

Toxics Release Inventory (TRI) De minimis Level for Naphthalene

Naphthalene Classification Change:

The International Agency for Research on Cancer (IARC) has evaluated naphthalene and classified it as “possibly carcinogenic to humans (Group 2B)” (IARC Monographs Vol. 82, 2002). In addition, the National Toxicology Program (NTP) has recently evaluated naphthalene and classified it as “reasonably anticipated to be a human carcinogen” (Eleventh Report on Carcinogens; U.S. Department of Health and Human Services, Public Health Service, National Toxicology Program, 2004). Based on these classifications the de minimis level for naphthalene is lowered from 1.0% to 0.1% starting with the 2004 reporting year.

Changing the De minimis Levels for Toxics Release Inventory (TRI) Chemicals

In the final rule (53 FR 4500, Feb. 16, 1988) that implemented the reporting requirements of section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA), EPA adopted a de minimis exemption which permits facilities to disregard de minimis levels of toxic chemicals for threshold and reporting calculations. The rule adopts a 0.1% de minimis level for chemicals which are carcinogens “as defined in 29 CFR 1910.1200(d)(4).” This section of the CFR addresses Material Safety Data Sheets (MSDS) requirements for the Occupational Safety and Health Administration (OSHA) and reads as follows:

“(4) Chemical manufacturers, importers and employers evaluating chemicals shall treat the following sources as establishing that a chemical is a carcinogen or potential carcinogen for hazard communication purposes:

- (i) National Toxicology Program (NTP), Annual Report on Carcinogens (latest edition);
- (ii) International Agency for Research on Cancer (IARC) Monographs (latest editions); or
- (iii) 29 CFR part 1910, subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration.”

Therefore, once a chemical’s status under NTP, IARC, or 29 CFR part 1910, subpart Z indicates that the chemical is a carcinogen or potential carcinogen, the reporting facility may disregard levels of the chemical below the 0.1% de minimis concentration provided that the other criteria for the de minimis exemption is met. For convenience purposes, EPA refers to these chemicals as the “OSHA carcinogens.”

EPA makes every effort to review the latest editions of the IARC and NTP reports as well as 29 CFR part 1910, subpart Z to see if a listed chemical’s status has changed. EPA prepares a list of the toxic chemicals that are subject to the 0.1% de minimis level, and makes this list available to covered facilities in a variety of ways. For example, EPA provides to each reporting facility an annual reporting package for EPCRA section 313. The materials in this package include the updated chemical list that reflects any changes

in the de minimis levels. EPA also supplies this information to the EPCRA Hotline. In addition, the annual TRI public data release document discusses the basis for classifying chemicals as OSHA carcinogens and contains a listing of all of the EPCRA section 313 chemicals that are identified as carcinogens for purposes of the EPCRA section 313 de minimis. This listing also includes the basis for each chemicals classification. All of this information is also available on TRI's Web page (<http://www.epa.gov/tri>).

Changes are made to the de minimis levels in the year following any reclassification. For example, if in calendar year "A" IARC or NTP classifies a chemical as a probable or known carcinogen (thus lowering the EPCRA section 313 de minimis concentration from 1.0% to 0.1%), the lower de minimis concentration for the purposes of reporting would be applicable starting with reporting year "A+1." For example, vinyl acetate was classified as a group 2B chemical by IARC in 1995, so the lower de minimis of 0.1% applied starting with the 1996 reporting year (i.e., it was effective as of January 1, 1996 for reports due July 1, 1997).

Suppliers would need to notify their customers of such changes with the first shipment in the year in which the change is applicable. If, as in the vinyl acetate example, the classification changes in 1995, then the supplier would notify customers with the first shipment on or after January 1, 1996.