



TOXICS RELEASE INVENTORY

Federal Facility Reporting Information

Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) requires certain facilities manufacturing, processing, or otherwise using listed toxic chemicals to report the annual quantity of such chemicals entering each environmental medium. Such facilities must also report pollution prevention data for such chemicals, pursuant to section 6607 of the Pollution Prevention Act, 42 U.S.C. 13106. EPCRA section 313 is also known as the Toxics Release Inventory (TRI).

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DISCLAIMER

This guidance document is intended to assist federal facilities with EPCRA section 313 requirements. These recommendations do not supersede any statutory or regulatory requirements, are subject to change, and are not independently binding on either EPA or covered facilities. Additionally, if a conflict exists between guidance on this site and the statutory or regulatory requirements, the conflict must be resolved in favor of the statute or regulation.

Although EPA encourages federal facilities to consider these recommendations, in reviewing this document, be aware that these recommendations were developed to address common circumstances at federal facilities. Federal facilities are encouraged to contact EPA with any additional or clarifying questions about the recommendations in this document, or if the facility believes that EPA has incorrectly characterized a particular process or recommendation.

Additional guidance documents, including industry specific and chemical specific guidance documents, are also available on TRI's GuideME website:

https://ofmpub.epa.gov/apex/guideme_ext/f?p=guideme:gd-list

OVERVIEW

This document provides helpful information unique to federal facilities reporting to TRI. For background on the TRI program, resources for determining whether a facility must report, and reporting requirements, please refer to the current TRI Reporting Forms and Instructions, also available on GuideMe.

SECTION 1.0 Why Do Federal Facilities Need to Report?

In 1993, Executive Order 12856, “Federal Compliance With Right-To-Know Laws and Pollution Prevention Requirements,” required federal agencies to comply with the Emergency Planning and Community Right-To-Know Act of 1986 (EPCRA) and the Pollution Prevention Act of 1990 (PPA). Subsequent Executive Orders have not changed this requirement. Accordingly, federal facilities have been subject to EPCRA section 313 and PPA since reporting year 1994. TRI submissions are due to EPA on July 1 of the year following each reporting (calendar) year. Reporting by the federal facility does not alter the reporting obligation of on-site contractors. Contracts entered into for contractor operation of government-owned facilities or vehicles require the contractor to comply with the provisions of this order with respect to such facilities or vehicles to the same extent as the agency would be required to comply if the agency operated facilities or vehicles.

For more information on Executive Orders for federal facilities reporting to TRI, please refer to the implementing instructions which can be found on the TRI web page: <https://www.epa.gov/toxics-release-inventory-tri-program/tri-laws-rulemakings-and-notices>.

SECTION 2.0 Identifying Federal Facility Reports

Federal facility reports are identified as federal by several indicators on the Form R and Form A Certification Statement. The facility name and parent company name are critical indicators and must be reported as described below. Another critical indicator is the federal facility report box, Part I, Section 4.2.c. Federal facilities only should check this box to indicate that the report is from a federal agency for a federal facility; federal facilities should not check the GOCO box, Part I, Section 4.2.d. Contractors located at federal facilities (GOCOs) should check the GOCO box (Part I, Section 4.2.d); they should not check the box 4.2.c. Facilities should also complete the partial or complete facility blocks (Part I, Section 4.2.a and 4.2.b, Form R only) as appropriate.

Section 2.1 The “Double Counting” Problem

As structured, the law and the executive order require both regulated industries and the federal government to report TRI data, sometimes for the same site. In order to prevent duplicate data in the TRI database, which could result in “double counting” data for some chemicals and locations, EPA must be able to identify and distinguish the GOCO reports submitted by the federal contractor from the federal facility reports which contain data for the same site. To accomplish this, federal facilities should check Part I, Section 4.2.c, while contractors at federal facilities should check Part I, Section 4.2.d.

SECTION 3.0 How to Report Your Facility Name

EPA encourages federal facilities to list their agency name and then the specific plant or site name when reporting their facility name in Part I, Section 4.1. Here is an example of this format:

- US DOE DEMONSTRATION PROJECT

EPA encourages federal contractors at GOCO facilities to report their names similarly as shown in the following example:

- US DOE DEMONSTRATION PROJECT – AMERICAN CONTRACTORS OPERATIONS

SECTION 4.0 How to Report Your North American Industry Classification System (NAICS) Code

Federal facilities should report the NAICS code which most closely represents the activities taking place at the site. NAICS Sector 92: Public Administration covers executive, legislative, judicial, administrative and regulatory activities of the federal government. Specific 6-digit NAICS codes for this sector, and all other sectors, may be found in the 2017 NAICS Manual, available at:

https://www.census.gov/eos/www/naics/2017NAICS/2017_NAICS_Manual.pdf.

Government-owned and operated business establishments are classified in 6-digit NAICS codes according to the activity in which they are engaged. For example, a general veterans hospital would be classified in NAICS 622110: General Medical and Surgical Hospitals.

SECTION 5.0 How to Report Your “Parent Company” Name

Federal facilities should report their parent company name in the Form R (Section 5.1) by reporting their complete Department or Agency name, as shown in the following example:

- US DEPARTMENT OF ENERGY

Block 5.2, Parent Company’s Dun & Bradstreet Number, should be marked NA.

Federal contractors at GOCO facilities should list their parent company, as shown in the example below. They should not report a federal department or agency name as their parent company.

- AMERICAN CONTRACTORS LLC

SECTION 6.0 Who Should Certify Federal Reports?

Federal Form R and Form A Certification Statement reports should be certified by the senior federal employee on-site. If no federal employee is on-site, federal reports must be certified by the senior federal employee with management responsibility for the site. Contractor employee certifications are not considered valid on federal reports.

SECTION 7.0 More Help is Available!

Federal facilities may call the EPA/TRI Information Center to ask specific questions concerning how to submit their Form R or Form A Certification Statement reports. For contact information, see the “Contact Us” link on the TRI Home Page at: <https://www.epa.gov/tri>. Additional discussion addressing specific issues can be found in EPA’s current version of *EPCRA Section 313 Questions and Answers*, available on the EPA’s GuideME website: https://ofmpub.epa.gov/apex/guideme_ext/f?p=guideme:qa-search.

Questions and answers unique to federal facilities are available at https://ofmpub.epa.gov/apex/guideme_ext/f?p=guideme:qa-search:::::IR_FedFac:Y.