EPCRA Compliance: Get Ready to Report Your Toxic Release Inventory

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It might feel like the July 1 deadline is far away, but it is time to start preparing to report your releases of toxic materials. The U.S. Environmental Protection Agency (USEPA) indicates that printing and related industries are subject to this report. It is an important part of your environmental compliance strategy if you have a facility with at least 10 full-time equivalent employees in a covered NAICS code that exceeded a reporting threshold in the previous calendar year. Reporting releases of toxic materials on an annual basis is one aspect of the Emergency Planning and Community Right-to-Know Act (EPCRA). Follow these tips to help you remain in compliance.

What's in a Name?

This report is often referred to by a variety of names, including Toxic Release Inventory, TRI, SARA 313 report, Form R, or Form A. Do not be fooled by the nomenclature; these all refer to the same report.

There are two steps associated with the toxic release inventory.

Step 1

First you'll need to determine if your facility is required to report by identifying the amount of the reportable chemicals or chemical categories that you manufactured, processed, or otherwise used in the previous calendar year. Use these definitions:

- **Manufacture** means to produce, prepare, compound, or import, including coincidental manufacture such as a byproduct.
- **Process** means to prepare an already manufactured product for distribution in commerce. This includes repackaging.
- **Otherwise Use** is defined as other chemical use that is not considered manufacturing or processing.

For more information about TRI reporting, attend GLGA's FREE member webinar on May 3, 2018.

Some activities are not subject to reporting; among the exemptions are chemicals in items that meet the definition of "articles," chemicals for personal use, chemicals used for building and grounds maintenance (the exemption does not apply to cleaning of process equipment), or for maintenance of motor vehicles. There also is an exemption for "de minimis" concentrations, meaning that the chemical constitutes less than 1 percent of the formula or 0.1 percent if the chemical is a carcinogen.

There are more than 650 chemicals and chemical categories covered by Toxic Release Inventory (TRI). USEPA's List of Lists (https://tinyurl.com/y9k5w9gs) can help you find reportable chemicals. Chemicals that are reportable under TRI are identified in the *Section 313* column.

Chemicals that are considered persistent bioaccumulative toxins (PBT) can be found both in the List of Lists and on a dedicated web page at https://tinyurl.com/y7dfbjk2. Chemicals in this category that may impact printers include polycyclic aromatic compounds, mercury, mercury compounds, and lead. Be aware that the de minimis exemption does not apply to PBT chemicals.

Certain chemicals that are identified by category may not be listed in the List of Lists; the USEPA has published separate lists for many of these categories. Some cleaning solvents and other chemicals commonly used by printers – glycol ethers and water dissociable nitrates, for example – fall into chemical categories.

After you have identified the non-exempt chemicals and processes, you then need to determine how much of each was manufactured, processed, or otherwise used during the previous year. Each of these categories will be calculated separately for each chemical. The method for determining the totals differs from many other environmental regulatory calculations; USEPA does not require you to use the maximum concentration in all circumstances. For instance, if the Safety Data Sheet (SDS) expresses the concentration as a range, you may use an average. Many chemical manufacturers provide more precise concentrations for TRI reporting in section 15 of the SDS.

Finally, check to see if you have exceeded any thresholds.

- Manufacture: 25,000 pounds
- Process: 25,000 pounds
- Otherwise Use: 10,000 pounds
- Persistent Bioaccumulative Toxins: Varies by Chemical

Complete the reporting in Step 2 for each chemical that exceeds a reporting threshold.

Important: Complete and document Step 1 every year, even if you do not have to file a report.

Step 2:

Forget (nearly) everything you did in Step 1. That step just helped you identify which chemicals are required to be on your TRI report.

For each chemical that exceeds a reporting threshold, the facility is required to calculate releases to the air, wastewater, storm water, the amount of the chemical recycled or treated on site, or sent off site for treatment during the previous calendar year.

Choose your form.

- **Form A**: Use this form if:
  - You are not reporting any PBTs; and
  - The amount manufactured, processed or otherwise used does not exceed 1,000,000 pounds; and
  - The total annual releases do not exceed 500 pounds.
- **Form R**: Use this form if you do not qualify to use Form A.

Complete a TRI report through the USEPA's Central Data Exchange (CDX) at cdx.epa.gov by July 1. Some states and tribes have additional reporting requirements. Illinois, Indiana, and Wisconsin state authorities are able to access your report through CDX; so, there is no need to send a copy to each state.

The USEPA makes TRI submissions available to the public, and you can access them through the Environmental Compliance History Online (ECHO).

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