

Resolution Number 06-12
Approved August 29, 2006
Portland, Oregon

As certified by
R. Steven Brown
Executive Director

ON U.S. EPA'S PROPOSAL TO CHANGE TRI REPORTING

WHEREAS, the States support reducing reporting burden for everyone involved in Toxic Release Inventory (TRI) reporting, including facilities, States, and U.S. EPA;

WHEREAS, in May 2006, Congress passed an amendment to their version of the 2007 appropriations bill (H.R. 5386) preventing EPA from spending any money to finalize or implement a rule affecting the Toxics Release Inventory; and

WHEREAS, a majority of States submitted comments opposing the changes and no State submitted comments supporting them; and

WHEREAS, the proposed changes to the TRI contradict the purpose of the Emergency Planning and Community Right to Know Act. Eliminating consistent, annual reporting requirements that provide valuable data to the public on toxic releases undermines the goals of the TRI program;

WHEREAS, the States support changes such as increased online reporting, but do not support changes that sacrifice useful data and the public's right to know about toxic releases simply to reduce reporting burden;

WHEREAS, it is doubtful the proposed changes will substantially reduce reporting burdens. Facilities will continue to need to monitor their releases of TRI chemicals to evaluate whether they are under the new reporting threshold for Form A;

WHEREAS, States may impose their own reporting requirements in response to changes in TRI reporting, thus increasing the reporting burden for facilities in those States;

WHEREAS, alternate year reporting may reduce funding for States that collect revenue from TRI reporting fees;

WHEREAS, the proposed changes will create critical gaps in the TRI data, making it difficult to perform meaningful analyses of TRI data and evaluate trends in releases;

WHEREAS, the States are particularly concerned about reducing reporting thresholds for high priority chemicals such as persistent bioaccumulative and toxic (PBT) chemicals; the executive summary of U.S. EPA's multimedia strategy for PBTs proposes *enhancing* the TRI to help measure progress in reducing the risk of exposure to PBTs;

WHEREAS, alternate year reporting may provide an incentive for facilities to stockpile wastes and releases until the off year, appearing to lower their releases in reporting years without actually doing so;

WHEREAS, the current Toxic Release Inventory (TRI) is an effective pollution prevention tool; calculating and reporting consistently on TRI releases provides incentives for facilities to reduce their releases;

WHEREAS, the amount of toxic chemicals released into the environment declined 45 percent between 1998 and 2004, according to the latest data issued by the U.S. EPA;

WHEREAS, the majority of State representatives at the most recent national annual TRI conference oppose the proposed TRI changes;

NOW THEREFORE BE IT RESOLVED THAT:

The Environmental Council of the States (ECOS) hereby urges U.S. EPA to withdraw the proposed changes to the Toxic Release Inventory.