



**Department of Energy
Washington, DC 20585**

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Office of Pollution and Prevention and Toxics
U.S. Environmental Protection Agency, Rm. E-G099
401 M St., S.W.
Washington D.C. 20460

Docket Number OPPTS-400106

Dear Sir or Madam:

Re: 61 ER 51322, "Addition of Reporting Elements; Toxic Chemical Release Reporting; Community Right-to-Know" (TRI-Phase 3)

On October 1, 1996, the Environmental Protection Agency (EPA) published an Advanced Notice of Proposed Rulemaking and request for comments regarding expansion of reporting elements to the Toxic Chemical Release Inventory (TRI) under the Emergency Planning and Community Right-to-Know Act (EPCRA) section 313. As indicated in the Notice, comments were to be presented to EPA on or before December 30, 1996. On January 3, 1997, EPA announced a 60-day extension of the comment period to February 28, 1997.

The Department of Energy (DOE) appreciates the opportunity to raise concerns and provide input in response to the proposed TRI-Phase 3 initiative. In general, the Department supports the efforts of EPA to expand its Community Right-to-Know initiatives. However, we are wary of the potential for misinterpretation of both chemical use and occupational exposure data if reported through the TRI, and are unsure of the benefits to the public of this type of information. The Department encourages EPA to follow the National Academy of Sciences' suggestion of implementing a pilot program before further expansion. We also recommend that EPA further evaluate programs currently active in New Jersey and Massachusetts to evaluate the public benefits of such reporting.

The enclosed comments include viewpoints and issues identified by DOE Field Sites and Program Offices and are introduced for EPA's consideration in developing the TRI-Phase 3 initiative. These comments have been divided into two sections: the general section introduces broad concerns while the specific section addresses specific concerns regarding the usefulness and burden of certain data elements.

Sincerely,

Raymond F. Pelletier
Director
Office of Environmental Policy and Assistance

Enclosure

cc: Matt Gillen, TRI Branch, EPA



UNITED STATES DEPARTMENT OF ENERGY

**COMMENTS ON ADDITION OF REPORTING
ELEMENTS TO TOXIC CHEMICAL RELEASE INVENTORY REPORTING;
ADVANCED NOTICE OF PROPOSED RULEMAKING**

FEDERAL REGISTER NOTICE (61 FR 51322; October 1, 1996)

**UNITED STATES DEPARTMENT OF ENERGY
COMMENTS ON ADDITION OF REPORTING ELEMENTS TO
TOXIC CHEMICAL RELEASE INVENTORY REPORTING**

**ADVANCED NOTICE OF PROPOSED RULEMAKING
(61 FR 51322; October 1, 1996)**

GENERAL COMMENTS

- 1. The Department of Energy (DOE) supports the efforts of the Environmental Protection Agency (EPA) to enhance the Community Right-to-Know program but believes the benefits of expanding the information reported to the Toxic Chemical Release Inventory (TRI) to include chemical use/materials accounting data need to be further substantiated.**

EPA is considering expanding reporting requirements to include aspects of "chemical use," including the information most commonly described as materials accounting data: amounts of a toxic chemical entering a facility, amounts converted into products and wastes, and the resulting amounts exiting the facility site (61 FR 51322, column 1, paragraph 1). Given that most DOE facilities are not typically involved in manufacturing activities, DOE is uncertain how chemical use data could be used to analyze the following: 1) the amount of chemical flow through communities, 2) the total amount of toxics going into products, 3) the safety and health issues for workers, and 4) the pollution prevention performance of facilities. In addition, while DOE recognizes EPA's belief that expanding the information in the TRI data base will benefit the public by having a more detailed and comprehensive understanding about environmental performance and toxic chemicals in their communities, DOE would like to see more evidence of substantial public benefits. EPA could accomplish this by initiating a pilot study that would allow further evaluation of the public benefits of such a program and further evaluating programs currently active in New Jersey (NJ) and Massachusetts (MA).

- 2. DOE encourages EPA to further evaluate facility costs and benefits of chemical use reporting.**

DOE is in agreement with EPA that **tracking** chemical use information can sometimes be useful in reducing pollution. "The more complete the understanding of 'chemical' use and waste streams, the better positioned a facility is to assess process and product efficiencies and to modify use, process, or product as appropriate" (61 FR 51323, column 1, paragraph 1). However, it is unclear that the **reporting** of chemical use information will confer significant pollution prevention benefits to facilities. At DOE sites that are engaged in manufacturing type activities, standard engineering practice takes into account chemical use information, and the nature of DOE's activities already requires very stringent safety measures. DOE is concerned that reporting this information will not appreciably aid in further reducing pollution or improving worker safety, but will add cost and, without a full understanding of the facility context, be of little use to the public or be used inappropriately. DOE would like EPA to more fully explain what meaningful calculations could be obtained from each of the proposed data items and provide examples of how reporting this data could be used to reduce pollution, what this would cost, and what would be appropriate uses of such information.

SPECIFIC COMMENTS

I.B. Statutory Authority

1. DOE is uncertain whether EPA has sufficient statutory authority to implement the TRI-Phase 3 expansion under the statutes cited. DOE believes that EPA should provide stakeholders with a more complete justification and more information regarding where EPA plans to derive its specific authority.

I. F. Relationship to Other Agency and Administration Priorities

1. p. 51325, col. 3-p. 51326, col. 1-

DOE applauds EPA's efforts under the National Performance Review "Reinventing Environmental Regulation" project, which includes goals for reducing paperwork and reporting burdens.

DOE encourages further efforts under this project and urges EPA to consider these goals in their final design of the TRI-Phase 3 initiative. DOE is also concerned that EPA does not have sufficient resources, both in terms of personnel and information systems infrastructure, to handle a large influx of new data.

II. Key Issues and Requests for Information

II. A. Questions about the Premise for and Utility of Chemical Use Information

II. A. 1. Materials accounting information

1. p. 51326, col. 1-col. 3-

Both environmental and public interest groups have argued that TRI currently lacks the complete right-to-know picture needed to fully comprehend the issues regarding toxic chemicals. The reporting of materials accounting data has been suggested as the best solution for achieving a more comprehensive public understanding of toxic chemical use. DOE is concerned that toxic chemical use reporting under TRI may be of little value to facilities and may not enhance public understanding of toxic chemical use.

Value of Chemical Use Data Reporting. DOE believes that the collection and reporting of toxic chemical use information may not be useful in furthering pollution prevention objectives at DOE sites. The few DOE sites involved in "manufacturing" and distribution of products already take into account chemical use information, and reporting this information would not appreciably aid in further reducing pollution or improving worker safety. However, one DOE site recognized that facilities that do not currently collect materials accounting data would realize some benefit if they did begin collecting this type of information. Most of DOE's facilities are not involved in manufacturing or processing; rather, the primary activities are the treatment, storage, and disposal of hazardous and mixed wastes (wastes that contain both hazardous and radioactive constituents). Since EPA is proposing to classify toxic chemicals contained in waste being treated and disposed of as "otherwise used" when received from off-site, reporting materials accounting information would be of little value in reducing the use of toxic chemicals because source reduction is not an option. Reporting this information would not result in less "use" of these chemicals since they are already contained in the waste.

In general, materials accounting data will not readily fit large government facilities reporting under Executive Order 12856. A large facility will often use a toxic chemical in a variety of ways across a site. The starting inventory, quantity produced and consumed, quantity shipped, and ending inventory will be an aggregate of a number of uses and not representative of typical production activities. Therefore, an aggregate accounting of multiple uses will not provide a good measure of toxic chemical use and efficiency.

Public Understanding of Chemical Use. Due to the risk of misinterpretation of reported chemical use information, it is unclear how making toxic chemical use information available to the public will provide an accurate understanding of toxic chemical use at facilities. DOE supports EPA's efforts to obtain preliminary data elements from those already used in MA and NJ where materials accounting data is reported. EPA is encouraged to further analyze these data elements in regard to their benefits to the facilities and the public. DOE would like to know what meaningful analysis has been generated from this data - and if it has helped the public or facilities in these two states. DOE is particularly interested in the level of interest and ability to understand chemical use information on the part of the public in MA and NJ.

One DOE site believes the additional information collected would be of little or no value to surrounding communities in improving their understanding of facility environmental performance because many Local Environmental Planning Commissions do not have the resources to handle the additional data. These county groups are usually small, often with only one individual dealing specifically with data. Very often, this is also the case at the state level where there may only be one individual who is responsible for tracking all of this information.

Proponents of chemical use information collection and reporting argue that adding the proposed information to the TRI database will achieve a more integrated, reconcilable picture of environmental performance. However, TRI is often already used to draw conclusions that cannot be factually supported given the estimates, assumptions, interpretations, and instructions involved. DOE believes that further complicating the TRI database with chemical use information will not be useful to facilities or aid the public in understanding facility performance in their communities. For example, naming the ten worst polluters on the basis of a TRI quantity ranking not only overestimates the accuracy of information in a Form R in many cases and distorts the Emergency Planning, Community Right-to-Know Act (EPCRA) use of the term "release" but such pronouncements also seldom depict the most serious environmental impacts or risks to public health in a given community.

Communities deserve information related to materials that may negatively impact their environment or health if not managed appropriately, but they also deserve to know the relative accuracy and limitations associated with the available information. Several examples of misunderstanding of data were given by DOE sites: (1) the public often believes that releases will get into the groundwater and contaminate their drinking water supply, even though releases meet permitted requirements and will not impact drinking water quality; (2) the public is often concerned about any reported releases above zero, even though regulations define non-hazardous levels of release; and (3) the public may misinterpret chemical use data as chemicals that are released into the environment or have the potential of being released.

DOE conducted a complex-wide survey in order to evaluate the TRI-Phase 3 expansion initiative. Specific results and data from the survey are available to EPA upon request. In response to this survey, DOE facilities in general indicated that the reporting of chemical use information would not be very useful to the public. However, there were data elements that were rated by some facilities as having substantial benefits if reported to the public. These included the "Waste-related Source Reduction Performance Measures". Generally, the "Occupational Exposure Indicator Options" and the "Input

Options” data elements were rated as not being beneficial to improving public understanding. DOE sites indicated that all of the proposed data elements would have some potential for misunderstanding (particularly “chemical output”, “chemical input”, “chemical use”, and “worker exposure”).

II. A. 2. Occupational exposure indicator information

1. p. 51326, col. 3-p. 51327, col. 2-

EPA acknowledges that the manufacture, processing, and use of chemicals involves workers who are also part of the community. In addition, EPA believes that providing the basic estimates on the number of workers exposed and the extent to which employees have been exposed are useful data elements to TRI. DOE is concerned that TRI is an inappropriate mechanism to collect and report worker exposure information.

Reporting Worker Exposure Information Under TRI. DOE questions EPA’s efforts to make worker exposure information available to the public through TRI and is concerned that the benefits would not justify the costs of collecting and reporting this information under TRI. DOE believes that worker exposure data may be inappropriate for reporting under TRI, since TRI reporting was promulgated to identify releases of toxic chemicals to the environment and is neither appropriate nor sufficiently comprehensive to assess worker exposure. DOE believes that worker exposure as a “community” issue is better handled through the Occupational Safety and Health Act (OSHA) regulations. Worker exposure/safety issues fall under the purview of OSHA, and as such, should not be fragmented under various regulations and between Federal agencies. Placing these rules under the jurisdiction of the EPA, and fragmenting the administrative authority with regard to occupational health and safety, could cause confusion in the regulated community and duplicative efforts between the two regulating bodies. The duplication of these efforts could lead to substantially increased burdens to the regulated community for demonstration of compliance with the new rules.

The DOE does not believe that the TRI is the appropriate mechanism to address the perceived “data gap” with regard to occupational issues. DOE believes the following issues need to be further evaluated and addressed by EPA:

- 1) The collection of exposure data when it is uncertain if thresholds will be exceeded and when thresholds are exceeded for chemicals for which no exposure data has been collected;
- 2) Whether actual exposure monitoring will be required and the authority for such a requirement since EPCRA section 313 does not require monitoring independent of other authorities;
- 3) If monitoring is required, the appropriate protocols for monitoring EPCRA section 313 chemicals;
- 4) The appropriate criteria by which to evaluate exposure information;
- 5) If monitoring is not required, how materials accounting data and chemical use information will be used to determine occupational exposure; and
- 6) How occupational exposure information will be validated, interpreted, and reported since risk from exposure to a chemical depends on several variables as well as the chemical involved.

Public Interpretation of Worker Exposure Data. If these data elements are to be made available through TRI to the public, it is essential to provide the public with detailed information regarding exposure to each chemical. Exposure to some chemicals may be more serious than for others and different types of exposure to the same chemical can be associated with very different levels of risk. In addition, DOE is concerned that chemical use information is incomplete without including information on measures being taken to mitigate exposure, such as engineering controls, administrative controls,

and personal protective equipment. Toxic chemical use may not always be directly related to risk. Other factors, such as how the chemical is used, differences in exposure pathways, or other variable aspects of the exposure (duration, intensity, chronic vs. acute, etc.) are extremely important in determining the level of risk. With limited resources, many facility managers may monitor those activities with the highest risk first. This monitoring data may give an inaccurate picture of exposure at a facility where only higher risk exposures have been characterized and the aggregate quantity is then erroneously attributed to the higher risk exposure pathway. Toxic chemical use data is likely to be misunderstood by the public and the facility's use of toxic chemicals directly equated to risk to the community and workers. One DOE site raised the concern that public misunderstanding could arise by allowing eight-hour "point of operation" exposure levels to be equated with continuous community exposures. It is necessary to provide thorough information on chemical use so as not to mislead the public; however, the level of detail required to achieve this goal is likely to impose an unacceptable burden to facilities reporting and is not supported by the current version of the Form R.

DOE further believes that TRI cannot adequately measure performance, in terms of worker exposure and risk, because reporting thresholds and the listing of a TRI chemical have been developed based on potential chemical *hazard* and not the potential for exposure or risk. If a site is not required to report because it has not met the reporting threshold quantities, workers may still be exposed - and this information will not be publicly available. The information on worker exposure is of limited value because it is not linked to risk and, therefore, is an inaccurate measure of performance. The public and interested groups will not have adequate or appropriate data with which to evaluate a facility's environmental, safety, and health performance.

"Potentially Exposed" Workers. DOE is concerned that the exposure information will be too simplistic to provide a meaningful picture of risk to the public, the environment, or the worker. One site provided an example scenario that could cause significant confusion for site personnel attempting to report exposure information, as well as for the public interpreting exposure information. This site questioned how workers would be categorized who: worked directly with toxic chemicals, worked in close proximity to toxic chemicals, worked in another location on site that is near the toxic chemicals, worked in another location on site that is not near the toxic chemicals, etc. "Potentially exposed" workers arguably are determined based on *risk*, a variable that TRI does not evaluate in listing chemicals or setting thresholds. Determining "potentially exposed" workers based on risk, to chemicals at thresholds not based on risk, is inappropriate and exposure information may be misunderstood by the public. DOE would like EPA to provide the definition for "potentially exposed" and the criteria for making the distinction between potentially exposed workers and those actually exposed.

II. B. Agency-wide Environmental Reporting Issues

1. p. 51327, col. 2-col. 3-

There have been several issues raised concerning the correlation between TRI-Phase 3 and Agency-wide reporting policies. One of the concerns mentioned is that certain types of chemical use data may already be collected under other programs. DOE is concerned that duplicative reporting or data collection will result in a significant waste of resources.

DOE encourages EPA to first explore integrating data from other programs into TRI before additional reporting is requested. Combining data from various programs would help address data gap problems in EPA's data base and would assist in reducing the reporting burden. Currently under OSHA, workers are informed of the hazards of the materials with which they work. Therefore, DOE believes that OSHA regulations, particularly information available through OSHA programs (29 CFR 1910, 1200),

would be the appropriate place for addressing worker exposure and safety issues. While the information required under OSHA's Hazard Communication Standard is geared to worker right-to-know issues and not community needs, the information provided through industry and DOE hazard communication programs and material safety data sheets can be applied to community response and preparedness information needs.

In addition, DOE also recognizes that through Comprehensive Environmental Response, Compensation, and Liability Act/Superfund Amendments and Reauthorization Act programs, reportable quantities of hazardous substances are established to protect the community against accidental releases of chemicals from facilities. DOE believes that limited worker exposure and safety data could also be gathered from these programs.

Currently, the Clean Air Act (CAA) air emissions inventory and EPCRA section 311 and 312 reports, and the National Pollution Discharge Elimination System (NPDES) monitoring reports all provide specific release and storage information. Facility NPDES data, including permit issuance, permit limits, monitoring data, and other data is available through the Permit Compliance System, a national computerized management information system. The CAA section 112(r) Accident Release Management standards and OSHA 29 CFR 1910.119 Process Safety Management standards require monitoring of chemicals in the workplace. Examples of existing sources of information which could be used to track flow of material through communities include: Section 8 of the current Form R; air emissions inventory, and the Department of Transportation, which has authority over regulating the transportation of hazardous materials through its manifest system. At some DOE facilities, pollution prevention is currently tracked by reports required by DOE (the Annual Pollution Prevention Progress Report) and the state (annual and bi-annual reporting of pollution prevention projects). These DOE reports are available to the public upon request.

In response to a DOE-wide survey, DOE facilities generally reported that some existing chemical use information was available to the public (EPCRA section 311 and 312 data, OSHA information). Other sources of information that were cited in survey responses, although not polled in the survey, and were considered to be available were: Title V air operating permits; manufacturing process information; data currently reported under EPCRA section 313, and Biennial Reports for hazardous waste generation required under the Resource Conservation and Recovery Act. Existing chemical use information was generally thought of as moderately useful or better for evaluating pollution prevention activities, less so for evaluating flow of toxics and product streams.

II. D. Cost Estimates

1. p. 51328, col. 3-p. 51329, col. 2-

EPA indicates that some of the raw data used for materials accounting is used in the normal course of business by many firms and, therefore, any additional costs to these facilities would be minimal. EPA recognizes that some firms might collect only partial materials accounting data and would experience higher costs. DOE is concerned with the potential increased burdens, both in terms of time and cost, to facilities resulting from implementing toxic chemical use information reporting.

DOE believes that in order to meet new toxic chemical use information reporting requirements, some facilities may need to restructure their methods of data collection and involve additional organizations in the reporting process. Additional administrative support will be required to track movement and end-use of all chemicals, and occupational safety and health support will be required to compile and

report on employee exposure studies. This becomes especially burdensome for facilities that “otherwise use” toxic chemicals throughout their sites, since such facilities typically do not have a well-defined flow pattern for their chemicals, unlike a chemical manufacturer or processor.

According to one DOE site that currently collects limited materials accounting data, the cost of collecting toxic chemical use information would be significant. This site estimates that a new software system would be required that would provide chemical use, mass balance, worker exposure, exposure monitoring, and waste tracking data for any TRI-listed chemical from onsite delivery to final disposition. The average startup cost ranges between \$525,000 and \$725,000 which includes installation of the new system, modification of existing software, training personnel, etc. The annual operating cost would range between \$375,000 and \$390,000 which would include software modifications, labor time, and other associated maintenance activities.

Another DOE site indicated that the additional burdens of this initiative would be small at their site. However, the site acknowledged that this was a function of their small size and scope of operations, and the fact that they already had a chemical tracking system in place. They currently track how chemicals come on-site, how they are used, and how they leave the site, as well as any processing of chemicals and any releases of chemicals. In addition, they use very few toxic chemicals on site. The site also indicated that they report as a subset to a larger facility Form R report, and that adding chemical use information could add a significant burden to the facility as a whole, depending on how well this type of information is currently being tracked.

DOE facilities were surveyed to assess burden increases from adding chemical use information to reporting requirements. Overall, the burden estimated for reporting data elements in the “Input Options” category was relatively low, with the exception of “amount otherwise used,” which was associated with a moderate burden. The burden estimate for reporting data elements in the “Output Options” category varied from “no increase in time/cost” to a “large increase in time/cost”, but “amount consumed on-site” was associated with the highest burden, both in terms of time and cost. Overall, the “Output Options” data elements were rated as imposing a moderate increase in burden to collect and report over current requirements. Of the “Occupational Exposure Indicator Options”, the “number of workers potentially exposed” and “whether exposure assessment was performed” had the highest estimated burden increases. Generally, the “Waste-related Source Reduction Performance Measures” were associated with the highest increased burden of all the data elements.

II. E. Technical Collection and Interpretation Issues

1. p.51329, col. 2-

EPA has acknowledged that stakeholders have raised technical questions about the mechanics of materials accounting and occupational exposure indicator reporting, and the precision and appropriate interpretation of the results. DOE has concerns about chemical use thresholds (and the triggering of chemical use data reporting), monitoring and collection of chemical use data, and evaluating facility performance using reported chemical use information.

Chemical Use Thresholds. While DOE recognizes that EPA prepared this ANPR under the current regulatory framework, using current regulatory definitions, DOE has attempted to look at the ANPR as it would affect its facilities under the proposed regulatory framework of TRI-Phase 2 expansion (Addition of Facilities in Certain Industry Sectors; 61 FR 33588), and the associated amended definitions. DOE is particularly concerned about the interpretation of activities considered “otherwise

used” as it applies to activity thresholds under EPCRA section 313 to include treatment for destruction, disposal and waste stabilization when the facility engaged in these activities receives materials containing any chemical (not limited to EPCRA section 313 listed toxic chemicals) from one or more other facilities for the purposes of further waste management activities. The definition of “otherwise use” has implications for how chemical use information will be reported and raises several questions, such as:

- What constitutes “chemical use” (i.e., if “otherwise use” of a toxic chemical equates to “chemical use”, then are uses that fall outside of “otherwise use” (and are also not considered to be manufacture or process) excluded from the definition of “chemical use”)?
- What chemical uses will be required to be reported -- only those that count toward threshold or all chemical uses?

DOE is also concerned about whether chemical use data reporting and occupational exposure information reporting would apply for every toxic chemical used on site, or only those chemicals that are used in excess of their TRI reporting thresholds. If facilities are required to report chemical use information for toxic chemicals that do not meet established thresholds, they could face substantial increases in administrative burdens. DOE recommends that if chemical use reporting becomes a requirement, it be required for only those chemicals that exceed the TRI thresholds for reporting.

Further, DOE is concerned about any lowering of current thresholds for reporting TRI chemicals as part of implementing the TRI-Phase 3 expansion. Lowering thresholds would increase the costs to facilities that currently report and to facilities that would be brought into reporting because reporting threshold information would have to be collected on more chemicals and more chemicals would probably be reported on. DOE recommends that EPA retain current TRI reporting thresholds.

Monitoring and Collection of Chemical Use Data. DOE agrees that some chemical use information is collected by facilities as part of the normal course of business (e.g., chemical input information is usually known, including how much is purchased or how much is generated in a process. However, chemical use at many DOE facilities is not associated with the manufacturing and distribution of products, but rather with the treatment, storage, and disposal of hazardous and mixed waste. The additional reporting elements do not provide useful information for pollution prevention because output data elements are limited primarily to storage and disposal of toxic chemicals in waste. Input information to the individual toxic chemical level is generally not known for waste. The burden of characterizing hazardous and mixed waste would be substantial, and, in some cases, characterization would impose unacceptable risk to site personnel and/or the environment. DOE would like to know if EPA intends to apply the “no further monitoring or measurement” rule to chemical use information reporting.

Evaluating Facility Source Reduction Performance. DOE recognizes that TRI may not adequately serve as a tool for measuring source reduction progress because it is designed primarily to track releases and waste management activities. We also agree that measuring progress by the unit of product may be a more accurate measure. However, DOE believes that in cases where facilities are not primarily involved in manufacturing or production (e.g., many DOE sites), production information is less suitable for evaluating performance. DOE thus believes that using reported chemical use information as a means of a “scorecard” for measuring source reduction (data gap #4) may be inappropriate and may be misleading to the public and regulators.

Furthermore, DOE believes that chemical use reporting could result in an overly simplistic tracking of whether use volumes are increasing or decreasing, which is not necessarily a good measure of

environmental performance and could be misinterpreted by the public. For example, the increase or decrease in the use of a particular chemical may not adequately account for variability in production volumes. Another problem with reporting quantities only arises when a facility substitutes a lower quantity of a chemical that is associated with greater risk with a higher quantity of a chemical that is associated with lower risk, which may be a good pollution prevention practice. The public would not be given enough information to adequately evaluate pollution prevention performance because they would only see reported chemical use increasing.

When comparing facilities' performance, the differences in those facilities need to be considered. Facilities that use the same chemicals to produce the same products may use different processes that may yield different materials accounting data. These processes may not be interchangeable at a facility and, therefore, cannot be compared. To compare data sets, the two sites should be of approximately the same size (physically, population), have the same type of geographic features, and contain the same general type of operations.

III. A. EPA Evaluation Activities

1. p.51329, col. 3-

DOE recognizes that EPA is taking steps to examine several issues as part of its evaluation of TRI-Phase 3 issues. DOE encourages EPA to consider using a “pilot program” to evaluate TRI-Phase 3 and implementing the pilot through EPA’s Project XL.

DOE supports the implementation of a “pilot program” prior to the full TRI-Phase 3 expansion. The National Academy of Sciences report suggested that a pilot program would “reduce uncertainty and preclude errors of national proportion.” A pilot program will provide more accurate information as to the costs and benefits of implementing the TRI-Phase 3 initiative. However, the choice and number of chemicals are critical to obtain representative information. The number of chosen chemicals needs to be small enough to minimize the initial reporting burden and large enough to provide a good statistical sample - including as large a sample of SIC codes as possible. DOE suggests EPA consider implementing such a pilot program through the well-publicized Project XL program, where EPA is looking at alternative ways to work cooperatively with the regulated community.