

Toxics Release Inventory and TRI-Listed PFAS

U.S. ENVIRONMENTAL PROTECTION AGENCY

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Overview

- **The Toxics Release Inventory (TRI)**
- **Section 7321 of the National Defense Authorization Act for Fiscal Year 2020 (NDAA)**





What is TRI?

- Reporting program tracking the releases and waste management of certain toxic chemicals that may pose a threat to human health and the environment
- TRI can tell you about:



Releases



Waste
transfers



On-site waste
management



Pollution
prevention

- TRI collects data annually from more than **21,000 facilities** across the country and covers **767 individually-listed chemicals and 33 chemical categories** (as of January 2020)



TRI's Statutory Authority

Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) § 313

- Facilities in certain industrial sectors must report toxic chemical releases to air, water, and land and other waste management to EPA and the states each year.
- EPA must maintain the data and make it available to the public.

Pollution Prevention Act of 1990 (PPA)

- TRI facilities must report progress in reducing waste generation and moving towards safer waste management alternatives.



42 USC 11023(h)





Why is TRI important to communities?

- **TRI can help communities:**
 - Identify **how many TRI facilities** operate in the community **and where they are located**
 - Identify **which chemicals are being released** by TRI facilities
 - **Track increases or reductions** of toxic chemical releases from facilities located in the community over time.
 - **Compare the toxic chemical releases and pollution prevention efforts of facilities** in one location with similar facilities across the country.
 - **Prioritize efforts to reduce pollution** from facilities located in the area



Which Facilities Must Report to TRI?

1. Facility must be in a **TRI-covered industry sector or category**, including:



Manufacturing



**Coal/Oil Electricity
Generation**



**Certain Mining
Facilities**



**Hazardous
Waste
Management**



Federal Facilities

2. Facility must have the equivalent of at least **10 full-time employees**.
3. Facility must manufacture, process or otherwise use more than a **certain amount of a TRI-listed chemical per year**.



What Information Do Facilities Report to TRI?

- Facility & parent company identification
- Maximum amount on-site
- On-site releases of TRI chemicals to:
 - Air
 - Water
 - Land (including land disposal)
- Transfer of chemical waste to off-site locations
- Other waste management:
 - Recycling
 - Treatment
 - Energy Recovery
- Pollution prevention activities





What are the limitations of TRI data?

- **Annual data** – collected from TRI reporting facilities once/year.
- Covers some, but **not all toxic chemicals and not all industry sectors**.
- **Small facilities are not included** (under 10 employees).
- **Does not cover all sources of pollution**, e.g. cars and trucks.
- **Does not describe how long or how often chemicals were released**.

For more information, see “*Factors to Consider When Using TRI Data*” at:
www.epa.gov/toxics-release-inventory-tri-program/factors-consider-when-using-toxics-release-inventory-data

PFAS & TRI



What are PFAS?

- Per- and polyfluoroalkyl substances (PFAS) are a group of synthetic chemicals that includes PFOA, PFOS, GenX, and many other chemicals. PFAS have been manufactured and used in a variety of industries around the globe, including in the United States since the 1940s.
- PFAS can be found in food packaging, firefighting foams, stain/grease repellent products, and a wide range of industrial processes.
- EPA published its PFAS Action Plan in February 2019 (updated in February 2020) to outline the agency's multi-media approach to addressing PFAS.



National Defense Authorization Act

- National Defense Authorization Act of Fiscal Year 2020 (NDAA) was enacted on December 20, 2019.
- Section 7321 of the NDAA pertains to TRI reporting and provides for the addition of certain PFAS to the TRI list of chemicals.
- First reports on TRI-listed PFAS are due by July 1, 2021 on 2020 data.
- Information on Section 7321 is available here:
<https://www.epa.gov/toxics-release-inventory-tri-program/addition-certain-pfas-tri-national-defense-authorization-act>



Section 7321 of the NDAA

Section 7321 of the NDAA addresses TRI reporting of PFAS

- 7321(b) adds 172 PFAS to the TRI (PFAS list provided in February 2020).
 - Reporting requirements became effective on January 1, 2020
 - A 100-pound reporting threshold was established
- 7321(c) indicates that certain EPA activities involving PFAS will trigger automatic additions to the TRI list in the future.
 - For example, EPA finalizing a “toxicity value” for a PFAS will add it to the TRI list
 - Effective date will be January 1 of the year following the activity w/ 100-pound reporting threshold
- 7321(d) requires EPA to assess remaining PFAS for listing suitability pursuant to EPCRA 313(d)(2) listing criteria.
- 7321(e) provides a process that EPA must follow before any PFAS covered by the NDAA whose identity is subject to a claim of protection from disclosure is added to the TRI list.



For more information about TRI:

- Contact your EPA Regional TRI Coordinator:
www.epa.gov/tri/contacts
- Call EPA's TRI Information Center: 1-800-424-9346. Select menu option #3 for TRI
- Visit the TRI Program's website: www.epa.gov/tri and www.epa.gov/tri/communities
- Check out the TRI Pollution Prevention (P2) Search Tool: www.epa.gov/tri/p2
- Contact the TRI Help Desk by email: tri.help@epa.gov