UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 22 2005

OFFICE OF
ENVIRONMENTAL INFORMATION

Courtney M. Price
Vice-President, CHEMSTAR
American Chemistry Council Isopropanol Panel
1300 Wilson Blvd.
Arlington, VA 22209

RE: Request for Correction – Toxics Release Inventory Listing of Isopropyl Alcohol (Manufacturing – Strong Acid Process)
(RFC Number: 05002)

Dear Ms. Price:

Thank you for your request for correction dated February 24, 2005. As we understand your concern, you believe the listing of isopropyl alcohol (IPA) on the Toxics Release Inventory (TRI) is inaccurate and misleading because the listing misstates Congress' intent. Thus, you conclude that the dissemination of this information conflicts with Environmental Protection Agency's (EPA's) and Office of Management and Budget's (OMB's) Information Quality Guidelines (IQG) and request correction of the information disseminated under the listing for IPA in the TRI list. Following a thorough review, the Office of Environmental Information has determined that its listing of IPA on the TRI is consistent with EPA's and OMB's IQG. This response provides an explanation of our determination.

Under the Emergency Planning and Community Right-to-Know Act (EPCRA) section 313(b)(1)(A), facilities that manufacture, process, or otherwise use a listed toxic chemical above threshold amounts are required to report their releases and other waste management activities for that chemical. When Congress passed EPCRA, it included an original list of chemicals for which reporting was required.[1] That list included the following: "67-63-0 Isopropyl alcohol (manufacturing-strong acid process)." Once EPA collects data on the listed chemicals, we are required by EPCRA section 313(j) to disseminate that data "via computer telecommunication and other means." Therefore, data that are submitted to EPA for chemicals on the TRI list must, by law, be disseminated to the public. The IPA data we disseminated were validly submitted to

[1] EPCRA section 313(c) specifically explains that the "toxic chemicals subject to the requirements of this section are those chemicals on the list in Committee Print Number 99-169 of the Senate Committee on Environment and Public Works, titled 'Toxic Chemicals Subject to Section 313 of the Emergency Planning and Community Right-To-Know Act of 1986.'" That Committee Print includes the following listing: "67-63-0 Isopropyl alcohol (manufacturing-strong acid process)." This listing identifies isopropyl alcohol (IPA) both by chemical name and by Chemical Abstracts Service (CAS) Registry Number.

the Agency in accordance with statutory requirements, by individual facilities that were required to certify the accuracy of the data.

Distribution of information in public filings to EPA, including information submitted to EPA by any individual or person, either voluntarily or under mandates or requirements (such as filings required by statutes, regulations, orders, permits, or licenses) is not covered by the IQGs. Therefore, the EPA's distribution of information in public filings on IPA that was submitted to EPA in accordance with EPCRA section 313 is not covered by the IQG. While the actual IPA reports submitted to EPA and distributed to the public are not covered by the IQG, EPA acknowledges that certain materials that EPA generates from TRI reports submitted to EPA are subject to the IQG. EPA has determined that the dissemination of that IPA information meets the IQG objective to ensure and maximize the quality, including objectivity, utility and integrity, of disseminated information, as demonstrated by the many steps EPA has taken over the years to address the issue of inaccurate submissions with respect to IPA (see discussion of these steps below). Therefore, the materials disseminated by EPA that contain TRI IPA information are consistent with the IQG.

Since the inception of the TRI Program, the Agency has made it clear that the listing for IPA is a listing for the chemical IPA that only applies to those facilities using the strong acid process to manufacture IPA. Further, it was clearly stated that the listing did not apply to users or suppliers of IPA (see 53 Federal Register 4500, 4519, Feb. 16, 1988).[2] EPA has included a discussion of the IPA qualifier and how it limits reporting to only facilities that manufacture IPA by the strong acid process in all the annual TRI reporting instructions documents since 1988.

In response to subsequent submission of IPA reports, EPA has taken a number of steps to eliminate reports from facilities that do not meet the IPA qualifier. Beginning with the reports filed for reporting year 2000, EPA expanded its outreach effort to contact each facility that reported for IPA. This outreach effort advised each facility that filed a report for IPA of the reporting limitations of the IPA qualifier. EPA requested that each facility reevaluate their submission and withdraw that submission if they did not manufacture IPA by the strong acid process. The outreach effort conducted for the 2000 reporting year included contacting facilities by e-mail and phone, and then sending follow up letters to those facilities that did not initially withdraw their reports. This outreach effort has continued for reporting years 2001, 2002, and 2003 with letters being sent to all facilities that reported for IPA.

In addition to the outreach efforts, beginning with reporting year 2001 the qualifier for IPA used in EPA's reporting instructions was revised to match exactly the qualifier that is listed in the Code of Federal Regulations. The revised qualifier is "Only persons who manufacture by the strong acid process are subject, no supplier notification." The previous qualifier was a condensed version that read "manufacturing – strong acid process, no supplier notification." EPA believes that use of the revised qualifier makes it clearer that only facilities that manufacture IPA by the strong acid process are subject to reporting (i.e., processors and users of IPA are not subject to reporting). It should also be noted that EPA's discussion of the qualifier

[2] EPA is not reopening that interpretation here. If you believe that the IPA listing is in error or could be better characterized, the petition provision of EPCRA section 313(e)(1) is the appropriate method for you to request EPA review of the listing.

in Table II of the annual Form R and Instructions document already contained statements that processors and users of IPA are not subject to the IPA reporting requirements.

Also beginning with the 2001 reporting year, EPA added a Notice of Technical Error (NOTE) that is generated for all reports filed for IPA. The NOTE states that:

"You have reported for isopropyl alcohol (Only persons who manufacture by the strong acid process are subject) (CAS number 67-63-0). If you did not manufacture isopropyl alcohol by the strong acid process, you have submitted this form in error and should request that the form be withdrawn."

The NOTE is included in a facility's Facility Data Profile (FDP) which presents the information a facility submitted to EPA, and includes errors identified with the submissions. Facilities can review their FDPs online and, if appropriate, submit revised reports or request to withdraw their reports.

The impact of the above actions taken by EPA to eliminate reports filed for IPA by facilities that do not meet the IPA qualifier are summarized in the table below.

Reporting Year	Number of IPA Reports Filed	Number of IPA Reports Withdrawn	Number of IPA Reports Remaining
2003	20	10*	10*
2002	21	17	4
2001	29	15	14
2000**	83	58	25
1999	82	6	76
1998	80	2	78

* Based on withdrawal requests received through 4/1/05 in response to letters mailed 2/16/05.
**First year of EPA's expanded outreach efforts.

As shown in the above table, there has been a significant decline in the number of reports filed for IPA and the number of reports that remain in the TRI database. Nevertheless, absent a resubmission by the reporter, EPA has no basis for disputing the original submission.

While EPA believes that significant progress has been made to reduce the number of reports mistakenly filed for IPA, EPA is continuing to make efforts to address this issue. For example, the 2004 version of EPA's electronic TRI reporting software, TRI-Made Easy (TRI–ME), has been modified to display a message box when users select IPA as a TRI chemical for which they intend to file a report. The message box explains in detail the reporting limitations of the IPA qualifier and specifically states that processors and users of IPA are not required to file a report. TRI-ME has also been modified to include a validation error for IPA which states:

> "You have elected to submit a Form R or Form A certification statement for isopropyl alcohol (CAS No. 67-63-0). This EPCRA section 313 chemical has the following manufacturing qualifier: only persons who manufacture by the strong acid process are subject, no supplier notification. This qualifier means that only facilities that

manufacture isopropyl alcohol by the strong acid manufacturing process are required to file a report for this chemical. Facilities that manufacture isopropyl alcohol by some other manufacturing process, or that only otherwise use, process, or import isopropyl alcohol, are not required to report for this chemical. EPA is not aware of any facilities in the US that currently manufacture isopropyl alcohol by the strong acid manufacturing process; however, if your facility does use this method to manufacture isopropyl alcohol, then you may be required to report." (possible error #922)

In addition, the 2006 public data release materials (for release of the 2004 data) will contain a footnote with a cautionary statement about using the data reported for IPA. EPA also plans to add similar statements concerning the IPA data in future updates to TRI Explorer.

The Agency will continue to seek to identify actions which will further reduce submissions for IPA by facilities that do not meet the qualifier. My staff in the TRI Program Division would be glad to meet and discuss additional ideas you may have as to how we could introduce additional data quality processes, electronic reporting software, or reporting instructions to further reduce or eliminate IPA reports from facilities that do not meet the qualifier. For the reasons stated above, EPA believes the actions we have taken are consistent with the IQG and address the concerns you raised regarding IPA data in TRI reports.

If you are dissatisfied with this decision, you may submit a Request for Reconsideration (RFR). EPA recommends that this request be submitted within 90 days of the date on this letter. You may submit an RFR to the Agency's IQGs management staff via Email at "quality@epa.gov" or by mail to USEPA, 1200 Pennsylvania Avenue, NW, Mail Code 2811R, Washington, DC 20460. The RFR should reference the RFC # 05002, and should include an explanation of why you are seeking reconsideration on EPA's response to your RFC; any new supporting information that was not originally submitted, and, specific recommendations for corrective actions. Guidance on submitting an RFR is provided in Section 8 of the Guidelines listed on the EPA Web site at http://www.epa.gov/quality/informationguidelines. Thank you for your interest in the quality and utility of the information EPA disseminates.

Sincerely,

Kimberly T. Nelson
Assistant Administrator and
Chief Information Officer