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RCRA, Superfund & EPCRA Hotline Training Module

Introduction to:

**Toxics Release Inventory:
Reporting Requirements
(EPCRA §313; 40 CFR Part 372)**

Updated February 1998

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TOXICS RELEASE INVENTORY: REPORTING REQUIREMENTS

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1. INTRODUCTION

Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) requires certain businesses to submit annual reports on the amounts of toxic chemicals that they release both routinely and as a result of accidents, as well as other amounts managed as waste. Facilities must send the reports to EPA and their designated state agency by July 1 each year for activities that took place during the preceding calendar year. These reports represent EPA's Toxics Release Inventory (TRI), a national compilation of toxic chemical release information.

Previous modules introduced EPCRA's emergency planning, emergency release reporting, and hazardous chemical inventory requirements, which enable state and local officials to develop emergency planning and accident prevention programs, and heighten public awareness of chemicals in the community. TRI reaches beyond the local and state levels, allowing EPA to quantify national toxic chemical releases and waste management activities, examine industry-specific chemical management practices, and measure the progress of pollution prevention initiatives.

When you have completed this module, you will be able to explain the purpose, scope, and structure of the EPCRA §313 reporting requirements. Specifically, you will be able to:

- Explain the applicability of the toxic chemical release reporting requirements
- Identify the toxic chemicals and toxic chemical categories covered under EPCRA §313
- Describe the TRI chemical petition process
- Understand the EPCRA §313 supplier notification requirements.

Use this list of objectives to check your knowledge of this topic after you complete the training session.

2 - TRI: Reporting Requirements

2. REGULATORY SUMMARY

EPA requires certain facilities operating within the manufacturing sector to report releases and waste management activities of toxic chemicals based on authority granted under EPCRA §313. Owners and operators of certain facilities that manufacture, process, or otherwise use listed toxic chemicals above applicable thresholds are required to report releases of such chemicals annually. A reporting threshold of 25,000 pounds applies to manufacturing (including importing) and processing activities, while a 10,000-pound threshold applies to the otherwise use of listed toxic chemicals. Facilities that are required to report must report releases of these chemicals on the TRI reporting form (Form R), annually due July 1. The reporting forms are sent to both EPA and the state-designated agency (e.g., State Emergency Response Commission (SERC)). The primary purpose of this provision is to make information about toxic chemical releases and industry waste management practices available to the public.

This module summarizes the reporting requirements under EPCRA §313. Specifically, it focuses on EPA's interpretation of the regulations in 40 CFR Part 372 and on compliance with the reporting requirements. It also addresses the supplier notification provision, which requires chemical suppliers to notify their customers of the presence and concentration of EPCRA §313 toxic chemicals in their products.

2.1 APPLICABILITY

A facility is subject to EPCRA §313 reporting requirements if it meets all three of the following criteria:

- It is classified in a covered Standard Industrial Classification (SIC) code, or is a federal facility
- It has 10 or more full-time employees or the equivalent of 20,000 work hours per year
- It exceeds an activity threshold for a listed toxic chemical or chemical category.

Each criterion is discussed in detail below.

SIC CODES

The EPCRA §313 reporting requirements are currently limited to the manufacturing sector, and to federal facilities beginning with the 1994 reporting year (Executive Order 12856; August 3, 1993). Standard Industrial Classification (SIC) codes were developed by the Office of Management and Budget (OMB) to facilitate classification of U.S. businesses by economic activity; those businesses falling within SIC codes 20

through 39 are considered within the manufacturing sector and are potentially subject to TRI reporting. The owner or operator of a facility should determine the appropriate SIC code(s), based on the facility's on-site activities, using OMB's 1987 version of the Standard Industrial Classification Manual. The Hotline can assist owners and operators of facilities in determining which SIC codes are assigned for specific business activities as referenced in the SIC Manual. However, ultimate SIC determination is made by the owner/operator. Federal facilities are subject to EPCRA §313 regardless of their SIC codes.

Facility Expansion Initiative

On May 1, 1997, the TRI reporting requirements were expanded to include non-manufacturing sectors (62 FR 23834). Specifically, seven additional industry groups will be subject to the TRI program beginning January 1, 1998. Covered facilities within these industry groups, therefore, will submit their first reports to EPA and the appropriate state agency by July 1, 1999. These newly added industry groups and their associated SIC codes are presented in Table 1. Historically, this expansion effort has been referred to as the TRI Phase 2 expansion or the SIC code expansion.

Table 1: INDUSTRY GROUPS NEWLY ADDED TO THE TRI PROGRAM

SIC Code	Industry Descriptor
10 (except 1011, 1081, and 1094)	Metal Mining
12 (except 1241)	Coal Mining
4911, 4931, 4939	Electric Generating Facilities (limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce)
4953	Hazardous Waste Treatment and Disposal Facilities (limited to facilities regulated under the Resource Conservation and Recovery Act, Subtitle C, 42 U.S.C. §6921 et seq.)
5169	Chemical Wholesale Distributors
5171	Bulk Petroleum Wholesale Distributors
7389	Solvent Recovery Services (limited to facilities primarily engaged in solvent recovery services on a contract or fee basis)

Multi-Establishment Facilities and Primary SIC Codes

Reporting under EPCRA §313 is facility specific. A facility may, however, consist of several different establishments with unique SIC codes and still be considered one reporting entity under EPCRA §313.

There are specific definitions for the terms facility and establishment at 40 CFR §372.3. An establishment is defined as an economic unit, generally at a single

physical location, where business is conducted or where services or industrial operations are performed. A facility is defined as all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person. A facility may include more than one establishment. For example, an industrial park may consist of separate but commonly owned establishments, each with its own SIC code, and yet count as a single facility for the purposes of EPCRA §313. Multi-establishment facilities must determine a primary SIC code that corresponds to the majority of activities occurring at that facility. If such a multi-establishment facility includes one or more establishments within a covered SIC code, the facility is subject to reporting requirements if either of the following criteria apply:

- The total value of the services provided and/or products shipped from or produced at establishments within a covered SIC code is greater than 50 percent of the total value of all products or services provided by the entire facility
- Any one establishment within a covered SIC code contributes more in terms of value of services provided and/or products shipped or produced than any other establishment within the facility (40 CFR §372.22).

A multi-establishment facility that meets either of these criteria (as well as the employee and activity thresholds) has the option of reporting separately for each establishment or together as one facility. In either case, however, the threshold determination must be based on the entire facility. Likewise, two federal agencies located on the same site may file one combined Form R covering all activities at the site or file separate Forms R covering each agency's activities separately.

FULL-TIME EMPLOYEE

A facility must have 10 or more full-time employees (or the equivalent, which is 20,000 work hours per year) to trigger the reporting requirements. Using the standard of 2,000 hours per year for a full-time employee, the facility must calculate the total number of hours worked by employees of the facility. If the total is over 20,000 hours, the employee threshold has been exceeded. All facility employees, full-time and part-time, on-site and off-site, must be included in this determination. Contractor employees such as contract drivers, municipal trash collectors, etc., are not included in the employee threshold determination.

ACTIVITY THRESHOLDS

The toxic chemicals subject to reporting under EPCRA §313 are listed in 40 CFR §372.65. The toxic chemical list contains over 600 specifically listed chemicals, as well as 28 chemical categories. More information about toxic chemicals is found in Section 2.2 of this training module. Thresholds for reporting are based on the amount of the toxic chemical or chemical category that is manufactured, processed, or otherwise used on site during the calendar year. The amount of the toxic

chemical that is released during the calendar year does not affect the determination as to whether or not the facility meets or exceeds the applicable threshold (40 CFR §372.25).

A facility that meets the first two applicability criteria for a particular chemical must report on the toxic chemical if it meets one or more of the following activity thresholds:

- Manufactures (including imports) more than 25,000 pounds/year
- Processes more than 25,000 pounds/year
- Otherwise uses more than 10,000 pounds/year.

Beginning with reporting year 1995, facilities that are required to submit a Form R, but have an annual reportable amount less than or equal to 500 pounds for a listed toxic chemical, may apply an alternate manufacture, process, or otherwise use threshold of one million pounds for that specific chemical. A facility with an annual reportable amount less than or equal to 500 pounds, but which exceeds the alternate threshold for a particular chemical, must submit a Form R for that chemical. Conversely, a facility whose annual reportable amount for a particular chemical is less than 500 pounds, and does not exceed the alternate threshold may submit a Form A, in lieu of the Form R for that chemical. The Form A (also known as a certification statement) is a simplified version of the Form R, and is designed to reduce the EPCRA §313 compliance burden. Form A submissions are due on or before July 1, covering the activities for the previous calendar year. The regulations for this simplified reporting option were promulgated in the November 30, 1994, Federal Register (59 FR 61488) and are codified at 40 CFR §372.27.

Similar to threshold determinations for the Form R, the alternate threshold is chemical-specific and applies in a mutually exclusive manner to either manufacture, process, or otherwise use. For example, a facility that processes 700,000 pounds and otherwise uses 400,000 pounds of the same toxic chemical will not exceed the one million pound alternate threshold.

A facility's annual reportable amount is equal to the combined total quantities released at the facility (including disposal), treated at the facility, recovered at the facility as a result of recycling operations, combusted for the purpose of energy recovery at the facility, and transferred from the facility to off-site locations for the purpose of recycle, energy recovery, treatment, and/or disposal (40 CFR §372.27(a)). These quantities correspond to the amounts reportable in Sections 8.1 through 8.7 of the Form R.

Manufacture

To "manufacture," as defined in 40 CFR §372.3, is to produce, prepare, import, or compound a toxic chemical. The definition also applies to the coincidental production of a toxic chemical during the manufacturing, processing, use, treatment, or disposal of another chemical or mixture of chemicals.

Process

To "process," as defined in 40 CFR §372.3, is to prepare a toxic chemical, after its manufacture, for distribution in commerce:

- In the same form or physical state as, or in a different form or physical state from that in which it was received by the person so preparing such substance
- or
- As part of an article containing the toxic chemical. Process also applies to the processing of a toxic chemical in a mixture or trade name product.

The definition of process is intended to reflect the fact that the facility is incorporating the toxic chemical into a final product for distribution in commerce. Examples of processing include repackaging chemicals, using the chemicals as raw materials in the manufacture of other chemicals, and incorporating toxic chemicals into articles for industrial, trade, or consumer use. However, relabeling or redistribution of the toxic chemical, where no repackaging of the toxic chemical occurs, does not constitute processing or otherwise use of the toxic chemical.

Otherwise Use

To "otherwise use," as defined in 40 CFR §372.3, means any use of a toxic chemical, including a toxic chemical contained in a mixture, trade name product, or waste that is not covered by the terms "manufacture" or "process." EPA has interpreted otherwise use to include activities that support, promote, or contribute to the facility's activities, where the chemical does not intentionally become part of a product distributed in commerce (53 FR 4506; February 16, 1988). An example of a chemical being otherwise used is a solvent in paint used in a paint spraying operation. If a car manufacturer spray paints its final product, the solvent (e.g., toluene) is used to transport the pigments of the paint from the container to the car. The solvent is not intended to be incorporated into the final product (i.e., the solvent volatilizes before the car is sold) and is therefore "otherwise used." (This specific example is also discussed in the February 16, 1988, Federal Register on page 4506).

On May 1, 1997, EPA revised the definition of "otherwise use" (62 FR 23834). This revised definition is effective beginning with reporting year 1998. Thus, the first reports using the revised definition of "otherwise use" will be submitted on or before July 1, 1999.

Under the revised definition, "otherwise use" of a toxic chemical also includes disposal, stabilization (without subsequent distribution in commerce), or treatment for destruction when:

- The toxic chemical is received from off-site for the purposes of further waste management and subsequently disposed, stabilized or treated for destruction on-site
- or
- The toxic chemical is manufactured as a result of waste management activities on materials received from off-site for purposes of further waste management activities and subsequently disposed, stabilized or treated for destruction on-site.

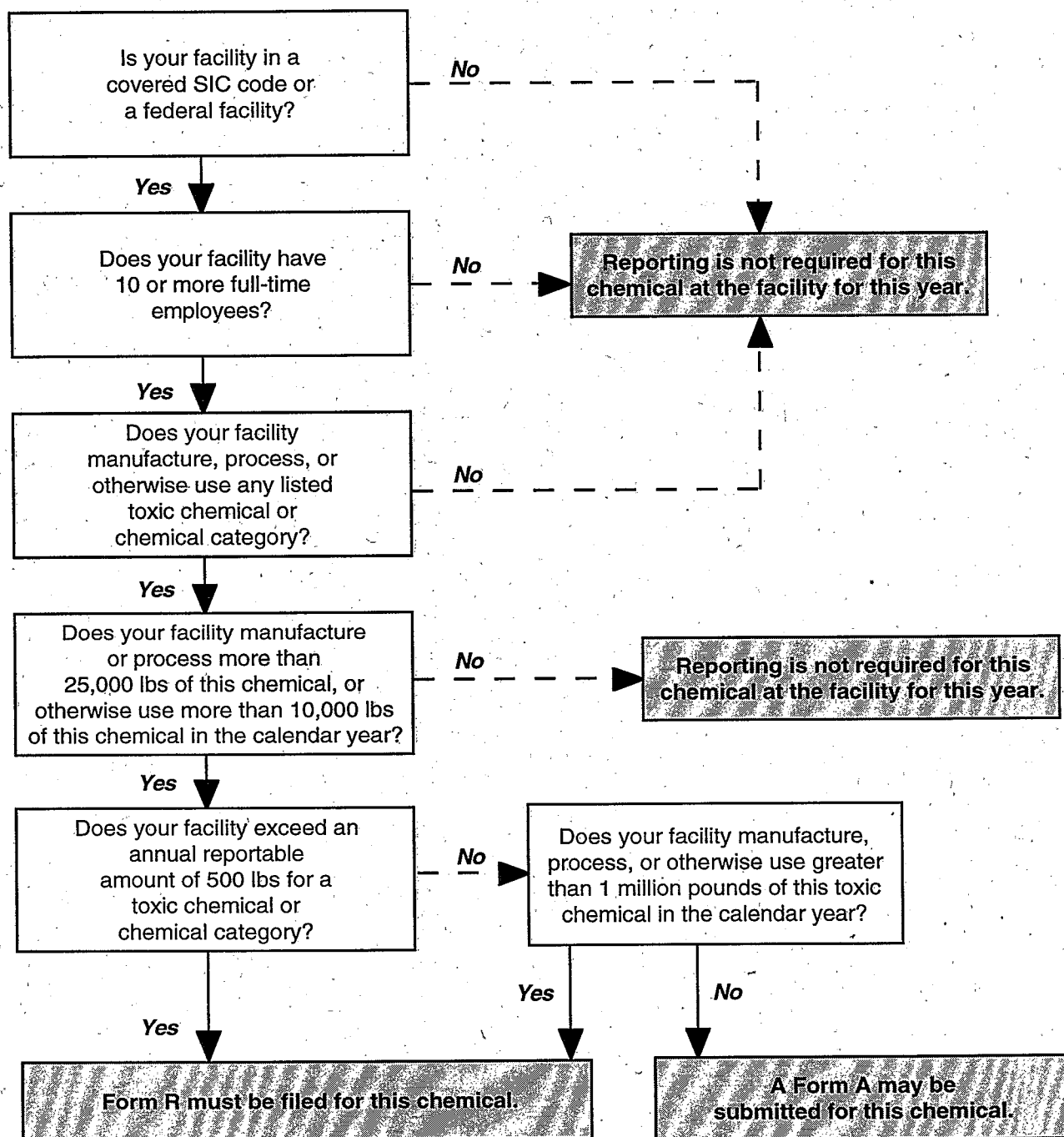
EPA interprets waste management to include recycling, combustion for energy recovery, treatment for destruction, waste stabilization, and release, including disposal (62 FR 23850; May 1, 1997). The definitions of stabilization and treatment for destruction can be found in 40 CFR §372.3.

These three threshold categories are considered "activities." The applicable threshold(s) for reporting under EPCRA §313 depend on what happens to a chemical at a facility. It is possible for one toxic chemical to fit into more than one threshold category. For example, a regulated facility uses toluene as a degreaser for its machinery, and also uses it as a solvent in the glue that the facility sells. In this example, the toluene is covered under both the process and otherwise use thresholds. The amount of toluene used as a cleaner would be applied to the otherwise use threshold, while the amount incorporated into the final product would be applied to the processing threshold. As discussed previously, EPCRA §313 thresholds are not additive across thresholds. Facilities should not aggregate the quantities of a toxic chemical manufactured, processed, or otherwise used. Each activity requires a separate threshold determination. To continue with the example, if a facility processes 22,000 pounds of toluene and otherwise uses 4,000 pounds of toluene, no Form R or Form A for toluene is required.

It is possible for a toxic chemical to be present at a facility and not be considered to be manufactured, processed, or otherwise used at the facility. Examples of this include the storage of a toxic chemical, as well as the relabeling or the redistribution of a container of toxic chemicals where no repackaging occurs. These activities would not subject the facility to EPCRA §313 reporting.

Figure 1 summarizes the steps owners/operators should follow in determining whether or not a facility is subject to EPCRA §313.

Figure 1
DETERMINING APPLICABILITY OF EPCRA §313 REQUIREMENTS



2.2 TOXIC CHEMICALS

TRI reporting requirements apply to manufacturing facilities and federal facilities with 10 or more full-time employees that manufacture, process, or otherwise use any listed toxic chemical or chemical compound above a threshold amount. The toxic chemical list, which appears in 40 CFR §372.65, contains over 600 toxic chemicals and 28 chemical compound categories (e.g., lead compounds, chromium compounds). Congress derived the original toxic chemical list from the community right-to-know statutes of Maryland and New Jersey, and EPA has amended the list to include additional chemicals and compounds that meet the statutory listing criteria under EPCRA §313(d). Of the listed toxic chemicals and chemical categories, 286 chemicals (including 2 delineated categories) were added on November 30, 1994 (59 FR 61432). These newly added chemicals were reportable beginning with the 1995 reporting year.

CHEMICAL COMPOUND CATEGORIES

The toxic chemical list includes 28 chemical categories. Some categories have been defined by a specific chemical structure, others have been delineated by listing specific compounds. In the case of metal compounds, any compound that has the metal as part of its infrastructure is included in the chemical category, except in the cases where specific chemicals are excluded from a category by a rulemaking. Facilities must apply the entire weight of all compounds within the same category toward threshold determinations.

While the entire weight of all metal compounds in the same category must be applied toward a threshold, only the amount of the parent metal must be included in release and transfer estimates. For example, a facility that processes lead sulfate and lead iodide would count the entire weight of both lead compounds toward the 25,000 pound processing threshold, but would only report the amount of the lead released.

Under EPCRA §313(e), any person may petition EPA to make modifications to the list of toxic chemicals, including modifications to chemical categories. In response to several petitions, EPA in recent years has: modified the glycol ethers category to eliminate the reporting of long chain glycol ethers (59 FR 34386; July 5, 1994), deleted certain copper compounds from the copper compounds category (56 FR 23650; May 23, 1991), deleted barium sulfate from the barium compounds category (59 FR 33205; June 28, 1994), deleted non-aerosol forms of sulfuric acid (60 FR 34182; June 30, 1995), and deleted non-aerosol forms of hydrochloric acid (61 FR 38600; July 25, 1996). The petition process will be discussed further in Section 2.3 of this module.

In the November 30, 1994, Federal Register, EPA added six chemical categories: diisocyanates, nicotine and salts, water dissociable nitrate compounds, polychlorinated alkanes, polycyclic aromatic compounds, and strychnine and salts. For diisocyanates and polycyclic aromatic compounds, only those compounds

specifically listed as part of the category are reportable under EPCRA §313. In addition, water dissociable nitrate compounds are reportable only when in aqueous solution. All newly added chemical categories were reportable beginning with reporting year 1995.

REPORTING CHEMICALS IN CERTAIN FORMS

Some toxic chemicals are listed with a specific form qualifier. This means that only the specified form of the chemical is covered under EPCRA §313.

Fume or Dust

Three metal compounds (aluminum, vanadium, and zinc) are listed with the qualifier "fume or dust." This qualifier excludes wet forms, such as solutions or slurries, from reporting requirements. Only the fume or dust forms of these chemicals are considered toxic chemicals. The Agency provides guidance on the terms "fume or dust" in the Form R reporting package instructions.

Manufacturing Qualifiers

Isopropyl alcohol is listed with the qualifier "mfg.-strong acid process." This qualifier means that only those facilities that manufacture isopropyl alcohol by the strong acid process should consider the chemical subject to EPCRA §313. If a facility does not manufacture the chemical, or manufactures the chemical by some other process, the facility would not need to consider the isopropyl alcohol a toxic chemical. Saccharin is listed with the qualifier "manufacturing." This means that only the manufacture of this chemical is subject to EPCRA §313. Neither of the toxic chemicals that have a manufacturing qualifier is subject to supplier notification.

Nitrate Compounds Category Qualifier

The nitrate compounds category is listed with the qualifier "water dissociable; reportable only when in aqueous solution." Nitrate compounds that are not dissolved in water therefore are not reportable under EPCRA §313.

Aerosols

Both hydrochloric acid and sulfuric acid are listed with the qualifier "acid aerosols including mists, vapors, gas, fog, and other airborne forms of any particle size." This qualifier excludes all non-aerosol forms of hydrochloric and sulfuric acid from the list of toxic chemicals subject to reporting.

Yellow or White

Phosphorus is listed with the qualifier "yellow or white." This qualifier means that only the yellow and white forms of the chemicals, not black or red, are subject to EPCRA §313.

Friable

Asbestos is listed with the qualifier "friable." Friable asbestos, according to EPA's interpretation, is a form of asbestos that can be crumbled, pulverized, or reduced to a powder with hand pressure.

Ammonia

The listing for ammonia contains a unique qualifier: "includes anhydrous ammonia and aqueous ammonia from water dissociable ammonium salts and other sources; 10 percent of total aqueous ammonia is reportable under this listing." This qualifier effectively incorporates all forms of ammonia, but establishes a special method for calculating the amount of reportable ammonia present when it is in aqueous solution.

Fibrous

Aluminum oxide is listed with the qualifier "fibrous." Fibrous aluminum oxide refers to the man-made form processed to produce strands or filaments which can be cut to various lengths. Threshold determination, release reporting, and supplier notification apply only to the fibrous form of aluminum oxide.

2.3 PETITION PROCESS

The petition process is a means by which the general public and industry can petition EPA to add chemicals to or delete chemicals from the toxic chemicals list. The petition process is described in the Federal Registers dated February 4, 1987 (52 FR 3479), for listed chemicals, and May 23, 1991 (56 FR 23703), for chemical compound categories.

In developing a petition, the petitioner provides EPA as much credible scientific support documentation as possible supporting their petition request. The petition must include thorough documentation of the following information:

- The name of the toxic chemical as it appears on the list of toxic chemicals as well as the associated Chemical Abstracts Service (CAS) number
- Justification as to why the chemical should be listed or delisted based on the following criteria:
 - Whether the chemical is known to cause or can reasonably be anticipated to cause significant adverse human health effects at concentration levels that are reasonably likely to exist beyond facility site boundaries as a result of continuous or frequently occurring releases

- Whether the chemical is known to cause or can reasonably be anticipated to cause cancer or teratogenic effects, or serious or irreversible reproductive dysfunction, neurological disorders, heritable genetic disorders, or other chronic health effects in humans
- Whether EPA considers the chemical to cause or be anticipated to cause serious harm to the environment.

The petitioner must thoroughly explain why the chemical in question meets (or does not meet) the specified criteria. The petitioner also should submit both published and unpublished information supporting the claim.

Within 180 days after receipt of the petition, the Administrator must initiate a rulemaking to add or delist the petitioned chemical, or publish the reasons for the denial of the petition. There is no time frame in which EPA must finalize a decision on the toxic chemical once the proposed rule has been published. If the Agency does not respond within 180 days to a petition submitted by a state governor to add a particular chemical to the list of toxic chemicals, that chemical will automatically be added to the list (EPCRA §313(e)(2)).

2.4 SUPPLIER NOTIFICATION

EPA requires suppliers to notify their manufacturing sector customers about the presence and concentration of EPCRA §313 toxic chemicals in mixtures and trade name products above de minimis. This notification must be in writing, and must be provided annually with the first shipment of the mixture or trade name products in each calendar year. The supplier notification requirement began on January 1, 1989.

APPLICABILITY

The supplier notification requirement is applicable to any owner or operator of a facility that meets the following three criteria:

- Is in a covered SIC code
- Manufactures (including imports) or processes a listed toxic chemical
- Sells or otherwise distributes a mixture or trade name product containing a listed toxic chemical to a facility subject to the release reporting requirements described in 40 CFR §372.22, or to a facility who in turn sells or otherwise distributes such mixture or trade name product to a manufacturing facility (SIC codes 20 through 39).

The required notification must be provided at least annually in writing. Acceptable forms of notice include letters, product labeling, and product literature distributed to

customers. If the facility is required to prepare and distribute a material safety data sheet (MSDS) for the mixture under the OSHA Hazard Communication Standard, the EPCRA §313 supplier notification must be attached to the MSDS, or the MSDS must be modified to include the required information.

The facility should make it clear to customers that any copying or redistribution of the MSDS must include the attached notice. In other words, customers should understand the requirement to include the EPCRA §313 notification if they further distribute the MSDS to their customers.

The notification must include the following:

- A statement that the mixture or trade name product contains a listed toxic chemical or chemicals subject to the reporting requirements of EPCRA §313 and 40 CFR Part 372
- The name of the toxic chemical and the associated CAS number of each chemical if applicable (chemical categories do not have CAS numbers)
- The percent by weight of each toxic chemical in the mixture or trade name product.

WHEN NOTIFICATIONS ARE NOT REQUIRED

Supplier notification is not required for a "pure" toxic chemical unless a trade name is used. The identity of the toxic chemical will be known based on label information. The facility is not required to indicate that a product contains no EPCRA §313 toxic chemicals.

Notification is not required if the mixture or trade name product contains the toxic chemical in percentages, by weight, at less than the de minimis levels of 0.1 percent for OSHA carcinogens, or 1 percent for other listed toxic chemicals.

In addition, notification is not required if the mixture or trade name product is one of the following:

- An article that does not release a listed toxic chemical to the environment under normal conditions of processing or use
- A food, drug, cosmetic, pesticide, alcoholic beverage, tobacco, or tobacco product packaged for distribution to the general public
- Any consumer product, as the term is defined in the Consumer Product Safety Act, packaged for distribution to the general public
- A mixture or trade name product contained in a waste being sent off-site for treatment or disposal.

Most of the exemptions from the supplier notification requirements are analogous to exemptions pertaining to EPCRA §313 TRI reporting. The TRI reporting exemptions are discussed in detail in the module entitled Toxics Release Inventory: Exemptions.

3. MODULE SUMMARY

Owners/operators of facilities falling within SIC codes 20-39, with 10 or more full-time employees (i.e., 20,000 work hours/year), who manufacture, process, or otherwise use toxic chemicals in excess of the activity thresholds are required to report the releases and transfers of the toxic chemicals annually. These reports must be sent to EPA and the SERC in the state in which the facility is located. The toxic chemical list currently contains over 600 chemicals and chemical categories. Chemicals can be added to and deleted from the list in response to petitions or as part of an EPA initiative. Facilities distributing toxic chemicals to other companies that fall within the EPCRA §313 universe must send supplier notification paperwork with the toxic chemicals to ensure that the receiving facilities have the necessary information for accurate TRI reporting.

4. REVIEW EXERCISES

The exercises in this section are designed to help you check your knowledge of the material in this module. Use any reference materials you need to answer the questions. Provide complete citations and write your answers in paragraph form.

EXERCISE 1

1. If I have 5 full-time employees and 10 part-time employees, how do I calculate the equivalent number of full-time employees I have at my facility?
2. Are the hours worked at the facility by contracted employees figured into the full-time employee determination?

EXERCISE 2

A facility otherwise uses toluene and has a running inventory of 10,000 pounds of toluene, but it used only 9,000 pounds during the calendar year. Does this facility exceed the otherwise use threshold?

EXERCISE 3

A facility meets the reporting criteria and exceeds an activity threshold for a toxic chemical under EPCRA §313; however, none of the toxic chemical is released into any environmental medium. Is the facility still required to fill out a release report?

EXERCISE 4

A person owns a plot of land on which a tenant conducts a manufacturing operation that is covered by EPCRA §313 reporting. What conditions would exempt her from EPCRA §313 reporting responsibilities?

EXERCISE 5

A chemical manufacturer owns a warehouse that is located on a piece of property adjacent to the factory. Assuming that the manufacturer is required to report for a toxic chemical, would the Form R cover the toxic chemical found in the warehouse? What if the warehouse was at a different location (i.e., not adjacent)?

EXERCISE 6

For the following scenarios determine if the chemical is being manufactured, processed, or otherwise used.

1. Toluene is combined with various materials to form paint that is sold.
2. A facility charges its refrigeration system with CFC-12.
3. Cumene is imported from outside the territorial United States.
4. A facility manufactures benzoic acid and also produces toluene as a by-product.
5. A facility incinerates contaminated xylene received from off site.

EXERCISE 7

A company processes lead chromate. Explain how it would determine if it exceeded the threshold for lead chromate and how it would account for any releases.

EXERCISE 8

Do exporters of toxic chemicals (e.g., facilities located in Japan) have to comply with the supplier notification requirements?

