American Lung Association of the Mid-Atlantic
101 Good Drive, Suite 1
Lancaster, PA 17603
January 11, 2006

Mr. Stephen L. Johnson, Administrator
U.S. Environmental Protection Agency (MC 1101A)
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Toxics Release Inventory Burden Reduction Proposal (TRI-2005-0073)

Dear Administrator Johnson:

I am writing on behalf of the American Lung Association of the Mid-Atlantic and especially on behalf of the approximately one-and-one-half million persons with chronic lung disease who live in our service area of Delaware, Pennsylvania, and West Virginia. Furthermore, although people with chronic lung diseases such as asthma, emphysema, and chronic bronchitis are among those most susceptible to air pollution, we recognize that millions more, such as children, the elderly, and persons with heart disease and diabetes, are also at increased risk.

Therefore, we express strong objections to EPA's recent proposal to collect less information under the Toxics Release Inventory (TRI). By reducing people's access to timely and complete localized data, the proposed changes to TRI reporting would adversely impact their right to know about toxic releases in their own backyards.

In the October 4, 2005 Federal Register notice, EPA proposes raising the alternate reporting (Form A) threshold from 500 to 5,000 pounds for non-PBT chemicals. Form A requires no numerical information from reporting facilities, only the chemical name. In our three-state service area, we have seen how this change would result in a significant loss of data on releases of Volatile Organic Compounds (VOCs) by stationary sources. In addition, this would entail a loss of data on toxic compounds that have adverse impacts on many organ systems, including many with impacts on respiratory health. To give you some idea of our concerns, here are just a few examples based on data from 2003:

In Delaware,

- Some 57% of the data on releases of styrene, nearly 9,000 pounds, would no longer be reported.
- Fifty percent of the data on releases of toluene, over 8,000 pounds, would no longer be reported.

In Pennsylvania,

- One third of the data on ammonia releases, over 200,000 pounds, would no longer be reported.

- Seventy percent of the data on chlorine releases, accounting for some 17,000 pounds (93% of the total on record for 2003), would no longer be reported.
- Over 20% of the data on releases of each of styrene, toluene and xylene, totaling nearly 100,000 pounds, would no longer be reported.
- Significant portions of data for known or suspected carcinogens would go unreported: For benzene, 47% of the data, accounting for more than 8,000 pounds; for trichloroethylene, 15% of the data and 4,100 pounds; and for formaldehyde, 38% of the data and 3,600 pounds of releases.
- Forty percent of the data on nickel releases, amounting to some 8,400 pounds, and all data on the release of 4,700 pounds of thallium, would no longer be reported.
- One hundred percent of the data on releases of toluene-2,4-diisocyanate, and 85% of the data on releases of diisocyanates generally, would no longer be reported.

In West Virginia,

- Some 38% of the data on releases of styrene, nearly 73,000 pounds, would no longer be reported.
- One hundred percent of the data on releases of ethyl acrylate, 4,000 pounds, would no longer be reported.
- About 13% of the data on ammonia releases, over 9,400 pounds, would go unreported.

Beyond this overall loss of data on individual chemicals, some of the most troubling impacts in our region are at the community level. There are 691 localities with different ZIP Codes in our three-state region that currently have at least one facility reporting to TRI. If the Form A threshold were raised to 5,000 pounds, 260 different facilities would likely no longer be required to submit any data on releases to the environment, off-site transfers, or on-site waste management. As a consequence of the proposed changes, residents in sixty-seven localities throughout Delaware, Pennsylvania, and West Virginia – people who currently have access to data about the presence and amounts of toxic releases in their neighborhoods – would receive no quantified data whatsoever from the reporting facilities. This is unacceptable.

In addition, the proposal ignores non-production-related waste. Periodic maintenance activities, as well as accidental releases, can result in significant releases into the environment, even at small facilities. Consider these non-production releases reported in 2003 that would not have been reported had the facilities involved been able to use the proposed weaker reporting requirements:

In Pennsylvania,

- The Timken Sandy Creek Distribution Center's non-production release of 292,420 pounds of manganese.
- Ellwood National Forge's non-production release of 176,700 pounds of ammonia.
- Penn Color's non-production release of 40,498 pounds of several different chemicals.

In West Virginia,

- Aker Plastics Company's non-production release of 64,290 pounds of styrene.

Finally, the Agency has indicated its intent to review the possibility of changing TRI to biennial reporting. The stated rationale for this examination is the leveling-off of decreases in TRI releases—which apparently leads the Agency to speculate that alternate-year reporting would be sufficient. While the leveling-off may be true for the United States as a whole, it is clear that very large and significant changes in releases do occur from year-to-year when facilities are studied separately. These are changes that could not be captured simply by examining forms in alternate years. An additional aspect is our concern about the extent to which lack of oversight in "off" years might contribute to unsatisfactory behavior on the part of some facilities. Insofar as TRI is a community right-to-know resource, it is crucial that accurate, timely data be provided at the community level. Biennial reporting does not meet that test.

The American Lung Association of the Mid-Atlantic urges EPA to withdraw its proposed changes to the TRI reporting requirements. The proposed changes would needlessly disrupt people's access to information about the release of toxic materials in their communities.

Sincerely,

Kevin M. Stewart
Director of Environmental Health