

A dozen states sue EPA over TRI program changes

Nov. 29 -- A dozen states are suing the U.S. EPA over changes to the Toxics Release Inventory program that they say reduce the public's access to information about toxic chemicals in their communities.

New York Attorney General Andrew M. Cuomo filed the lawsuit Nov. 28 in the U.S. District Court for the Southern District of New York.

The lawsuit alleges thousands of companies will escape having to disclose information to the public about the toxic chemicals they use, store and release into the environment. However, the EPA, which issued the rule in December 2006, maintains it reduces reporting burdens and expenses for companies with little impact on the availability of information.

Environmentalists and many local government officials disagree with the EPA's assessment and the states' lawsuit seeks to reinstate the previous reporting requirements.

The EPA's new rule allows companies releasing as much as 2,000 pounds of chemicals annually to file shorter, less detailed forms. The former threshold was 500 pounds. The shorter forms do not include numerical measurements for chemicals released.

In addition, the EPA eliminated detailed reports from nearly 2,000 facilities that manage as much as 500 pounds of persistent and bioaccumulative chemicals known to pose some of the worst threats to human health, including lead and mercury, according to critics of the change.

"The EPA's rollback of TRI requirements only benefits the companies that bring hazardous chemicals into our communities, while putting citizens at greater risk," Cuomo said.

More than 10 percent of communities will lose all data on releases of toxic chemicals to the environment, said Tom Natan, research director for the National Environmental Trust.

"[The] EPA claims this is insignificant, but by filing this suit, New York and other states are standing up for those communities and helping preserve useful public health data for everyone," Natan said.

The EPA is reviewing the lawsuit, but a spokeswoman said the reforms are making the program better by encouraging companies to reduce the use of persistent and bioaccumulative toxic chemicals.

"Facilities can only use the shorter TRI form for PBT reports if they can certify that they have zero releases of PBTs to the environment," said Molly O'Neill, assistant administrator for the EPA's Office of Environmental Information. "By reducing long-lasting PBTs, EPA and facilities are delivering a cleaner, healthier environment."

Joining New York in the lawsuit were Arizona, California, Connecticut, Illinois, Maine, Massachusetts, Minnesota, New Hampshire, New Jersey, Pennsylvania and Vermont.