



ECOS

Resolution 23-1
Approved August 30, 2023
Boulder, Colorado

As certified by
Ben Grumbles
Executive Director

IMPROVING THE TOXICS RELEASE INVENTORY

WHEREAS, the Toxics Release Inventory (TRI), created under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA), is an essential tool for tracking the release of toxic chemicals into the environment and providing transparency to the public; and

WHEREAS, the TRI Program was created as part of a response to several events that raised public concern about local preparedness for chemical emergencies and the availability of information on hazardous substances; and

WHEREAS, a primary purpose of the EPCRA, and specifically the TRI, is to “provide an innovative approach to protecting public health and the environment by ensuring that communities are informed about the toxic chemicals being released into the air, land, and water by manufacturing facilities”¹; and

WHEREAS, accurate and reliable TRI information is crucial to effectively inform policy decisions and public awareness, identify opportunities for pollution prevention, and protect human health and the environment; and

WHEREAS, the TRI captures both permitted, regulated activities, and illegal, potentially harmful releases; and

WHEREAS, by not better specifying the manner of releases to the environment, the TRI may confuse the public; and

WHEREAS, the definitions employed for the different types of TRI releases may not fully characterize the harms they pose without greater context (e.g., cumulative impacts); and

WHEREAS, the TRI requires mining operations to report hundreds of millions of pounds of naturally occurring trace minerals in excavated overburden, spent rock, and tailings without acknowledging that these materials are transferred to state-permitted, engineered, and monitored sites; whereas in contrast, the U.S. EPA recently added certain PFAS to the TRI with a reporting threshold of 100 pounds; and

WHEREAS, the disparity between such amounts could be misinterpreted without additional risk context, and quantities alone do not provide useful information for all pollutants as risk could be over- or underestimated; and

¹ Memorandum from the President for the Administrator of the Environmental Protection Agency and the Heads of Executive Departments and Agencies, 60 FR 41791 (Aug. 8, 1995)

WHEREAS, the U.S. EPA and the media often highlight the quantity of chemical releases as an indicator of the health outcomes or environmental impacts from the releases rather than actual risk; and

WHEREAS, current reporting and public communication related to the TRI have confused the public, caused the public to question the risk to human health and the environment posed by TRI chemicals, and do not currently assess human health and environmental impacts, especially with respect to the hard rock mining industry; and

WHEREAS, the current use of the TRI could provide more context to support states in their communications of risk and impacts to human health and the environment.

NOW, THEREFORE, BE IT RESOLVED, THAT THE ENVIRONMENTAL COUNCIL OF THE STATES (ECOS):

Calls upon the U.S. EPA to develop a reporting system that provides context on risks to human health and the environment associated with the different types of releases in the TRI;

Calls upon the U.S. EPA to review its practices and methodologies related to the TRI, ensuring that reporting and public communication provide context to the human health and environmental risks associated with toxic releases;

Calls upon the U.S. EPA to commit to seeking public engagement with an emphasis in areas where such facilities exist for any proposed changes to practices or methodologies related to the TRI;

Urges the U.S. EPA to provide more context and clarity in the presentation of TRI data by identifying which releases are permitted or not permitted, and encourage data on contaminant releases coupled with human health descriptions in media communications;

Encourages the U.S. EPA to engage in collaborative efforts with state environmental agencies, industry stakeholders, and other relevant entities to improve the accuracy, relevance, and utility of the TRI, ensuring that it remains a reliable tool for informed decision-making and public engagement;

Urges the U.S. Congress to consider amendments to section 313 of the EPCRA to continuously improve upon the effectiveness and risk communication of the program; and

Commits to actively engage with the U.S. EPA, the U.S. Congress, and other stakeholders to promote best practices and methodologies for the use of the TRI, fostering transparency, data integrity, and the protection of environmental and human health.