

## **Advocacy Supports EPA Proposal to Reduce TRI Reporting Burden for Small Business**

On January 13, 2006, the U.S. Small Business Administration's Office of Advocacy (Advocacy) filed a comment letter that strongly supports a proposed rule from the Environmental Protection Agency (EPA) to expand the number of Toxics Release Inventory (TRI) filings that qualify for the Form A Certification statement (Form A). The proposal provides needed relief to small businesses while maintaining the integrity of the TRI database.

Form A is the shorter of two reporting options, Form A and Form R. In 1994 the EPA created the shorter and less burdensome Form A with the support of Advocacy in order to ease the paperwork burden on TRI filers whose total production-related wastes are less than 500 pounds. In 1999 EPA excluded the Form A option for all reports of Persistent Bioaccumulative Toxic (PBT) chemicals.

The proposed rule would raise that reporting threshold to 5,000 pounds for reporters of non-PBT chemicals. It would also extend the use of Form A to businesses that manage less than 500 pounds of PBT chemicals and have zero emissions or discharges to the environment.

- A 2005 Advocacy report found that the smallest firms pay nearly 1.5 times as much per employee as large firms to comply with federal regulations. For small firms that must comply with environmental regulations the costs are even greater: the smallest businesses pay about 4.5 times as much per employee. EPA's proposed rule offers significant burden relief for at least 12,000 non-PBT reports and at least 2,000 PBT reports that would become newly eligible for Form A. The proposal seeks to relieve the frustration of small businesses that previously had to report annually that they do not emit or discharge chemicals into the environment.
- As proposed, a PBT filer must have zero chemical emissions or discharges to the environment and manage less than 500 pounds of reportable chemicals. Advocacy suggested that EPA raise the managed limit to 5,000 pounds. Because the PBT reports entail zero emissions or discharges to the environment, raising the threshold for reported waste does not pose any additional risk to the local community, and importantly would extend burden relief to hundreds of additional reporters.
- The health risk represented by the transition of reporters from Form R to Form A is not significant. The information will not disappear, but rather simply move from Form R reports to Form A reports. EPA found in 1994 that the then-new Form A was adequate for representing reports that did not have significant chemical quantities. In 1994 EPA found that under the 500-pound threshold 99.9% of all chemical quantities would still be reported on the Form R, and under the new 5,000-pound proposal that figure is virtually identical, 99.89%. In the more than ten years since the implementation of the Form A, none of the extensive number of TRI analyses have been impaired by the use of Form A.