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Attention Docket ID No. TRI-2005-0073

Below are comments on the U.S. Environmental Protection Agency's (EPA's) proposed changes to Form R and Form A Toxics Release Inventory (TRI) reporting requirements. These comments are submitted by the Northeast Waste Management Officials' Association (NEWMOA) and the Northeast States for Coordinated Air Use Management (NESCAUM).

NEWMOA and NESCAUM support changes, such as electronic on-line reporting and eliminating un-used data elements from Forms. These kinds of changes have the potential to reduce reporting burdens on facilities, but they do not sacrifice useful data and the public's right to know about toxic releases. However, NEWMOA and NESCAUM oppose EPA's proposal, which would eliminate reporting requirements that provide valuable data simply for the purpose of reducing a facility's reporting burden.

By EPA's own estimate, this proposal would reduce reporting requirements for about a third of TRI reporters, which would result in a significant decline in publicly available information on toxic releases. This type of change runs counter to the stated intent of the Federal Community Right to Know Act and the goal of the TRI – to provide critical information for the public on releases of toxic materials. Any effort to reduce reporting burden should not compromise the public's access to data on toxics releases.

Furthermore, we believe the burden reduction from these proposed changes would be minimal. In order to determine whether its releases, transfers, and on-site management activities qualify a facility for reporting on Form A, they would still need to maintain a tracking system and annually gather and evaluate data on toxics management and releases. The only difference would be that the facility would complete a Form A instead of a Form R. This is a relatively minor time commitment compared to the time required to do the underlying materials and release

tracking, which would still be necessary. However, replacing complete Form Rs with Form As that lack any actual data on toxic releases creates a tremendous gap in facility release data compared with previous years. This reduction in data would greatly reduce the amount of information that is available to the public and regulators that are concerned with the toxic releases from facilities affected by this change.

This proposed reporting change would make it very difficult if not impossible for regulators and the public to conduct meaningful, consistent, and accurate trend analysis using TRI data, especially comparing future releases with those in the past.

TRI data has proven to be very valuable to state agencies for targeting enforcement and compliance assistance efforts. Reducing the amount of toxics release information available to government agencies would greatly hamper their ability to target efforts to where they can make the most difference. Any reduction in available data on persistent, bio-accumulative and toxic chemicals (PBTs) is particularly troubling given the high priority that is placed on these chemicals nationally and for most states.

TRI reporting has played a critical role in requiring companies to pay attention to how they manage their toxics use and releases and has subjected this management to public scrutiny. As a result, many companies have improved their operations to reduce toxics releases and become more efficient and competitive in the global marketplace. Eliminating TRI reporting requirements would reduce these benefits.

This proposal presents particular problems for states, such as Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, and Vermont that have a significant number of relatively small companies, many of which would provide less information under TRI than they did in the past. This type of change would also create added complications and confusion for many facilities in states like Maine, Massachusetts, and New Jersey that would likely continue to collect toxics use and other data from these facilities under state requirements.

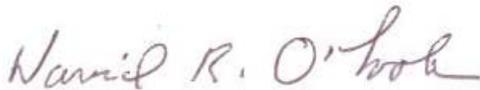
NEWMOA and NESCAUM also strongly oppose any attempt to switch to alternate year reporting. Alternate year reporting would create an even greater gap in the availability of data and make it much more difficult for citizens to obtain current and accurate data on toxics releases in their communities. Alternate year reporting would give facilities a strong incentive to release more during non-reporting years when they would not be required to report those releases. Not only would information on these increased releases be lost, but the year in which facilities do report could show deceptively low releases when actual releases are likely to be much higher. Again, as with EPA's proposed Form R changes, alternate year reporting would create problematic inconsistencies for facilities in states like Maine, Massachusetts, and New Jersey that require annual reporting on toxics releases.

We urge EPA to reconsider these changes in order to protect the integrity of the Toxics Release Inventory.

NEWMOA is a nonprofit, nonpartisan interstate association that has a membership composed of the hazardous waste, solid waste, waste site cleanup and pollution prevention program directors for the environmental agencies in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. NEWMOA was established by the Governors of the New England states as an official regional organization to coordinate interstate hazardous and solid waste, and pollution prevention activities and support state waste programs, and was formally recognized by the U.S. Environmental Protection Agency (EPA) in 1986. For more information on NEWMOA visit www.newmoa.org.

NESCAUM is an interstate association of air quality control divisions in the Northeast states. The eight member states are Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. NESCAUM's purpose is to exchange technical information, and to promote cooperation and coordination of technical and policy issues regarding air quality control among the member states. To accomplish this, NESCAUM sponsors air quality training programs, participates in national debates, assists in exchange of information, and promotes research initiatives. For more information on NESCAUM visit www.nescaum.org.

Sincerely,



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