



Environmental and Utilities Legal Update

EPA Reinstates Full TRI Reporting Requirements

On April 21, 2009, EPA Administrator Lisa Jackson signed a final rule that reinstates the stricter reporting requirements under the Toxic Release Inventory (TRI) reporting program that were previously relaxed by the Bush Administration in 2006. Specifically, the December 2006 TRI Burden Reduction Final Rule expanded the ability to use the simpler Form A for annual TRI reporting. The rule allowed facilities to use Form A to report releases and waste management activities concerning non-Persistent, Bioaccumulative, and Toxic (PBT) chemicals with total waste management limits not exceeding 5,000 pounds. It also allowed, for the first time, the use of Form A for reporting PBT chemicals when total waste management activities did not exceed 500 pounds and there were no releases or other disposal of chemicals to report.

The final rule reinstating TRI reporting requirements applies to *all* TRI reports due July 1, 2009. Therefore, facilities that may have reported in advance of the July 1 deadline will have to resubmit their reports if they submitted a Form A for releases that previously, and are now once again, required to be reported on a Form R. Form A may only be used for non-PBT chemicals in which the reporting amount is equal to or less than 500 pounds and the facility manufactured, processed, or otherwise used less than 1 million pounds of the chemical during the reporting year.

Need More Information?

At Robinson & Cole LLP, we have experienced environmental attorneys who also understand that environmental compliance is but one aspect of the complex, multifaceted, and sometimes competing demands made on businesses. For more information, please call any of our environmental attorneys or call Kirstin Etela (ketela@rc.com) in our Metro-New York office at 203-462-7534, Earl Phillips (ephillips@rc.com) in our Hartford office at 860-275-8220, or Christopher Foster (cfoster@rc.com) in our Boston office at 617-557-5908.

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