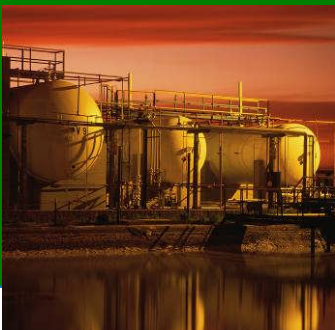


# Revision to Toxic Release Inventory Requirements

May 2008



## INSIDE THIS BRIEFING

- 1 Overview
- 2 Who Does This Affect?
- 3 US EPA Revisions To Reporting Requirements
- 4 What Do Minnesota TRI Reporters Need To Do?

---

### **TRI Reporting Thresholds:**

*Facilities that manufacture, import, or process greater than 25,000 lbs of any EPCRA 313 chemical in a calendar year*

*Or*

*Facilities that "otherwise use" greater than 10,000 lbs of any EPCRA 313 chemical in a calendar year*

---

## Overview

On May 23, 2008, the State of Minnesota passed a State law that effectively reversed recent Federal actions relaxing Toxic Release Inventory (TRI) reporting requirements as they apply to Minnesota TRI reporting sites.

In December 2006, U.S. EPA revised the reporting requirements for releases of listed chemicals (commonly known as 313 chemicals) required under Section 313 of the Emergency Planning & Community Right-to-Know Act (EPCRA). The revision allowed some facilities to use a streamlined reporting process; chemicals reported using the streamlined process would not be included in facility TRI reports released to the public.

In response, twelve States, including Minnesota, filed a law suit against U.S. EPA in November 2007. The suit claims that the revision prevented citizens and communities from having access to the critical information required under EPCRA.

The action taken by the State of Minnesota reverses the revisions made by U.S. EPA and requires Minnesota TRI reporters to use the previous reporting requirements.

## Who Does This Affect?

First, the State Law only affects **how** TRI data are reported; it does not change the thresholds used to determine if a TRI report is required.

Second, this only applies to TRI reporters located in Minnesota. And, finally, it will only apply for reporting of 313 chemicals with total releases less than 5,000 lbs/year. No revisions were made by U.S. EPA for reporting 313 chemicals that have releases greater than 5,000 lbs/year.



## U.S. EPA Revisions To Reporting Requirements

The revisions made by U.S. EPA related to the Forms used to report 313 chemical releases. Form R is typically used to report releases, and data submitted on Form R is released to the public. Form A is a streamlined reporting process, used for 313 chemicals released in smaller quantities. Data submitted on Form A is not released to the public.

The revision made by U.S. EPA changed the thresholds for when Form A could be used. Form R could always be used to report data, even for small quantities:

Chemical	Previous	Revised
Persistent, Bioaccumulative or Toxic (PBT) Chemicals	Form R only	Form A if releases are less than 500 lbs/yr
Non- PBT Chemicals	Form A if releases are less than 500 lbs/yr	Form A if releases are less than 5,000 lbs/yr

## What Do Minnesota TRI Reporters Need To Do?

Minnesota State Law now requires that Form A can only be used to report **Non Persistent, Bioaccumulative or Toxic (PBT) Chemicals** if the annual release is less than 500 lbs. Form A can not be used for any **Persistent, Bioaccumulative or Toxic (PBT) Chemicals** regardless of the quantity released.

Minnesota TRI reporters with chemicals that fall within the affected range need to be aware that instructions provided to them by U.S. EPA will reflect the revised reporting thresholds listed in the table above. If they follow these instructions and report using Form A, they may violate Minnesota State law, although they might be in compliance with U.S. EPA requirements.

The Minnesota Law was passed on May 23, 2008, however, it is retroactively applied, starting January 1, 2008. This means that TRI reports for 2007, due before July 1, 2008, will need to be in compliance with the State law.

**Regulatory Briefings** are published periodically by Caltha to highlight new or proposed environmental, health & safety regulations. To receive these briefings in the future by email at no cost, sign up at the Caltha website.

### **Caltha LLP**

Headquartered in  
Minneapolis, MN

#### Phone:

(763) 208-6430

#### Website:

[www.calthacompany.com](http://www.calthacompany.com)

#### E-mail:

[info@calthacompany.com](mailto:info@calthacompany.com)



## Need Temporary EH&S Staffing?

Caltha provides experienced EH&S staff to meet short-term resource or expertise needs. We can provide staff to work in Corporate Offices or at facilities on full- or part-time basis.

Perfect for **Staff Bridging, Workload Leveling, and Special Projects.**

**For more information call (763) 208-6430**

**Email us at [info@calthacompany.com](mailto:info@calthacompany.com)**

**or simply Google “Caltha LLP”**