Supporting Statement for an Information Collection Request (ICR)
Under the Paperwork Reduction Act (PRA)

EXECUTIVE SUMMARY

Identification of the Information Collection – Title and Numbers

Title: Rule-Related ICR; Addition of Certain Per- and Polyfluoroalkyl Substances; Toxic Chemical Release; Proposed Rule (RIN 2070-AL03)

EPA ICR No.: 2796.01

OMB Control No.: 2070-NEW

Docket ID No.: EPA-HQ-OPPT-2023-0538

Annual Summary Total Burden and Costs

IC Activity	Total Number of Respondents	Annual Burden Hours	Steady State Costs
Toxic Chemical Release Reporting Form A	NA	NA	NA
Toxic Chemical Release Reporting Form R	356 - 1,110	12,711 - 39,633	$1,007,093 - $3,140,123
Respondent Total	356 - 1,110	12,711 - 39,633	$1,007,093 - $3,140,123
Agency Total	356 - 1,110	-	$2,742 - $8,550

Abstract

This ICR addresses the information collection activities that are contained in the proposed rule to add 16 individually listed per- and polyfluoroalkyl substances (PFAS) and to add 15 PFAS chemical categories which would be comprised of an acid and associated salts to the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. section 11023, commonly known as the Toxics Release Inventory (TRI). EPA is also proposing to set a manufacture, processing, and otherwise use reporting threshold of 100 pounds for each PFAS being added to the list and to designate all PFAS listed under this action as chemicals of special concern. EPA also proposes to reclassify some PFAS already on the TRI list due to sections 7321(b) and (c) of the National Defense Authorization Act for Fiscal Year 2020 NDAA (NDAA) as PFAS chemical categories to align such listings with the approach provided for the candidate additions proposed in this rulemaking. This would change them from being individually listed to being part of the applicable chemical category. Estimated burden and costs associated with the proposed rule are incremental to existing reporting burden for the TRI Program overall, as documented in the TRI Form

R and Form A Toxic Chemical Release Reporting ICR Supporting Statement (Docket ID# EPA-HQ-OPPT-2020-0078). Under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq*., an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid control number issued by the Office of Management and Budget (OMB). The OMB control numbers are displayed either by publication in the Federal Register or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9. Currently, facilities subject to the TRI reporting requirements may use either the EPA Toxics Release Inventory Form R (EPA Form No. 9350-1), or, if they meet alternate threshold requirements, the EPA Toxics Release Inventory Form A Certification Statement[1] (simply referred to as "Form A" - EPA Form No. 9350-2). With Form R, a facility reports one chemical per form; with Form A, a facility may report multiple chemicals per form.[2]

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 the information collected. EPA stores the information gathered under these authorities in a database available through the Internet. EPA, other federal, state, tribal, 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.

[1] 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.

[2] For the full set of instructions and Forms, refer to https://ordspub.epa.gov/ords/guideme_ext/f?p=104:42:::::RFI:rfi..

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

On December 20, 2019, the National Defense Authorization Act for Fiscal Year 2020 (NDAA) was signed into law (Pub. L. 116-92, https://www.congress.gov/public-laws/116th-congress). The NDAA included two provisions that automatically add PFAS to the TRI list. First, section 7321(b) of the NDAA added to the TRI list, effective January 1, 2020, 14 chemicals by name and/or Chemical Abstracts Service Registry Number (CASRN) and additional PFAS that meet specific criteria. On June 22, 2020 (85 FR 37354), EPA updated the TRI list in the CFR to reflect the PFAS added to TRI by section 7321(b). A second group of PFAS are added to the TRI list on an annual basis by the NDAA. Specifically, PFAS that meet the criteria in section 7321(c) of the NDAA are deemed added to the TRI list on January 1 of the year after specific criteria are met. Under the automatic listing provisions of section 7321 of the NDAA, an additional 8 PFAS have been added to the EPCRA section 313 list. Through this provision, the NDAA will continue to add PFAS to the TRI list over time as additional PFAS meet the criteria outlined in 7321(c). To date, sections 7321(b) and 7321(c) of the NDAA have added a total of 189 PFAS to the TRI list (88 FR 41035 June 23, 2023 (FRL-10781-01-OCSPP)). All added PFAS have been added to the CFR at 40 CFR 372.65(d) and (e). In addition, the NDAA established a manufacture, processing, or otherwise use reporting threshold of 100 pounds for each of the PFAS added to the TRI list by sections 7321(b) and 7321(c) of the NDAA.

EPA is proposing to add 16 individually listed per- and polyfluoroalkyl substances (PFAS) to the to the EPCRA section 313 list of toxic chemicals (more commonly known as the Toxics Release Inventory (TRI)). EPA is also proposing to add to the TRI 15 PFAS chemical categories, which would be comprised of an acid, associated salts, and associated acyl halides. EPA is also proposing to set a manufacture, processing, and otherwise use reporting threshold of 100 pounds for each PFAS and PFAS category being proposed for listing by this rulemaking and to designate all PFAS listed under this action as chemicals of special concern. Chemicals of special concern have lower reporting thresholds because even small quantities of releases of these chemicals can be of concern. By setting a 100-pound reporting threshold for PFAS added by sections 7321(b) and 7321(c), the NDAA recognized there is concern for small quantities of such PFAS. Chemicals of special concern are excluded from the *de minimis* exemption, reporting on Form A, and have limits on the use of range reporting because use of these burden reduction tools is inconsistent with a concern for small quantities. EPA also proposes to reclassify some PFAS already on the TRI list due to sections 7321(b) and (c)

of the National Defense Authorization Act for Fiscal Year 2020 NDAA (NDAA) as PFAS chemical categories to align such listings with the approach provided for the candidate additions proposed in this rulemaking. This would change them from being individually listed to being part of the applicable chemical category.

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. 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).

EPA established an alternate threshold[3] 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.

[3] 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. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The overall goal of the TRI 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.[4] 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

[4] U.S. EPA Toxics Release Inventory Program. https://www.epa.gov/tri/

makes available data collected under EPCRA section 313 and PPA section 6607 through access tools such as EPA's Envirofacts, TRI Explorer, and TRI SEARCH.

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 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.[5] EPA encourages TRI data users to provide feedback on ways to improve TRI products and services.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

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

[5] https://www.epa.gov/sites/production/files/documents/tri_in_action_final_report_july_2013.pdf

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.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

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 certain 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 might 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. Any overlap is highly unlikely for this particular rule since none of the other statutory reporting requirements would apply to PFAS and that the other substances impacted by the rule are chemicals of special concern for which information already has to be reported (since this rule only requires new notice requirements for those chemicals).

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 A), 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 782 individually listed chemicals (of which 189 are PFAS) and 33 chemical categories. 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 (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 A provides a comprehensive list of relevant data sources.

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

Data Source	Media and Chemical Coverage	Relevant Release Statistics Available	Ease of Database Substitution for TRI Data[a]
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.

[a] "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.

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[6] and (2) RMP reporting occurs every five years, as opposed to annually for TRI.[7]

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

[6] https://www.epa.gov/rmp/list-regulated-substances-under-risk-management-plan-rmp-program
[7] https://www.epa.gov/rmp/risk-management-plan-rmp-rule-overview

TRI. CDR also covers a broader range of chemicals than TRI. However, CDR reporting is applicable only to chemical manufacturers (including importers).

Under the Hazard Communication Standard (29 CFR 1910.1200), the Occupational Safety and Health Administration (OSHA) requires that safety data sheets (SDS) be prepared by manufacturers, importers, and distributors of hazardous chemicals present above their respective concentration limits and provided to downstream users to communicate information on these hazards. SDSs include certain required information such as product and chemical identification, composition and ingredient information, hazard identification, physical and chemical properties, and safety precautions to be used when handling or storing the hazardous substance. The HCS also describes optional information that may be included on an SDS, such as regulatory information. Under TRI's supplier notification requirements (40 CFR 372.45), a supplier of a mixture or trade name product which includes a TRI chemical would have to notify downstream suppliers (including TRI facilities, or customers who would subsequently distribute the product to TRI facilities) of the mixture or product's inclusion of the TRI chemical and the chemical's concentration. This notice must be provided at least with the first shipment of the year, and after any product reformulation alters the concentration. If a mixture or trade name product is subject to both SDS and TRI supplier notification requirements, the supplier notification regulation allows the supplier to attach or incorporate the necessary information into the SDS to limit any duplicative requirements while providing necessary information on the presence for TRI chemicals for TRI reporting facilities. Both SDS and supplier notification regulations currently permit exclusion of mixtures with concentrations of chemicals below endpoint specific concentrations. However, the removal of the "de minimis" exemption for the TRI supplier notification requirement may mean that an entity would need to provide a supplier notification requirement for a TRI chemical where it would not need to list the chemical substance on an SDS.

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[8] 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.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

Under EPCRA section 313 (b)(1)(A), facilities with fewer than 10 full-time employees (or the equivalent) do not have to report.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

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 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.

[8] Arizona, California, Georgia, Maine, Massachusetts, Minnesota, Mississippi, New Jersey, New York, Oregon, Tennessee, Texas, Vermont, and Washington.

(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.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner: requiring respondents to report information to the agency more often than quarterly;

- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

Not applicable.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

- **Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**
- **Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

There will be a public comment period for this proposed rule. EPA will address the comments received during the comment period in the final rule. Copies of the proposed rule, ICRs, comments received, and EPA's responses to comments will be available in the docket.

Under 5 CFR 1320.8(d)(3), agencies are not required to consult with potential ICR respondents and information users about specific aspects of ICRs before submitting an ICR to OMB for review and approval.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

This collection does not provide any payment or gift to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a system of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

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.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

This collection does not request any sensitive information.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under 'Annual Cost to Federal Government'.**

Covered facilities report to the Toxics Release Inventory (TRI) Program if they have ten or more full-time employees (or the hourly equivalent of 20,000 hours); and manufacture, process, or otherwise use any of the listed PFAS above the applicable reporting threshold.

Form R[9]: 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

[9] Attachments A and B provide copies of the Form A and Form respectively. To access existing TRI Reporting Forms and Instructions, see https://ofmpub.epa.gov/apex/guideme_ext/f?p=guideme:rfi-home.

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 on the 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 As 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.[10] In **Part II**, a facility may report multiple chemicals on a single Form A. Specifically Form A solicits the toxic chemical identity, and the mixture component identity.

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

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 safety

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data sheet (SDS) for the product. Given the fact that Nominal Form R burden already accounts for typical program level supplier notifications, EPA assumes that the number of additional facilities that might be required to provide supplier notifications would only be a small fraction of potential supplier notifications in connection with the TRI program overall. For this proposed rule, it is assumed that the supplier notification burden is already included in the existing non-form burden estimates.

Non-Reporter Compliance Determination: In any given reporting year, a group of eligible facilities will complete compliance determinations 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. For this proposed rule, it is assumed that the non-reporter compliance determination burden is already included in the existing compliance determination burden estimates.

Petitions: While petitions are considered in the overall burden/cost of the TRI program, they are not considered in this rulemaking as they are not related to the reporting changes for listed PFAS.

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.

Radio-Based Burden Methodology

As was done in a recent ICR renewal, this ICR uses EPA's new Ratio-Based Burden Methodology (RBBM), to estimate TRI respondent burden for both Form R and Form A reporting.[11]

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.[12] 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)

[11] For references on methodology development, see RBBM Reference Document (Docket #EPA-HQ-OEI-2010-0835), EPA, 2011.
[12]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%.

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,[13] a model for the ratio of Form A (single-chemical)[14] 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.

[13] 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.

[14] 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 [a]
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 Forms R) × (Nominal Form R Unit Burden)
Form A Burden = (Number of Forms A) × (A/R) × (Nominal Form R Unit Burden)
Non-Form Burden = Supplier Notifications + Non-Reporter Compliance Determination

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 = $79.23/hr[b]

[a] 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).
[b] Based on 2023 wage data. 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.

Table 3 presents the average annual burden hour estimates by form type.

Table 3. Reporter Average Annual Burden Estimate by Form Type

Form Type	Unit Burden (Hours) per Form
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).	

Table 4. Estimated Number of Facilities Expected to Incur Incremental Reporting Burden, Total First Year Burden, and Total Steady State Burden under the Proposed Rule

Scenario	Facilities	Total Number of Form Rs	First Year Burden[a]	Steady State Burden[b]
Low	356	356	26,693	12,711
High	1,110	1,110	83,229	39,633

[a]Calculated as the product of: (1) the number of Form R's, (2) the *Nominal Form R Unit Burden* of 35.70516, and (3) the *First-Time Filer Factor* of 2.1.

[b]Calculated as the product of: (1) the total number of Form R's and (2) the *Nominal Form R Unit Burden* of 35.70516.

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 to estimate labor costs and compute WAWR, as shown in Table 5.

Table 5. Derivation of the Weighted Average Wage Rate (WAWR) (2023 Dollars)

Wage Type	Managerial	Technical	Clerical
Wages and Salaries *(a)*	$53.10	$45.60	$23.80
Total Benefits *(b)*	$24.46	$22.86	$10.60
Total Compensation *(c) = (a + b)*	$77.56	$68.46	$34.40
Overhead *(d) = (c * 20%)*	$15.51	$13.69	$6.88
Total Loaded Hourly Wage Rate *(e) = (c + d)*	$93.07	$82.15	$41.28
Labor Burden Weights	0.03	0.89	0.08
Weighted Average Wage Rate (WAWR)	$79.23[a]		

[a] Individual numbers may not add to the total due to rounding.

To estimate the incremental cost of the proposed rule, total first year and total steady state industry incremental reporting burden is multiplied by the *WAWR* (see Table 5); the first year and steady state incremental costs are presented in Error: Reference source not found for the lower and upper bound estimates.

Table 6. Total First Year and Steady State Incremental Industry Cost under the Final Rule (2023 Dollars)

Scenario	Facilities	Total Number of Form Rs	First Year Cost	Steady State Cost
Lower Bound	356	356	$2,114,886	$1,007,093
Upper Bound	1,110	1,110	$6,594,234	$3,140,123

EPA determined the total annual reporting cost for the facilities potentially affected by the proposed rule by multiplying the WAWR by the steady state total burden. Table 7 presents the total annual reporting cost for Form R.

Table 7. Total Annual Cost Estimate (2023 dollars)

Form Type	WAWR	Steady State Total Burden	Steady State Total Cost
Form R (Lower Bound)	$71.04	12,711	$1,007,093
Form R (Upper Bound)	$71.04	39,633	$3,140,123
Note: WAWR is based on BLS ECEC data from 2023 and an overhead rate of 20 percent applied to total compensation.			

Under the proposed rule, industry is estimated to incur incremental costs between approximately $2,114,886 and $6,594,234 the first year and between approximately $1,007,093 and $3,140,123 in the steady state.

Table 8. Summary of Total Incremental Costs of the Proposed Rule (2023 Dollars)

Cost Category	Low Scenario (2% Discount Rate)	High Scenario (2% Discount Rate)
Industry Costs	$1,128,004	$3,517,091
EPA Processing Costs	$2,742	$8,550
Total Costs	**$1,130,746**	**$3,525,640**

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

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.

14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

For the TRI program in general, EPA incurs burden and costs to process TRI forms in five categories of activities: data processing, outreach and training, information dissemination, policy and petitions, and compliance and enforcement. The estimate of EPA burden and costs is separated into a fixed component and a variable component. Activities and expenses that are not greatly affected by marginal changes in reporting quantities are considered fixed costs. These activities and expenses include rent for the EPCRA Reporting Center, development costs for data access tools, compliance assistance measures, and other activities and expenses listed above. There are no additional fixed costs to the Agency associated with the proposed rule. Activities and expenses that vary with marginal changes in the number of reports submitted are considered variable costs. The primary variable cost analyzed in this analysis is the cost of processing forms.

As of January 21, 2014, all non-trade secret forms must be submitted electronically. EPA estimates that the processing cost for *TRI-MEweb* submissions is $6.05 per form (E-mail communication with the TRI Data Processing Center, 2014), or $7.50 in 2023 dollars using the GDP inflation index (U.S. Bureau of Economic Analysis, 2024). Therefore, the total form processing burden for EPA associated with Form R chemical submissions under the rule ranges from estimates of $2,742 to $8,550 depending on the scenario.

15. Explain the reasons for any program changes or adjustments in hour or cost burden.

This collection adds 16 individually listed PFAS and 15 PFAS compound categories to the list of toxic chemicals subject to reporting under section 313 of EPCRA and section 6607 of the PPA to the list of chemicals of special concern. These actions are being taken to comply with section 7321 of the National Defense Authorization Act for Fiscal Year 2020 enacted on December 20, 2019. Therefore, industry is estimated to incur between approximately 26,693 and 83,229 burden hours in the first year and between approximately 12,711 and 39,633 hours in the steady state.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

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. Following the annual July 1 submittal deadline, EPA performs data quality checks and contacts facilities EPA believes may have errors in their reports, inviting them to resubmit with corrections as necessary. Following these checks, EPA freezes the dataset in mid-October. The EPA then performs trend analyses by industry, EPA region, chemicals of specific interest, and other data elements which it publishes in its TRI National Analysis in the first quarter of the following calendar year (e.g., the National Analysis for reporting year 2019 was published in January 2021).

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

Not applicable.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

Not applicable. This request complies with 5 CFR 1320.9 and no exceptions are taken.

Supplemental Information

This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2070-NEW). Responses to this collection of information are mandatory, as specified in 40 CFR 372. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The public reporting and recordkeeping burden for this collection of information is estimated to be 35.71 hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the

Regulatory Support Division Director, U.S. Environmental Protection Agency (2821T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-TRI-2023-0538, which is available at https://www.regulations.gov. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically.

You can also provide comments to the Office of Information and Regulatory Affairs, Office of Management and Budget via http://www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting ‘‘Currently under 30-day Review—Open for Public Comments’’ or by using the search function.

All comments received by EPA will be included in the docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

List of Attachments

The attachments listed below can be found in the docket for this ICR. The docket for this ICR is accessible electronically through http://www.regulations.gov using Docket ID Number: EPA-HQ-TRI-2023-0538.

Ref.	Title
A	Form A – EPA Form Number 9350-2
B	Form R – EPA Form Number 9350-1

REFERENCES

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

Emergency Planning and Community Right-to-Know Act EPCRA section 313, 42 USC 11023

Toxic Chemical Release Reporting: Community Right-to-Know 40 CFR § 372.25

U.S. Bureau of Economic Analysis. (2024). National Income and Products Accounts Table, Table 1.1.9: Implicit Price Deflators for Gross Domestic Product. http://www.bea.gov/iTable/index_nipa.cfm

U.S. Department of Labor, Bureau of Labor Statistics. *Employer Costs for Employee Compensation.* U.S. Department of Labor, Washington, D.C. December 2023.

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 Nonylphenol Ethoxylates Category; Community Right-to-Know Toxic Chemical Release Reporting. 40 CFR Part 372. EPA Docket ID Number EPA-HQ-TRI-2016-0222-0001. Federal Register Vol. 83 No. 113. June 12, 2018.

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.

APPENDIX

Appendix: Information Sources Containing Data Subsets, But Not Comprehensively Comparable Alternatives to TRI Data

In this appendix, data elements available from several information sources are compared to those reported to TRI. The analysis is broken down by the specific types of data collected under TRI. While some sources may appear to be substitutes for TRI, they do not adequately address the entire scope of TRI, even in combination. For example, a given source may:

- Not include all toxic chemicals covered by TRI,
- Be compiled less frequently than TRI, and/or
- Not be as easily accessible (if at all) to the general public.

Table F-1: Relevant Information Sources (TRI Included for Comparison)

Description	Chemical Coverage	Industry/Facility Coverage	Reporting Frequency	Public Access
ATA				
RA §313 requires facilities to submit ts on releases (including disposal) of ular toxic chemicals exceeding a given hold. The reports provide information e quantity of chemical released into the nment and to which medium (air, land,) the disposal took place, as well as nation about waste management and mount of chemicals stored on-site.	The current TRI toxic chemical list contains 775 individually-listed chemicals and 33 chemical categories.	NAICS codes corresponding to SIC codes 20-39, 10; 12; 4911, 4931, 4939; 4953; 5169; 5171; and 7389. A facility need only report if it has 10 or more Full Time Equivalents (FTEs).	Annual.	EPA compiles the TRI da makes them available thr several data access tools including TRI Explorer ar Envirofacts. Other organi also make the data availa public through their own access tools.
MISSIONS (SECTIONS 5.1 AND 5.2)				
nal Emissions Inventory (NEI)				
rovides estimates of anthropogenic ant emissions from stationary sources, ll as area sources and mobile sources. e estimates, submitted to EPA by ated authorities (state or county), ic utilities, and/or generated by EPA various sources, differ in estimation odology used.	8 CAPs and 187 HAPs.	No NAICS limitations.	Triennial.	CSV files can be downlo EPA's Web site.
acility System (AFS)				
contains compliance and permit data for nary sources of air pollution regulated S. EPA, and state and local air pollution cies.	N/A	No NAICS limitations.	Annual.	Can be accessed on a fa facility basis through EPA access tools, including E or the Enforcement and Compliance History Onli (ECHO).
Air Emissions Inventories				
al states and regional agencies ain their own air emissions inventories. ver, the amount of data as well as the of data elements collected vary widely state to state.	Varies widely (e.g., the California Air Resources Board maintains its own list of about 400 toxic air pollutants).	Varies.	Varies.	Most of these data are su NEI. Some data are ava the Web on a state-by-st
V Part 70 Operating Permits				

Description	Chemical Coverage	Industry/Facility Coverage	Reporting Frequency	Public Access
r the 1990 Clean Air Act Amendments, es designated as "major sources" and es otherwise subject to §112 and Title st apply for a Title V Part 70 Operating t. As part of the application for a Title V t, some facilities may have to report ions of air toxics.	187 HAPs.	No NAICS limitations.	At the time of permit application, renewal, and modification—permits are typically renewed every 5 years.	No central repository for information.
CT DISCHARGES TO WATER (SECTION 5.3)				
rated Compliance Information System–National Pollutant Discharge Elimination System (ICIS-NPDES)				
NPDES is a national information gement system that tracks mentation of the National Pollutant arge Elimination System (NPDES) am, authorized by the Clean Water Act. NPDES tracks permit issuance, permit self-monitoring data, compliance data ther data pertaining to facilities ated under NPDES.	Contains monthly discharge monitoring data for selected water parameters/pollutants and flow rates for all CWA major and many minor sources.	No NAICS limitations.	Major permittees must submit Discharge Monitoring Reports (DMRs) monthly or quarterly; non-major permittees must submit at least annually.	Can be accessed on a fa facility basis through EP access tools, including E and ECHO.

Description	Chemical Coverage	Industry/Facility Coverage	Reporting Frequency	Public Access
ERGROUND INJECTION AND LAND DISPOSAL ON-SITE (SECTIONS 5.4 AND 5.5)				
A Biennial Reports				
on 3002(a)(6) of the Resource ervation and Recovery Act (RCRA) es EPA to develop a program for dous waste generators to report the e, quantities, and disposition of dous waste generated at least once two years. In addition, section 3004(a) RCRA requires treatment, storage and sal facilities (TSDFs) to submit a report e wastes that they receive from off-site. iennial Hazardous Waste Report (also h as the nial Report") was implemented in 1985 mply with these requirements. iennial Report form (8700-13A/B) must bmitted to the authorized state agency EPA Regional Office by March 1st of even-numbered year. orm includes information such as the y's RCRA ID number, the name ddress of the facility, the quantity of dous waste sent to each TSDF in nited States and the manner in which aste was treated during the previous	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.	No NAICS limitations; however, certain waste categories are excluded (e.g., mining and agriculture).	Biennial.	Can be accessed on a fa facility basis through EPA access tools, including E Text files can be downloa EPA's Web site.
HARGES TO A POTW (SECTION 6.1)				
A Biennial Reports (BR)				
ial Reports require some reporting of arges to POTWs. See above for more s.	See above.	See above.	See above.	See above.
NPDES				
NPDES allows for reporting of indirect arges to water. See above for more s.	See above.	See above.	See above.	See above.
NSFERS TO OTHER OFF-SITE LOCATIONS (SECTION 6.2)				
A Biennial Reports (BR)				

Description	Chemical Coverage	Industry/Facility Coverage	Reporting Frequency	Public Access
ial Reports contain hazardous waste rom large quantity generators and s. Biennial Reports also require ing of off-site transfers on Form GM. nation includes the RCRA ID of the to which the waste was shipped, the sses used to treat, recycle, or dispose waste at the off-site facility, the off-site bility code, and the total quantity of shipped during the report year. The s also provide data on the volume of dous waste shipped off-site for land sal, a release end-point of relevance to See above for more details.	See above.	See above.	See above.	See above.
MICAL STORAGE AND INVENTORY DATA (SECTION 4.1)				
RA §312 Tier I and II Reports				
RA §312 requires that states establish for local chemical emergency redness and that inventory information zardous chemicals be reported by es to state and local authorities.	Hazardous or extremely hazardous substances (essentially any substance that poses a health or physical hazard).	No NAICS exemptions for facilities that are covered under the reporting threshold requirements, but facilities not included under OSHA's Hazard Communication Standard (e.g., mines) do not have to file.	Annual.	On a facility-by-facility ba forwarding a written requ
Management Plan (RMP)				
the authority of section 112(r) of the Air Act, the Chemical Accident ntion Provisions require facilities that ce, handle, process, distribute, or store n chemicals to prepare a Risk gement Plan (RMP) and submit the to EPA. These plans include nation about chemical amounts stored rocessed at RMP facilities.	Certain flammable and toxic substances.	No NAICS limitations.	At least every five years, or within six months of an incident.	Restricted access: RMP information may be acce the Federal Reading Roo
ical Data Reporting (CDR)				

Description	Chemical Coverage	Industry/Facility Coverage	Reporting Frequency	Public Access
r TSCA Section 8(a), chemical facturers (including importers) are ed to report manufacturing-related nation to EPA for sites that factured (including imported) 25,000 ds or more of a reportable chemical ance any one calendar year between ission periods. Industrial processing se information and commercial and mer use information must also be ed for these sites.	Varies.	Limited to manufacturers, including importers, of subject chemicals. Certain manufacturers are exempt, including small manufacturers (sales <$40 million), those manufacturing a chemical for research and development, those manufacturing chemicals as impurities, and those submitting information under another TSCA Section 8a rule.	Every four years.	Data claimed as Confide Business Information (CE available to the public. N data downloads are avai EPA's CDR website.
LUTION PREVENTION DATA (SECTIONS 8.1-8.7; 8.10)				
A Biennial Reports (BR)				
ial Reports contain pollution prevention nation on hazardous waste from large ity generators and TSDFs. Data are ted primarily by states, and are ed by EPA. See above for more details.	See above.	See above.	See above.	See above.
Environmental Agency Databases				
st fourteen states[15] implement atory pollution prevention programs. ion prevention data collected under programs varies by state, and may e both data similar to that collected by e.g., quantities of waste managed, e reduction activities, etc.) and details und in TRI (e.g., pollution prevention , costs associated with waste gement, etc.).	Varies.	Varies. May include TRI filers, facilities that use toxic chemicals, and generators of hazardous waste.	Varies.	There is no central sourc collected pollution preven Accessibility varies by st
RGENCY RELEASE DATA (SECTION 8.8)				
nal Response Center (NRC)				
collects real-time information about lly all oil and chemical spills throughout nited States to identify spills for which ordinate emergency response.	Oils and chemicals.	No source exemptions.	Real-time.	Historical information abo can be retrieved through online query system: www.nrc.uscg.mil/foia.ht

[15] Arizona, California, Georgia, Maine, Massachusetts, Minnesota, Mississippi, New Jersey, New York, Oregon, Tennessee, Texas, Vermont, and Washington.

Description	Chemical Coverage	Industry/Facility Coverage	Reporting Frequency	Public Access
Management Plan (RMP)				
contains a five-year accident history for facility with details on releases of ated substances from covered sses with 1) on-site deaths, injuries, or cant property damage; or 2) known off-eaths, injuries, property damage, nmental damage, evacuations, or ring in place. See above for more s.	See above.	See above.	See above.	See above.
E RIGHT-TO-KNOW PROGRAMS				
al states require expanded state TRI ing to include industries or facilities not ed by TRI or to report information d that required by the federal TRI am (e.g., Arizona, Massachusetts, and nsin).	Varies. Often identical to TRI.	Varies. May include more industries than TRI.	Annual.	There is no central sourc collected data. Accessibi by state.