



Right to Know and Pollution Prevention Requirements added for Newly Reportable Chemicals

Who is affected by this Advisory?

This Compliance Advisory is an addendum to an Advisory issued earlier this year as #2023-01. See page 2 regarding de minimis concentrations for all twelve (12) chemicals.

Facilities in New Jersey subject to the Community Right to Know (CRTK) and Pollution Prevention (P2) programs will be subject to reporting twelve (12) newly added chemicals on the New Jersey CRTK Survey and the Release and Pollution Prevention Report (RPPR) for 2023. The U.S. Environmental Protection Agency (USEPA) added these to the list subject to the reporting requirements of the federal Emergency Planning and Community Right-to-Know Act (EPCRA).

Why is DEP issuing this Advisory?

With a final rule notice in the Federal Register on November 30, 2022 (87 FR 73475), the USEPA added 12 new chemicals to the list of chemicals covered by the Toxics Release Inventory (TRI) under Section 313 of EPCRA and the federal Pollution Prevention Act. The newly added chemicals are:

Chemical name	CAS No.
Dibutyltin dichloride	683-18-1
1,3-Dichloro-2-propanol	96-23-1
Formamide	75-12-7
1,3,4,6,7,8-Hexahydro-4,6,6,7,8,8-hexamethylcyclopenta[g]-2-benzopyran	1222-05-5
N-Hydroxyethylethylenediamine	111-41-1
Nitrilotriacetic acid trisodium salt	5064-31-3
p-(1,1,3,3-Tetramethylbutyl)phenol	140-66-9
1,2,3-Trichlorobenzene	87-61-6
Triglycidyl isocyanurate	2451-62-9
Tris(2-chloroethyl) phosphate	115-96-8
Tris(1,3-dichloro-2-propyl) phosphate	13674-87-8
Tris(dimethylphenol) phosphate	25155-23-1

COMPLIANCE ADVISORY

What should I do?

Track the uses of these chemicals at your facility to accurately prepare for the required reports in the upcoming year(s). Facilities in New Jersey will be subject to reporting these chemicals on the New Jersey CRTK Survey and the RPPR for Report Year 2023. The threshold for reporting on the New Jersey CRTK Survey by March 1, 2024, is 500 pounds on site at any one time. The annual threshold for the RPPR due by July 1, 2024, is 25,000 pounds for Manufacture or Process, and 10,000 pounds for Otherwise Use. In addition, based on the available bioaccumulation and persistence data, USEPA has determined that one chemical – 1,3,4,6,7,8-Hexahydro-4,6,6,7,8,8-hexamethylcyclopenta[g]-2-benzopyran, or HHCB (Chemical Abstract Service Registry Number [CASRN] 1222-15-5) – should be classified as a persistent, bioaccumulative, and toxic (PBT) chemical and designated as a chemical of special concern with a 100-pound Manufacture, Process or Otherwise Use reporting threshold for TRI purposes. The 100-pound threshold applies to the New Jersey Department of Environmental Protection's (NJDEP) RPPR and P2 Planning requirements as well.

Since HHCB is a PBT, the de minimis exemption does not apply to this chemical. The de minimis level for the other eleven (11) chemicals has been established as one (1.0%) percent. It is important that reporting parameters such as facility use, production, environmental releases, and waste management of these chemicals, per the requirements of the New Jersey CRTK Survey and the RPPR be initiated as soon as possible so that accurate data for 2023 may be reported.

Who should I contact with questions?

For questions on CRTK reporting, please contact NJDEP via e-mail at RTK@dep.nj.gov. For questions on the RPPR, please contact the Pollution Prevention Program at [609-777-0518](tel:609-777-0518).

Where can I get more information?

The following web sites can be accessed for additional information regarding this advisory:

- Community Right to Know Program: <https://www.nj.gov/dep/enforcement/crtk.html>
- Pollution Prevention Program: <https://www.nj.gov/dep/enforcement/pp.html>
- General NJDEP Contact Information: <https://dep.nj.gov/contact>
- Compliance Advisories Survey: <https://www.nj.gov/dep/enforcement/survey.html>
- Air Pollution Program: <https://dep.nj.gov/boss/>
- Small Business Environmental Assistance Program: <https://www.state.nj.us/dep/ages/sbap/index.html>
- Final Rule: Addition of 12 Chemicals to the Toxic Release Inventory: <https://www.epa.gov/toxics-release-inventory-tri-program/final-rule-addition-12-chemicals-toxics-release-inventory>

This advisory is intended to be a summary explanation. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the programs listed above.