



Highlights of [GAO-07-464T](#), a testimony before the Committee on Environment and Public Works, U.S. Senate

Why GAO Did This Study

U.S. industry uses billions of pounds of chemicals to produce the nation's goods and services. Releases of these chemicals during use or disposal can harm human health and the environment. The Emergency Planning and Community Right-to-Know Act of 1986 requires facilities that manufacture, process, or otherwise use more than specified amounts of nearly 650 toxic chemicals to report their releases to water, air, and land. The Environmental Protection Agency (EPA) makes this data available to the public in the Toxics Release Inventory (TRI). Since 1995, facilities may submit a brief certification statement (Form A), in lieu of the detailed Form R report, if their releases of specific chemicals do not exceed 500 pounds a year. In January 2007, EPA finalized a proposal to increase that threshold to 2,000 pounds, quadrupling what facilities can release before they must disclose their releases and other waste management practices.

Today's testimony addresses (1) EPA's development of the proposal to change the TRI Form A threshold from 500 to 2,000 pounds and (2) the impact these changes may have on data available to the public. It also provides an update to our 2005 report recommendations on perchlorate.

GAO's preliminary observations on TRI are based on ongoing work performed from June 2006 through January 2007.

www.gao.gov/cgi-bin/getrpt?GAO-07-464T.

To view the full product, including the scope and methodology, click on the link above. For more information, contact John Stephenson at (202) 512-3841 or stephensonj@gao.gov.

ENVIRONMENTAL INFORMATION

EPA Actions Could Reduce the Availability of Environmental Information to the Public

What GAO Found

Although we have not yet completed our evaluation, our preliminary observations indicate that EPA did not adhere to its own rulemaking guidelines in all respects when developing the proposal to change TRI reporting requirements. We have identified several significant differences between the guidelines and the process EPA followed. First, late in the process, senior EPA management directed the inclusion of a burden reduction option that raised the Form R reporting threshold, an option that the TRI workgroup charged with analyzing potential options, had dropped from consideration early in the process. Second, EPA developed this option on an expedited schedule that appears to have provided a limited amount of time for conducting various impact analyses. Third, the decision to expedite final agency review, when EPA's internal and regional offices determine whether they concur with the final proposal, appears to have limited the amount of input they could provide to senior EPA management.

We believe that the TRI reporting changes will likely have a significant impact on information available to the public about dozens of toxic chemicals from thousands of facilities in states and communities across the country. First, we estimate that detailed information from more than 22,000 Form Rs could no longer be reported to the TRI if all eligible facilities choose to use Form A, affecting more than 33 percent of reports in California, Massachusetts, and New Jersey. Second, we estimate that states could lose all quantitative information about releases of some chemicals, ranging from 3 in South Dakota to 60 in Georgia. Third, we estimate that 3,565 facilities—including 50 in Oklahoma, 101 in New Jersey, and 302 in California—would no longer have to report any quantitative information to the TRI. In addition, preliminary results from our survey of state TRI coordinators indicate that many believe the changes will negatively impact information available to the public and efforts to protect the environment. Finally, EPA estimates facilities could save a total of \$5.9 million as a result of the increased Form A eligibility—about 4 percent of the total annual cost of TRI reporting. According to our estimates, facilities will save less than \$900 a year, on average. Because not all eligible facilities will utilize the increased eligibility, actual savings to industry are likely to be less.

In our May 2005 perchlorate report, we identified over 400 sites in 35 states where perchlorate has been found in concentrations ranging from 4 parts per billion to more than 3.7 million parts per billion. We concluded that EPA needed more reliable information on the extent of contaminated sites and the status of cleanup efforts, and recommended that EPA work with the Department of Defense and the states to establish a way to track perchlorate information. In December 2006, EPA reiterated its disagreement with our recommendation. We continue to believe that the inconsistency and omissions in available perchlorate data underscore the need for a tracking system to better inform the public and others about the locations of perchlorate releases and the status of cleanups.