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## **Toxic Final Report 12/98**

### **Report of the Toxics Data Reporting Committee on the Toxics Release Inventory Program**

*December 15, 1998*

#### **INTRODUCTION**

The following report summarizes the deliberations of the Toxics Data Reporting Committee (hereafter referred to as "the Committee") of the National Advisory Council on Environmental Policy and Technology (NACEPT). An intensive stakeholder process to comprehensively evaluate the current Toxics Release Inventory (TRI) reporting forms and reporting practices was initiated by Vice-President Al Gore in response to the finalization of the industry expansion rule. Seven new industry sectors must now report under the TRI program. Besides the formation of the Committee, EPA embarked on another stakeholder involvement process by holding eight public meetings around the country. The Committee did not review the docket from those public meetings.

The Committee was asked to develop recommendations to improve the type of right-to-know information available to communities and to help streamline right-to-know reporting to ease the paperwork burden for businesses affected by the requirements. Specifically, the Committee was asked to examine the format and nomenclature of the Form R, seek opportunities for burden reduction in both the Form R and Form A, provide additional clarification of Form R elements, and evaluate EPA's presentation of the data in public information documents. Several issue papers were prepared by EPA and presented to the Committee. These papers served as the basis for Committee discussion.

The Committee met eight times between September 1997 and October 1998, each time in Washington, DC. Each meeting was two days in duration. All meetings were open to the public, and the public was afforded time to speak briefly before the Committee during a public comment period held at each meeting. The Committee utilized breakout sessions several times throughout these meetings in order to allow time for detailed dialogue without the formality of a full Committee deliberation. These breakout sessions were also open to the public. Workgroups met by teleconference on a regular basis between Committee meetings to further develop written work products. These products were brought before the Committee for full deliberation.

Most issues that the Committee considered involved lengthy discussion to determine what shortcomings existed within the current TRI reporting scheme and what solutions could be crafted to improve the program. Given the nature of the issues, the size and diversity of the Committee, and the length of time that could be devoted to each issue, the Committee did not reach consensus on most issues. The Committee, therefore, chose to present the various solutions put forth during discussion as "ideas" without an indication of the level of support for the idea. However, these ideas were modified based on the discussion and reflect, at least, consensus building. Each idea is followed by "merits" and "concerns", which reflect the idea's support and dissension among individual Committee members. Finally, meeting summaries serve as

a record of the discussions and provide details that have been condensed in this report.

## 1. CONSIDERATIONS FOR CHANGES TO THE FORM R

The TDR Committee was asked by EPA to review the Form R to identify changes or modifications that would meet the goals of the Committee; namely, to improve the type of right-to-know information available to communities and to help streamline right-to-know reporting to ease the paperwork burden for affected businesses. Specifically, several issue papers pertaining to certain portions of the Form R were prepared by EPA staff and presented to the Committee. These issue papers served as the basis for discussion of this topic. The Committee did not seek consensus, given the timeframe and format for discussion, but rather sought to articulate issues and concerns and to identify areas of agreement and disagreement in order to better inform EPA decision making. The following text represents a summary of the discussion and ideas raised by the Committee regarding changes to Form R.

**Issue 1. 1.** Certain data elements, such as most facility information as presented on page 1 of the Form R, are redundant or inconsistent across reporting programs.

**Idea 1. 1. 1. EPA should complete development of a Key Facility Identifier.**

**Merits:** This would have the potential for improving reporting practices. Adoption of this idea could lead to one-stop reporting. The identifier could integrate data across different programs, thereby providing increased on-line public access and better tools for evaluation and analysis of environmental information. This provides the potential for burden reduction, including reductions in quality assurance burdens by both government agencies and reporting facilities. For example, longitude and latitude could be verified and entered once. Ease in tracking multiple reports for facilities and reducing enforcement actions through improved data quality could be two more benefits of implementing a key facility identifier.

**Concerns:** Comparing data reported under different programs is difficult because data are reported in different units and time frames. Also, differences in how the terms "facility" and "source" are defined from one environmental statute to another will make it very difficult for EPA to develop an identifier that will apply to reporting uniformly across different programs. Therefore, implementation may require some statutory changes in definitions, units, etc. to achieve consistency between different reports filed with different media programs. Failure to achieve this consistency may increase the potential for additional enforcement based on differences between reports from the same facility filed with the different programs. The use of the identifier could require additional quality assurance checking by both EPA and reporting facilities.

**Issue 1. 2.** Opportunities to explain individual facility data and year-to-year changes are not provided in the current Form R reporting.

**Idea 1. 2. 1. EPA should insert a 'Basis for Change' box in Section 8 of the Form R and provide a pick-list of codes that would explain changes in data from the prior to the current year. EPA should refer to Canada's NPRI list of 14 reasons for change.**

**Merits:** This could improve understanding of facility data. Also, year-to-year changes are already calculated by many facilities.

**Idea 1. 2. 2. EPA should insert an explanation box at the end of each section.**

**Issue 1. 3.** The TRI Form R does not adequately differentiate the fate of toxic chemicals reported as releases.

**Idea 1. 3. 1. Separate the reporting categories into two different sections or subsections for both section 5 and section 8.1 of Form R to differentiate direct emissions and discharges into the ambient environment from releases that do not result in TRI chemicals becoming immediately bio available.**

**Merits:** This provides more accurate and precise characterization of the fate of TRI chemicals in waste streams, which is in the interest of both the public and reporters. It reduces the potential for misunderstanding and mischaracterization of the risk of actual exposure of people to toxic chemicals in communities. It also improves public understanding of the differences in potential for exposure to toxic chemicals entering different environmental media, and improves news reporting by focusing attention on these differences.

This idea increases subcategorization while maintaining continuity, allowing year-to-year comparisons because the categories can be rearranged and compared to prior years by individual analysts.

This idea addresses distinctions between releases to ambient media and releases to managed facilities consistent with environmental reporting requirements under other laws. This would remove the confusion between disposal methods that are determined to be protective of human health and the environment and the requirement that such disposal be reported as a "release to the environment." Provides incentive for reducing direct releases to the ambient environment.

**Concerns:** Stakeholders may not be able to agree on which reporting categories or terminology constitute a "direct" release and an "indirect" release. This approach requires EPA to use its expertise to develop appropriate criteria and terminology to differentiate releases based on bioavailability.

This approach may encourage the mischaracterization of "managed/indirect releases" as benign. The definition of release used by the agency derived from EPCRA includes emissions and disposal practices that may be characterized as protective of human health and the environment but may not be in fact protective of human health and the environment.

This change is unnecessary in that current multimedia reporting is more precise and informative than the two proposed sections. Also, EPA could make distinctions between environmental media without changing the Form R. The proposed change reduces incentive to move all the way up the pollution prevention hierarchy to source reduction.

The benefits of differentiation would be lost if EPA continued to aggregate all release quantities into a single "total release" number in the Public Data Release (PDR).

**Idea 1. 3. 2. Add new categories and/or boxes and codes to provide more specific differentiation of waste management methods included in categories in sections 5 and 6 of Form R.**

**Merits:** Additional codes, boxes, details, or categories will help to indicate the initial destination and fate of various toxic chemical releases. This will help to provide enough details so that EPA and the public can understand and accurately interpret the information reported.

**Concerns:** This idea increases reporting burden to the extent that it requires reporters to determine proper codes for the reporting of activities covered by codes. It also increases the costs of reporting and maintaining the database by adding data elements to the Form R. Changes in the Form R may diminish the value of the large investment in the present form and cause problems relating to consistency in training and database formation.

**Idea 1. 3. 3. Continue EPA's recent practice of not using the term "release" in the headings or category designations for section 5, and adopt a similar approach for section 8.1 of the Form R. Use the term "emissions and discharges" to refer to direct releases into the ambient environment and the term "managed disposal" to refer to disposal methods that do not result in the bioavailability of the toxic chemicals.**

**Merits:** Avoiding the use of the term "releases" to refer to all of the disparate activities currently reported on Form R will improve public understanding of the fate of the reported chemicals. By using other terminology to refer to these activities, the Form will make a distinction that is useful to both reporting facilities and the public for improving understanding of the specific waste management activities.

**Concerns:** This idea presupposes the ability to put multi-media data into two categories. The characterization of managed disposal may misrepresent the fate of the reported chemicals.

**Issue 1. 4.** TRI currently does not identify the actual fate of the TRI chemicals that are transferred off-site to waste management facilities [POTWs and private centralized waste treatment / management facilities].

**Idea 1. 4. 1.** TRI reporting facilities should reflect on their Form Rs treatment efficiency [as a percentage] of POTWs and off-site energy recovery, recycling and treatment facilities. The TRI reporter uses an efficiency percentage supplied by the receiving facility or through EPA established treat ability tables. Use efficiency to parse out values for section 8.

**Merits:** This idea provides improved TRI information and may reduce reporting burden for pollution control facilities. The current assumption of 100% treatment would be changed to reflect the actual treatment efficiency.

**Concerns:** This idea does not reduce TRI burden or streamline TRI. Efficiencies between POTWs vary. EPA would be required to provide treat ability factors. Generators could be liable for inaccurate information provided on treatment efficiencies. This idea requires sources of transfer to off-site waste management facilities to report on efficiencies determined by others.

**Idea 1. 4. 2.** TRI reporting would be unchanged but EPA would provide an explanation of treatment efficiency in the PDR.

**Merits:** This would not increase the reporting burden to the reporter but could provide improved "right-to-know" information.

**Concerns:** This idea relies on the PDR to provide an explanation. The use of raw data by a third party will not capture the information that can be provided by using treatment efficiencies. This idea does not streamline TRI. Language describing sections 8.3, 8.5 and 8.7 should indicate quantity transferred to waste management facility as opposed to "quantity managed off-site."

**Idea 1. 4. 3.** Include POTWs in TRI as a new sector.

**Merits:** Data more accurately link to other reports. POTWs can provide more accurate information on the ultimate fate of chemicals from their facilities and have the most accurate data on their treatment efficiencies. This idea provides improved information to monitor POTW performance and can promote the reduction of discharges through pollution prevention.

**Concerns:** It is questionable whether EPA has statutory authority to include POTWs in TRI as a new sector. This would increase the burden to the POTW as reporter and does not streamline TRI reporting. Also, this would increase information management costs for POTW users. As an unfunded mandate this will have a significant cost on local government and POTW users.

This idea may lead to emphasis on pollution control activities rather than source reduction activities. Also, this mixes information from TRI and non-TRI sources, thereby reducing understanding of pollution prevention/source reduction.

**Idea 1. 4. 4.** Differentiate a reported chemical that is completely destroyed on-site or off-site from one that still exists.

**Merits:** This approach will highlight the fact that certain procedures do involve a measure of treatment. Also, this will improve public understanding of important differences in the fate of toxic chemicals transferred off-site.

**Concerns:** It will involve resource intensive technical challenges for EPA to determine the fate of TRI chemical releases and this information is not required by EPCRA.

**Issue 1. 5.** The current Form R does not provide sufficient information for waste management analysis.

**Idea 1. 5. 1.** The Form R should be revised to distinguish between waste generated on site and waste received from off site for management on site (refer to March meeting summary page 4 and issue paper #1).

**Merits:** This approach would make more information available to the public and give a more accurate measurement of waste generation. Reduces the potential of double counting when aggregating for multiple facilities. Waste in a managed category would still be recognized as having a potential risk.

**Concerns:** Would require additional data elements in Section 8, thus increasing burden on reporters.

**Idea 1. 5. 2.** Total quantity of the chemical in waste generated at the site should be reported on the form (sum of 8.1 through 8.7).

**Merits:** This provides increased focus on production waste relative to releases. Production-related waste is, at least chronologically, the first point that is of concern and an important factor necessitating attention and emphasis for pollution prevention.

**Concerns:** Before adding this item, EPA will need to take steps to avoid double counting of materials received from off-site. This number would create unnecessary confusion if it is simply the sum of current sections 8.1 through 8.7. The sum of those sections is not an appropriate substitute for either the total quantity of a toxic chemical generated in wastes at a facility or the total quantity in wastes managed at a facility because of the potential for double counting when numbers from multi-establishment facilities are aggregated.

The creation of this number has the potential to distract attention and proper recognition from the progress made toward pollution reduction through recycling, treatment and safer disposal.

**Idea 1. 5. 3. Change the current method of reporting recycling so that the resource conservation value of material being recycled is reflected.**

**Merits:** This method would give a more accurate picture of chemical usage and actual waste generation. Also, this could be utilized to indicate the amount of new raw material that need not be purchased.

**Concerns:** Such a change may require additional data elements, therefore, potentially increasing reporting burden.

## **2. BETTER CHARACTERIZATION OF TRI DATA BY EPA**

**Issue 2. 1.** The Public Data Release (PDR) does not adequately represent the TRI data in context.

**Idea 2. 1. 1. Enhance Figure 2-1 of the PDR (page 20 of the 1996 PDR) and associated text to identify and describe other regulatory programs that cover each stream and indicate that there are differences in the types of data that those programs collect (i.e., whether chemical specific, mixtures, categories, etc. and units such as mass, concentration, rate, etc.). In addition, provide contact information so that users can follow up on other programs. On Figure 2-1, expand air releases to include both fugitive and point emissions.**

**Merits:** This emphasizes that releases are often covered under various regulatory programs and their associated permits and may simplify reporting across programs. This allows the reader to go beyond TRI, if so desired, to gain more specific information from other programs.

**Concerns:** References to other programs may cause confusion because TRI data do not satisfy data requirements of other regulatory programs.

**Idea 2. 1. 2. Provide more information in the PDR to explain that the TRI does not include all chemicals nor all sources of chemicals, specifically indicating the percentage of facilities, chemicals, and/or releases that are covered under TRI in order to more exactly define this point.**

**Merits:** This approach would help the public understand that there are significant sources of TRI chemicals beyond the universe of TRI reporting facilities. Also, it provides a guide for data users that may not have a TRI reporting facility near them but may still have facilities nearby that have other information on record.

**Concerns:** A careless explanation of the universe not covered under TRI may diminish the importance of TRI. It may be difficult to estimate unknowns [the other sources of chemicals that are not currently reported] in order to indicate the aforementioned percentages.

**Idea 2. 1. 3. To assist in analysis of the data, data should be normalized. Appropriate indicators could include production ratio/activity indices or other indicators such as state or economic sector performance, or comparable employment data.**

**Merits:** Normalized data aids in the evaluation of pollution prevention progress, the understanding of variations between years and in the comparison between like facilities. Also, this approach may enable EPA to identify data quality issues.

**Concerns:** The many other reasons that data changes occur from year to year may get overlooked. In

addition, inappropriate normalization may occur. For example, the accuracy of production ratio/activity index is suspect and production indices may be inappropriate for new source categories such as pollution control facilities. Also, the use of employment data for normalization may be inappropriate in some instances.

**Idea 2. 1. 4. Include scientifically valid information on hazard, risk, and exposure in the PDR. EPA should include in, or supplemental to, the PDR a matrix indicating the hazards of TRI chemicals, along with a prominent cautionary explanation (beyond what is currently contained in the PDR) that information on chemical hazards is incomplete and that the hazard matrix does not convey the risk of the chemical in a given situation. The statement should explain, and the matrix should contain where available and applicable, risk factors such as concentration, duration, form, toxicity, environmental fate (bioaccumulation, bioavailability, persistence in the environment, etc.), and exposure pathways. The statement should also emphasize that the evaluation of data using the matrix should be done on a site-specific basis. EPA should work with the Science Advisory Board to create supplemental information, beyond the matrix, that will assist individuals to assess exposure, characterize risk, and make links to the TRI database.**

**Merits:** The matrix will provide a lot of useful information in one place and further the community's knowledge and their ability to interpret and use the data. This may be a good way to increase public understanding of risk.

**Concerns:** The entire matrix for all TRI chemicals may be too cumbersome to place in the PDR. Alternatively, a small subset of high-volume chemicals may be included in the PDR with the full matrix developed as a separate document.

**Idea 2. 1. 5. When data are aggregated in the PDR, distinguish the difference between releases to the ambient environment (i.e., air emissions, water discharges, and some land releases) and releases to the environment that are land disposal/management options.**

**Merits:** Different types of releases and waste management activities have different human exposure potential, which illustrates the need for the public to be able to distinguish these as presented in the PDR.

**Concerns:** This approach could imply that "releases to the ambient environment" are a higher risk in all cases than land disposal options, when risk evaluation must be done on a case-by-case basis. Also, the distinction between land disposal/management options and other categories of land releases may be difficult.

**Idea 2. 1. 6. Through the use of anticipated new data elements in section 8 of the Form R, differentiate in the PDR between wastes generated on-site versus wastes received from off-site and between production and waste management facilities.**

**Merits:** This approach avoids the potential for double-counting as it differentiates between wastes that a facility generates on-site versus those received from off-site. This helps identify the source of waste streams and allows for better explanations of waste data over time which will improve the ability to measure pollution prevention for wastes generated on-site.

**Concerns:** A one-to-one correlation cannot be made between amounts sent off-site by a reporting facility and amounts brought on-site for waste management and should not be implied. This approach results in a slight reporting burden increase.

**Idea 2. 1. 7. In both the press release and the PDR, emphasize the Pollution Prevention Act (PPA) by focusing as much on waste generated/managed as on releases.**

**Merits:** Changing the focus provides the public with a balanced perspective about what industry is doing to achieve the goals of the PPA along with better information on remedial actions, catastrophic events, or one-time events not associated with normal or routine production processes. With the current emphasis on releases and lack of emphasis on the waste data, facilities are more inclined to seek pollution control instead of pollution prevention. This shift in focus to emphasize PPA issues may spark more interest in pollution prevention activities. Also, Section 8 data may be reported more accurately by facilities if these data are more widely and prominently used.

**Concerns:** This should not imply that waste management activities necessarily possess the same risk of exposure that releases to the environment pose.

**Issue 2. 2.** The PDR does not adequately describe pollution prevention and source reduction information.

**Idea 2. 2. 1.** Use the Pollution Prevention Act waste hierarchy as guidance for the presentation of data in the PDR by first describing waste generation, then source reduction activities, then recycling, then energy recovery, then treatment, then disposal/releases.

**Merits:** Changing the order of data presentation will provide a better understanding of the PPA.

**Concern:** The PPA hierarchy may not be equally applicable at all facilities.

**Idea 2. 2. 2.** Provide in the PDR some examples of source reduction successes at facilities. However, do not limit the examples to source reduction, but also include successes in recycling/reuse, improved treatment efficiencies and the movement up the waste hierarchy. Coordinate with the Office of Pollution Prevention where appropriate. Discuss in the PDR the fact that achieving source reduction is more difficult at certain times (historical accomplishments) and in some industries compared to others, and provide examples.

**Merits:** Data quality may improve as EPA contacts facilities to get background information for success stories. Also, facilities that have implemented successful source reduction activities get credit.

**Concerns:** These successes may imply that facilities with less demonstrated reductions are not doing what they can to reduce their waste generation. This will be more difficult as long as the pollution prevention regulations are not final.

**Issue 2. 3.** The press release and PDR should assist in the understanding of the limitations of TRI information and should provide guidance on how an individual or a community may determine if the available information is of particular concern.

**Idea 2. 3. 1.** Provide in the PDR a step-by-step questioning process that the public can use to determine if TRI data indicate a real problem in terms of hazard and risk, and provide contact information so they can obtain the answers to these questions.

**Merits:** This approach provides the public with a tool to evaluate the TRI data. This process is not currently available through other publications.

**Concerns:** May lead users to believe that there exists enough information to make a full evaluation for every chemical in every situation. It is necessary to state that a full evaluation may not be possible using current information. This list of questions may constitute a product that EPA will have to be cautious to endorse for general use.

**Idea 2. 3. 2.** Use more pictures and graphs in the PDR to present information to the public, keeping associated tabular data available for use as well. (e.g., graphics which take tables and turn them into pictures for the public, a "coloring book" approach, a Far Side version of the PDR, graphics for land disposal & UIC operations.)

**Idea 2. 3. 3.** In the press releases and the PDR, EPA should consistently use appropriate qualifiers for the data (i.e., level of accuracy, quality, and validity) and include a discussion on data quality assurance measures used by EPA.

**Merits:** This identifies the strengths and weaknesses associated with using environmental reporting data. Also, it may prompt data users to contact facilities to determine the quality of data.

**Concerns:** This idea does not adequately explain data quality because it does not quantify the confidence intervals of the data.

**Idea 2. 3. 4.** EPA should continue to include industry sector chapters in the PDR and establish a dialogue for input from individual facilities and industry sector representatives. EPA should use information gathered through this dialogue to better explain the data.

**Merits:** This approach explains trends and site-specific data variances and the meaning of those data and gives facilities credit for reductions. Also, it addresses the limited dialogue EPA had with individual facilities for the 1996 PDR and includes a dialogue with industry sector representatives.

**Concerns:** EPA has difficulty in identifying industry sector representatives. Getting adequate input from individual facilities will require time and may unduly delay the issuance of the PDR. Also, a 2-digit SIC code industry sector may still be too broad to analyze appropriately.

**Idea 2. 3. 5. Develop a data users guide for the media and the public. This guide should be a brief stand-alone document and not change significantly from year to year. This guide should address how TRI data can be used by providing examples of data use and types of analyses. This guide should assist the media and the public in analyzing data, reading and writing stories, and enable them to make sense out of conflicting reports. Finally, this guide should include the step-by-step questioning process as explained in Idea #2.3.1 above.**

**Merits:** Such a guide may promote a broader use of TRI.

**Concerns:** It will take a significant effort to keep this guide brief, user friendly, and updated.

**Issue 2. 4.** EPA could improve public access to and usability of TRI data and information.

**Idea 2. 4. 1. Provide an easy-to-use, easily-accessible program to obtain rankings or other analyses. This service should be accessible through the Internet or by request to EPA. This service should be prominently announced in the press release. EPA should develop this service in a manner such that users have confidence in the results while reflecting the limitations of the data.**

**Merits:** This approach enables more potential uses of the data than can be incorporated into the PDR.

**Concerns:** Additional analyses performed by the public through the use of this program may propagate errors in the data that were not previously identified through EPA's data quality checks and analyses developed for the PDR.

**Idea 2. 4. 2. Maintain and promote the TRI User Support Service as the point-of-contact to provide information to the public. In addition, EPA could utilize a variety of mechanisms to improve public access, including libraries, articles, and computers. EPA should review current procedures to assure sufficient copies of data release information are available to meet demand.**

**Issue 2. 5.** Members of the TDR committee had disparate views on the concept of ranking, from eliminating rankings to enhancing them through the use of industry sector and media-specific ranking.

**Idea 2. 5. 1. Reduce or eliminate rankings in the PDR and concurrently develop other tools to convey comparative analyses to the public, such as the ideas set forth in Issues 2. 3. and 2. 4., or by the production of a separate analytical document.**

**Merits:** This eliminates the perception of legitimacy of certain types of rankings put forth by EPA in the PDR.

**Concerns:** Not providing rankings deprives people of a legitimate use of TRI information. Also, some of the potential data users may not have easy access to the analytical tools available.

**Idea 2. 5. 2. Include and/or enhance rankings in the PDR. Where rankings are included perform them using normalized data and appropriate qualifiers developed through a dialogue with interested parties. Also, alert top-ranked facilities, sectors, and states, and develop a cooperative approach to receive input from them to explain the high ranking. The approach used by Environment Canada in publishing their NPRI report can serve as a model.**

**Merits:** Normalized data is a more appropriate presentation of data. Also, including rankings is a legitimate use of TRI information.

**Concerns:** Interested parties may not agree on what is the appropriate way to normalize the data or select



qualifiers. Top-ranked facilities/sectors/states may not provide input in a timely manner and the validity of the input will not be evaluated by EPA. Workers and other groups which may have relevant information regarding the high ranking may not be consulted.

This idea conveys a perception of legitimacy of certain types of rankings put forth by EPA in the PDR. It is inappropriate to rank across media or across certain industries and sectors. Also, high rankings may incorrectly imply high risk or exposure.

**Issue 2. 6.** EPA changed the 1996 PDR so that off-site transfers for disposal were combined with total on-site releases for the purpose of ranking the releases of facilities and states. This will result in the double-counting of some off-site transfers for disposal, may misrepresent the magnitude of site-specific releases, and may misinform the public regarding the pollution prevention progress of states with disposal facilities. This also results in inflated numbers if state totals are added to equal a national total.

**Idea 2. 6. 1. EPA should distinguish between on-site releases and off-site transfers for disposal when ranking facilities and states.**

**Merits:** This approach avoids the double counting of releases that will be reported in the future by hazardous waste landfills and underground injection wells. Also, states with successful pollution prevention programs that are demonstrated by decreases in waste generation or TRI-constituent generation will not be unfairly ranked, because waste streams generated outside the state but disposed in-state will not be reflected in the release rankings, if the waste goes to non-TRI reporting facilities.

This approach ensures against misrepresenting the data and misinforming the public about where releases occurred, and avoids confusion on where risks may be present. The burden of generators having to precisely track the fate of TRI constituents in waste streams managed off-site is avoided i.e., what percentage is treated versus released.

**Concern:** There are other solutions that this committee proposed such as making changes to the Form R that would better distinguish between waste generated on-site and waste received from off-site, provided EPA makes this distinction. State pollution prevention programs are enhanced by ranking states based on off-site transfers for disposal and on-site release aggregations. Information on transfers from out of state are important for infrastructure planning, emergency planning, public information and oversight of waste management facilities.

### 3. OPTIONS FOR BURDEN REDUCTION

**Issue 3. 1.** Significant burden reduction to those facilities required to report TRI data, as well as to users of the TRI information, could be achieved by making changes in the methods used to report information to EPA.

*Four overall ideas were identified:* **Idea 3. 1. 1. Move To an Intelligent Software Form R (preferably Internet). Specifically use help windows, drop-down tables, data consistency checks, and other features which could be used as or adapted to a spreadsheet format.**

**Idea 3. 1. 2. Complete the Single Facility Id Project.**

**Idea 3. 1. 3. Integrate Environmental Reporting to Avoid Duplication. (One Stop) A smart reporting system should ultimately be developed for multiple reporting programs.**

**Idea 3. 1. 4. Use Consistent Chemical Nomenclature, Reporting Units And Timeframes.**

**Merits:** Real opportunities for burden reduction occur not only in the TRI program, but in the unification of reporting in general. The concept of a computerized, "Turbo Reporting" style package that detailed all of the reports required for a specific facility has merit. Committee participants discussed the desire for reporting systems which included error checking, and which could maintain consistent calculation methodologies across all reporting systems. This approach would address a current problem wherein different EPA offices required distinctly different calculation methods to arrive at what is conceptually the same number, posing additional burdens for reporters. A unified reporting system would address the issue of duplication of reporting, and the subsequent duplication of effort that is required for such reporting. An

important first step toward such a unified "one-stop reporting" system would be the completion of the facility ID project that is currently underway. In such a system thought should be given to not only the burden of reporting but the burden that is placed on users of the data as well. Data that is easily accessible - and easy to interpret - would serve not only to inform the community in an efficient manner, but would be a valuable tool for a facility that was looking to re-engineer their processes with an eye toward pollution prevention.

**Concerns:** Any changes made to the Form R should be made with an eye toward the overall goal of a unified, "one-stop reporting" system. A radical redesign of the present Form R would not be necessary if EPA intends to develop a one-stop system in a timely manner. Data that are exclusive to the TRI program may be lost in any integrated reporting system. An effort should be made to maintain that data.

**Issue 3. 2. Develop a Data Management Plan for TRI.** Several committee members suggested that the TRI reporting efficiency could be improved if EPA were to develop a data management plan similar to those developed by other EPA Program Offices. The data management plan essentially lays out the intended users and uses of the data and the corresponding requirements for completeness, accuracy, representativeness, and precision within the context of the statutory and program requirements. EPA has done an adequate job in identifying the policy purposes of the TRI program, but has not taken the next step of developing a more efficient reporting system that could lower the burdens of data gathering without critical loss of information. EPA must recognize the burden of data gathering as being more important to the TRI reporting community than the burden of reporting.

*Five overall ideas were identified:* **Idea 3. 2. 1. Develop Data Quality Objectives (DQOs).** EPA should develop data quality objectives which include the components identified above - primary users and uses, representativeness, accuracy, precision, retention times, and other components as appropriate.

**Idea 3. 2. 2. Specify Aggregate Error & Define Industry Specific Limitations.** EPA should use the DQOs to specify aggregate error and to develop industry specific limitations such as concentration cutoff levels for waste stream mixtures.

**Idea 3. 2. 3. Establish the Level of Effort & Accuracy Expected for Data Collection.** EPA should develop interpretive guidance on the statutory language which establishes the level of effort required for data gathering to achieve the expected accuracy (see data quality objectives above) in reporting.

**Idea 3. 2. 4. Clarify Objectives.** EPA should clarify the distinction in the statute between information gathered pursuant to other statutes and information accessible and available for other reasons, i.e. business reasons.

**Idea 3. 2. 5. Provide More Explanation of "Use of Two Significant Digits."** EPA should examine the value of two significant digits and clarify its use in a variety of contexts.

**Merits:** A comprehensive data management plan will allow EPA to compare and relate the needs of data users with the burdens on the reporting community. For example, data quality objectives would help define the level of expected accuracy by reporters and could help to eliminate the potentially high costs for small increments of accuracy that do not contribute to essential uses. In this model, EPA could examine methods such as (a) greater use of default parameters for selected data elements, which could be standardized based on best engineering practices, and which has been effectively used in establishing compliance standards for other programs; (b) a percentage rule, whereby a facility might be required to collect and report on at least 90% of releases; (c) widespread distribution of efficient data collection efforts by individual companies or industry groups; and (d) greater use of technical guidance as a vehicle for establishing standardized estimation methods or default parameters.

Such methods may be especially useful for burden reduction for both small companies, as any exemptions or revisions for small business reporting would be reviewed in the context of essential data uses as defined in the data management plan. The reporting community would also better understand how to report information not directly required under the statute, i.e., information gathered for business reasons in contrast to information gathered for "other statutory requirements."

**Concerns:** Data management planning is not an appropriate burden reduction approach. Significant data

might be lost in the name of cost reduction. Not all existing or potential end uses can be identified. Data Management Plans could result in the requirement for more data at greater cost to the regulated community. A concentration exemption for waste streams may lead to incentives for dilution of waste streams to avoid reporting. The establishment of cutoff levels (aggregate error, industry specific limitations) may require new regulations.

**Issue 3.3. Make Chemical Information from Suppliers Easier to Use.** Suppliers of mixtures and trade name products are required to notify their customers when products contain SARA 313 "toxic chemicals" (TRI constituents). The notification must include the name, CAS number and weight percent of each toxic chemical in the product. For products, the supplier notification may either be incorporated into the MSDS, or provided in a letter that accompanies the MSDS. Since the form of the notification is not standard, reporters must search through all sections of the MSDS and/or letter to determine the identity and weight percent of the toxic chemical(s), thereby causing extra burden.

Supplier notification is not currently required for waste materials. As a result, there will be a burden on waste disposal and treatment facilities to determine the TRI constituents in waste streams that they accept. If supplier notification were extended to waste generators, the burden on the waste disposal and treatment facilities would be reduced.

**Idea 3.3.1. Standardize supplier notification so that the identity and weight percent of TRI constituent(s) in purchased products are easier for reporting facilities to locate and use.**

**Merits:** Committee members suggested that burden on reporting facilities would be reduced if suppliers reported the information in a more consistent manner.

**Concerns:** The OSHA Hazard Communication Standard does not specify a particular format for MSDSs. Many suppliers have developed their own formats, and may be resistant to including TRI constituent information in a specific location on the MSDS.

EPA may not have the authority to require TRI constituent information to be presented in a particular manner.

**Idea 3.3.2. Require suppliers to provide more accurate concentration information.**

**Merits:** If suppliers furnished concentration information in tighter ranges, release calculations performed by reporting facilities would be more accurate.

**Concerns:** Due to factors such as feed stock variability, TRI constituent concentration can change from batch to batch and over time. If suppliers were required to report in tighter ranges, they would incur additional chemical analysis and administration burdens. Reporting facilities would also incur additional burdens since they would have to track TRI constituent changes in their raw materials and calculate releases by using individual batches or weighted averages.

**Idea 3.3.3. Extend supplier notification of TRI constituents to waste generators.**

**Merits:** Committee members suggested that burden on waste disposal and treatment facilities would be reduced if waste generators were required to provide TRI constituent and concentration information on their waste streams.

**Concerns:** Under RCRA regulations, generators are not always required to know TRI constituent and concentration information for their waste streams. As a result, extending supplier notification to waste generators will shift burden from the waste disposal and treatment facilities to the waste generators.

If supplier notification were extended to generators, hazardous waste treatment facilities would be subject to the supplier notification requirements when they transfer waste from their facility to another facility for further treatment or disposal.

**Issue 3.4. Provide Better Guidance** The technical guidance documents contribute to assisting the regulated community in their reporting obligations. The documents can be improved to ensure efficient data collection efforts. Specifically, improvements to EPA's Form R instructions and technical guidance documents for industry sectors would provide a mechanism for reducing burdens on the regulated

community.

Three overall ideas were identified: **Idea 3. 4. 1. Tailor Guidance to Industry Groups (working with industry groups).**

**Idea 3. 4. 2. Provide Guidance to Explain Areas of Identical Reporting Requirements.**

**Idea 3. 4. 3. Don't Use Guidance in Lieu of Rulemaking to Make Changes in Regulatory Interpretations of TRI Reporting.**

**Merits:** The guidance needs to be better tailored to industry groups, i.e., companies in certain industries which use a small set of suppliers may effectively employ phone inquiries to gather data, but for industries with a large number of diverse suppliers or waste streams, phone inquiries may be prohibitively time consuming and expensive. Improved technical guidance would reduce the need to reference a large number of documents (currently needed to complete the form). Both the Form R and technical guidance can be used to identify areas of common reporting requirements among environmental programs. Use of the rulemaking process, which provides for public notice and opportunity to comment, would minimize confusion on matters such as who is required to report under TRI or the scope of exemptions.

**Concerns:** It is inappropriate to use technical guidance for certain issues. For example, EPA's regulations currently include exemptions that exclude certain chemical concentrations, articles, and/or uses from the applicable reporting thresholds. EPA has begun to narrow these exemptions by issuing new guidance as to what situations are covered by the exemptions. This more recent guidance often conflicts with earlier guidance issued to describe the scope of the exemptions, creating significant confusion for those who are required to report. Changes in guidance could be used inappropriately in lieu of the administrative procedures.

**Issue 3. 5. Report to Congress Opportunities for Reporting Reform.** Provisions of federal law allow EPA to report to Congress on the utility of information collected under the different Federal environmental statutes. See 42 U.S.C. 13107 [PPA § 6608] (b) which requires EPA to include in their biennial report " (8) An evaluation of methods of coordinating, streamlining, and improving public access to data collected under Federal environmental statutes." and "(9) An evaluation of data gaps and duplication with respect to data collected under the Federal environmental statutes." EPA has not used this authority to seek reporting reform.

**Merits:** In order to assist EPA with the "One-Stop" reporting initiative, changes may be needed within the various Federal environmental laws which require information to be submitted to the agency. Such changes may include, but are not limited to, aligning reporting time frames, using consistent chemical nomenclature, and using consistent reporting units. It was noted that these similar, but not identical, reporting requirements increase the reporting burden - not only to the facilities submitting reports but also to the public trying to access the information. In addition, double- or triple-counting may occur from these "similar but not identical" reporting requirements. EPA was urged to advocate greater consistency between the Federal environmental laws.

**Concerns:** EPA should not confine itself by using regulatory or statutory language that does not apply to the TRI program.

**Issue 3. 6. Streamline the Error Corrections Procedure (Revisions) & Freeze the Data after a Certain Point.**

Several strategies for burden reduction were raised. **Idea 3. 6. 1.** EPA could develop a standard correction submittal form. Instead of submitting the full Form R each time a correction is requested filers could more simply submit this correction form and the Form R page or pages where the correction occurs.

**Idea 3. 6. 2.** Clarify that use of the phrase "two significant digits" includes all data reporting activities not simply estimating releases. This could reduce the interest of filers in refining previously filed data beyond two digits of accuracy. Other technologies may be available to improve the error correction procedure, e.g. the Internet.

**Idea 3. 6. 3.** Discourage frequent correction requests. One approach involves creating a window of

previous years during which data could be changed with relative ease, while "freezing" the data in the years that lie prior to that window. The window might extend anywhere from one to five years counting backwards from the current filing year. A higher standard of justification would be required for requests to change data in the "frozen" years. An alternative approach involves establishing a fixed cut-off date beyond which data would be frozen. The year 1990, the date at which the new Pollution Prevention Act (Section 8) data requirements were added, or 1994 would serve as a likely candidates.

**Idea 3. 6. 4. Disregard the first several years of reporting when calculating trends. By recognizing that the first several years of reporting data were some of the weakest, EPA could choose to use a "rolling" baseline year for trend analyses. This could reduce the concern some filers feel with correcting data for prior years.**

**Merits:** Some burden reduction can be accomplished by reducing the need and opportunity for retroactively changing previously filed data. Some filers desire the opportunity to change previously filed data. This opportunity becomes a burden for filers when they persist in seeking to correct previously filed data, and a burden for the Agency where this requires frequent re-entry and re-analysis of data.

**Concerns:** Filers need the opportunity to correct any errors that they find to avoid enforcement concerns. For example, the freezing of data may cause problems in those cases where the data from prior years may be used within and outside of TRI for enforcement purposes. Baseline years always need to be open for revision. "Rolling" the base year for comparison purposes may result in the loss of early trend information. Also, new guidance /requirements may dictate the need to revise the data where new data or data generation methods have resulted in recalculations. Freezing the data does not affect the root causes of initial inaccurate reporting.

**Issue 3. 7. Make Changes Before New Industries File 1999 Forms.** Several participants pointed out the desirability of making changes to the reporting requirements well ahead of the deadline for submitting the next series of TRI forms [1999 forms] to EPA.

**Merits:** For the seven newly added industries, if changes to the requirements are made before these industries have to file the 1999 forms, they will not have to learn the procedure twice.

**Concerns:** Any changes will cost money for industries that have already invested in the current Form R.

**Issue 3. 8. Maintain Use and Activity Exemptions.** EPA's regulations currently include exemptions that exclude certain chemical concentrations, articles, and/ or uses from the applicable reporting thresholds.

**Idea 3. 8. 1. Exemptions should be maintained and expanded.**

**Merits:** Exemptions result in significant burden reduction. Examples include services provided by landscaping maintenance companies, upkeep of vehicle fleets, [de minimis, lab, otherwise use, motor vehicle, etc.] The chemicals used in these types of applications are not readily inventoried and pose difficulties in data collection and quantification that seem to far out weigh the value of the information they provide with respect to ubiquitous uses.

**Concerns:** Exemptions have been interpreted too broadly to date by EPA. For example, when raw materials are processed, toxic chemicals may be concentrated in waste streams and go unreported. Use and activity exemptions result in the loss of information.

#### 4. EVALUATION OF VARIOUS FORM A OPTIONS

Entities who meet established criteria, may use a shorter version of Form R - the Form A for reporting under the TRI program. Under the Paperwork Reduction Act, the Office of Management and Budget (OMB) reviews all forms which require information collection from private entities, and issues time-limited clearances for those forms. The clearance for the TRI Form A was set to expire August 31, 1998. Prior to submitting the clearance request to OMB, EPA, together with OMB and the Small Business Administration (SBA), prepared an options paper which discussed possible changes to Form A, including use of differing formats as well as various eligibility alternatives. This options paper was submitted to the NACEPT TDR Committee as a basis for discussing and making recommendations on Form A.

Since time did not permit the development of recommendations by the committee on this topic, the following paper is intended to capture the committee's discussion for use by the federal agencies. As such, the following does not conform to the format of Ideas, Merits and Concerns used elsewhere by the NACEPT TDR Committee.

**Issue 4. 1. Options to Simplify Form A Reporting** EPA staff presented a paper (jointly produced by EPA, OMB, and SBA) to the Committee which discussed options to simplify Form A reporting or expand eligibility for its use. The report provided statistics on current use (10.1% of total TRI forms filed) and potential use by the universe of estimated Form R reporters (an additional 15.4%). The presenters said that the purpose behind the various suggestions to modify Form A, was to increase the number of Form A users. [The assumption being that this results in significant cost savings and burden reduction to the reporters.]

The report discussed five options (IIIa through e), to reduce Form A reporting burdens without changing eligibility requirements as follows; IIIa (Multiple Chemicals per Certification), IIIb (Combining Reporting Forms R and A), IIIc (Eliminate Some Facility-level Information from Form A), IIId (Do Not Require a Certification Statement), and IIIe (One-time Certification).

#### **General Discussion:**

Several alternative points of view were raised relative to the increased use of Form A and burden reduction. It was strongly suggested by a participant that "SOURCE REDUCTION ACHIEVES BURDEN REDUCTION". This commenter further noted that the cost savings achieved through the suggestions under consideration were much less than the savings that facilities realize through the elimination of waste (which would no longer need to be managed and properly disposed of, much less reported within the TRI system.) Several participants concurred with this commenter's position that the EPA may lose a strong incentive for reducing these wastes - the ability to report numbers to the public - with some of the options under consideration.

Another commenter pointed out that the opportunities to reduce waste at the source were not necessarily available to the facilities who provide disposal services. It was noted that while many facilities fail to analyze waste management costs, it is problematic to say that no facility is addressing cost-savings and profit because these are primary motivators.

Yet another commenter stated that the FACA Committee's task was not the broad issue of achieving source reduction to accomplish burden reduction (although conceptually he was supportive of source reduction) but rather the narrower task of identifying burden reduction opportunities in the context of the TRI reporting program.

Several participants questioned the overall value of some of the suggestions as they felt that the real burden reductions were not in the modifications to the forms, but in the level of effort that went in to data collection and record keeping regardless of which form was used.

Questions were raised as to the validity of the cost savings projections presented by the report. In particular, it was noted that the high-side estimate on the table was probably very inaccurate and that the cost of information gathering is presently disproportionate to the amount of information gained.

As EPA has only 2 years of information on Form A use, it was remarked that with no evidence of duplicative information, there was no sense in making changes. A better approach might be to focus more effort on increasing the use of Form A. (Not all of the TRI industries eligible for Form A actually use it.)

#### **Committee Comments on options to simplify Form A reporting:**

IIIa (Multiple Chemicals per Certification): This option met with general approval although some participants remarked that they did not see it as a way of reducing burden.

IIIb (Combining Reporting Forms R and A) This was conceived as a kind of one-stop outreach to bring in filers who do not know they are eligible for Form A: Several group members expressed concerns that this option could be potentially confusing; they said that in other programs, consolidating forms had not worked. A concern was expressed that small companies without adequate documentation might see this as an "easy way out." It was suggested that EPA (1) keep in mind the evolution of forms within and outside the TRI program and (2) keep the two forms [R and A] separate.

It was suggested that Form A include a place for reporting, on an optional basis, actual totals as companies with low total emissions (for example 10 pounds) have noted their reluctance to use Form A which indicates 500 pounds or under, by default. Noting that most of the TRI reporting will be electronic, one participant suggested instead of the combining the forms that EPA pursue a "smart" system -- a kind of "Turbo-TRI" -- that would assist filers through the reporting process.

IIIc (Eliminate Some Facility-level Information from Form A): One participant noted that the usefulness of this option depends on whether it uses a "proactive" identification system or a fragmented one that requires the user to look elsewhere. To be successful, the system would need to be "proactive" and would require completion of the single facility ID project.

Other participants questioned whether eliminating some facility information from Form A represents a burden reduction. Others felt that the loss of information in this option is justifiable because "all of this information is not necessary to discretely identify the facility." It was suggested that a "postcard" -like option would be beneficial, especially if it could be used to reflect changes.

III d (Do Not Require a Certification Statement): Several participants opposed this option because they viewed it as removing information which is needed by users of the TRI database. According to one participant, the purpose of Form A is certification; since those who are not certified under Form A do not submit information, these data would be lost from the database.

Another participant commented that the two burdens associated with the Emergency Planning and Community Right-To-Know Act (EPCRA) are (1) calculating thresholds and (2) working with regulators to show compliance. Filing Form A may prevent problems, by showing that the reporter is aware of regulations and by keeping corporate skills up to a certain level.

Industry representatives saw this option in a more favorable light. One commenter noted that it might represent little loss of facility information; these data could be reported under other legislation.

Another participant indicated that some state budgets are based on the number of forms (e.g., the total number Form Rs, Form As) submitted.

IIIe (One-time Certification): A concern was expressed that - in the near term - this option transfers the burden from reporters to users, but—assuming EPA changes its information-gathering methods—it could be acceptable in the long term. It was noted that a sub-option would be to provide a postcard format after initial certification to indicate a continuing certified status. It was suggested that list of those still eligible for certification could be provided through internal management systems or through an EPA checking mechanism. However, a concern was raised from a database perspective, that it would not be possible to populate 1997 data from a 1996 file.

#### **Issue 4. 2. Options for Increasing Form A Eligibility**

As mentioned above, the paper produced jointly by EPA, OMB, and SBA also discussed options to expand eligibility for its use.

The report discussed several options; (IVa through d) to reduce reporting burdens by changing eligibility requirements. These options are as follows; IVa (Increase the Level of the Waste Threshold), IV b 1-3, ( 1- Exclude Quantities Recycled From Reportable Waste, 2 - Exclude Recycling and Energy Recovery from Production Related waste, 3- Quantity Released Onsite, Offsite, and Transferred for Disposal) , IV c (Expand Form A and Add Range Information), IV d (Increase Activity of "Alternative" Thresholds).

#### **General Discussion:**

Several participants supported increasing waste thresholds. It was noted that change in the amount reported if one were to use a 5,000-pound threshold were statistically insignificant compared to the 19 billion total pounds waste reported. Another participant commented that while the impact of a move from Form R to Form A was minor (in terms of impact on the total s reported), there was a significant change between the first row of table 2 and the rest of the table—the subsequent rows are the breakpoints regarding data loss.

Several participants opposed any changes to eligibility. Referencing an analysis which he and his colleagues conducted, one participant noted that "increasing the current Form A threshold will have a significant and detrimental effect on the amount of chemicals that appear on Form A with no data." Similar concerns were expressed regarding the various options presented for changing the eligibility thresholds. Other participants noted that what seemed like a statistically insignificant amount of information when viewed in the context of the total volumes of chemicals reported could reflect a significant loss of key information at a local or community level.

#### Committee Comments on Options for increasing Form A eligibility:

IVa (increase the level of the waste threshold): Several participants opposed this option. One participant noted that since 1990, Massachusetts was reporting a 70% decrease in releases reported through Form R arguing that data contained in Form A are necessary. Another commenter added that TRI is a right-to-know program, not a regulatory program.

Option IVb-1(exclude quantities recycled from reportable waste): It was noted that if recycling is exempted from Form A, there should be consistency with Form R. Another participant stated opposition to this and all subsequent options -with the expressed concern that "sending 5,000 pounds of a cancer-causing chemical out without saying where it goes," and the large information losses that would result were problematic. This participant indicated his view that the proposed revisions ran counter to the PPA and undermined source reduction efforts. Citing damages ensuing from recycling at some three dozen Superfund sites and a concern about "disingenuous and manipulative" reporting, this participant noted that while he did not oppose Form A revisions, there must be an indication of where chemicals go.

Another participant also rejected those options that increase eligibility, claiming that they do not enhance productivity or worker health. There is no comparison between source reduction and recycling. He suggested that if the government is concerned about the waste hierarchy, source reduction should be encouraged. He noted his view that recycling is an indication of process inefficiency; yet, business keeps "clinging" to the idea. He added that recycling does not reduce toxicity and that the greatest savings associated with source reduction have been in reduced purchase of materials.

In reply, a commenter noted that Congress has presented a range of options for pollution reduction, including recycling, and participants should not discard a tool that already exists as there is a public policy benefit in using all such options.

The counter concern expressed was that eliminating recycling quantities makes the amount recycled disappear, thus equating it with source reduction. This absence of data also hinders the ability to undertake research that is mandated in the PPA.

It was noted that problems with definitions make it difficult to exclude recycling and that (from a community right-to-know standpoint) the number of facilities potentially reporting on Form A under this option is problematic.

Option IVb-2 (exclude recycling and energy recovery from production-related waste): Several participants objected to the information loss this option presents. Another questioned the utility of these options for burden reduction. A counterview was that excluding energy recovery would mean little lost information and a large burden reduction.

It was argued that participants must look at the tradeoffs between data loss and burden reduction, as well as the relationship between cost and benefits. This commenter favored all the options, provided they included range codes. An increased threshold, he added, would reduce the burden somewhat, [while the range codes would minimize information loss.] Participants need to look at a combination of these options, he said.

Option IVb-3 (quantity released onsite, offsite, and transferred for disposal): One commenter noted that the amount of information excluded under this option was excessive. Another noted that "expanding the eligibility in the face of the current modest use appears unwarranted."

Another commenter stressed that everyone at the table supported the "community right-to-know" concepts. This commenter suggested other categories that might help provide information while reducing burden—varying thresholds, for example, with carcinogens remaining at 500 pounds and less toxic chemicals rising



to 5,000 pounds. He also reiterated OMB's position that if there is little use for Form A, it should be eliminated.

Option IVc (expand Form A and add range information): It was noted that this option has some utility in terms of increasing data and sorting capability, but a concern was raised that an expanded Form A would approach Form R in complexity and that adopting this option could discourage the use of Form A.

Another commenter voiced concern regarding the potential information loss but expressed interest in an expanded Form A if it can be balanced with reduced reporting burden. This commenter was focused on those chemicals released to the ambient environment and felt that if this information could be captured, possibly through a range, there might be some support for increasing the eligibility threshold.

There was a separate comment that this option would reduce the Form A burden, but that the most significant reduction would come from excluding recycling and energy recovery.

Other participants noted that using ranges decreased burden but also reduced available information and created problems.

Option IVd (increase activity or "alternate" thresholds): It was noted that the current activity threshold [1 million pounds] is artificial. This commenter felt that if a facility with higher thresholds can show that it produces less than 500 pounds of waste, it should be allowed to do so he said. Others agreed that releases were the most important information to capture.

While another commented that this might be an area for a chemical-specific determination and that releases, transfers, and reductions of waste needed to be documented, others opposed the option because they felt it resulted in excessive information loss.

**Issue 4.3. Subgroup Recommendations for Form A (Regulatory Review)** Because of the upcoming review of Form A under the [Paper Work Reduction Act?], EPA representatives specifically asked committee members to break into four subgroups and develop both short- and long-term recommendations for the use and / or improvement of Form A.

#### **Summary of Subgroup Presentations:**

**Group 1:** Members of this group found significant potential for burden reduction from the use of the current Form A and suggested EPA explore reasons why it is not being used. They also recommended an expanded examination of who would be affected by possible changes to Form A, focusing on the potential information loss at the community level.

In response to a clarifying question, it was noted that members of this group thought of "community" as a county or other political subdivision and "burden reduction" as a savings reported by industry in man-hours or as a reduction in "community burden"—that is, the time required to look at TRI data or that of other information systems.

**Group 2:** Members reported that they had not agreed on options for Form A changes and suggested leaving the form alone. However, they did reach agreement on several issues related to burden reduction:

- Certain members believe burden reduction justifies some information loss.
- Some issues require more information.
- An increased threshold might offer some solutions for Form A.
- There is a need to discuss thresholds in relation to chemical toxicity: some chemicals could have a higher threshold.
- Multiple chemicals should be included on Form A to address administrative issues.

Group 2 members felt that the discussion should focus more on overall burden reduction and suggested several changes they felt had equal weight: facility IDs, smart systems, and one-stop systems. These can have more impact overall than changes focusing only on Form A. In the long term, participants felt EPA should look at chemical-specific issues.

Members of groups 2 and 3 stressed that enhancing Form A does not make it equal to Form R.

**Group 3:** Members of this group produced the following short-term recommendations:

- Leave the threshold at 500 pounds, and add a voluntary quantity.
- If the threshold is increased to 5,000 pounds, a condition of reporting should be inclusion of total releases for each chemical; otherwise, the public will lose production-related waste information on approximately 0.1% of releases.

Long-term recommendations included—

- EPA should provide additional data on how many and which facilities report on Form A, Form R, or both.
- Report data according to SIC code, chemical, and toxicity, and show the impact each change will have—including on which communities and to what degree.
- Explore burden reduction ideas related to decreases in data.
- Eliminate distinctions between Forms A and R, and move to an automated smart system that provides information on risk and exposure (this would potentially imply different thresholds for different chemicals).

**Group 4 :** Participants of this group agreed on the following recommendations:

- Set three toxicity levels for TRI reporting.
- Combine Tier 2 reporting [EPCRTKA] with Form A as a one-stop option to achieve Tier 2-Form A-Form R screening.
- Include Tier 2 range code information on Form A; Form R would include poundage for more toxic chemicals.

All Tier 2 chemicals that are TRI-reportable would report on either Form A or Form R based on toxicity, not on threshold. Tier 2 would trigger Form R use. Communities would benefit from the availability of data, and the regulatory community would work with one form, one ID, and one set of instructions. Group members also looked at nomenclature: Schedule 1 would be the Form A equivalent, and schedule 2 would be Form R equivalent. EPA could use the Key ID Initiative to bring in other schedules. The result would be the abolition of Form A.

Concerns noted by the committee included the fact that certain facilities added to TRI do not fill out Tier 2 information at present and the fact that Tier 2 allows filing chemical names by solution, a practice which is incompatible with the current Form R.

#### **Apendices\***

All of the following materials are located in the docket. As indicated, some of the materials are also available on the Toxics Release Inventory web site (<http://www.epa.gov/opptintr/tri>).

**Committee Charge** (located in the docket and on the web site in the final report under "TRI Stakeholder Dialogue").

**List of Committee Members with Affiliations** (located in the docket and on the web site in the final report under "TRI Stakeholder Dialogue"). **Meeting Summaries** (located in the docket and on the web site under "TRI Stakeholder Dialogue") Note: The attachments to the meeting summaries will only be located in the docket. The attachments will not be available electronically.

**April 14, 1998 EPA Letter on Timing and Format of the 1996 Public Data Release** (located in the docket).

**Press Releases for 1995 and 1996 Public Data Release** (located in the docket).

**Form R and Form A** (located in the docket and on the web site under "TRI Forms, Reporting

Requirements, and Guidance").

\* The Committee Charge, the list of Committee Members with affiliations, and a copy of the current Form R and Form A are attached to the bound, paper version of this report.

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