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Good morning, Mr. Chairman and distinguished Members of the Subcommittee. Thank you for the opportunity to testify today about the progress EPA is making in providing important information to communities across the nation including our work to publish the annual Toxics Release Inventory, or TRI. This testimony reflects my dual roles as the Chief Information Officer at the U.S. Environmental Protection Agency (EPA) and as the Assistant Administrator of Environmental Information where the TRI is one of the programs I oversee.

Let me begin by saying that I believe environmental information is a strategic asset as we work to protect human health and the environment. I believe this is important because environmental information underlies all decisions made by EPA and our partners to achieve our goals. As you know, EPA's TRI program provides information on the releases and waste management activities for nearly 650 chemicals reported from industry. Environmental information has many uses, and one of the most effective is to encourage facilities to reduce their emissions.

Background

The Emergency Planning and Community Right-to-know Act (EPCRA) of 1986, which is the authorizing statute for the Toxics Release Inventory (TRI), directs EPA to provide information to the public on releases and other waste management quantities of toxic chemicals. Since its implementation in 1987, TRI has been the centerpiece of the Agency's right-to-know programs and a useful tool for assisting communities in protecting their environment and making businesses more aware of their chemical releases. EPA does this by collecting required reports and making the information publicly available through the Internet and published reports.

The Pollution Prevention Act of 1990 expanded reporting requirements for facilities covered under TRI to include all forms of waste management, not just releases to the environment. It also established (Section 6602) as national policy that pollution "should be prevented or reduced at the source whenever feasible; pollution that cannot be prevented should be recycled in an environmentally safe manner, whenever feasible; pollution that cannot be prevented or recycled should be treated in an environmentally safe manner whenever feasible; and disposal or other release into the environment should be employed only as a last resort and should be conducted in an environmentally safe manner." EPA strongly supports this policy and places great importance on continuing to find ways to provide incentives that encourage changes to environmental management practices.

TRI data serve to leverage the power of public access to information to improve our environment and, in this case, affect changes in behavior that lead to decreases in the release of toxic chemicals to the environment. The TRI data, in conjunction with other information, can be

used as a starting point in evaluating exposures that may result from releases and other waste management activities which involve toxic chemicals.

Recent Accomplishments in the TRI Program

Throughout the history of TRI, the Agency has committed to continuous improvements in the quality, utility, and timeliness of the TRI data. To this end, we provide a range of compliance assistance activities, such as the TRI Reporting Forms and Instructions, industry training workshops, chemical-specific and industry-specific guidance documents, and the TRI Information Center (a call hotline).

The Agency's investment in technology-based processes has contributed significantly to improving data quality and expediting the release of the data all the while reducing the burden associated with TRI reporting. These tools have not only promoted data quality and consistency and reduced reporting burden but more importantly, they have enabled EPA to release the data to the public earlier each year.

In addition to compliance assistance and technology innovation, EPA has used its regulatory authority to make sure the data are useful to our many stakeholders and promotes the environmental goals of community right-to-know programs. In addition to the December 2006 TRI rule, which promotes reductions in toxic chemical releases, EPA recently promulgated two other regulations which require reporting of data that will improve the utility of the TRI data. On May 10, 2007, the TRI program issued a rule which expands the reporting requirements for the dioxin and dioxin-like compounds category. Under this rule, in addition to reporting the total grams released for the entire dioxin category, facilities will be required to report the quantity for

each individual member of the chemical category on a new Form R Schedule 1, thereby enabling EPA to provide the public with more detailed information about releases and other waste management of these very toxic chemicals. In addition, TRI finalized the TRI North American Industry Classification System (NAICS) rule, which requires TRI facilities to report using NAICS codes, instead of Standard Industrial Classification (SIC) codes, beginning in reporting year 2006. The use of NAICS will make it possible to share and compare facility data more easily across sectors.

EPA Views on H.R. 1055, the "Toxic Right-to-Know Protection Act"

On December 22, 2006, EPA issued a final rule (the TRI rule) that provided incentives to encourage pollution prevention and improved waste management by allowing companies to use a shorter, simpler reporting form, known as "Form A" to provide required information when certain criteria were met. The more commonly used alternative is "Form R" which requires companies to provide more detailed information.

EPA does not support H.R. 1055 because it would eliminate the valuable incentives provided in the December, 2006, rule. EPA strongly urges modification of H.R. 1055 in order to maintain pollution prevention incentives and avoid diversion of Agency resources from important TRI program priorities. The TRI rule is a key part of EPA's strategy to minimize releases of toxic chemicals across the United States. EPA saw an increase in facility toxic chemical releases for TRI Reporting Year 2005 and is interested in finding ways to reduce these release quantities. The TRI rule rewards facilities that completely eliminate releases of the worst

environmental substances – Persistent, Bioaccumulative, and Toxic (PBTs) chemicals – by permitting such facilities to use a shorter reporting form, provided they do not exceed 500 pounds of recycling, energy recovery and treatment for the chemical. EPA believes these stringent requirements for short-form reporting are appropriate for PBT chemicals because of their greater potential for environmental harm. For other toxic chemicals, the rule allows short form reporting for those facilities that reduce or maintain their releases below 2,000 pounds, provided their total waste management (releases, recycling, energy recovery, and treatment) does not exceed 5,000 pounds.

No facilities were excused from reporting under the final TRI rule, and no chemicals were removed from the list for which covered facilities must report. The only change in requirements is that facilities are permitted to use the short form if they maintain releases and total wastes below limits established in the rule. By imposing stringent limits on releases (zero for PBTs, 2,000 pounds for non-PBTs) as a pre-condition of short-form reporting, EPA is encouraging businesses to minimize disposal into the environment. The limits on total wastes encourage pollution prevention. These incentives should be given an opportunity to work.

EPA is currently processing the TRI reports that were received by July 1, 2007, for TRI reporting year 2006. Because the rule was not promulgated until December 2006, we would not expect the effects of the new incentives to be reflected in these reports. However, beginning with the reporting year 2007 reports (due by July 1, 2008), EPA will begin to evaluate the effectiveness of these incentives in reducing releases and promoting pollution prevention. H.R. 1055 would eliminate these incentives before we have even had a chance to determine their effectiveness, and it could also have adverse resource implications for the TRI program.

EPA strongly believes that H.R. 1055 would not achieve the goals articulated by the Committee and would only serve to divert resources from key TRI program priorities. For example, EPA is currently preparing to release a compendium of supplementary information that will provide valuable context for interpreting and maximizing the utility of TRI data. A substantial effort has gone into preparing this report, which will include chapters on trends in toxic releases, releases not covered by TRI, specific industry sectors, geographic distribution of toxic releases, and high-priority PBT chemicals (mercury, lead and dioxin), among other topics. If EPA were forced to devote resources to undoing the 2006 rule (revising forms, instructions, data systems, etc) we would have less time to develop these types of innovative products that enhance the usefulness of TRI data to communities and policy makers. More importantly, however, the 2006 TRI rule put in place key incentives for industry to reduce chemical emissions, reduce total waste, and increase recycling and treatment. EPA is working to determine the effectiveness of these incentives as it continues to explore other ways to reduce toxic chemical releases. EPA believes that providing incentives to encourage pollution prevention and better waste management practices is good for the environment, good for facilities, and good for the people who live around them.

Conclusion

The TRI program is important to EPA and the public. We continue to evaluate the data and find ways to improve access and utility. In addition to TRI, in my role as EPA Chief Information Officer, I direct the development of new and innovative tools and applications to deliver a full suite of environmental data to local communities including geospatial tools which

provide easy access to detailed, local information. Ultimately, this will provide a broader set of environmental information about local environments.

On behalf of Administrator Johnson, thank you for inviting me to speak with you today about the progress EPA is making in providing important information to communities across the nation including, TRI, and in particular, thank you for inviting me to provide EPA's views on H.R. 1055, the Toxic Right-to-Know Protection Act**.**