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Legal Update

Electronic Reporting of Toxics Release Inventory Data Due on July 1, 2015

Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) created in 1986 the Toxic release Inventory (TRI) Program. The TRI program was created in response to a chemical event in Bhopal, India that raised public concern about preparedness for chemical emergencies and the availability of information on hazardous substances present in their communities. TRI tracks the management of certain toxic chemicals that may pose threats to human health and the environment.

Under the requirements of EPCRA, all US facilities that meet the TRI reporting criteria must submit TRI data to both, EPA and the applicable state or territory in which they are located by July 1 of each year. US facilities in different industry sectors must report annually how much of each chemical is released to the environment and/ or managed through recycling, energy recovery and treatment. The information submitted by facilities is compiled in the Toxic Release Inventory. If a facility meets all three of the TRI reporting criteria, it must report to the TRI Program.

Effective January 21, 2014, EPA requires facilities to submit electronically non-trade secret TRI forms to EPA using electronic software provided by EPA. The only exception to this electronic reporting requirement is for facilities that submit trade secret TRI information. EPA also requires facilities to submit electronically any revisions or withdrawals of previously submitted TRI reporting forms.

TRI helps support informed decision making by industry, government, nongovernmental organizations and the public. EPA investigates cases of EPCRA non-compliance and may issue civil penalties, including monetary fines, and may also require correction of the violation.

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