



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Toxics Release Inventory Reporting: U.S. Environmental Protection Agency Direct Final Rule Updating List of North American Industry Classification System Codes

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The United States Environmental Protection Agency ("EPA") published an August 17th Federal Register Notice announcing a direct final rule that updates the list of North American Industry Classification System ("NAICS") codes subject to reporting under the Toxics Release Inventory ("TRI"). See 82. Fed. Reg. 39038.

The EPA states that the NAICS list is being updated to reflect the United States Office of Management and Budget ("OMB") 2017 NAICS code revision.

Section 313 of the Emergency Planning and Community Right-to-Know Act ("EPCRA") requires owners and operators of covered facilities in specified standard industrial classification codes that manufacture, process, or otherwise use listed toxic chemicals in amounts about specified threshold levels to report certain facilities specific information about such chemicals. Such information includes the annual releases and other waste management quantities.

EPCRA requires EPA to publish a uniform toxic chemical release form for these reporting purposes.

The direct final rule would require facilities to use 2017 NAICS codes when reporting to TRI, beginning with TRI reporting forms due on July 1, 2018 (covering release and other waste management quantities for the 2017 calendar year). The agency also states it is modifying the list of exceptions and limitations associated with NAICS codes in the CFR for TRI reporting purposes by deleting the descriptive text.

Due to the 2017 NAICS modifications, the Agency believes some facilities will need to modify their reported NAICS codes. The Federal Register Notice provides an explanatory table. A complete listing of all TRI covered facilities can be found at 40 C.F.R. 372.23.

A copy of the Federal Register Notice can be downloaded [here](#).