

# The 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
  - Statutory authority: Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) & Pollution Prevention Act of 1990 (PPA)

- 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)



## Purpose of TRI Information

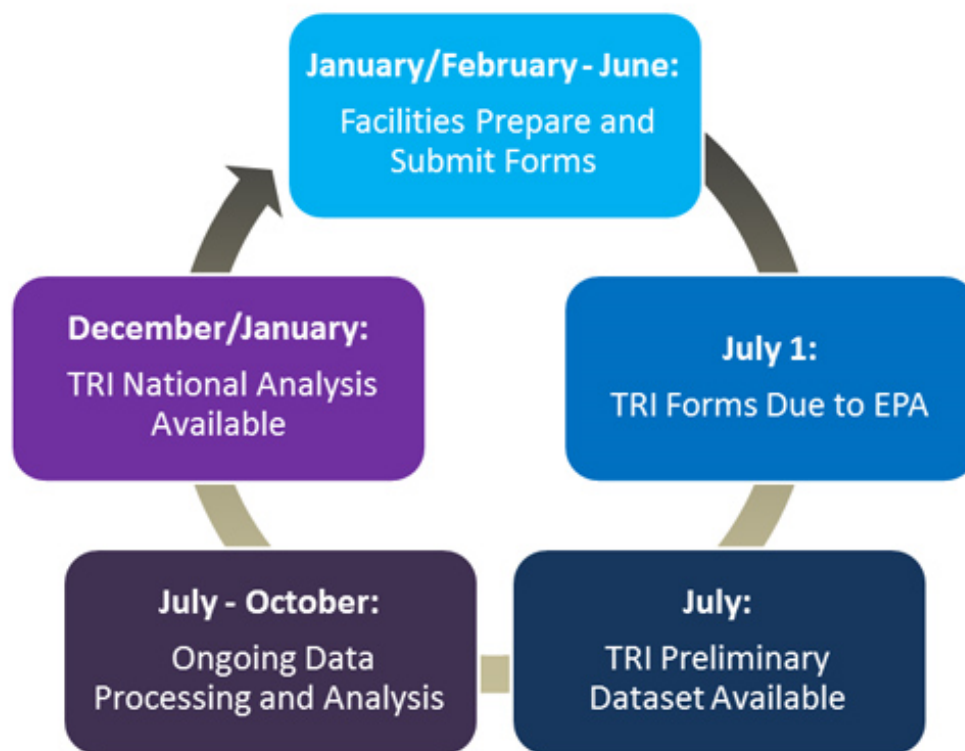
“[T]o inform persons about releases of toxic chemicals to the environment; to assist governmental agencies, researchers, and other persons in the conduct of research and data gathering; to aid in the development of appropriate regulations, guidelines, and standards; and for other similar purposes.”

42 USC 11023(h)





## Annual TRI data cycle



- **Due by July 1:**  
Facilities submit their TRI reports to EPA.  
(First PFAS reports will be submitted by July 1, 2021)
- **July-October:**  
EPA conducts data quality checks and compliance assistance activities.  
  
Preliminary data is typically released within a month of collection and “frozen” dataset is typically released in October or November
- **January:**  
TRI National Analysis (EPA’s official annual TRI report) published.



## What are some uses of TRI data?

- Identify **how many TRI facilities** operate in the U.S. **and where they are located**
- Identify **which chemicals are being released** by TRI facilities
- **Track increases or reductions** of toxic chemical releases from facilities 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
- **Support regulatory activities** involving TRI-listed chemicals

# 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 (fugitive and stack)
  - Water
  - Land
- 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](http://www.epa.gov/toxics-release-inventory-tri-program/factors-consider-when-using-toxics-release-inventory-data)

# PFAS & TRI



# 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
    - Final rule to list these in the CFR was published in June
  - 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, if EPA finalizes a “toxicity value” or certain Significant New Use Rules for a PFAS, the NDAA automatically lists it to TRI
  - Added chemicals have an effective date of Jan 1 of the year following the activity, w/ a 100-pound reporting threshold



## Section 7321 of the NDAA

Section 7321 of the NDAA addresses TRI reporting of PFAS (continued)

- 7321(d) identifies certain PFAS for EPA to assess for listing suitability pursuant to EPCRA 313(d)(2) listing criteria
  - Identifies certain PFAS by name, PFAS for which a method to measure levels in drinking water has been validated by EPA, and PFAS used to manufacture fluorinated polymers
  - EPCRA (d)(2) listing criteria include:
    - Acute human health effects
    - Chronic human health effects
    - Environmental effects



## Section 7321 of the NDAA

Section 7321 of the NDAA addresses TRI reporting of PFAS (continued)

- 7321(e) provides that before any PFAS whose identity is subject to a claim of protection from disclosure is listed, EPA must review such claims and then require the person to reassert and substantiate or re-substantiate the claim in accordance with Section 14(f) of TSCA



## TRI PFAS Data

- First PFAS TRI reports are due by July 1, 2021 on 2020 data
  - PFAS will be reported individually for each PFAS for which 100-pound reporting threshold is met
  - “Frozen” dataset anticipated for October or November 2021
- Data reported in 2021 will provide the first national, public dataset on a wide spectrum of waste management activities involving PFAS
  - Public information on which facilities are managing as waste TRI-listed PFAS
  - Useful to public, researchers, government bodies, etc. (*see 42 USC 11023(h), slide 4*)
- PFAS data will help inform decision-making, including any future TRI rulemakings involving PFAS



## For more information about TRI:

- Visit the TRI Program's website: [www.epa.gov/tri](http://www.epa.gov/tri)
- Call EPA's TRI Information Center: 1-800-424-9346 (Menu Option #3)
- Review EPA's summary of the NDAA's TRI PFAS Provisions: <https://www.epa.gov/toxics-release-inventory-tri-program/addition-certain-pfas-tri-national-defense-authorization-act>
- Contact the TRI Help Desk by email: [tri.help@epa.gov](mailto:tri.help@epa.gov).