden estimates include rule familiarization, reporter compliance determination, calculations and form completion, and recordkeeping. Similarly, for activities unrelated to form reporting (non-form burden) RBBM estimates include supplier notification, non-reporter compliance determination, and preparation and submission of petitions.

Figure 1 presents the equations of RBBM's primary method: Steady State Total Burden Calculation. With RBBM's calculation of form burden, the only variables/inputs required are total counts for Form R Chemicals and Form A Chemicals. The factors/constants of the equations include: 1) Nominal Form R unit burden, in units of burden hours per Form R Chemical and 2) A/R,<sup>24</sup> a model for the ratio of Form A (single-chemical)<sup>25</sup> to Form R burden.

As shown in Figure 1, multiplying the Nominal Form R unit burden by the number of Form R Chemicals provides an estimate of the total Form R burden. Similarly, multiplying the Form A unit burden (formulated as the product of A/R and Nominal Form R unit burden) by the number of Form A Chemicals provides an estimate of the total Form A burden.

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<sup>23</sup>At the time of transition (the start of the 2008 ICR), the comparison between totals is exact. Later, in an interim spot-check (April 2010), totals were within 2%.

<sup>24</sup> In A/R, Form A unit burden is derived using the activities associated with the subset of elements from Form R that a reporter would complete in order to determine TRI reporting eligibility and file a Form A, ensuring internal consistency. For further details, see RBBM Reference Document (Docket #EPA-HQ-OEI-2010-0835), EPA, 2011.

<sup>25</sup> Although Form A permits multiple chemical reports on the same form (on average 2.26 Chemicals per Form A), for purposes of methods development and modeling, EPA works with chemical counts, referring to "Form R Chemicals" and "Form A Chemicals."

**Figure 1**  
**Ratio-Based Burden Methodology<sup>a</sup>**  
**Two Burden Factors; Two Chemical Counts; One Wage Rate**

Steady State Total Burden Calculation

(1) *Steady State Total Burden = Form R Burden + Form A Burden + Non-Form Burden*

*Where:*

*Form R Burden = (Number of Form Rs) × (Nominal Form R Unit Burden)*

*Form A Burden = (Number of Form As) × (A/R) × (Nominal Form R Unit Burden)*

*Non-Form Burden = Supplier Notifications + Non-Reporter Compliance Determination  
+ Petitions*

*And:*

*A/R, Ratio of Form A Burden to Form R Burden = 0.615*

*Nominal Form R Unit Burden = 35.70516 hours per Form R Chemical*

*Form A Unit Burden (derived) = 21.95867 hours per Form A Chemical*

(2) *Steady State Total Cost = Steady State Total Burden \* (WAWR)*

*And:*

*WAWR, Weighted Average Wage Rate = \$55.38/hr<sup>b</sup>*

<sup>a</sup> For a complete description of the Ratio-Based Burden Methodology, see “Revising TRI Burden to Ratio-Based Methodology” (RBBM Reference Document -Docket #EPA-HQ-OEI-2010-0835, EPA, 2011).

<sup>b</sup> Based on June 2016 wage data (as of September 8, 2016). Source: .

EPA considers the burden estimates it uses to be average values for the reporting community overall. 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, many other facilities subject to the rule are not large or complex. Overall, EPA considers the TRI Program burden estimates to be reasonably representative of the reporting community overall, on average.

Form R and Form A Respondent Requirements

Facilities engage in a number of activities to comply with the EPCRA section 313 reporting requirements. These activities can be divided into two distinct groups: Form Activities, consisting of rule familiarization, reporter compliance determination, calculations and form completion, and recordkeeping and submission; and Non-Form Activities consisting of supplier notification, non-reporter compliance determination, and petitions. Section 4(b)(ii) presents a detailed description of these activities.

## **Form Activities**

- Rule Familiarization
- Reporter Compliance Determination
- Calculations and Form Completion
- Recordkeeping and Submission

## **Non-Form Activities**

- Supplier Notification
- Non-Reporter Compliance Determination
- Petitions

Note that for burden unrelated to reporting on a Form R or Form A (Non-Form Activities), the RBBM simplifies calculations by holding all of these values at a constant level, as estimated in the 2008 ICR renewal.<sup>26</sup>

### Updating Nominal Form R and Form A Unit Burdens

As discussed above, since the last ICR renewal, three changes to the reporting requirements have occurred via rulemakings adding chemicals to the list of TRI chemicals, 1-bromopropane, a nonylphenol category and a hexabromocyclododecane (HBCD) category. The addition of a nonylphenol category resulted in the reporting of 83 nonylphenol reports (56 Form Rs and 27 Form As) by 83 facilities in RY 2015. The baseline for this ICR renewal captures these reports. For the HBCD category rule, EPA estimates that the rule will increase the number of first time reporting facilities by three, and will increase the total number of Form Rs submitted by 101. The unit burdens associated with filling out Form R and Form A, however, remain unchanged. For the 1-bromopropane rule, EPA estimates that the rule will increase the number of first time reporting facilities by four, and will increase the total number of Form Rs and Form As submitted by 126 and 14, respectively. The unit burdens associated with filling out Form R and Form A, however, remain unchanged. Section 6(d) discusses the anticipated change in the number of Form Rs and Form As filed.

Additionally, EPA is proposing to revise data elements for Form Rs and Form As that would improve the consistency and utility of TRI data. EPA estimates that the revision of data elements will have minimal measurable impact on Form R and Form A burden.

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<sup>26</sup> RBBM Reference Document, EPA, 2011. This document is available via <https://www.regulations.gov> under Document ID No. [EPA-HQ-OEI-2010-0835-0004](https://www.regulations.gov/document/EPA-HQ-OEI-2010-0835-0004)

The following discussion explains how changes from rulemakings since the last ICR affect form unit burdens and how these changes will affect form unit burdens if EPA finalizes the proposed form revisions (analysis is based on RY 2015 data with updates to reflect the estimated additional reporting resulting from the Addition of 1-Bromopropane rule and Addition of HBCD category rule).

#### *Addition of 1-bromopropane*

On November 23, 2015, EPA added 1-bromopropane to the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 and section 6607 of the Pollution Prevention Act (PPA) of 1990. EPA determined that 1-bromopropane meets the criteria for listing under EPCRA section 313(d)(2)(B) because the National Toxicology Program reasonably anticipates it to be a human carcinogen. Further, EPA estimates that facilities currently manufacture, process or otherwise use this chemical above TRI thresholds and therefore would file TRI reports (Form Rs and A's). The total number of additional TRI reports expected due to the rule is 126 Form Rs and 14 Form As, and four new facilities are expected to report to TRI. Note that this rule does not affect the value of the Nominal Form R unit burden.

#### *Addition of Hexabromocyclododecane (HBCD) Category*

On November 28, 2016, EPA added a hexabromocyclododecane (HBCD) category to the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 and section 6607 of the Pollution Prevention Act (PPA) of 1990. EPA determined that HBCD meets the criteria for listing under EPCRA section 313(d)(2)(B) because it presents potential human health concerns for developmental and reproductive effects, is highly toxic to aquatic and land-dwelling organisms, bioaccumulates, and is persistent in the environment. Further, EPA estimates that facilities currently manufacture, process or otherwise use this chemical above TRI thresholds and therefore would file TRI reports. The total number of additional TRI reports expected due to the rule is 101 Form Rs, and three new facilities are expected to report to TRI. Note that this rule does not affect the value of the Nominal Form R unit burden.

#### *Revised Data Elements*

EPA is proposing several revisions to Form R and Form A. As mentioned above, these revisions will contribute to the standardization of responses and enhancement of data utility. Specifically, EPA is proposing to:

- List a Bureau of Indian Affairs (BIA) code as a separate element on the form. This is a clarification on the reporting form; no new information is required.
- When reporting a metal compound, reporter should indicate (in TRI-MEweb) whether report also includes the elemental metal. (Part II: Section 1). No additional regulatory burden is imposed as facilities already possess this information and are just providing clarification.

- Add subcategories of chemical uses. Negligible additional regulatory burden is imposed as facilities already possess this information and are just providing clarification.
- Add a checkbox for “recycling” under processing. Currently, a facility selects the “repackaging” checkbox in Section 3.2 if it processes or prepares an EPCRA Section 313 chemical (or product mixture) for distribution in commerce in a different form, state, or quantity for purposes of recycling. This change would update instructions for the “repackaging” checkbox to exclude these specific processing activities from its use and instruct a facility to use an added “recycling” checkbox for these activities. Negligible additional regulatory burden is imposed as facilities already possess and report this information and are just providing clarification by selecting one checkbox that more clearly fits certain recycling activities than the checkbox previously used for these particular processing activities.
- Additional optional classification of on-site disposal for “waste rock piles.” Because this is an optional classification, by convention, no regulatory burden is imposed on facilities with its addition.
- Add Publicly Owned Treatment Works (POTW) transfer management codes. Negligible regulatory burden is imposed as facilities already possess this information and EPA provides default values for when facilities do not possess this information and facilities are simply providing clarification.
- Incorporate additional barrier code for use when a reduction does not appear to be technically feasible. This is an additional option for an optional element that, by convention, does not impose burden.
- Add a free text field pertaining to pollution prevention and miscellaneous information for each chemical listed on Form A. Because this is an optional question, by convention, no regulatory burden is imposed on facilities with its addition.

The changes proposed, along with their contributions to the forms and estimated additional burden are presented in Table 4.

**Table 4**  
**Additional Unit Reporting Burden Associated with New Data Elements**

<b>Section Number</b>	<b>Form Change</b>	<b>Estimated Burden (minutes)</b>
Form R, Form A – Part I: Section 4.1	Provide Bureau of Indian Affairs (BIA) code as a separate element on the form	0.00
Form R, Form A – Part II: Section 1	When reporting a metal compound, indicate (in TRI-MEweb) whether report also includes the elemental metal	0.00
Form R – Part II: Sections 3.2 and 3.3	Add subcategories of chemical uses and checkbox to Section 3.2 for “recycling”	0.00
Form R – Part II: Section 5.5	Add optional category for “waste rock piles”	0.00
Form R – Part II: Section 6.1	Add management codes for the transfer of waste to POTWs	0.00
Form R – Part II: Section 8.11	Add additional optional barrier code checkbox	0.00
Form A – Part II: Section 3	Add a free text field for each chemical listed on Form A	0.00

Table 5 presents the average annual burden hour estimates by form type.

**Table 5**  
**Reporter Average Annual Burden Hour Estimate by Form Type**

<b>Form Type</b>	<b>Unit Burden Hours per Form</b>
Form R	35.70516
Form A	21.95867
Notes: 1) Unit burdens include burden for all activities associated with filing a form, whether incurred at the facility level or the form level, including reporter compliance determination, rule familiarization, calculations and report completion, and recordkeeping and submission. 2) Form A unit burden is set at 61.5% of nominal Form R unit burden. 3) Burden per form does not include non-form burden (supplier notification, petitions, and non-reporter compliance determination).	

Any given facility may file only Form Rs, only Form As, or a combination of Form Rs and Form As. Table 6 provides more details on the distribution of reporting by form type among facilities. Note also that for a given Form A filing (where multiple chemicals can be reported on a single form), the average number of chemicals reported is 2.26. Overall, each facility reports an average of 3.71 chemicals (Rs and A’s), with 11.4% of all chemicals filed via Form As.



**Table 6**  
**Form per Facility Distribution**  
**(Current Operations RY 2015 with Updates for Additional Reporting on 1-Bromopropane**  
**and HBCD Category)**

Form per Facility Distribution (RY 2015)	Unique Facilities	Chemicals			Average Chemicals per Facility		
			Form A	Total	Form R	Form A	Total
		Form R					
Form A Only	1,919	0	3,931	3,931	0.00	2.05	2.05
Form R Only	17,766	63,396	0	63,396	3.57	0.00	3.57
Both Form R & Form A	2,171	8,548	5,313	13,861	3.94	2.45	6.38
<b>Total</b>	<b>21,856</b>	<b>71,944</b>	<b>9,244</b>	<b>81,188</b>	<b>3.29</b>	<b>0.42</b>	<b>3.71</b>

Notes:

- 1) Calculations are based on RY 2015 raw single-chemical form counts (chemicals not rolled up at the facility-chemical level) with updates to reflect additional reporting due to the Addition of 1-Bromopropane Rule and Addition of HBCD Rule.
- 2) Approximately 74% percent of affected facilities filed three or fewer Form R chemicals in RY 2015. The most common number of Form R chemicals reported is one.
- 3) Approximately 94% percent of affected facilities filed two or fewer Form A chemicals in RY 2015. The most common number of Form A chemicals reported is zero (by facilities reporting Form A, the most common number of Form A chemicals reported is one).
- 4) The average number of Form A chemicals per Form A is 2.26.
- 5) The total average number of chemicals per facility across all types of facilities filing the form (Form A only, Form R only, Both Form R and Form A) is calculated by dividing the total number of chemicals by the total number of unique facilities.

Source: TRI RY2015 baseline data set from EPA 10/13/2016 with updates to reflect additional reporting due to the Addition of 1-Bromopropane Rule and Addition of HBCD Rule.

Table 7 presents the annual estimated burden hours for the overall average conditions. These estimates represent the burden on a "typical" facility as defined by the facility filing the average number of chemicals (as represented by overall averages). As shown in Table 6, there are a variety of patterns for Form R and Form A Chemical filings by facility. Section 6(d) discusses the total annual burden to all facilities.

**Table 7**  
**Form R and Form A Reporter Typical Annual Burden Hours**  
**Based on Average Conditions per Facility in Steady State Burden**  
**Calculation**

<b>Form Type</b>	<b>Annual Average Facility Burden Hours</b>
Form R Contribution [35.70516 hours per chemical × 3.29 chemicals per facility]	117.532
Form A Contribution [21.95867 hours per chemical × 0.42 chemicals per facility]	9.287
<b>Overall Average</b>	<b>126.819</b>

**6(b) Estimating Respondent Costs**

EPA calculates the steady state total cost to respondents based on the time needed to complete the activities listed in Section 6(a) and the weighted average wage rate (WAWR), which is the average loaded cost for a mix of managerial, technical, and clerical labor (in proportions of .03, .89, and .08, respectively) per hour of TRI reporter burden.<sup>27</sup> 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, although with the recent promulgation of the electronic reporting rule, these costs are minimized. Section 6(d) discusses total annual costs for all facilities.

**(i) Estimating Labor Costs**

EPA estimates labor burden for three separate labor categories (management, technical, and clerical) across multiple activities; it is necessary to obtain wage rates for each labor category in order to estimate labor costs and compute WAWR, as shown in Table 8.

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<sup>27</sup> For the derivation and justification of the WAWR, see RBBM Reference Document (Docket #EPA-HQ-OEI-2010-0835), EPA, 2011.

**Table 8**  
**Derivation of the Weighted Average Wage Rate (WAWR)**  
**(June 2016)**

<b>Wage Type (Burden Proportion)</b>	<b>Managerial (0.03)</b>	<b>Technical (0.89)</b>	<b>Clerical (0.08)</b>	<b>WAWR Composite</b>
<b>Occupational Type</b>	Management, business, and financial	Professional and related	Office and administrative support	Weighted hourly wage rate
Wages and Salaries	\$46.64	\$35.76	\$16.89	
Total benefits	\$22.73	\$15.30	\$7.41	
Overhead	\$7.93	\$6.08	\$2.87	
<b>Total Loaded Rate</b>	<b>\$77.30</b>	<b>\$57.14</b>	<b>\$27.17</b>	
<b>WAWR Contribution</b>	<b>\$2.39</b>	<b>\$50.82</b>	<b>\$2.16</b>	<b>\$55.37</b>

Table 9 summarizes average respondent costs for Form R and Form A.

**Table 9**  
**Form R and Form A Reporter Typical Annual Cost Estimate Based**  
**on Average Conditions per Facility in Steady State Burden**  
**Calculation**

<b>Form Type</b>	<b>Annual Average Facility Cost</b>
Form R Contribution [35.70516 hours per chemical × 3.29 chemicals per facility × \$55.38]	\$6,508.90
Form A Contribution [21.95867 hours per chemical × 0.42 chemicals per facility × \$55.38]	\$514.34
<b>Overall Average</b>	<b>\$7,023.24</b>

Note that these estimates assume non-form burden to be a constant at 825,517 hours with an associated cost of \$42,580,167. The components of this burden are:

- Petitions – 925 hours
- Supplier Notification – 89,616 hours
- Non Reporters' Compliance Determination – 734,976 hours

EPA estimates the total cost associated with non-form burden by multiplying this constant by the WAWR (see Section 6(d) for total respondent cost associated with the TRI Program).

### **6(c) Estimating Agency Burden and Cost**

This section estimates the burden and costs to EPA to process Form R and Form A reports based on information characterizing the resources used in previous years. EPA incurs burden and costs for three categories of activities: RFI and Compliance Assistance; TRI Reporting Software and Related Data Collection and Exchange; and Data Processing. Table 10 outlines these activities in detail.

**Table 10**  
**EPA Activities for Collecting, Processing, and Managing TRI Data**

<b>Category</b>	<b>Description</b>
Reporting Forms and Instructions (RFI) and Compliance Assistance	<ul style="list-style-type: none"> <li>• Revising the TRI Reporting Forms and Instructions (RFI)</li> <li>• Updating the online TRI Training Modules</li> <li>• Providing technical and regulatory support hotlines</li> <li>• Providing online Frequently Asked Questions and Answers</li> </ul>
TRI Reporting Software and Related Data Collection and Exchange	<ul style="list-style-type: none"> <li>• Revising the TRI-MEweb reporting software</li> <li>• Pre-populating TRI-MEweb with facility information from the previous year</li> <li>• Providing support for facilities to submit and certify their TRI reports using TRI-MEweb and the Central Data Exchange</li> <li>• Supporting simultaneous reporting to EPA and the States for facilities that are located in states that participate in the TRI State Data Exchange</li> <li>• Related infrastructure investments and program management for TRI-MEweb and the TRI Data Exchange</li> </ul>
Data Processing	<ul style="list-style-type: none"> <li>• Processing the submitted data</li> <li>• Conducting data quality checks</li> <li>• Entering data from paper forms into the TRI Processing System (TRIPS) – trade secret reports only</li> <li>• Disseminating data files for use in TRI-related applications</li> <li>• Related infrastructure investments and program management for TRIPS</li> </ul>

Table 11 presents the estimate of EPA burden specific to RFI and Compliance Assistance, TRI Reporting Software and Related Data Collection and Exchange, and Data Processing, in terms of Agency costs and number of FTEs.

**Table 11**  
**Agency Costs and FTEs to Support the Collection, Processing, and Management of TRI Form Submissions<sup>a</sup>**

<b>Description</b>	<b>Non-FTE Cost</b>	<b>FTE<sup>b</sup></b>
RFI and Compliance Assistance	\$95,000	1.1
TRI Reporting Software and Related Data Collection/Exchange IT Infrastructure	\$2,097,472	2.1
Data Processing	\$1,634,320	2.0
<b>Total</b>	<b>\$3,826,792</b>	<b>5.2</b>
<sup>a</sup> E-mail communication with TRI Data Processing Center, November 17, 2016.		
<sup>b</sup> Based on actual headcounts for RY2016.		

The estimated data processing costs include fixed costs (overhead) and variable costs, which depend on the number and type of form submissions. The cost of processing TRI forms is

approximately \$59.50 per chemical for paper submissions (the cost of processing a Trade Secret Form) and \$6.80 per chemical for *TRI-MEweb* submissions.<sup>28</sup> Based on reporting year 2015, the total annual Agency cost for items, as shown in Table 11, is \$3,826,792.

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

##### Estimated Total Annual Burden for All Respondents

This section presents the total annual burden hours for all respondents, incorporating both form and non-form burden (see detailed bases in Section 6(a)). EPA uses the Steady State Total Burden method to estimate the total burden hours for all respondents under this ICR, as depicted in Figure 1. EPA calculates Form R burden and Form A burden using unit burdens and single-chemical form counts; non-Form burden is a constant. These three burden components sum to calculate the Steady State Total Burden. Table 12 shows the assumed universe of TRI facilities and forms for both Form Rs and Form As for this ICR renewal.

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<sup>28</sup> E-mail communication with TRI Data Processing Center, November 17, 2016.

**Table 12**  
**ICR Universe of TRI Facilities and Forms**  
**(Based on RY 2015 Baseline TRI Data with Updates to reflect additional reporting due to the**  
**Addition of the 1-Bromopropane and HBCD Category Rules)**

	<b>Form R</b>	<b>Form A</b>
<b>RY 2015 Universe</b>	<b>Number of Chemicals (Same as Number of Forms)</b>	<b>Number of Chemicals (Average of 2.26 Chemicals per Form)</b>
Number of Facilities	19,937	4,090
Number of PBT Chemicals	14,153	0
Number of Non-PBT Chemicals	57,791	9,244
Number of Total Chemicals	71,944	9,244
<p>Notes:</p> <p>1) The total unique number of facilities reporting in RY 2015 was 21,856, including the estimated number of forms not yet received for 1-BP and HBCD. The sum of facilities reporting Form R and Form A above does not equal 21,856 because some facilities report both Form Rs and Form As (see Table 6). The average number of Form R chemicals per facility is 3.29. The average number of Form A chemicals per facility is 0.42. The average number of chemicals per facility is 3.71. The average number of Form A chemicals per Form A is 2.26.</p> <p>2) The number of Form As is equal to the number of facilities reporting Form A chemicals (4,090). The number of chemicals per Form A is 2.26 (9,244 Form A chemicals ÷ 4,090 Form As). Note that burden per Form A chemical is the key unit for tracking burden associated with a Form A, and that the conversion to number of Form As (i.e., number of Form A responses) is done to satisfy certain burden accounting and reporting requirements.</p> <p>3) For 1-bromopropane, it is estimated that under the rule, 4 new facilities will be added to the regulated community and an additional 126 non-PBT chemical Form Rs and 14 Form As will be submitted. For HBCD, it is estimated that under the rule, 3 new facilities will be added to the regulated community and an additional 101 PBT chemical Form Rs and zero Form As will be submitted.</p>		

Table 13 presents the total annual burden hours estimates for both Form R and Form A.

**Table 13**  
**Total Annual Burden Hour Estimate**

<b>Form Type</b>	<b>Unit Burden Hours Per Form</b>	<b>Number of Responses</b>	<b>Number of Form R or A Chemicals</b>	<b>Steady State Total Burden</b>
Form R	35.70516	71,944	71,944	2,568,772
Form A	21.95867	4,090	9,244	202,986
Non-Form (constant)	—	—	—	825,517
<b>Total</b>	—	—	—	<b>3,597,275</b>

### Estimated Total Annual Cost for All Respondents

EPA determined the total annual reporting cost for all respondent facilities by multiplying the WAWR by the steady state total burden. Table 14 presents the total annual reporting cost for Form R and Form A.

**Table 14**  
**Total Annual Cost Estimate**  
**(June 2016 dollars)**

<b>Form Type</b>	<b>WAWR</b>	<b>Steady State Total Burden</b>	<b>Steady State Total Cost</b>
Form R	\$55.38	2,568,772	\$142,258,593
Form A	\$55.38	202,986	\$11,241,365
Non-Form (Constant)	\$55.38	825,517	\$45,717,131
<b>Total</b>		<b>3,597,275</b>	<b>\$199,217,089</b>
Note: WAWR is based on June 2016 BLS wage data from Table 9 of the Employer Costs for Employee Compensation news release ( <a href="https://www.bls.gov/news.release/ecec.t09.htm">https://www.bls.gov/news.release/ecec.t09.htm</a> ).			

### **6(e) Bottom-Line Burden Hours and Cost Tables**

This section presents the total burden and cost to the regulated industry to comply with the information collection requirements under EPCRA section 313 and under PPA section 6607, as well as the cost to EPA to process Form R and Form As annually.

#### **(i) Respondent Tally**

Table 15 presents the total burden and cost for complying with EPCRA section 313 for current and new reporting requirements.

**Table 15  
Total Annual Burden and Cost**

<b>Activity</b>	<b>Number of Facilities</b>	<b>Number of Responses<sup>d</sup></b>	<b>Annual Burden Hours</b>	<b>Annual Costs</b>
Existing Form Rs	19,937	71,944	2,568,772	\$142,258,593
Existing Form As	4,090	4,090	202,986	\$11,241,365
Non-Form (Constant)			825,517	\$45,717,131
<b>Subtotal</b>	<b>21,856<sup>a</sup></b>	<b>76,034<sup>b</sup></b>	<b>3,597,275</b>	<b>\$199,217,090</b>
New Form R Data Elements <sup>c</sup>	19,937	71,944	0	\$0
New Form A Data Elements <sup>c</sup>	4,090	4,090	0	\$0
<b>Total</b>	<b>21,856</b>	<b>76,034</b>	<b>3,597,275</b>	<b>\$199,217,090</b>

<sup>a</sup>The total number of facilities reporting (21,856) is not equal to the sum of Form R and Form A respondents as some facilities may file both Form Rs and Form As.  
<sup>b</sup>The average number of responses per respondents is 3.479.  
<sup>c</sup>The basis for the estimates of facilities and responses is derived from RY 2015 TRI reporting with updates to reflect the estimated impacts of the Addition of 1-Bromopropane Rule (published November 23, 2015) and the Addition of HBCD Rule (published November 28, 2016).  
<sup>d</sup>More than one chemical may be filed in each Form A.

**(i) The Agency Tally**

EPA estimates the total annual program burden to the Agency to be \$3.83 million, and 5.2 FTEs. These costs reflect the burden to conduct the EPA activities described above.

**(i) Variations in the Annual Bottom Line**

EPA does not expect significant variation in the annual respondent reporting/recordkeeping burden and cost over the course of the ICR approval period.

**6(f) Reasons for Change in Burden**

Change in burden estimates since OMB approved the combined Form R/A ICR on November 24, 2014 include:

- On November 23, 2015, EPA added 1-bromopropane to the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 and section 6607 of the Pollution Prevention Act (PPA) of 1990. EPA estimates that this rule will increase the number of newly reporting facilities by four and will increase the total number of Form Rs and Form As submitted by 126 and 14 respectively, with an associated ongoing steady state burden increase of 4,806 hours.<sup>29</sup>
- On November 28, 2016, EPA added HBCD category to the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know

<sup>29</sup> 4,806 hours = (Form R average burden of 35.70516 hours/form × 126 forms) + (Form A average burden of 21.95867 hours/form × 14 forms)



Act (EPCRA) of 1986 and section 6607 of the Pollution Prevention Act (PPA) of 1990. EPA estimates that this rule will increase the number of newly reporting facilities by three and will increase the total number of Form Rs submitted by 101, with an associated ongoing steady state burden increase of 3,606 hours.<sup>30</sup>

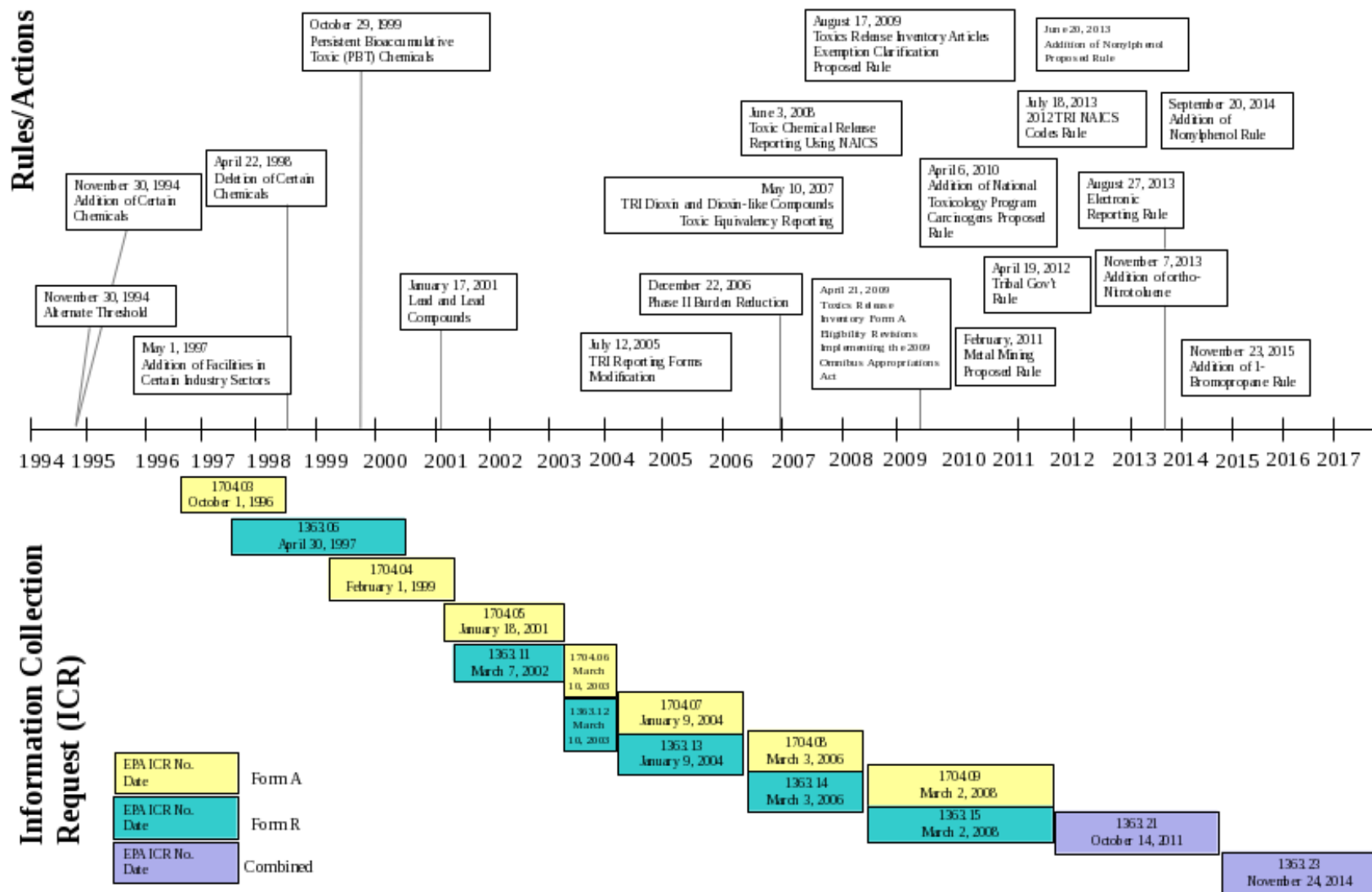
Over the last few years, there has been a slight increase in the number of facilities reporting to TRI. Based on the latest data for RY 2015 with updates to reflect the estimated burden due to the addition of 1-bromopropane and HBCD category, EPA now estimates the total number of combined Form R and Form A responses to be 76,034, the associated total annual burden hours to be 3,597,275, and the annual cost to be \$199,217,090. Further, the TRI Program is proposing to revise data elements for the reporting forms. EPA estimates that the revised data elements will have a negligible impact on form burden.

Since the ICR approval on November 24, 2014, the increase in the estimate of total burden of 32,865 hours (exclusive of 1-bromopropane and HBCD reports that have not yet been received) primarily resulted from the filing of approximately 1,009 more forms in RY 2015 than were projected in the 2014 ICR renewal (based on RY 2012 data). Note that of the 1,009 forms, 83 forms are for nonylphenol, which was not on the list of TRI reportable chemicals at the time of the last ICR renewal. Refer to Figure 2 and Table 16 for background information on the chronology of both TRI rulemakings and ICR renewals that outlines changes that have occurred due to rulemaking.

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<sup>30</sup> 3,606 hours = (Form R average burden of 35.70516 hours/form × 101 forms) + (Form A average burden of 21.95867 hours/form × 0 forms)

**Figure 2**  
**TRI Rulemaking and ICR Chronology**



**Table 16**  
**Recent Changes in TRI Form R Burden**

Activity – Explanation	TRI Form R ICR (EPA # 1363, OMB #2025-0009)			
	Change		Total	
	# Responses	Burden Hours	Total Responses	Total Burden Hours
<b>1997 Baseline</b>	—	—	90,362	5,538,727
<b>RY 1997 Program Change – Industry Expansion Rule:</b> This rule added 7 new industries to the list of industries subject to TRI reporting beginning in RY1998.	39,033	2,467,463	129,395	8,006,190
<b>1999 Adjustment – Form R Correction Worksheet:</b> This adjustment revised the number of responses to be more consistent with actual reporting levels. However, it did not correct for overestimation of expected reporting from the Industry Expansion Rule.	(13,226)	(665,666)	116,169	7,340,524
<b>RY 1999 Program Change – PBT Rule:</b> This rule lowered reporting thresholds for certain PBT Chemicals, and added other PBT Chemicals at lower thresholds beginning in RY 2000.	19,990	1,485,411	136,159	8,825,935
<b>RY 2000 Program Change – Lead Rule:</b> This rule lowered reporting thresholds for lead and lead compounds beginning in RY 2001.	9,813	786,169	145,972	9,612,104
<b>January 2003 Form R ICR Renewal:</b> This request incorporated accounting adjustments to reflect actual number of responses.	(57,855)	(4,045,540)	88,117	5,566,564
<b>October 2003 Form R ICR Renewal:</b> This request reflected actual number of responses and accounted for a lower subsequent year reporting burden for non-PBT Chemicals.	(4,117)	(1,677,812)	84,000	3,888,752
<b>May 2005 Form R ICR Renewal:</b> This request reflected actual number of responses.	(2,000)	(91,413)	82,000	3,797,339
<b>RY 2005 Program Change – TRI Reporting Forms Modification Rule:</b> This rule eliminated certain data elements and simplified others beginning in RY 2005.	—	(50,749)	82,000	3,746,590
<b>RY 2006 Program Change – TRI Burden Reduction Rule:</b> This rule expanded non-PBT Chemical eligibility for Form A and, for the first time, allowed limited use of Form A for PBT Chemicals.	(15,100)	(505,117)	66,900	3,241,473
<b>RY 2008 New Data Elements:</b> The proposed additions and revisions improve and enhance the data as well as standardize the information collected.	(149)	(24,193)	66,751	3,217,280
<b>RY 2008 Form R ICR Renewal</b>	—	—	66,751	3,217,280
<b>RY 2010 New Data Element</b>	—	—	69,876	2,494,934
<b>RY 2011 Form R ICR Renewal</b>	3,125	(722,346)	69,876	2,494,934
<b>RY 2014 Form R ICR Renewal</b>	1,062	37,919	70,938	2,532,853
<b>RY 2015 Form R ICR Universe Projection</b>	1,006	35,919	<b>71,944</b>	<b>2,568,772</b>

## **6(g) Burden Statement**

EPA estimates the annual public burden for form calculations such as rule familiarization, compliance determination, calculations and form completion, and recordkeeping, which is approved under OMB Control No. 2025-0009, to average 35.70516 hours per response for a facility filing a Form R and 21.95867 hours for a facility filing a Form A for one chemical. Burden is defined in 5 CFR 1320.3(b). An agency may not conduct or sponsor, and a person does not have to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the Federal Register, are listed in 40 CFR part 9 and included on the related collection instrument or form, if applicable.

The Agency has established a public docket for this ICR under Docket ID No. EPA-HQ-TRI-2017-0057, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in-person viewing at the Pollution Prevention and Toxics Docket in the EPA Docket Center (EPA/DC). The EPA/DC Public Reading Room is located in the EPA West Building, Room 3334, 1301 Constitution Ave., N.W., Washington, DC. The EPA/DC 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 EPA/DC Public Reading Room is (202) 566-1744, and the telephone number for the Pollution Prevention and Toxics Docket is (202) 566-0280.

You may submit comments regarding 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. Submit your comments, referencing Docket ID No. EPA-HQ-TRI-2017-0057 and OMB Control No. 2025-0009, to (1) EPA online using [www.regulations.gov](http://www.regulations.gov) (our preferred method), or by mail to: Pollution Prevention and Toxics Docket, Environmental Protection Agency Docket Center (EPA/DC), Mailcode: 28221T, 1200 Pennsylvania Ave., N.W., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, N.W., Washington, DC 20503.

## REFERENCES

Arbuckle, J. Gordon, et al., 1993. *Environmental Law Handbook, Twelfth Edition*. Government Institutes, Inc., Rockland MD.

U.S. Department of Labor, Bureau of Labor Statistics. *Employer Costs for Employee Compensation*. U.S. Department of Labor, Washington, D.C. September 2016.

U.S. EPA, 1986. Emergency Planning and Community Right-to-Know Act of 1986, §313 (42 U.S.C.A. §1023).

U.S. EPA, 1990. Pollution Prevention Act (42 U.S.C.A. §13101-13109). U.S. EPA.

U.S. EPA, 2007. Analysis of the Estimated Burden and Cost of Form R Schedule 1 for Dioxin and Dioxin-like Compounds; Toxic Equivalency Reporting; Community Right to Know Toxic Chemical Release Reporting (May 10, 2007).

U.S. EPA, 2008. Procedure for Quality Policy. CIO 2106-P-0.10. October 20, 2008.

U.S. EPA, 2011. Revising TRI Burden to Ratio-Based Methodology; TRI Regulatory Development Branch, TRI Program Division, Office of Information Analysis and Access, Office of Environmental Information (February 1, 2011).

U.S. EPA. 40 CFR Part 372 Toxic Chemical Release Reporting: Community Right-to-Know.

*Addition of 1-Bromopropane; Community Right-to-Know Toxic Chemical Release Reporting*. 40 CFR Part 372. EPA Docket ID Number EPA-HQ-TRI-2015-0111. Federal Register Vol. 80 Pages 72906-72914. November 23, 2015.

*Addition of Hexabromocyclododecane (HBCD) Category; Community Right-to-Know Toxic Chemical Release Reporting*. 40 CFR Part 372. EPA Docket ID Number EPA-HQ-TRI-2015-0607. Federal Register Vol. 81 Pages 85440-85444. November 28, 2016.

*Addition of Nonylphenol Category; Community Right-to-Know Toxic Chemical Release Reporting*. 40 CFR Part 372. EPA Docket ID Number EPA-HQ-TRI-2011-0979. Federal Register Vol. 78 No. 138. July 18, 2013.

*Community Right-to-Know; Adoption of 2012 North American Industry Classification System (NAICS) Codes for Toxics Release Inventory (TRI) Reporting*. 40 CFR Part 372. EPA Docket ID Number EPA-HQ-OEI-2012-0110. Federal Register Vol. 78 No. 119. June 20, 2013.

*Electronic Reporting of Toxics Release Inventory Data*. 40 CFR Part 372. EPA Docket ID Number EPA-HQ-TRI-2011-0174. Federal Register Vol. 78 No. 166. August 27, 2013.

## **APPENDICES**

- Appendix A: Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. 11001 et seq.
- Appendix B: Pollution Prevention Act (PPA), 42 U.S.C. 13101 et seq.
- Appendix C: Toxic Chemical Release Reporting: Community Right-to-Know - 40 CFR part 372
- Appendix D-1: Toxics Release Inventory Form A, EPA Form No. 9350-2
- Appendix D-2: Toxics Release Inventory Form R, EPA Form No. 9350-1
- Appendix D-3: Toxics Release Inventory Form R Schedule 1, EPA Form No. 9350-3
- Appendix E: Reporting Form R and Form A Changes and Associated Instruction Revisions
- Appendix F: Information Sources Containing Data Subsets, but not Comprehensively Comparable Alternatives to TRI
- Appendix G: TRI Consultation Meetings
- Appendix H: Facilities Required to Report to TRI (NAICS codes)