January 13, 2006

Office of Environmental Information (OEI) Docket
U.S. Environmental Protection Agency
Docket, Mail Code: 28221T
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

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

Dear Sir/Madam:

OMB Watch appreciates the opportunity to comment on the Environmental Protection Agency's (EPA) Toxics Release Inventory Burden Reduction Proposed Rule, published October 4, 2005.

The proposed rule contains two major changes to information collection under the Toxic Release Inventory (TRI) program. Both proposed changes expand the eligibility for facilities to file a Form A certification statement rather than the detailed Form R report. The first proposed change would increase the threshold for Form A reporting of non-PBT chemicals from 500 pounds to 5,000 pounds. The second change would permit facilities to file Form A certification statements for PBT disposals up to 500 pounds. In addition, the agency is requesting comments on the methodology and results of EPA's analysis on the cost and burden of TRI reporting.

OMB Watch strongly objects to EPA's proposals to collect less information under the TRI. We believe that EPA's proposed changes would greatly reduce the amount of information available to communities, state officials, first responders, and health professionals on the releases and disposals of toxic chemicals, which pose significant health risks to workers and the general public. The eliminated information will adversely impact ways that TRI data has been, and continues to be used by community groups, state agencies, researchers, other government agencies and more. OMB Watch has outlined several problems with the proposed changes below.

OMB Watch is a nonprofit research and advocacy organization that has government accountability and improving citizen participation as its core mission. Public access to government information has been an important part of our work for more than 15 years, and we have both practical and policy experience with disseminating government information. For example, in 1989 we began operating RTK NET, an online service providing public access to environmental data collected by EPA, including the TRI database. Additionally, we are very engaged in agency regulatory processes, encouraging agency rules to be sensible and more responsive to public needs.

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Insufficient Consideration of Impacts – Use and Health

The EPA provided numerous background documents in support of its proposals and provided access to these documents in the online docket. In preparation for this rulemaking, the agency appears to have conducted an information loss analysis, a paperwork burden analysis, and an economic benefit analysis (benefits to companies for reduced reporting in the form of time saved). The chapters in the analyses provide numerous tables detailing the agency's projection on the number of Form R's that will no longer be filed under the proposed changes, the number of clerical, management and technical work hours that will be saved by not filling out the forms, and dollar figure estimates on how much those hours are worth. However, in all of these background documents, the EPA does not provide any analysis on the impact of the changes on the use of the TRI data or on the possible health impacts to local communities. The missing analysis on the impact of the proposals on TRI-users is a critical omission that EPA must consider before proposing such changes to the TRI.

Impacts on the Use of TRI Information

The agency claims that the proposed changes will only eliminate a small amount of data overall– less than 1 percent of the total amount of toxic pollution tracked under the TRI program. However, the agency is mistaken to assume that just because the amount of data that will be lost is small relative to the aggregate national numbers, that the data lost are insignificant or unimportant. EPA should not limit its review of the proposed changes to an overall impact on national numbers. Limiting the review in this manor fails to take into account the impact on communities, and the TRI program was established mainly for the purpose of informing communities.

According to analysis conducted by the National Environmental Trust (NET), the proposed threshold changes would mean that almost 4,000 facilities would be able to stop reporting all details on release and disposal of toxic pollution. In addition, the changes would mean that more than 900 communities—one out of ten that have TRI reporting facilities—would lose all numerical data on toxic pollution in their area. The analysis also estimates that 2,364 communities would lose information on half of the TRI chemicals released or disposed of in their area. These figures are extremely troubling, but what is worse is EPA's apparent indifference to these impacts. Many of the chemicals tracked under TRI have serious health risks associated with them—cancer, developmental problems for children, damaging to livers, kidneys, lungs and other organs.

At the community level, the difference between 500 pounds and 5,000 pounds of toxic releases is enormous. The TRI program was designed to inform citizens and communities about what is going on in their backyards, and it has operated quite successfully under those principles. While the program allows tracking and analysis of the compiled aggregate national numbers, determining national aggregate pollution statistics was never, nor is now, the primary goal of the TRI program.

According to the Code of Federal Regulations, the purpose of the toxic reporting under the TRI program is to inform communities. It states specifically that,

> "The information collected under this part is intended to inform the general public and the communities surrounding covered facilities about releases of toxic chemicals, to assist

> research, to aid in the development of regulations, guidelines, and standards, and for other purposes."

In the proposed rulemaking EPA requests comments on whether changes to the reporting threshold would "adversely impact chemical specific or local community uses of the information." In our opinion, it is EPA's responsibility to review community-specific impacts of the agency's proposed changes on the use of TRI information. The agency should have supporting evidence that establishes that the changes and subsequent loss of data will not adversely impact the information's ability to be of use to stakeholders.

In the several chapters of the economic analysis of the proposed rules, the agency states, "EPA believes that the changes addressed in this rulemaking will reduce reporting burden and save resources for regulated entities without compromising the usefulness of TRI information to the public."[1] However, the agency offers no data or analysis to support its conclusion that the usefulness of the TRI to the public will not be compromised. The agency provides no review of how often data that will be lost under the changes has been accessed and/or downloaded by users of EPA's online search tool TRI Explorer. The agency did not survey TRI users—community groups, state officials, public interest groups, etc.—on their opinions of the impact on the proposed changes on the ways in which the various groups use the data. These are simple methods that EPA could have used to begin to understand the impact that reduced reporting would have on data-use. There are almost certainly many valid methodologies to determine these impacts on TRI data users. Instead, the agency collects no information, does no analysis, and tries to shift the burden of conducting such analysis to public commenters.

It is irresponsible and presumptuous of EPA to advance a rulemaking, such as this one, which proposes reducing the amount of information that will be made available, without fully understanding the impact of the loss of TRI data. OMB Watch believes that EPA should withdraw the current rulemaking until the agency has research firmly establishing that any proposed changes in the amount of information collected will not adversely affect the uses of TRI data.

In the past, EPA has often acknowledged the wide range of activities for which various stakeholders use TRI data. In fact, in a 2003 EPA report on use of TRI data claimed that:

> "The combination of the types of data collected under TRI and the fact that they are made available to the public under EPCRA 313 makes TRI a powerful tool for many environmental analyses and understanding the many factors that contribute to human health and environmental conditions." [2]

The report provides examples on use of TRI by communities, industry and government agencies. EPA concludes the report stating that "The applications of TRI data will likely increase in number as environmental awareness grows and opportunities are identified for integrating TRI data with other types of information."

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[1] U.S. Environmental Protection Agency, "Economic Analysis of the Proposed Toxics Release Inventory Phase II Burden Reduction Rule" pp. 4-1, 5-1. September 19, 2005

[2] U.S. Environmental Protection Agency, "How Are the Toxics Release Inventory Data Used? -- government, business, academic and citizen uses" p. 17. May 2003. http://www.epa.gov/tri/guide_docs/2003_datausepaper.pdf

After the Katrina disaster, the TRI data served first responders and clean-up personnel as one of the best tools for informing them of what toxic chemicals were in the area, in what quantities and exactly where. While this was not necessarily an expected or even intended use of the database, it indicates the wide range of uses that have been found for the data. EPA must consider these uses before making changes that would eliminate or significantly reduce those functions.

EPA's proposals to exempt companies from reporting 'smaller' toxic releases have come as troubling news to first responders. The reporting cutbacks would make it more difficult for first responders to save lives and protect themselves in the event of an emergency. According to Alan Finkelstein, assistant fire marshal from Strongsville, Ohio, "The ability of jurisdictions to do effective emergency planning would be cut by the proposed changes to the Toxics Release Inventory." When an emergency arises, our public servants deserve the best information we can provide. Instead, the EPA proposals would remove essential data and put the men and women who are our country's first line of defense at greater risk. For their sake and the sake of homeland security, the Environmental Protection Agency should withdraw the proposals.

Even though the report on TRI uses was written in 2003, many of the examples were from the early and mid 1990s. OMB Watch has compiled more than 20 recent TRI success stories and examples of uses, which demonstrate that American citizens empowered with TRI information improve their quality of life by reducing pollution in their communities. We have included summaries for all of the TRI use examples we have collected in an appendix to these comments and will detail one story to demonstrate the ongoing importance of TRI data at the community level.

Louisville, Kentucky Example of Community Use of TRI

On June 21, 2005, Louisville city officials approved a new program that requires industrial facilities to reduce emissions of hazardous air pollutants. The STAR program, short for Strategic Toxic Air Reduction, is recognized as the most protective city-wide air pollution program in the country.

The TRI was critical in passing the new clean-air program. The Rubbertown Emergency Action Community Taskforce (REACT) is a Jefferson County group that advocated for the STAR program. As Tim Duncan of REACT explains in the eUpdate on Community Right-to-Know, "The combination of the TRI numbers and local air monitor data provided a powerful combination of numbers for us to use to show that Hazardous Air Pollution levels were serious in our area."

However, if EPA goes ahead with its proposed changes, residents of Jefferson County, where Louisville is located, would loose much of the data that helped them promote the more protective air quality plan. With the proposed burden reduction changes in place, 78 out of the 501 facilities in the entire state of Kentucky would be able to conceal pollution release data, and 27 zip codes would loose half or more of their TRI pollution data.

Currently in Jefferson County, industrial companies have to send 340 detailed pollution reports under current TRI rules. 122 of those reports (35 percent) would disappear if EPA's changes go

through. Of the 8.6 million pounds of industrial chemicals companies release into the environment in Jefferson County, nearly 75,000 pounds would fall off of the radar - reducing the information which is critical to protecting Jefferson County families and which helped concerned citizens pass the strongest city-wide air pollution plan in the country. In addition, in the City of Louisville, 50 facilities would stop reporting all numerical pollution data, allowing them to conceal over 15 thousand pounds of pollution.

See Appendix A: Use of TRI Data for full list of similar stories of TRI use. EPA should explain whether the threshold reporting changes in the proposed rule will interfere with any of the types of activities described in these examples. EPA should also review any other examples of TRI data use that it has or that is submitted in this public comment period and explain how those activities will be able to continue unimpeded by the loss of data that would result from the proposed changes. Beyond that EPA should conduct a more extensive and comprehensive review of the impact of the rule on use of TRI.

Impacts on Health

OMB Watch also believes that EPA's lack of any analysis on the possible health implications of the reporting threshold changes should be sufficient reason for the agency to withdraw this proposed rule. EPA requests comments from the public about whether any chemicals are of sufficient level of concern that they should be excluded from the 5,000 pound threshold for detailed Form R reporting. OMB Watch believes that it is EPA's responsibility, as the federal agency charged with protecting public health and environment, to investigate and determine the potential health risks associated with any agency action before proceeding. EPA is a major federal agency, with extensive resources at its disposal including chemists, toxicologists, epidemiologists, medical doctors, and other experts. The agency has a responsibility to use these resources to ensure that policy changes that could affect public health are sufficiently reviewed and determined to be safe.

Raising the reporting threshold from 500 to 5,000 pounds is a policy that merits such health review. Many of the chemicals the TRI program tracks are carcinogens, chemicals either known or suspected to cause cancer. According EPA's own website on TRI, other chemicals tracked under the program cause health problems other than cancer including developmental, reproductive, liver, kidney, gastrointestinal, neurological, hematological, cardiological, immunological, respiratory, and other effects.

OMB Watch considers it unlikely that all of the chemicals tracked under TRI would be below a level of concern for public health when considering releases to the air and water of just below 5,000 pounds, which would be possible under the proposed change. Indeed, we believe the 5,000 pound threshold for detailed reporting is an irresponsible and unhealthy level for most if not all the chemicals tracked under TRI. We demand that EPA commit to only raising the Form A reporting eligibility thresholds to a level at which the chemicals would not pose a significant health risk to nearby communities. Once a facility begins releasing and disposing of chemicals at a level that poses a credible health risk to local communities, those communities have a right to know about the toxic pollution.

For instance, there are many Hazardous Air Pollutants that are tracked under TRI. According to EPA's website HAPs are "those pollutants that are known or suspected to cause cancer or other serious health effects, such as reproductive effects or birth defects, or adverse environmental effects." There are 188 HAPs currently tracked by EPA, but the national Air Toxics Assessment site (http://www.epa.gov/ttn/atw/nata/index.html) only provides details on 33 of these chemicals. The information is now a decade old. EPA's Air Toxics site lists the TRI program as the only other means for citizens to get information on HAPs in their communities. Clearly, it is the superior source of information as well, being much more extensive and more current. It seems unlikely that chemicals with such serious health effects could be considered safe when emitted at levels approaching 5,000 pounds.

We will briefly review one chemical – benzene. Benzene is listed as a HAP, and it is also tracked under the TRI program. Occupational Health and Safety Administration (OSHA), the National Institute of Health's National Toxicology Program, International Agency for Research on Cancer, and EPA recognize that benzene is a known human carcinogen. According to the Agency for Toxic Substances and Disease Registry's (ATSDR) toxicological profile for benzene, chronic inhalation exposure has caused various disorders in the blood, including reduced numbers of red blood cells, aplastic anemia, excessive bleeding, and damage to the immune system. Reproductive effects have also been reported. Based on this toxicology data, we believe that 5,000 pounds of benzene emissions could be a significant health risk to workers and local residents, and EPA should determine whether this actually is a health risk. EPA's analysis of raising the reporting threshold to 5,000 pounds reveals that 246,092 pounds of benzene releases would go unreported, and 393,790 pounds of production-related benzene waste would also go unreported.

OMB Watch again asserts that it is EPA's responsibility to conduct an analysis of the health effects before formally advancing a proposal and assure the public that the changes are safe rather than placing the burden of proof on the public to establish that a health concern exists. Since EPA has not determined whether 5,000 pounds is a safe level of emission for many of the TRI chemicals, we urge EPA to withdraw the proposed rule and examine this health issue until such time that it can provide extensive evidence that the proposed Form A threshold is safe and that chemical releases at that level would not constitute a level of concern.

In general, OMB Watch finds EPA's proposal to raise the TRI reporting threshold for non-PBT chemicals from 500 to 5,000 pounds to be excessive and overly drastic. The ability to file a simple certification form for releases and disposals under 500 pounds was a controversial issue when it was established by EPA in 1994. Since the certification form was implemented, EPA has considered the possibility of raising the threshold several times. However, each time the agency rejected these options and left the 500 pound threshold in place. To leap forward and propose a 10 fold increase in the threshold without any new research or analysis to suggest that the impacts have changed is unwarranted and contradicts EPA's previous determinations. OMB Watch believes that any change in reporting threshold, if done at all, should be done in smaller increments to minimize the risk of unforeseen consequences. For instance, it would have been more reasonable for EPA to consider doubling the threshold to 1,000 pounds. If after implementation of the new threshold, the agency determined that the change did not have an adverse impact on health or data use, the agency could consider another moderate increase.

However, even for this smaller change the agency should have supporting analysis of the impacts on public health and use of TRI data before proceeding. And, currently, the agency has no such analyses for any threshold level.

PBT Allowance for Form A Reporting

OMB Watch opposes EPA's proposal to allow facilities to file simple and uninformative certification forms for disposals of PBT chemicals under 500 pounds. PBTs are widely recognized to be an extremely dangerous set of chemicals requiring special attention even in small quantities. The EPA's plan to allow companies to use a certification form that provides no numerical accounting of PBTs is shocking.

According to EPA's fact sheet on PBTs "Persistent, bioaccumulative, and toxic pollutants (PBTs) are highly toxic, long-lasting substances that can build up in the food chain to levels that are harmful to human and ecosystem health. They are associated with a range of adverse human health effects, including effects on the nervous system, reproductive and developmental problems, cancer, and genetic impacts."[3]

EPA's fact sheet also describes that children and developing fetuses are especially vulnerable to the PBTs mercury, dioxin, and Polychlorinated Biphenyls (PCBs). In addition, the total number of fish advisories in the United States due to PBT poisoning increased by 80% from 1993 to 1997 and the number of water-bodies under advisory increased from 1,278 to 2,299.

According to the fact sheet, "the facts are clear that we have much work ahead of us to reduce the risks of these PBT chemicals." And, EPA publicly committed to "…protecting children and women of child-bearing years from exposure to PBTs, and reducing the concentration of PBTs in our environment."

The agency also took regulatory action which demonstrates the seriousness of EPA's position described in the preceding statements when it reduced TRI thresholds for reporting PBTs in 2000. EPA dropped PBT TRI reporting thresholds *from* 25,000 pounds for manufactured or processed, and 10,000 pounds for otherwise used, *to* 0.1 grams to 100 pounds. This significant shift in reporting thresholds was followed by another the following year. In 2001, EPA expanded the list of chemicals it recognized as PBTs to include lead and lead compounds, mercury and mercury compounds, and other chemicals. As newly recognized PBTs the reporting thresholds for these chemicals were also lowered. EPA also ensured that PBTs not be eligible for Form A reporting. OMB Watch believes that these were steps in the right direction, recognizing the importance of reducing and monitoring even small quantities of PBTs because of "…the pollutant's ability to travel long distances, to transfer rather easily among air, water, and land, and to linger for generations in people and the environment."

However, EPA's proposal to permit facilities to report PBTs on Form A if that facility has zero releases and production-related waste of less than 500 pounds will make it even more difficult for EPA to fulfill its stated commitments to protect people from exposure to PBTs. This is a step backwards after the agency has just recently begun to obtain a clearer understanding of the

[3] Environmental Protection Agency, "Multimedia Strategy For Priority Persistent, Bioaccumulative, and Toxic (PBT) Chemicals." December 2005 http://www.epa.gov/opptintr/pbt/pubs/fact.htm

quantities and locations of these most dangerous chemicals. According to EPA's own admission, "the general information provided on the Form A, on the quantities of the chemical that the facility manages as waste is insufficient for conducting meaningful analyses on PBT chemicals. (64 FR 58734)." The Agency does not sufficiently explain why it is now reversing its earlier decision that PBT chemicals require a low reporting threshold.

OMB Watch believes that in proposing Form A eligibility for PBT chemicals, even with the condition that facilities have zero releases to the environment, EPA is failing to sufficiently consider potential worker exposure or potentially hazardous materials transport. There are many examples of workers being exposed to chemicals even when there are no releases to the environment. EPA's proposal would leave workers are manufacturing facilities around the country, as well as at recycling or disposal facilities, less aware of the risks associated with PBT chemicals located onsite.

The agency also fails to consider the importance of accurately tracking these quantities of extremely dangerous chemicals for emergency response. As mentioned previously, in the wake of Hurricanes Katrina and Rita, the TRI was the primary tool used by first responders to map potential exposure risks and identify possible toxic hotspots. Firefighter and emergency medical personnel also need the most accurate information on toxic chemicals located at a facility. EPA's proposal would result in knowing less about quantities of PBTs stored at facilities around the country as well as shipments from and to disposal or treatment facilities. The disasters that the hurricanes wrought on the Gulf Coast demonstrated our need for more accurate and timely information on toxic chemicals stored as well as released during the year.

The EPA proposal would allow facilities, instead, to withhold details of PBT quantities from the agency and the public, merely because it remained on-site or was captured and shipped to another facility. However, it is incorrect to believe that PBTs are safe just because they have not been released to the environment by the facilities during normal operation. Storage and disposal of PBTs still pose a significant health risk to workers and nearby communities, a health risk that should be fully tracked by EPA.

State Impact – Federalism

OMB Watch disagrees with EPA's finding that the proposed rule will not have a substantial impact on states and therefore does not have any federalism implications. Specifically, EPA states in the proposed rule;

> "the proposed rule that does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132."

The proposed rule notes that under Executive Order 13132, entitled 'Federalism' (64 FR 43255, August 10, 1999), agencies are required to develop "an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." Federalism implications are defined in the Executive Order as regulations that have "substantial direct effects on the States, on the relationship between the

national government and the States, or on the distribution of power and responsibilities among the various levels of government."

OMB Watch believes that EPA is completely incorrect in its assessment of the direct impacts of the TRI changes on states. The rule changes would have substantial direct effects on states in several obvious respects. Many state programs depend directly upon TRI data. As the EPA states in the June 2003 Information Collection Request #1363.13 (EPA ICR),

> "The advent of federally mandated TRI reporting has resulted in many states adopting Form R for their state reporting, and provided a strong impetus for states to remove redundancies in their own reporting in order to minimize costs to facilities in their jurisdictions" (EPA ICR p. 57).

States across the country use TRI-collected information for their own state programs to guide pollution prevention efforts, inform enforcement priorities and address environmental justice issues. If the changes go into effect, much of this information will be lost, potentially endangering the effectiveness of the state programs and, hence, the health and safety of citizens across the country.

For instance, Washington state passed legislation which requires hazardous waste generators and TRI reporters to prepare pollution prevention plans. Idell Hansen, Director, Hazardous Waste and Toxics Reduction, Washington State Department of Ecology states that, "If the proposed rules are implemented, in Washington state, for about 400 of our 1200 reports each year we will only have the name of the chemical and the location of the facility, and we'll lose all ability to track that chemical." Ms. Hansen also states that, "Under the proposed rule, we'd lose all information on 8 of the top 40 facilities with the greatest relative risk based on 2002 [TRI] data. If we tell facilities with less than 5,000 pounds that they don't have to report under this rule, some of the highest risk chemicals will be in the reports that we lose."

Another clear example of state concern is the statement opposing the changes to the TRI program signed by a dozen State Attorneys General. They signed the letter because of the negative impact of the changes in their states and local communities. New Hampshire Attorney General Kelly A. Ayotte said, "If EPA were to adopt these rollbacks, New Hampshire would lose critical toxic release information from most companies currently reporting, hindering state and local efforts to protect the public from toxic releases." The State Attorney General of New York is concerned because, "In one Tonawanda neighborhood with 45,000 people, environmental releases of 8,100 pounds of neurotoxic chemicals, 3,100 pounds of chemicals that may cause respiratory problems, 2,300 pounds of chemicals that cause developmental problems and 650 pounds of chemicals that may cause blood disorders could go unreported under the proposed weaker EPA regulation."

According to OMB Watch's analysis, at least fifteen states will loose critical numerical pollution data on more than 100 facilities, if EPA implements the changes to Form A reporting:

State	CA	OH	TX	PA	IL	MI	IN	NC	FL	NY	GA	MA	WI	TN	SC
Facilities Lost	296	261	217	216	207	156	145	140	135	135	134	125	119	110	107

EPA's claim that there will be no substantial direct effect on states is in direct contradiction with the statements of numerous state officials regarding the proposed TRI changes. Hence, in order to abide by Executive Order 13132, a full and thorough process needs to be developed to ensure input from state and local officials. OMB Watch urges EPA to withdraw or suspend the current rulemaking until a process to gain the adequate input and perspective from state and local officials on the potential impacts of the burden reduction options can be completed. Only after EPA has received and considered the input from state and local officials should EPA move forward with a burden reduction rulemaking. OMB Watch believes that if EPA acts in accordance with Executive Order 13132, the substance of any proposed burden reduction rules that would be produced would be considerably different from the currently proposed rules.

Calculation of Burden Reduction

OMB Watch is troubled about the lack of clarity surrounding the burden estimates. Considering that burden is why EPA is submitting the proposed rule, the figures are critical to determining if the rule is justified. The first issue is whether the burden on companies filing TRI forms is unduly high. The second issue is that the burden estimates constitute the entire benefit that EPA argues will be gained by making these reporting changes. OMB Watch questions both aspects of EPA's justification.

First, OMB Watch questions the calculations of overall burden for reporting TRI information used by EPA in the proposed rule. The numbers used are the third or forth set of burden estimates that EPA has referenced over the past few years. It is unclear why these numbers are accurate, and, furthermore, it is unclear why previous burden estimates EPA has generated are not used.

In EPA's 2003 Information Collection Requests (ICR) for the Form R and Form A, EPA significantly revised the burden estimates for reporting TRI downward, based on the actual reporting times reported by companies. The 2003 ICR notice for Form R includes several reasons for dramatically reducing the burden estimate including a drop in the burden for calculating and reporting from 47.1 to 14.5 burden hours. Overall, the ICR made adjustments that decreased the total burden about 2.68 million hours. These lower burden numbers indicate that there is no undue reporting burden on companies and would provide less reason for pursuing burden reduction rulemaking. However, in the proposed rule, EPA appears to be using numbers which are closer to the older, inflated numbers. The proposed rule claims the baseline burden for Form R is 47.1 hours for PBTs and 25.2 hours for non-PBTs. Both figures are much higher than the estimates from the 2003 ICR, which were based on "actual TRI reporting facilities."

Second, it is unclear what sort of burden reduction the rule change will enable. As noted in the comments to the EPA from the Department of Energy, EPA appears to be overestimating the reduction in burden that the rule changes would foster. Potential eligibility for filing a Form A Certification does not permit facilities to skip calculating release and disposal totals to determine if they meet the criteria for filing a Form A.

Additionally, the burden reduction depends greatly upon the baseline burden. If the baseline burden used in the proposed rule is inflated, as OMB Watch believes it is, then the agency may list an inflated reduction of burden as a benefit of the proposed rule. However, this 'benefit'

would never be realized if the burden-revised figures from the 2003 Information Collection Request, which appears to be the more correct analysis of burden, are used. If the more-accurate 2003 ICR numbers replace the inflated numbers EPA used in the analysis it has prepared to justify the proposals, then the burden reduction is much less than what EPA purports.

In other words, OMB Watch believes the proposed rule fails in two respects. First, it fails to establish a realistic baseline burden estimate and, instead, presents figures which are remarkably close to an estimate previously rejected by EPA. Second, the agency overestimates the burden reduction that will be gained by the proposed changes, in part, because EPA fails to consider that companies will have to calculate releases to determine whether or not they are eligible for Form A and, in part, because of the inflated baseline. The combination of these two factors leads to an unreasonable and inaccurate estimate of the impact that the proposed changes to TRI will have on burden. EPA should have a clearly establish baseline burden and reliable estimate of the burden reduction before moving forward with the drastic reporting reductions that EPA is currently proposing.

Finally, OMB Watch would like to note that there appears to be a widely-shared opinion, even among those in the industry sector, that the reporting requirements under the TRI program are not burdensome. According to numerous newspaper reports on the EPA's proposed changes to TRI that OMB Watch has monitored, many company representatives have gone on the record describing the importance of the TRI program and the little effort reporting actually takes. Some companies go so far as to say that they will continue reporting the full amount of data even if the changes go into effect because such information serves as a public good and serves the company's best interests.

Here is a selection of statements from companies across the country:

- Ameron Pipe Group in Tracy, CA states, "I don't think reporting the requirements as they exist now is a significant burden" beyond the first year, said Ameron's Miles Culhane. "You have a computer system, and you're simply updating what you do. As somebody in the industry... I find most of the complaints about the significant costs associated with reporting specious and without significant merit."[4]

- "'There's no question that this process [of TRI reporting] improves efficiency,' said Scott Langdon, spokesman for Indalex Aluminum Solutions Group [in Oakwood, TX], which has a 350,000-square-foot plant in Oakwood. 'We don't really see [the record-keeping] as all that burdensome,' Langdon said. 'It was a huge chore back when it all had to be done manually, but now we have computer software to help streamline the process.' He said Indalex doesn't plan to relax its standards, regardless of what the EPA does. 'We take environmental health and safety very seriously,' Langdon said. 'We would do this even if it didn't cut costs.'"[5]

[4] Hank Shaw, "EPA proposal would ease regulation of toxin releases," *Contra Costa Times*. December 19, 2005.

[5] Debbie Gilbert, "EPA Set to Relax its Pollution Laws," *Gainesville Times* [Gainesville, GA]. November 21, 2005.

- "John Mandel, spokesman for US Gypsum Co., which has a Santa Fe Springs facility that manufactures sheetrock and cement board and would not be affected by the proposal, said the change would not affect how the plant is run."[6]

- "Chris Dartez, environmental supervisor for Benchmark Energy [in Midland, TX], said the TRI reporting is 'not that big a deal' and typically takes only a couple of hours to complete. 'Doing it electronically makes it a little less of a hassle,' he said."[7]

- "Fox Industries [of Baltimore, MD] vice president Edye Fox Abrams, like many industry representatives, says the current reporting requirements are not unduly burdensome and that her company will do whatever the law requires."[8]

- "Forrest Paint [in Eugene, OR] employs one full-time worker to generate the reports, and proposed federal rule would mean a 'tiny reduction' in her work load, Mark Forrest said. 'Other than that, I don't think it will have any substantial impact on the tracking and reporting we do on the materials we use,' he said."[9]

It is clear from these statements that the burden posed by TRI, even from an industry perspective, is at best questionable. Before the EPA moves forward with the proposed changes to the TRI program, OMB Watch believes that EPA should reach a consensus on a reliable way to calculate the burden that TRI places on companies. The proposed rule even mentions that there is some disagreement even among the peer reviewers on the methodology for calculating burden. OMB Watch believes that the issue of burden calculation must be settled before moving forward with a burden reduction rule. The agency asks for input on the issues and questions raised by burden peer reviewers. However, the agency should have received public input and response before moving forward with the proposed rule. Instead, the agency appears to be rushing through the process and proposing a burden reduction alongside acknowledgements that the burden estimates are still in question.

Given the constantly changing numbers put forward by EPA, OMB Watch recommends that EPA withdraw or suspend the proposed rule change until an accurate assessment of the burden placed on companies is calculated. Such a study should be able to explain why, in the past, a wide range of calculations were reached, why EPA is choosing not to use estimates that differ from its current calculations, and why companies across the United States do not agree with the finding that the TRI program is unreasonably burdensome.

Preferred Burden Reduction

OMB Watch acknowledges the importance and need for agency vigilance on burden reduction. However, burden reduction is only beneficial to all parties when done properly. It should not be approached with the goal of reducing the reporting burden at any cost. EPA should approach it

[6] Shirley Hsu, "EPA proposal has local impact," *Whittier Daily News* [Whittier, CA]. December 18, 2005.
[7] Colin Guy, "Proposed rule change may limit availability of toxic emissions," *Midland Reporter-Telegram*. December 15, 2005.
[8] Lacey Phillabaum, "You Don't Wanna Know, Proposed Changes to a Federal Toxic Inventory Could Leave Industry's Neighbors In Dark," *Baltimore City Paper*. December 7, 2005.
[9] Diane Dietz, "EPA Seeks to Ease Toxics Reporting Rules," *The Register-Guard* [Eugene, OR]. October 28, 2005.

with the goal of developing an efficient robust program. EPA should explore information management improvements such as new technologies that would lighten the burden while simultaneously maintaining the level of reporting and improving reporting accuracy.

The TRI, by EPA officials' own admission in stakeholder meetings, is extremely efficient. There is no extraneous reporting, unused information or duplicative data. However, there are opportunities to expand the scope of the already successful electronic reporting software, TRI-ME, that EPA has developed. Public interest groups have advanced such options for many years but to no avail. The program could be improved to allow companies to conduct their recordkeeping during the year. The software could also streamline companies' ability to determine if they are eligible for Form A filing by tapping into the tracked data with equations to determine eligibility. The software could include programs to insert the tracked data into the calculations needed to estimate emissions and disposals. This would eliminate much of the calculation work of reporting and would not reduce toxic information available under the TRI program.

Additionally, the use of the TRI-ME software by reporting facilities could still be significantly improved. While the agency has estimated that a majority of the facilities use the software to prepare their submissions, a large percentage still print the forms and submit them physically in paper form. This slows the process requiring EPA to re-enter the data and then conduct a data quality check with the company. EPA could require that companies submit TRI information electronically, either via the Internet or on computer disk. This would streamline the process and free EPA resources to work more with companies to resolve reporting problems and questions.

In addition, many groups (and industry) have consistently supported proactive initiatives such as a unified national facility identification system that would make reporting easier for many different programs. However, this was not examined among the options that EPA considered. *It is unfortunate and simply incomprehensible that none of these technological e-government tools were considered among the burden reduction options reviewed in preparation for this proposed rulemaking.* OMB Watch urges EPA to consider these approaches to burden reduction as the agency moves forward. These examples illustrate that EPA need not pursue burden reduction options that eliminate reporting, achieve little in the way of real burden reduction and regulate away the public's right-to-know about pollution.

Alternate Year Reporting

OMB Watch would like take this opportunity to also formally oppose EPA's announced proposal to move to alternate year reporting. EPA recently informed Congress of its intent to explore a rulemaking regarding alternate year reporting, which was also published in the federal register. This change would drastically undermine the effectiveness of TRI program in a number of respects.

First and foremost, data from an alternate year reporting system would be unreliable. EPA came to the same conclusion in a July 2000 memo from then Director of the Office of Information and Access at EPA, Elaine Stanley. In the memo Stanley wrote that alternate year reporting would lead to unreliable data. EPA research showed that, "considerable changes at the facility level in

chemicals that are reported year to year, and in the amount of releases and transfers."[10] The memo includes analysis that shows that 62,000 Form Rs were submitted in 1997, and, that of 61,000 Form Rs were submitted in 1998, only 53,000 forms overlap with the forms from 1997. Hence, 8,000 forms were submitted in 1998 that were not submitted in 1997, and this data would go completely unreported if the EPA decides to move forward with an alternate year reporting proposal.

Moreover, the EPA notes in the 2000 memo that of the 53,000 overlapping forms:

- 59% show changes in total release amounts greater than 20% of the total pounds reported in section 5 of the Form R;
- 80% show changes in total off-site releases and transfers of greater than 20% of the total pounds reported in section 6 of the Form R; and
- 58% show changes in total releases, transfers and on-site energy recovery, recycling and treatment of greater than 20% of the amounts reported in sections 5, 6, 8.2, and 8.4 of the Form R.

In recent statements to the press, EPA makes the claim that there is not much variation from year to year. However, the agency has not provided any new data or research to support these public statements, and, in fact, EPA analysis from the 2000 memo demonstrates that this claim is false. Additionally, a recent study by the National Environmental Trust (NET) shows that the differences from year to year are increasing not decreasing. The average of 2001 and 2003 when compared with what would be the off year in 2002 was at least 50% wrong for more than half of the facilities. It was 20% wrong for more than three quarters of the facilities. Overall, it was off by 1.96 billion lbs, or 47% of the total releases reported nationally. The EPA's own analysis in conjunction with the NET analysis demonstrates that moving to alternate year reporting produces data that is misleading and incomplete.

Another major problem with alternate year reporting is that it would remove the public pressure to reduce pollution. Without regular reporting, the constant pressure on companies to reduce their toxic pollution would all but disappear. Communities would be unable to get timely information about what is in the air they breathe and the water they drink. Troubling trends such as the recent increases in PBTs would take six or eight years to emerge. In the meantime, workers and communities would unknowingly suffer the burden of these pollutants.

For these reasons and many others, OMB Watch urges EPA to cancel its plans to pursue an alternate year reporting strategy. Such a change would be ill-conceived and the massive loss of data would only result in tremendously reducing the usefulness of the TRI program.

Form A Enhancements

If EPA wishes to, at this time or any time in the future, advance a rule that expands the use of Form A Certification in any significant way, then OMB Watch strongly recommends that the agency modify the current Form A Certification to provide better information to the public, especially on chemical releases and disposals. If the Form A Certification is going to be used by

[10] Elaine Stanley, Director, Office of Information and Access, United States Environmental Protection Agency, "RE: Docket No. 7156, OMB Roundtable Forum on Burden Reduction," addressed to Mr. John Spotila, Office of Information and Regulatory Affairs, Office of Management and Budget, July 7, 2000.

more facilities and for larger quantities of disposals and releases, then it should also become a form that is more useful to the public, state pollution prevention programs and other stakeholders that rely on TRI data.

Currently, the Form A Certification requires no numerical information from reporting facilities, only the chemical name. Some enhancements EPA could make for the Form A Certification include:

- providing for range reporting;
- listing of percentage estimations of which media releases are discharged to; and
- disclosure of disposal methods.

OMB Watch recommends that to determine the full range of possible Form A improvements EPA should engage in an open stakeholder dialogue. The goal of the process would be to develop improvements for the Form A that will make it more informative to users while keeping the burden low for filers. OMB Watch would be willing to participate in such a process and would be happy to expand on the ideas provided in these comments per EPA's request.

Conclusion

OMB Watch understands the importance of reevaluating reporting requirements under the TRI program. The process allows the agency to identify and address ineffective or problematic requirements. However, these efforts to reduce the reporting burden should never detract from the primary purpose of TRI — providing accurate, useful information to the public about chemical releases into their environment. The public has right to know what is being put into the land they live on, the air they breathe, and the water drink. Congress recognized this right when it passed the statute creating TRI, and it is not EPA's role to undercut Congress's intention for the sake of changes which supposedly reduce burden on companies.

OMB Watch hopes that for the numerous reasons detailed above, EPA will withdraw the current proposed rule and reconsider its approach to TRI burden reduction. OMB Watch appreciates the opportunity to provide these comments and hopes they are helpful. We look forward to working with EPA throughout the burden reduction process.

Sincerely,

Sean Moulton
Senior Policy Analyst

Appendix A: Use of TRI Data

For nearly 20 years, the Toxics Release Inventory (TRI) has been an essential tool in alerting emergency responders, researchers, workers, public health officials, environmentalists, community residents, and federal and state officials to the presence of toxic chemicals.

TRI is used to aid in the reduction of toxic pollution by:

- Community Groups
- Local Governments
- Chemical Companies
- Researchers
- Individuals
- Workers

Groups Use TRI Data to Inform Communities and Reduce Pollution

Neighborhood Group Takes Action Against Local Polluters
Chicago, Illinois -- *The Chicago Tribune* reports that TRI data informed concerned residents of Chicago's Pilsen neighborhood that the nearby brass foundry was the city's largest emitter of airborne lead. In 2004, the residents formed the Pilsen Environmental Rights and Reform Organization and pushed for air testing, which found highly elevated levels of lead in the area. As a result the group was able to secure agreements from the company to reduce emissions.

Informing Communities About Toxic Chemicals
Dorchester, Massachusetts -- The JSI Center for Environmental Health Studies, based in Boston, conducted a project called, 'Informed Communities: Environmental Health Initiative.' With support from the National Network of Libraries of Medicine, they piloted training programs on using the TRI in Dorchester, which compelled health centers and community groups to use the TRI to address local environmental health concerns. The project was such a success that it is being disseminated to other New England communities.

Lower Emission Standards Are Approved
Louisville, Kentucky -- The *Louisville Courier-Journal* reports that on June 21, Louisville city officials approved a new program that requires industrial facilities to reduce emissions of hazardous air pollutants. The TRI was critical in passing the new clean-air program. As Tim Duncan of the Rubbertown Emergency Action Community Taskforce (REACT) explains, "the combination of the TRI numbers and local air monitor data provided a powerful combination of numbers for us to use to show that Hazardous Air Pollution levels were serious in our area."

TRI Used in Designating Area Environmental Justice Zone for Air Quality
Phoenix, Arizona -- Terry Greene of the John Snow Institute (JSI) tells OMB Watch, "Central South Phoenix experiences health disparities that may be related to environmental health. Neighborhoods for Justice worked with JSI, Arizona State University, and the Arizona Foundation and examined TRI emissions and other indicators of environmental status alongside

of rates of diseases and conditions such as lead poisoning, asthma, and low-birthweight. As a result, the city designated the area an environmental justice zone for air quality, bringing much needed attention to pollution problems."

TRI Used to Rank Top Polluters in State
Richmond, Virginia -- Joshua Low with Sierra Club's Virginia Chapter tells OMB Watch, "I recently used the TRI to rank the top 12 polluters in Virginia, and noticed that the Honeywell plant in Hopewell, VA decreased their pollution by a significant amount. I called the plant and found out they installed pollution controls that reduced costs, pollution, and wastes. During college, I lived near a pesticides plant that once produced heptachlor and chlordane. These chemicals are so toxic that Rachel Carson spent time on them in *Silent Spring*. Now they have the only toxic waste incinerator in the city. It is my right to know what they put in my air and water. This is information that communities need to know; they have a right to know.

Monitoring Local Polluters
Green Bay, Wisconsin -- The Clean Water Action Council of North East Wisconsin recently told OMB Watch, "we use the TRI frequently to call attention to toxic releases, as the counties we work with are home to some of the state's top toxic sources and highest cancer rates. TRI helps us understand the relative importance of various pollution sources, focus our public education efforts where they can make the most difference, and is the only comprehensive dataset of its kind, providing valuable insights which the public would otherwise be unaware of."

TRI Used to Protect Inlet Watershed
Homer, Alaska -- The Cook Inlet Keeper, a citizens' group that works to protect Alaska's Cook Inlet, uses the TRI to generate media coverage highlighting the pollution being released by industries into the inlet. The group uses the news coverage to make companies aware that their toxic pollution is being watched and to encourage them to make reductions. In this way, they act as an important check in an area that experiences almost 2 million pounds of toxic pollution each year.

Mercury Phase-Out Reduces Toxic Exposures
Twin Cities, Minnesota -- Minneapolis' Riverside coal-fired power plant (owned by Xcel Energy) produces the majority of mercury emissions in the Twin Cities area- and it does so in the heart of the south Minneapolis community. In 2003, the Environmental Justice Advocates of Minnesota (EJAM) used TRI data to research the plant's emissions. After discovering the dangers their neighbors were facing on a daily basis, they pushed for a public hearing about the plant's activities. The active participation and informed testimony catalyzed by TRI resulted in Riverside's agreement to switch to natural gas. As they wait for the changeover, EJAM continues to use TRI to keep the community informed and hold Riverside accountable.

TRI Exposes "Toxic Mixing Zones"
Portland, Oregon -- Dangerous toxins are being dumped into the rivers around Portland, and residents would have no idea if not for the TRI. In the Toxic Mixing Zones along the area's rivers the EPA permits chemical dumping, suspending Clean Water laws. Little reporting is required of what goes into Toxic Mixing Zones, and dumping zones are not marked. Many of the dumping zones are well-used fishing areas, boat launches, beaches and parks. One of the

most popular swimming areas is surrounded by seven mixing zones. The TRI is the most comprehensive way of alerting the hundreds of families who recreate in these areas about the health risks they face. Using TRI data, the local Sierra Club has been able to educate the public about the high levels of lead, mercury, cadmium and aluminum to which they are exposed.

TRI Informs State Environmental Budget Priorities
New Jersey -- For the activists of the New Jersey Sierra Club, TRI is a key political accountability tool. When Governor Whitman was making drastic cuts to the Department of Environmental Protection, they used the data to show that the levels of toxins in New Jersey were increasing for the first time in 20 years. More recently, the data helped prove that while government officials claimed overall toxics were decreasing, water toxics were going up. This allowed the group to advocate for a state water protection program to deal with the water contamination caused by sprawl.

Hazardous Waste Burning Extinguished
Louisville, Nebraska -- 30 miles southwest of Omaha, in a rapidly expanding area of Omaha suburbs, is the Ashgrove Cement Company. In the late 1980s and early 1990s, Ashgrove Cement began accepting hazardous waste to burn as alternative fuel. Alarmed by this toxic "recycling" program, area residents used TRI to track what was being burned and where the hazardous waste was originating from. The TRI provided the specific facts citizens needed to motivate their neighbors into action. As a result, Ashgrove Cement suspended the hazardous waste burning program.

TRI Exposes the Top Terrible Ten Polluters
Memphis, Tennessee -- The Memphis Sierra Club uses the TRI to educate the community in their annual Terrible Ten Report. This report highlights the top ten polluters in the county, showing their estimated emissions for the year. To encourage users of the report to engage in dialog with local environmental agencies about discharges, pollution reduction plans, and emergency management planning, the Sierra Club lists hotline numbers and the names and phone numbers of plant managers. The Terrible Ten brings information on chemical releases still closer to home by listing health effects for the toxic substances to which people are exposed. While no claims are made that the toxic discharges are causing specific health problems, the report provides the information needed for people to form their own conclusions.

TRI Used in Ongoing Campaign to Close Hazardous Waste Landfill
Peoria, Illinois -- The Sierra Club Heart of Illinois Chapter uses TRI data in its efforts to get the Peoria County Board to close a hazardous waste landfill, owned by the private company located at the edge of town. The TRI data has revealed that the landfill -- less than three miles from 20,000 Peoria residents -- contains dangerously high levels of chromium and cadmium, and emits large amounts of air-born pollution. The landfill company has applied for a permit that would extend the landfill's life by 15 years.

TRI Helps Put End to Toxic Waste
Seattle, Washington -- The OMB Watch that "in 1997, we found out the practice was occurring and then looked to TRI data to find that steel mills were sending millions of pounds of lead to be

turned into fertilizer. Shedding light on this and taking regulatory action has basically put an end to the practice of bagging steel mill waste for fertilizer."

Local Governments Use TRI Data to Reduce Pollution

TRI Used in Katrina Cleanup
New Orleans, LA -- After Katrina, emergency workers and public-health advocates used TRI data to identify the possible threats in the air and water. By tapping into the TRI database, officials discovered that New Orleans and its surrounding parishes host 66 chemical plants, refineries and petroleum bulk-storage facilities, creating a toxic stew of more than 875 chemicals.

TRI Used in State Pollution Prevention Program
Olympia, Washington -- Idell Hansen from the Washington State Department of Ecology tells OMB Watch, "We use the TRI to enroll companies in the states 'pollution prevention' program. EPA's proposed changes to the TRI program would compel up to 15 % of the facilities to drop out of our pollution prevention program -- lost opportunities for pollution reductions. For this reason alone, we think the proposed rule is a bad idea."

TRI Data Used to Reduce Hazardous Air Pollutants
Phoenix, Arizona -- The Arizona Department of Environmental Quality (ADEQ) also uses the TRI to address Hazardous Air Pollutants (HAPs) emissions. The ADEQ used TRI data to identify facilities that had significantly increased their HAP releases from 2002 to 2003. The agency works with these facilities to reduce their air emissions. Alternate-year reporting would have missed these pollution increases.

TRI Data is 'Single Most Important Environmental Requirement We Have'
Louisiana -- As reported by the *The Tampa Tribune*, Paul Templet, head of the Louisiana Department of Environmental Quality from 1988 to 1992, credits TRI data as the most important data source used to clean up the environment while creating jobs. Moving from a period in which they had a 12.4 percent unemployment rate and the highest toxic discharge in the country, Louisiana "created 25,000 jobs in that four years, and it was purely from environmental spending." Redesigning plants to cut pollution made operations more efficient, and Louisiana's toxic emissions dropped 50 percent by 1992. Templet credits TRI data: "It's probably the single most important environmental requirement we have."

Companies Find TRI Reporting Useful

DuPont to Continue Reporting Toxic Chemicals
As reported by *Chemical & Policy Engineering News*, even if the EPA goes forward with the rule changes, DuPont would probably continue to collect and release this information annually. The company uses TRI data internally. Plus, its employees, some investor groups, environmental groups, and communities around DuPont facilities expect to find TRI and other waste and emission information updated each year on the company's website. "DuPont is committed to being transparent about its environmental performance," states Edwin L. Mongan III, global

environmental stewardship leader for DuPont. "This is part of the corporation's commitment to excellence in environmental stewardship and sustainable growth."

Boeing States TRI Reporting is 'Good Business Practice'
Seattle, WA -- The *Seattle Post-Intelligencer* reports that Kirk Thomson, director of environmental affairs for The Boeing Co., which cut toxic emissions 39 percent over the past five years, believes that the biennial reporting "wouldn't make a difference to us." "We're set up to do it annually," he said. "It's just a good business practice to track your hazardous materials, how much you're using of each product and how much you're losing to the environment."

Facility States Reporting not a Burden
Tampa Bay, Florida -- As reported by the *The Tampa Tribune*, companies state that they are accustomed to reporting TRI data and are willing to continue for years to come. Though they claim that reporting relaxation may be nice, Florida companies admit that reporting doesn't pose an unreasonable burden. "Any relaxation of reporting requirements is welcome, but we're accustomed to reporting every year, so it's something we're living with and can continue to live with," said Tom Edwards, environmental manager at CF Industries in Plant City, FL.

TRI Data Used by Researchers

TRI Data Used by Public Health Physician to Monitor Air Pollution
Dallas, TX -- *The Fort Worth Star Telegram* reports that, Dr. Arnold Schecter, a public-health physician at the University of Texas School of Public Health in Dallas, uses TRI data to monitor toxic releases in the Dallas/Fort Worth region and protect the public against air pollution which is "responsible for some increase in illness, possibly even increased mortality." The Dallas/Fort Worth region contains large power plants that rank among the largest polluters of mercury in North America. "Without periodic monitoring, it will not be possible to determine whether the air is becoming more or less polluted," Schecter said. "Decreasing the amount of information available on air quality seems a step backwards with respect to health."

TRI Data Identifies Heavy Industrial Polluters
Athens, Georgia -- Amy Johnson tells OMB Watch, "For my Master's degree, I used TRI to investigate how social factors influence where heavy industrial polluters are located. For my job as an environmental consultant, I use TRI in addition to other sources to determine industries that may be contaminating my client's property. I imagine Georgia's environmental protection division uses TRI even more as they must determine who is liable for polluting one area. TRI is the only way to access this kind of data to get the TOTAL picture."

Individuals Use TRI to Protect Their Families

Mother Takes Action to Protect Son
Modesto, California -- Haleh Niazmand, a recent transplant to Modesto, found out from TRI data that she and her family until recently lived between a quarter mile and four miles from several industrial facilities in Cedar Rapids, Iowa that released neurotoxins, including mercury into the air and water. Niazmand, whose three-year-old child has regressive autism, tells OMB Watch,

"the TRI made it plain that these facilities were releasing poisons into the air. This information will help me make informed decision regarding my son's detox regime."

TRI Used to Protect Workers

Trainings to Protect Workers Use TRI
Albion, New York -- Diane Heminway with the United Steelworkers Association (USWA) conducts trainings using the TRI to better inform workers of the health risks associated with the chemicals to which they are exposed. According to Heminway, the trainings teach workers to spot reporting violations or inconsistencies, and companies with formal employee participation programs are up to three times more successful at reducing pollution.