



**OFFICE OF ADVOCACY  
U.S. SMALL BUSINESS ADMINISTRATION  
WASHINGTON, DC 20416**

October 14, 2004

The Honorable Kimberly T. Nelson  
Assistant Administrator for Environmental Information  
U.S. Environmental Protection Agency  
Ariel Rios Building, 2810A  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

**Re: Risk-Based Analysis of Form A and Form NS Toxics Release Inventory Reform Proposal Alternatives**

Dear Assistant Administrator Nelson:

The Office of Advocacy of the U.S. Small Business Administration (Advocacy) is pleased to provide the Environmental Protection Agency (EPA) with the enclosed report, "Risk-Based Analysis of Form A and Form NS Toxics Release Inventory Reform Proposal Alternatives," prepared for Advocacy by our contractor, E. H. Pechan & Associates (Pechan). The Pechan report supplements a prior report on reducing regulatory burdens on small businesses under the Toxics Release Inventory (TRI) prepared for Advocacy by Jack Faucett Associates (JFA) and transmitted to EPA in April, 2004. We welcome EPA's TRI burden reduction efforts and look forward to ongoing collaboration with the agency on this important initiative. We also appreciate the opportunity that Kevin Bromberg has had to work with your staff on the upcoming stakeholder meeting on the 19th.

As you know, Advocacy recommended specific changes to TRI reporting (specifically revisions to the Form A, and development of a Form NS) in our September 2, 2003 comment letter on EPA's Information Collection Request. The April 2004 JFA report provides a detailed analysis of some of the regulatory alternatives we have encouraged EPA to consider for revisions to the TRI reporting requirements. The new Pechan report goes beyond the JFA report by

analyzing in more depth two of the major regulatory options: (1) expansion of Form A eligibility; and (2) adoption of a new “no significant change” form (Form NS). The Pechan report explains that relief based on revisions to the Form A and the introduction of a Form NS would provide important burden reduction to approximately 35-45 percent of the currently reported Form Rs, without a detriment to data quality. The major contribution of this report is the substitution of a risk-based evaluation approach for analyzing the TRI database, using EPA’s Risk Screening Environmental Indicators (RSEI) model, instead of relying on a pounds-based approach employed by EPA in 1994. While the statements, findings, conclusions and recommendations in the report are those of its authors, the Office of Advocacy does generally agree with the conclusions and recommendations of this report. Because the Office of Advocacy is an independent office, its views do not necessarily represent the positions of the U.S. Small Business Administration or this Administration.

As the EPA moves forward with rulemaking on TRI burden reduction, we encourage the agency to consider Advocacy’s recommendations and other regulatory options that reduce reporting burden, while maintaining the integrity of the TRI database. The Office of Advocacy looks forward to working with EPA on this important task. If you have any questions or comments, please feel free to call me or Assistant Chief Counsel Kevin Bromberg at (202) 205-6964, or email at [kevin.bromberg@sba.gov](mailto:kevin.bromberg@sba.gov).

Sincerely,

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Thomas M. Sullivan  
Chief Counsel for Advocacy

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Kevin L. Bromberg  
Assistant Chief Counsel for Advocacy

Enclosure