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EPA Announces Expanded Chemical Reporting Requirements

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Late last week, [the United States Environmental Protection Agency \(EPA\)](#) announced its latest environmental justice initiative aimed at expanding Toxic Release Inventory (TRI) reporting requirements to include additional types of chemicals and facilities. Environmental Justice is intended to ensure fair treatment and involvement of people regardless of race, color, origin or income in environmental regulation and enforcement. The TRI is a publicly available database that includes information on toxic chemical releases and waste management activities. The EPA announced its proposal to expand the list of chemicals covered by TRI reporting requirements, as well as public access to the database, in order to “advance Environmental Justice, improve transparency, and increase access to environmental information.”

Expanded TRI Reporting Requirements

There are four key components of the EPA’s announcement:

1. **Natural Gas Processing Facilities** – The EPA is finalizing a [proposed rulemaking](#) that would include natural gas processing facilities on the list of industry sectors covered under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). Natural gas processing facilities, which separate impurities from natural gas to create “pipeline quality” dry natural gas, would be required to follow TRI reporting requirements. This will increase the publicly available information on chemical releases and other waste management activities at natural gas facilities.
2. **Poly fluoroalkyl Substances (PFAS)** - The EPA will continue to add new PFAS chemicals (also known as “forever chemicals”) to the TRI reporting requirements. The EPA’s authority to add PFAS chemicals to the TRI comes from the 2020 National Defense Authorization Act, which added certain PFAS to the TRI automatically.
3. **Ethylene Oxide (EtO)** - EtO is used to make industrial chemicals and sterilize medical devices. Contract sterilization facilities that utilize EtO have not historically been required to report EtO releases. Now, they will be required to do so because “[m]any of these facilities are located near areas with Environmental Justice Concerns.”
4. **Toxic Substances Control Act (TSCA) Workplans** - The EPA plans to propose adding to the TRI the chemicals included in the [TSCA Workplan](#) and other substances designated as high-priority substances under the TSCA.

What’s Next?

There is immense public interest in environmental justice matters. In addition to the expanded TRI reporting requirements, the EPA has committed to enhancing its online search tools in an effort to make TRI information more accessible to the public. The EPA’s announcement may result in new and increased public interest in certain facilities and chemicals that previously did not have to be reported to the TRI. While the reporting requirements described in the EPA’s announcement will not take effect immediately, industry stakeholders should monitor agency rulemakings pertaining to TRI reporting requirements, including the EPA’s [proposed rulemaking](#) that would add natural gas processing facilities to the TRI.

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