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Toxics Release Inventory: The Basics of Reporting

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This session will cover:

- The basics of TRI Reporting
- Best Practices – Lessons Learned for TRI Reporting
- Legal Perspectives

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What is the TRI?

- The Toxic Release Inventory (TRI)
  - Database of TRI-listed chemical releases and pollution prevention activities
  - Chemicals are identified in the EPCRA 313 list of chemicals
    - Individual chemicals
    - Chemical categories
    - PFAS chemicals
  - TRI data is open to the public

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Who Reports for TRI?

- Reporting is required based on:
  - North American Industry Classification Code System (NAICS Code)
    - e.g. chemical manufacturers, metal fabricators/finishers, plastics and resins production, electric utilities and energy producers, etc.
  - The number of full-time employees or hours worked
    - 10 full time employees or 20,000 hours worked by employees
  - Manufacture, process, or otherwise use an EPCRA Section 313 chemical (TRI-listed Chemical)

Activity Determination

- Manufacture: Produce, prepare, import, or compound a TRI-listed chemical
  - Coincidental manufacturing (byproducts and impurities).
  - Example: Chemical synthesis, aluminum dust from metal grinding
- Process: Preparation a TRI-listed chemical after it was manufactured
  - Example: Cutting, folding, grinding of metal sheets that contain metal compounds, solvents in paints
- Otherwise Use: Any use of a TRI-listed chemical not related to manufacturing or processing
  - Example: Use toluene to clean equipment, wastewater treatment chemicals

Threshold Determination

- Manufacture
  - 25,000 lbs
- Process
  - 25,000 lbs
- Otherwise Use
  - 10,000 lbs

Notes:

- Chemicals of special concern have lower thresholds identified in the table
- PFAS have a threshold of 100 lbs

Chemical or chemical category name	CASRN or chemical category code	Threshold (lb, unless noted otherwise)
Aldrin	309-00-2	100
Benzo[g,h,i]perylene	191-24-2	10
Chlordane	57-74-9	10
Dioxin and dioxin-like compounds category (manufacturing; and the processing or otherwise use of dioxin and dioxin-like compounds category if the dioxin and dioxin-like compounds are present as contaminants in a chemical and if they were created during the manufacturing of that chemical)	N150	0.1 grams
Heptachlor	76-44-8	10
Hexabromocyclododecane category	N270	100
Hexachlorobenzene	118-74-1	10
1,3,4,6,7,8-Hexahydro-4,6,6,7,8,8-hexamethylcyclopenta[g]-2-benzopyran	1222-05-5	100
Isodrin	465-73-6	10
Lead (this lower threshold does not apply to lead when it is contained in stainless steel, brass or bronze alloy)	7439-92-1	100
Lead compounds category	N420	100
Mercury	7439-97-6	10
Mercury compounds category	N458	10
Methoxychlor	72-43-5	100
Octachlorostyrene	29082-74-4	10
Pendimethalin	40487-42-1	100
Pentachlorobenzene	608-93-5	10
Polychlorinated biphenyls	1336-36-3	10
Polycyclic aromatic compounds category (PACs)	N590	100
Tetrabromobisphenol A	79-94-7	100
Toxaphene	8001-35-2	10
Trifluralin	1582-09-8	100

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Activity Exemptions

- Otherwise Use Exemption
  - Used as a structural component of the facility, in routine janitorial or grounds maintenance, or for personal use by an employee
- Articles Exemption
  - An article is an item which
    1. Is formed to a specific shape or design during manufacture
       - Retaining initial thickness or diameter
    2. Has end use functions dependent in whole or in part upon its shape
    3. Does not release a TRI chemical under normal conditions of processing or use at the facility
       - > 0.5 lb release of TRI chemical negates article exemption
  - Example: Cutting, bending, grinding of metal sheets if one original sheet dimension is maintained and releases are below 0.5 lbs
- De Minimis Exemption
  - Not classified as a chemical of special concern; is in a mixture; manufactured as an impurity, imported, processed, otherwise used; and is below the applicable de minimis concentration level

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EPA Screening Tool

- Helpful for determining covered industry sector and employee criteria
- Not always helpful for threshold determinations

If a facility meets **all three** of the criteria below, it must file a TRI reporting form for each chemical for which the reporting requirement is triggered. Note that the covered industry sector and employee criteria do not apply to facilities who must make chemical activity threshold decisions per a discretionary authority determination.

Is in a covered industry sector (e.g., manufacturing, metal or coal mining, electric power generation, federal facility).

Employs 10 or more full-time equivalent employees (20,000 work hours).

Manufactures, processes, or otherwise uses a TRI-listed chemical in quantities above threshold levels in a given year.

Begin Threshold Screening Tool

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Reporting to TRI

Calculations

- Threshold determination
  - Check SDSs, supplier data
  - Calculate TRI chemicals in materials
- Release calculations
  - Air emissions (stack, fugitive)
  - Wastewater discharges
  - Stormwater runoff
  - On-site disposal or treatment
  - Off-site transfers (e.g., hazardous waste, scrap metal)
  - Use stack testing and water sampling data, waste manifests and profile sheets, material balance or engineering calculations

Documentation

- Gathering and organizing data takes time
- Best available information
- Information gathered and results of release calculations are used in Form A or R
- Sources of data, calculation assumptions are helpful to ensure process was done correctly
  - Helps for next year's reporting

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Form A or Form R?

One form for each TRI-listed chemical or chemical category

Form A

- Chemical is not of special concern classification
  - Persistent bioaccumulative toxic (PBT)
- Manufacture, process, or otherwise use less than 1,000,000 lbs of listed chemical
- Total annual reportable release is less than 500 lbs

Form R

- PBT chemicals
- Manufacture, process, or otherwise use listed chemical in excess of 1,000,000 lbs
- Total annual reportable release amount is more than 500 lbs

Use of the Form A is rare.

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Form A

Form A Required Information

- Location of facility
- Demonstration that the chemicals are meeting the manufacturing, processing, or otherwise used thresholds
- Certification that the reportable amounts of chemicals is less than 500lbs

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Form R

Form R Required Information

- Location of facility
- Demonstration that the chemicals are meeting the manufacturing, processing, or otherwise used thresholds
- Report for on-site releases and off-site transfer of wastes
- Description of on-site waste treatment, energy recovery, and recycling
- Other disposal, source reduction, and recycling activities
- Additional optional pollution prevention information

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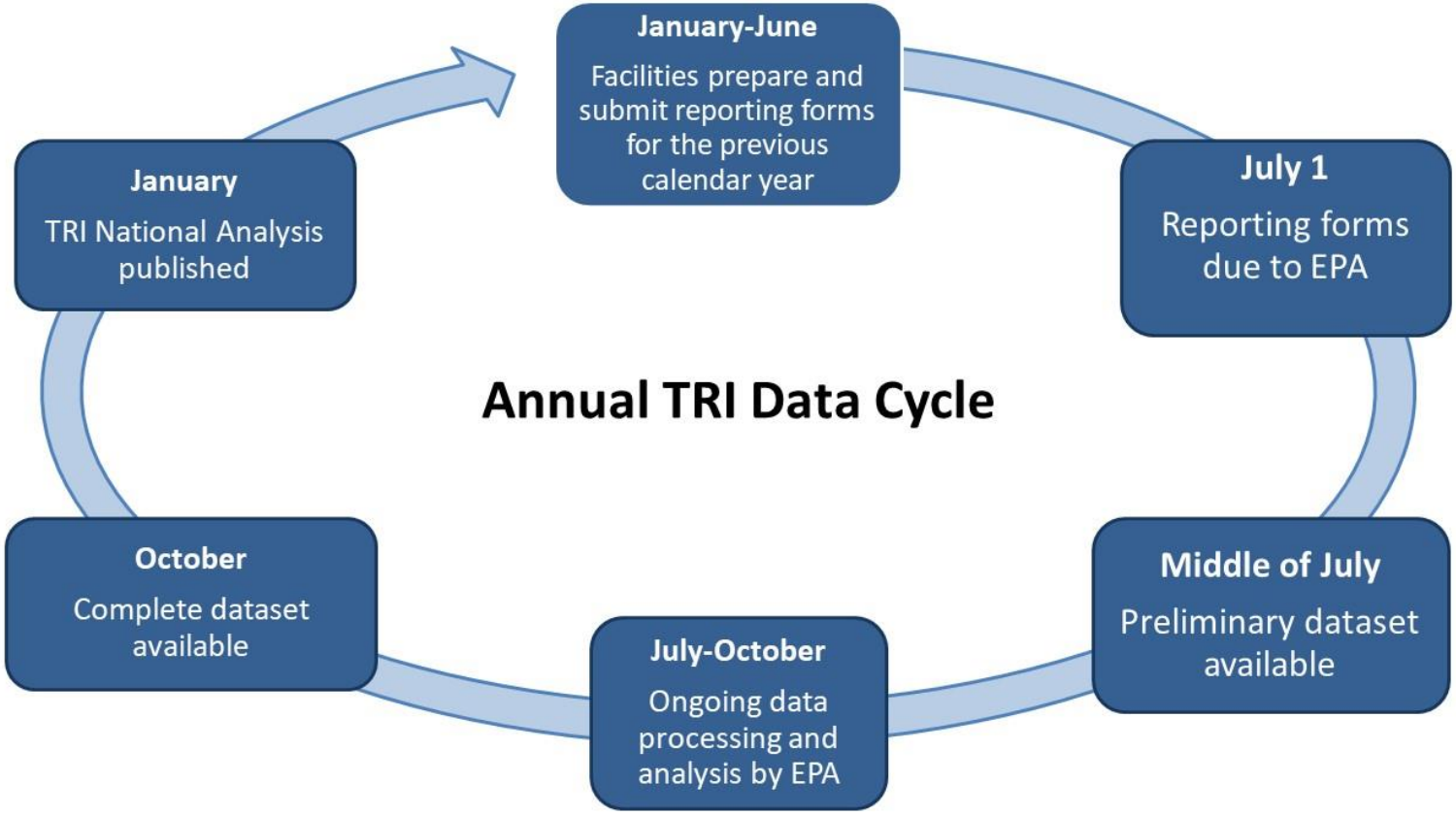
Submittal

- Central Data Exchange
  - Clunky system
  - Help Desk can support log-in issues, call (888) 890-1995
  - TRI-MEWeb application used to fill forms
  - Check existing account or set up a new account early

- Due Date
  - Due annually on July 1
  - Report is based on the previous year operations
  - Submit forms for 2025 reporting year no later than July 1, 2026

EPA's Annual Reporting Timeline



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Best Practices and Lessons Learned for TRI Reporting

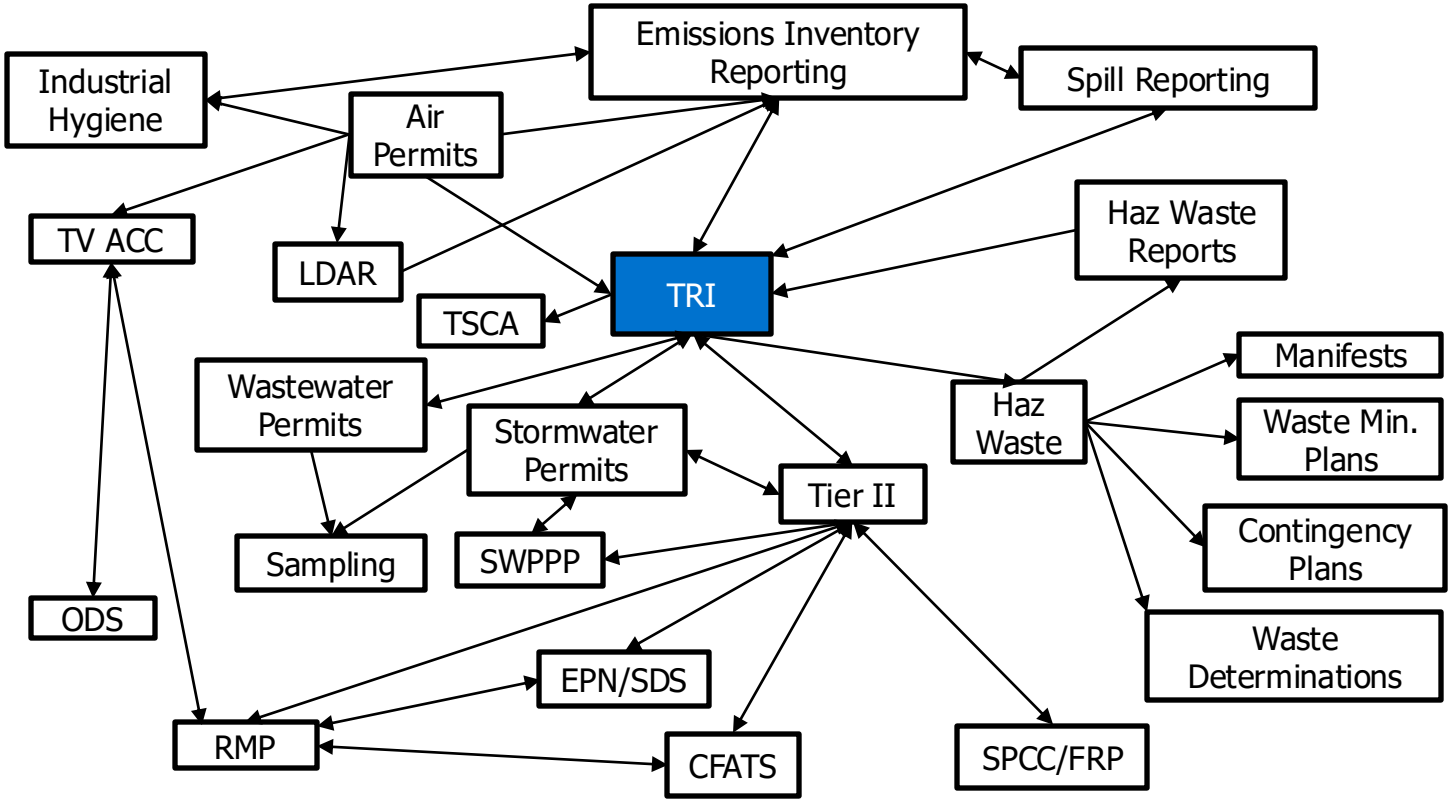
December 10, 2025

Jesse Gonzalez – Manager of Consulting Services

Trinity Consultants

Celebrating 50 1974 2024 Years

TRI – "Ultimate" Report



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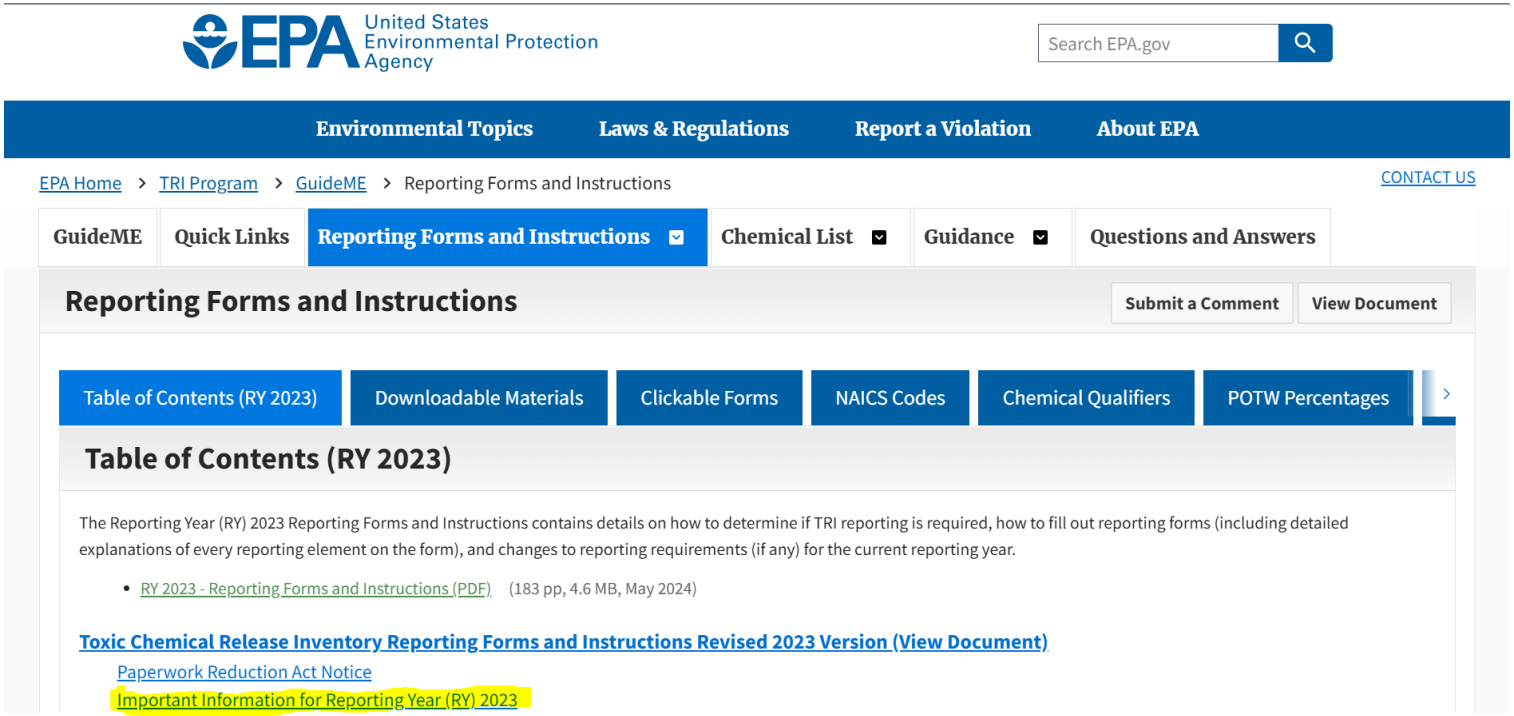
Annual Instructions



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Example TRI Chemicals with Qualifiers (1 of 2)

Chemical/ Chemical Category	CASRN/ Category Code	Qualifier
Aluminum (fume or dust)	7429-90-5	**Only** if it is a fume or dust form.
Aluminum oxide (fibrous forms)	1344-28-1	**Only** if it is a fibrous form.
Ammonia (includes anhydrous ammonia and aqueous ammonia from water dissociable ammonium salts and other sources; 10 percent of total aqueous ammonia is reportable under this listing)	7664-41-7	**Only** 10% of aqueous forms. 100% of anhydrous forms.
Asbestos (friable)	1332-21-4	**Only** if it is a friable form.
Hydrochloric acid (acid aerosols including mists, vapors, gas, fog, and other airborne forms of any particle size)	7647-01-0	**Only** if it is an aerosol form as defined.
Nitrate compounds (water dissociable; reportable only when in aqueous solution)	N511	**Only** if in aqueous solution
Phosphorus (yellow or white)	12185-10-3	**Only** if it is a yellow or white form.
Sulfuric acid (acid aerosols including mists, vapors, gas, fog, and other airborne forms of any particle size)	7664-93-9	**Only** if it is an aerosol form as defined.
Vanadium (except when contained in an alloy)	7440-62-2	**Except** if it is contained in an alloy.
Zinc (fume or dust)	7440-66-6	**Only** if it is in a fume or dust form.

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Example TRI Chemicals with Qualifiers (2 of 2)

Chemical/ Chemical Category	CASRN/ Category Code	Qualifier
Dioxin and dioxin-like compounds (manufacturing; and the processing or otherwise use of dioxin and dioxin-like compounds if the dioxin and dioxin-like compounds are present as contaminants in a chemical and if they were created during the manufacture of that chemical.)	N150	**Only** if they are manufactured at the facility; or are processed or otherwise used when present as contaminants in a chemical, but only if they were created during the manufacture of that chemical.
Isopropyl alcohol (only persons who manufacture by the strong acid process are subject, no supplier notification)	67-63-0	**Only** if it is being manufactured by the strong acid process. Facilities that process or otherwise use isopropyl alcohol are not covered and should not file a report.
Saccharin (only persons who manufacture are subject, no supplier notification)	81-07-2	**Only** if it is being manufactured.

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Metal Compound Categories

- Separate activity threshold determinations:
  - Elemental Metal vs. Metal Compound
- Metal Compound Threshold Determination:
  - Consider the **total weight** of metal compound (PbO)
- Release/Waste Management Calculations (Form R):
  - Report only the **weight of the elemental metal portion** of the metal compound (Pb)
- Report for each listing (e.g., nickel or nickel compound) only if the threshold for each listing is exceeded
  - If threshold exceeded for both the elemental metal and metal category compound (e.g., nickel or nickel compound), you have options to report separately or file one combined report

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TRI Chemicals - PBTs and Activity Thresholds

- PBT chemicals & Chemicals of Special Concern are subject to separate and lower activity thresholds (See 40 CFR 372.28)

PBT & Chemicals of Special Concern Thresholds

- 100 lbs../yr (manufactured, processed, or otherwise used)
  - *Aldrin*
  - *Lead**
  - *Lead Cmpds.*
  - *Methoxychlor*
  - *PFAS*
  - *Pendimethalin*
  - *Polycyclic Aromatic Cmpds.*
  - *Tetrabromobisphenol A*
  - *Trifluralin*
- 10 lbs../yr (manufactured, processed, or otherwise used)
  - *Chlordane*
  - *Heptachlor*
  - *Mercury*
  - *Toxaphene*
  - *Isodrin*
  - *PCBs*
  - *Benzo(g,h,i)perylene*
  - *Hexachlorobenzene*
  - *Mercury compounds*
  - *Octachlorostyrene*
  - *Pentachlorobenzene*
- 0.1 g/yr (manufactured, processed, or otherwise used)
  - *Dioxin and dioxin-like compounds*

* *Excluding lead in stainless steel, brass, or bronze alloys*

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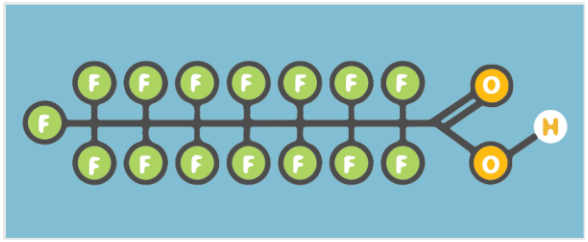
PFAS Compounds

- Per- and Polyfluoroalkyl Substances
- PFAS are a family of chemicals that are identified by their **fluorocarbon** tail
- Total PFAS subject to TRI – now 189 chemicals *+ additional for July 1, 2025*
- First reportable in RY2020
- RY2024 7 additional PFAS compounds added and RY2025 9 additional PFAS compounds added
- Reporting threshold:
  - 100 lbs. each



Most common PFAS are
- Per**fluoro**octanoic acid (PFOA) and
- Per**fluoro**octanesulfonic acid (PFOS)

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TRI Reporting – PFAS Compounds

- What to look for on an SDS:
  - May be defined specifically, or generically
  - What matters for TRI reporting is if the CAS # matches the TRI inventory.

Specific Chemical →

Components

Chemical name	CAS-No.	Concentration (% w/w)
N-[3-(Dimethyloxidoamino)propyl]-3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluoro-1-octanesulfonamide	80475-32-7	>= 30 - < 50
Ethanol	64-17-5	>= 30 - < 50

Actual concentration is withheld as a trade secret

Broadly defined →

SECTION III. Composition/Information on Ingredients

Chemical Name	Weight %*	CAS #
Water	> 56	7732-18-5
Hexylene Glycol	< 19	107-41-5
Proprietary mixture of fluorosurfactants and hydrocarbon surfactants	< 5	N/A

* % is rounded to the nearest appropriate number. Values are not to be considered product specifications

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Threshold Determination – SDS Review

- Reminder – Review SDS annually for updates!
  - Confirm
    - Density
    - Chemical constituent breakdown
    - Chemical constituent percentages
  - Event the slightest difference in any of these between two SDS can be a finable offense!

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SDS Review - Section 15 of SDS

SECTION 15. REGULATORY INFORMATION

TSCA	:	On the inventory, or in compliance with the inventory
Other regulations	:	Active Ingredient in this composition is POTASSIUM PEROXYMONOSULFATE, CAS. No. 10058-23-8, Concentration: 43-47% (Typical 45%) Active ingredient may also be described by the synonym POTASSIUM MONOPERSULFATE.
SARA 313 Regulated Chemical(s)	:	This material does not contain any chemical components with known CAS numbers that exceed the threshold (De Minimis) reporting levels established by SARA Title III, Section 313.

SARA 313

	Product name	CAS number	%
Form R - Reporting requirements	styrene	100-42-5	<= 40.0
Supplier notification	styrene	100-42-5	39.79

SARA 313 notifications must not be detached from the SDS and any copying and redistribution of the SDS shall include copying and redistribution of the notice attached to copies of the SDS subsequently redistributed.
Any concentration shown as exact is based on formula.

Section 15: REGULATORY INFORMATION

UNITED STATES

HCS Classification: Toxic Material, Irritating materi

U.S. Federal Regulations: All ingredients comply with applicable rules or orders under US TSCA.
All components are listed or exempted.
TSCA 6 proposed risk management: LEAD.
TSCA 8(b) inventory: LEAD
TSCA 12(b) annual export notification: LEAD

SARA 313	Substance Name
Form R - Reporting Requirements:	Lead
Supplier Notification:	Lead

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Mixtures and Calculating Threshold Quantities

- Individually listed chemicals are separately reported
- % by wt. Chemical x weight of mixture
- Guidelines for reporting SDS Ranges:

Upper bound concentration (<35%) → Use upper concentration (35%)

Concentration Range (5-10%) → Use midpoint of range (7.5%)

Concentration Range (0-10%) → Use upper concentration

Lower bound conc. (>80%) → Two ways:

1. Subtract percentages of other known constituents to determine upper bound, then use midpoint (80-100%)
2. Calculate midpoint assuming upper concentration of 100% (90%)

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Zero vs. NA for Releases

- Use “NA” (not applicable) when no possibility of the Section 313 chemical being released to or otherwise managed as waste in that media (e.g., facility has no on-site landfill)
- Use “0” when <0.5 pound of a non-PBT Section 313 chemical is directed towards that medium
- Use “0” when leaks, spills or fugitive emissions can occur (even if they did not), e.g., volatile organic compounds (VOCs)
- Examples:
  - If a facility uses nitric acid and the wastes are neutralized to a pH of 6 or above, then the facility reports a release of zero, not NA.
  - The facility does not landfill the acidic waste, use NA.
  - A facility has no underground injection well, use NA.

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Maximum On-Site

- Select appropriate code indicating the maximum quantity on-site during the reporting year (Section 4)
- Use maximum total (non-exempt) amount present at one time during reporting year
  - Based on amount in storage, in process, and in wastes
    - Maximum amount on site may differ from the Tier II reported maximum amount on site
      - Tier II is usually by mixtures, Form R is chemical-specific
      - Tier II excludes hazardous wastes, Form R does not

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Air Emissions

- Form R Section 5.1 and 5.2
- Fugitives - Cannot reasonably pass through a stack vent
  - Equipment leaks
  - Evaporative losses
  - Spills that include volatile TRI chemicals
- Stack Emissions
  - Stacks, vents, ducts, pipes
  - Including storage tanks
- **Should generally agree with emissions inventory report**
  - HAP emissions should match the TRI except as documented
  - Include emissions from insignificant sources
  - Use mid-point of SDS ranges versus maximum

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Discharge to Surface Waters (On-Site)

- Form R Section 5.3
- Examples:
  - Process outfalls
  - On-site WWTPs
  - Discharge to POTW
  - Storm Water Runoff
- Enter name of water body that receives direct discharge (should match permit)
  - TRI-MEweb now has a mapping tool to assist facilities in selecting the correct water body

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Stormwater Runoff

- Use monitoring data
- Estimate flow using Rational Method

Q = Land Area * Runoff Coefficient * Rainfall Intensity

Where:

Runoff coefficient related to land use
(fraction that does not seep into ground)
[Obtain from TRI Guidance or Engineering Manual]

Rainfall intensity specific to geographic location
Assume 1 ft snow = 1 in. rain
[Obtain from internet for previous year, e.g., NWS]

Description of Land Area	Runoff Coefficient
Business	
Downtown areas	0.70-0.95
Neighborhood areas	0.50-0.70
Industrial	
Light areas	0.50-0.80
Heavy areas	0.60-0.90
Industrial	
Railroad yard areas	0.20-0.40
Unimproved areas	0.10-0.30
Streets	
Asphaltic	0.70-0.95
Concrete	0.80-0.95
Brick	0.70-0.85
Drives and walks	0.70-0.85
Roofs	0.75-0.95
Lawns: Sandy Soil	
Flat, 2%	0.05-0.10
Average, 2% - 7%	0.10-0.15
Steep, 7%	0.15-0.20
Lawns: Heavy Soil	
Flat, 2%	0.13-0.17
Average, 2% - 7%	0.18-0.22
Steep, 7%	0.25-0.35

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Calculating Wastewater Discharges

- Calculate the yearly pounds of a TRI chemical discharged using the following data concerning wastewater discharges:

Date	Conc. (mg/l)	Flow (MGD)	Amt. (lbs/day)
3/1	1.0	1.0	8.34
9/8	0.2	0.2	0.33
Average	*0.6*	*0.6*	*4.34*

- EPA way: Average = **4.34 lbs/day = 1600 lbs/yr**
- Incorrect approach: 0.6 mg/L x 0.6 MGD x 8.34 lbs/million gallons / 1 mg/L = 3.00 lbs/day (1,100 lbs/yr)

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Questions & Discussion

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Legal Perspectives

- Rule Making
- EPA Information Requests
- Enforcement
- Voluntary Disclosure

PROPOSED RULE: ADDITION OF CERTAIN PFAS TO LIST OF TRI CHEMICALS, 89 FED. REG. 81776 (OCT. 8, 2024)

- EPA proposed to add 16 individual PFAS and 15 PFAS categories representing over 100 individual PFAS
- Designated as chemicals of special concern
- Proposes to reclassify some individual-listed PFAS added to TRI under the 2020 National Defense Authorization Act as part of the proposed PFAS categories
- Addresses what events may trigger the automatic addition of PFAS to the TRI list pursuant to the framework established by the NDAA
- Comment period expired on December 9, 2024
- EPA plans to finalize the rule in 2026

PROPOSED RULE: CLARIFICATION TO SUPPLIER NOTIFICATIONS DUE TO AUTOMATIC ADDITIONS OF PFAS UNDER NDAA, 90 FED. REG. 5795 (JAN. 17, 2025)

- EPA proposing to clarify that covered suppliers would be required to notify customers receiving products containing chemicals newly added to the TRI, namely PFAS compounds, of their presence as soon as these compounds are added to the list on Jan. 1 of each year
- Suppliers would be required to notify customers of the presence of these compounds as early as the first shipment of each calendar year
- Comment period expired on February 8, 2025
- EPA proposed to finalize in November but still waiting on final rule

FINAL RULE: ADDITION OF CERTAIN PFAS TO LIST OF TRI CHEMICALS, 90 FED. REG. 573 (JAN. 6 2025)

- For reporting year 2025, the NDAA automatically added nine additional PFAS to the TRI list
- EPA updated its regulations to add these nine PFAS compounds
- Effective February 5, 2025
- Facilities in TRI-covered industry sectors should have begun tracking and collecting data on these chemicals during 2025 for reporting in 2026

Information Requests

- Often very broad & requires information in unique formats. For example:

7. A list of all TRI-listed chemicals that are manufactured (either directly or coincidentally), processed, or otherwise used at the Facility during each calendar year. (Information on TRI-listed chemicals can be found at EPA's TRI homepage at http://www.epa.gov/tri).

8. Copies of Safety Data Sheets (SDSs) for all raw materials and products utilized at the Facility that contain a TRI-listed chemical. Please organize the SDSs by the calendar year that it was utilized by the Facility, either by including the calendar year in the file name or on the document.

9. Data tables or spreadsheets of TRI-listed chemical usage. The Facility can utilize a table similar to the one shown below. Two **sample** rows of data are shown:

Product or Trade Name	EPCRA § 313 Chemical Name & CAS #	Weight Percent of EPCRA § 313 Chemical in Product	Product "Manufactured, Processed, or Otherwise Used"	Pounds of Product Used	Pounds of EPCRA § 313 Chemical Used
Blue Paint	Toluene - CAS: 108-88-3	12%	Otherwise Used	9,850	1,182
Stainless Steel A-240	Nickel - CAS: 7440-02-0	9%	Processed	55,000	4,950

- Short response timeline

Information Requests: Response Strategy

- Negotiate upfront:
  - Additional time
  - Rolling production if multiple facilities
  - Narrow the response
- Get in front of potential issues
- Engage 3rd party consultants under privilege

ENFORCEMENT PROCESS

- Notice of intent to file administrative complaint
- Settlement discussion
  - Adjust up for prior violations
  - Adjust down for cooperation
- If settlement
  - Consent Agreement
  - Final Order
- If no settlement
  - Administrative complaint and hearing or
  - Referral to DOJ for civil complaint

EPA TRI ENFORCEMENT PROCESS: PENALTIES

- 2025 penalty inflation rule adjusted statutory maximum civil penalties for reporting violations:
  - $71,545 for penalties assessed on or after January 8, 2025
- No specific criminal sanctions but prosecution under 18 USC 1001 a possibility if knowing and willingly make a false statement or conceal a material fact

EPA TRI ENFORCEMENT PROCESS: PENALTIES CONT'D

- EPA generally assesses penalties under the EPCRA 313 Enforcement Response Policy
- Penalties are assessed per TRI chemical, per facility, per reporting year (typically assessed as a single vs. continuing per day violation)
- Penalties are assessed based on a matrix that considers the "circumstance" (type of violation) and "extent" (size of the company and amount of chemical manufactured, processed or otherwise used in comparison to the threshold)

POTENTIAL CIVIL PENALTIES (TRI VIOLATIONS)

- Base penalty determined based on "Extent and Circumstance Level"
  - "Extent" factors in size of violator (corporate entity sales) and whether the facility manufactured, processed or otherwise used ≥ 10x or more of the TRI chemical involved in the violation
  - Different violations assessed different "Circumstance Levels" based on seriousness of violation
- Penalties assessed for each violation per chemical per year
- No specific criminal sanctions but prosecution under 18 USC 1001 a possibility if knowing and willingly make a false statement or conceal a material fact

Violation	≥ 10x Threshold	< 10x Threshold
Failure to report in a timely manner	$52,753	$35,872
Significant data quality error	$42,202	$27,431
Data quality error	$31,651	$21,102

EPA TRI ENFORCEMENT PROCESS: PENALTIES CONT'D

Adjustments under EPA Enforcement Response Policy:

- Upward: for prior violations (can significantly increase penalty)
- Downward: up to 15% each for cooperation and compliance

EPA TRI ENFORCEMENT PROCESS: STRATEGY

- Typical strategy = push for quick settlement via Consent Agreement & Final Order
  - Maximize potential for 30% downward adjustment
  - Limit allegations
  - Minimize transaction costs

ENFORCEMENT AVOIDANCE STRATEGY: AUDIT POLICY

- Audit Policy:
  - Incentives for Self Policing: Discovery, Disclosure, Correction and Prevention of Violations, 65 FR 19,617 (April 11, 2000), Effective May 11, 2000
  - Implemented through EPA's eDisclosure portal
- Purpose: to encourage regulated entities to voluntarily discover, disclose correct and prevent violations of federal environmental requirements

ENFORCEMENT AVOIDANCE STRATEGY: AUDIT POLICY CONT'D

Applied to EPCRA TRI Violations: resolves with automatic issuance of a determination from EPA providing:

- 100% gravity penalty mitigation
- No payment of economic benefit
- No request for audit reports
- No referral for further enforcement or criminal prosecution

QUESTIONS?