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Environmental Democracy In Action:

Community Right-To-Know



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PREFACE

One of the top priorities I would cite for the Earth Summit in Rio has to do with information, with people's right to know who is doing what to the environment. In the Agenda 21 chapter on toxic chemicals appears an important principle referred to as "Community Right-to-Know." This means in essence that communities have the right to information about the amounts and kinds of chemicals that are stored, used and released in their midst.

In the United States, Community Right-to-Know has become one of the most powerful tools for protecting the environment and for promoting environmental democracy. The program establishes the public's basic right to information - a tool far more powerful than its legislative authors had ever imagined or intended. It provides an annual inventory of the toxic chemicals released into the air, water, and the land from every major industrial plant during its normal operations. This inventory has motivated companies to manage their toxic chemicals better and has enabled government agencies to target their resources on the most serious risks. The Community Right-to-Know program has been instrumental in reducing chemical accidents. It encourages the reduction of stockpiles and the substitution of less hazardous chemicals. It calls for local planning to prevent accidents and minimize public health impacts when accidents do occur. Finally, the program has fueled the energies of nongovernment organizations and of community groups.

An international Community Right-to-Know principle is critical, I think, to the design of several of the agreements we hope to achieve at the Rio conference. The text for the UNCED Agenda 21 contains several provisions we strongly support, including the endorsement of the general principle of Community Right-to-Know. It includes recommendations that governments develop national accident-prevention policies, disseminate information - including emissions inventories - to the public, and formulate risk guidelines that explain what these data mean.

I commend this brochure to you with the hope that its description of the United States' Community Right-to-Know program, toxics release information and 33/50 programs will serve both as proven examples of effective environmental protection and inspiration for those countries searching for environmental solutions.

COMMUNITY RIGHT-TO-KNOW

Free Flow of Information Between Government and Public

In the United States (U.S.) it has become increasingly apparent that the sharing of environmental information with the public has improved environmental policy-making. The Emergency Planning and Community Right-to-Know Act, enacted by the U.S. Congress and signed by the President in 1986, created the first publicly available database of toxic releases to the land, air, and water. This Toxics Release Inventory (TRI) was established to provide the public with more accurate information about potentially hazardous chemicals in their environment in order that they may make more educated decisions about how to manage them.

The information generated by this right-to-know law has reaped many rewards and highlighted some problems for the U.S. government, industry and the public. It has been one of the most useful environmental policy tools ever wielded by a nation's people. Companies have been motivated to reduce pollutant emissions from their facilities, and they have saved money and improved profits by finding effective ways to cut down their wastes. The U.S. EPA has used the information to identify high risk areas in order to target them for improvement. The public has become better informed about their communities and environmental problems they need to address.

Community Right-to-Know

- A community has a right to know about the amounts and kinds of chemicals that are stored, used and release in their midst
- A powerful tool for protecting the environment

TRI has been discussed at many recent international meetings, and interest on the part of other nations continues to grow. A number of nations are working to establish similar publicly available chemical inventories. At one meeting, an Environment Canada representative spoke highly of the United States' chemical release inventory and how it is influencing the development of Canada's National Pollutant Release Inventory :

"I would like to stress the importance of having a database like TRI. It is a tool that can be used as a pointer to identify hot spots or areas that merit our attention or as a benchmark or reference point for further investigation or regulation. Environmental agencies and public interest groups can use the data to encourage facilities to cut back on pollutant releases. These data will be used to help reduce toxic emissions and, in Canada's case, help implement our Green Plan goal of a healthy environment and a sound, prosperous economy.

Right-To-Know Becomes Law

The Emergency Planning and Community Right-to-Know Act was enacted on the heels of a number of public policy changes in several of the States and one horrific environmental disaster. Demands by workers in several of the fifty U.S. states for information on the hazardous materials they were working with led to the establishment of Worker Right-to-Know laws. At the same time, a number of organizations around the country started demanding information on toxic chemicals being released "beyond the fence line"; outside of the facility. As this right-to-know movement gained momentum in the late 1970s and early 1980s, the terrible tragedy at the Union Carbide plant in Bhopal, India occurred in December 1984. A deadly cloud of methyl isocyanate killed 2500 people and injured tens of thousands. Many Americans asked, "Could it happen here?" Shortly after the Bhopal tragedy there was a serious chemical release in West Virginia. The questions grew more urgent, and, as a result, the Emergency Planning and Community Right-to-Know Act was passed by the Congress and signed by the President in the fall of 1986.

The law has two main purposes: to encourage and support emergency planning for responding to chemical accidents; and to provide people with information about possible chemical hazards in their communities - a toxics release inventory.

Community Right-to-Know Law Overview

The Toxics Release Inventory is just one section of the Emergency Planning and Community Right-to-Know Act (EPCRA). Others address emergency planning, accident notification, and record of materials kept on site.

■ **Emergency Planning:** Local planning commissions develop and review plans for responding to chemical emergencies such as accidental spills. Many communities sponsor drills, where they practice responding to emergencies involving hazardous chemicals.

■ **Chemical Accidents Notification:** Facilities must notify emergency response agencies in their communities immediately when a chemical accident happens.

■ **Chemical Inventories:** - Local fire departments and state and local emergency preparedness groups receive inventories of hazardous chemicals from facilities in their area. This information helps prepare for possible future emergencies.

The Emergency Planning and Community Right-to-Know Act requires that detailed information about the nature of hazardous substances in or near communities be made available to the public. The law also provides stiff penalties for companies that do not comply, and it allows citizens to file lawsuits against companies and government agencies to force them to obey the law.

TOXICS RELEASE INVENTORY

TRI: What It Is

The Emergency Planning and Community Right-to-Know Act requires, among other things, manufacturing facilities to report to the EPA each year the amounts of more than 300 toxic chemicals their facilities release into the environment, either routinely or as a result of accidents. The chemicals covered under the TRI program must meet one of three toxicity criteria: they must reasonably be expected to cause acute health effects, chronic health effects, or be toxic to the environment. EPA puts the data into a computer database called the

Toxics Release Inventory, which is accessible to the public through computer telecommunications and other means.

The purpose of the legislation is to inform the public and government officials of chemical releases that could potentially affect the environment or human health. For 1990 (the fourth year of TRI reporting), over 80,000 reports representing 5 billion pounds of chemical releases were submitted to EPA by about 22,000 manufacturing facilities and published collectively as the Toxic Release Inventory.

Toxic Chemical Release Reporting

- Covered facilities submit annual reports on yearly toxic chemical releases to states and EPA.
- EPA establishes a national toxic chemical release inventory based on facility reports.
- States and EPA make release information available to the public and communities.
- EPA makes the information accessible on a computerized database and by other means.

Facilities That Must Report

A facility must report to the EPA if it meets all three of the following criteria: 1) It conducts manufacturing operations (i. e., is in U.S. Standard Industrial Classification (SIC) Codes 20-39); 2) employs 10 or more full-time workers per year; and 3) manufactures, imports, or processes more than 25,000 pounds or otherwise uses over 10,000 pounds per toxic chemical in a calendar year.

Toxic Release Information

- Facility location.
- Specific chemicals made, processed, imported or used by the facility.
- Chemical amount released to the air, water, land, and sent off-site.

Kinds of Information Available

The TRI contains detailed information provided by manufacturers about chemical releases into the surrounding environment. Using the TRI, you can locate and compare reporting facilities; determine how toxic chemicals are used during or as a result of the manufacturing process; estimate the amounts of which chemicals were released into the environment - air, land, and water - annually, and the maximum amount present at a facility during the year; determine the amount of toxic waste transported away from the facility and off-site locations to where it is shipped; and identify waste treatment/disposal methods employed by the facility and the effectiveness of treatment methods. Beginning in reporting year 1991, reporting on pollution prevention practices in use or planned for implementation at the facility became mandatory.

Public Access to the TRI

The TRI is published in a variety of formats to meet the needs of a large and diverse audience. Each year, a printed national report highlights significant releases and reporting trends, and provides analyses of the data by chemical substance, industry, and geographic location. A comprehensive report issued on microfiche and covering the entire U.S. contains all of the data reported to the TRI. An on-line system, as well as computer-based products like CD-ROM (Compact Disk - Read Only Memory), floppy diskettes, and magnetic tapes, provide the flexibility for researchers and data users with specialized needs to manipulate the data in many different ways.

In accordance with the spirit of the right-to-know provisions in the legislation, an extensive effort is made to make TRI information available in communities all across the country. For example, TRI products have been distributed to over 4,000 locations - many of them public libraries - where individuals can go to use the data free of charge. (TRI has also been provided to organizations outside the United States, as well.) In addition, the TRI may be purchased from either the U.S. Government Printing Office or the National Technical Information Service, two federal agencies that sell government information products for nominal fees.

Public Availability of TRI Information

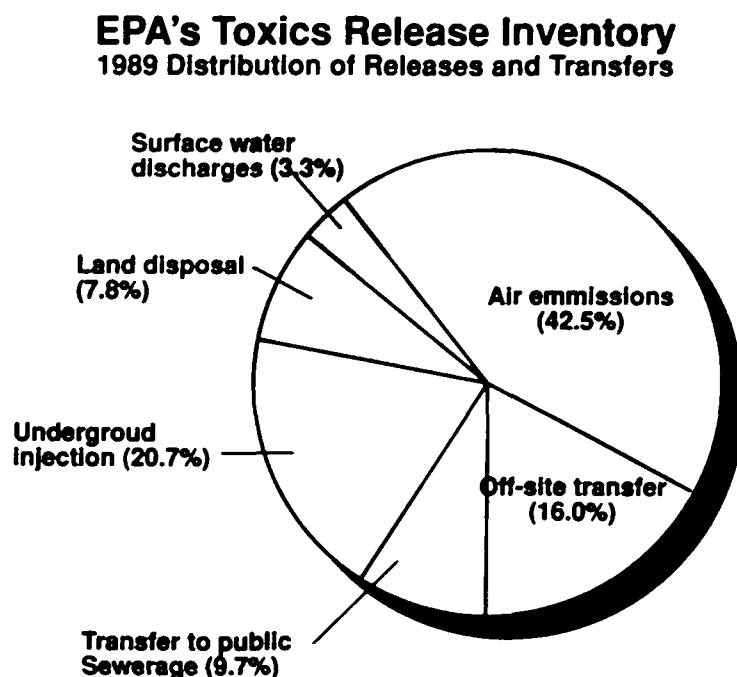
- U.S. Environmental Protection Agency
- State government offices
- Public interest groups
- Public libraries
- Universities
- Industry groups
- Other U.S. agencies

Using TRI Information

TRI data is used in a number of ways. Citizens frequently use TRI to learn about potential hazards posed by facilities located in their communities, and in many cases, have entered into partnerships with business to bring about constructive changes. Public interest groups use TRI to lobby legislators for new environmental legislation, pressure facilities, and educate citizens. State agencies use TRI to enforce existing legislation, for example, by comparing state and federal air and water permit data to reports filed for TRI. For businesses, TRI provides an industry standard that allows them to compare their facilities' performance with other plants engaged in the same manufacturing activity.

Impact of the TRI

TRI was intended from its inception to spur voluntary action by businesses, citizens, and local government officials to reduce toxic pollutant emissions. There is ample evidence that it is achieving this goal. As a result of public pressure, many companies are voluntarily reducing toxic emissions. More and more states are passing laws designed to prevent - not just treat - industrial pollution. As a result, TRI has been heralded as one of the most effective pieces of environmental legislation in United States history.



THE 33/50 PROGRAM

A Government/Industry/Public Partnership

One of the primary benefits of TRI is that it provides an annual accounting of the nation's management of toxic chemical wastes. This very public "report card" for the industrial community creates a powerful motivation for reducing waste generation. In order to take full advantage of this trend, EPA created the 33/50 Program, so named because it establishes national emissions reduction goals for high-priority chemical wastes: a 33% reduction by 1992, and 50% by 1995. In fact, the 33/50 Program is considered a partnership, not only between government and industry, but with the public as well to find the best means of addressing public concerns, making rapid environmental protection progress, and providing industry with the flexibility it needs to find innovative solutions.



Pollution Prevention

The 33/50 Program embraces the concept of pollution prevention as the best means of achieving these goals: pollution prevention is the straight forward idea that reducing wastes before they are generated is preferable to treating and disposing of them after generation. Experience has shown us that industrial pollution prevention also saves industry money in terms of increased overall efficiency, lower waste handling costs, and reduced administrative burdens.

Program Goals

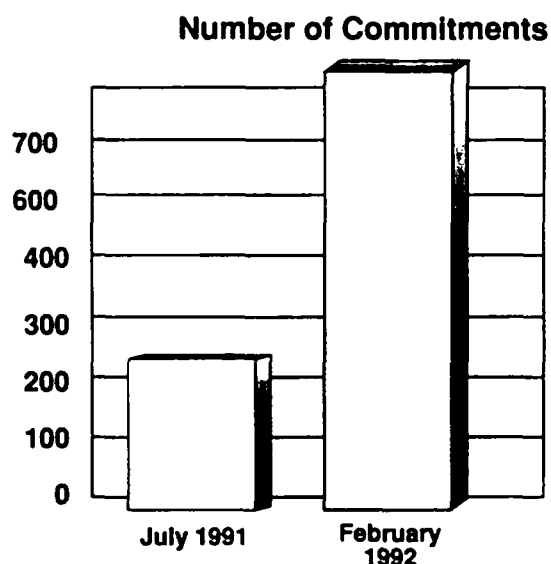
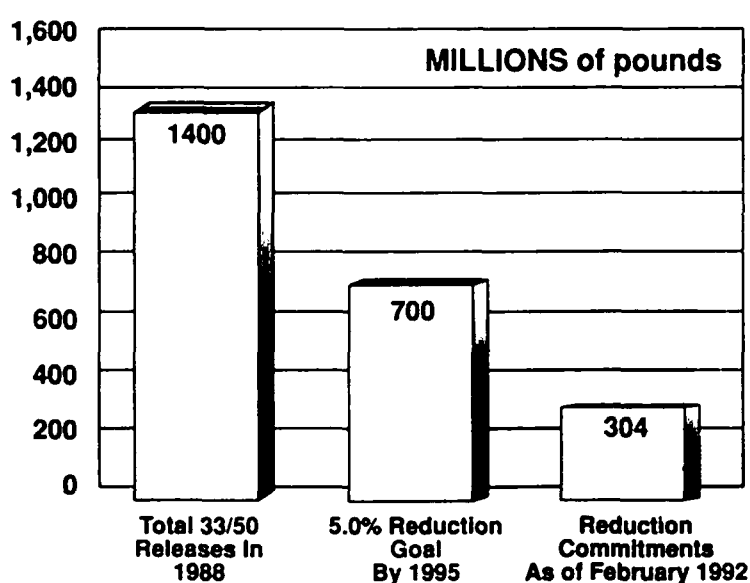
In 1988, the chemical wastes covered by the 33/50 Program amounted to 1.4 billion pounds of air emissions, waste water discharges, and solid wastes. The 33/50 Program aims to cut this waste generation in half - a 700 million pound reduction - by 1995. This is an ambitious goal, and EPA has chosen an innovative way to achieve the goal. We have asked thousands of companies to voluntarily set a numerical reduction goal and submit a written commitment to EPA that they will try to achieve their goal by 1995. Some companies have even committed to a complete elimination of the use of the high-priority chemicals between now and 1995.

Program Progress

Since its inception in 1991, the 33/50 Program has made rapid and substantial progress. More than 750 companies have signed up by submitting reduction commitments. These commitments add up to anticipated 1992 reductions of more than 350 million pounds of toxic wastes--half way to our 1995 goal. More commitments to reduce wastes arrive at the 33/50 Program offices every day. Many of the commitments are from major international corporations such as Du Pont, AT&T, General Motors, and Xerox. Some of these companies have even extended their reduction commitments to include all their facilities world-wide, so that the 33/50 Program is bringing about toxics reductions beyond the boundaries of the United States.

Such voluntary agreements to major reductions in chemical wastes under the 33/50 Program are an indication of industry's growing sense of environmental responsibility and commitment to pollution prevention and the recognition that the public's expectations of progress can best be met by setting aggressive reduction targets, and documenting downward waste generation trends through the TRI and the 33/50 Programs.

While only halfway to the 1995 goal of a 700 million pound reduction, EPA believes that the 33/50 Program will ultimately be successful in meeting, possibly even exceeding, the 50 percent reduction goal. The success of the program will be a testimony to a novel approach to environmental management that combines voluntary action, pollution prevention, and the public's right-to-know.



ENVIRONMENTAL DEMOCRACY IN ACTION

Opening Up the Decision-Making Process

The EPA does not have the resources to address all of the environmental ills facing our nation at the same time. The Agency needs to set priorities and target its environmental protection efforts on the basis of opportunities for reducing the most serious risks. There are many ways to approach the problem. TRI has fostered one approach that has proven to be very effective: the opening up of the decision-making process.

In a democracy, support of individual citizens is important to the success of any national endeavor, and particularly so, in the national effort to reduce environmental risk, because the causes of and solutions to environmental problems are often linked to individual and societal choice. Using TRI, the EPA has expanded the amount of environmental information available to people. The TRI alone, of course, does not provide all the answers people seek, but, it does help people ask better questions. An engaged public often can be helpful in gathering information that supports the technical analysis of risk. An informed public operates less from emotion and more from reason. Negotiation rather than confrontation results from this “opening up of the records” required under TRI. We’ve seen that by trusting the public to interpret and work with the TRI, the public, in turn, has become a little more trusting of the actions of government and the regulated industries. Rather than saying, “trust us to make the right decision,” TRI says “trust but verify”.

Earth Summit Priority

At the Pre-Earth Summit meeting in March, EPA Administrator William K. Reilly emphasized that Community Right-to-Know was one of three priorities for the Earth Summit conference. He said, "... an international Community Right-to-Know principle is critical, I think, to the design of several of the agreements we hope to achieve at the Rio conference." He went on to say,

"The spotlight of public awareness is very bright indeed, and the power of information should never be underestimated. It can make communities everywhere partners in environmental management. People have a right to know about chemical hazards where they live and work - the principle is as simple as that."

UNCED Agenda 21 Community Right-To-Know Provisions

- Endorsement of the general principle of community right-to-know
- Development of national accident-prevention policies
- Dissemination of information to the public-including emissions inventories
- Formulation of risk guidelines that explain what the disseminated data means

International Cooperation Is Important

All nations have limited resources and many demanding publics. One way to make productive use of these scarce resources is to extend the cooperative relationship established on other public policy fronts, (security, trade, foreign aid, to name a few) to the area of environmental policy. Shared information must be expanded to include the risk, and ecological and economic analyses involved in establishing sound environmental policies. The sharing of environmental information between governments and governments among their people has proven very useful. Perhaps in the future all nations will be able to share information via publicly available chemical databases, like the TRI established under the U.S. Emergency Planning and Community Right-to-Know Act.

Contacts For More Information

For more information about on-line access to TRI using the National Library of Medicine TOXNET system, write to: TRI Representative , NLM Specialized Information Services, 8600 Rockville Pike, Bethesda, MD 20894, U.S.A. or call (301) 496-6531.

For general information and search assistance, contact the U.S. E.P.A. at:

TRI User Support (TS-793)

401 M St., SW, NEB002 • Washington, DC 20460

202/260-1531

To order copies of printed or computer-based TRI products, call or write to one of the following:

Superintendent of Documents
U.S. Government Printing Office
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Phone (8:00 a.m. - 4:00 p.m EST)
202-783-3238 (general sales)
202-275-0186 (computer products)

National Technical Information Service
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