



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 372

[EPA-HQ-OEI-2011-0979; FRL-9825-9]

RIN 2025-AA36

Community Right-to-Know; Adoption of 2012 North American Industry Classification System (NAICS) Codes for Toxics Release Inventory (TRI) Reporting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to update the list of North American Industry Classification System (NAICS) codes subject to reporting under the Toxics Release Inventory (TRI) to reflect the Office of Management and Budget (OMB) 2012 NAICS revision. Facilities would be required to use 2012 NAICS codes when reporting to TRI beginning with TRI reporting forms that are due on July 1, 2014, covering releases and other waste management quantities for the 2013 calendar year. In the “Rules and Regulations” section of today’s **Federal Register**, we are simultaneously publishing the 2012 OMB NAICS revisions for TRI Reporting as a direct final rule without a prior proposed rule. If we receive no adverse comment, we will not take further action on this proposed rule. We will withdraw this proposed rule, and the direct final rule will become effective as specified in that rule. If, however, we do receive adverse comment in response to this proposed rule or in response to the direct final rule, then we will publish a timely withdrawal in the **Federal Register** informing the public that the direct final rule will not take effect. In that case, we would address all public comments in a subsequent final rule based on this proposed rule. We will not institute a second comment period on this action. Any parties

interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document.

DATES: Comments must be received on or before [insert date 30 days after publication in the Federal Register].

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OEI-2011-0979, by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.
- Email: oei.docket@epa.gov
- Fax: (202) 566-0715
- Mail: OEI Docket, Environmental Protection Agency, Mailcode 2822T, 1200 Pennsylvania Ave., NW., Washington, D.C., 20460
- Hand Delivery: EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, D.C., 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA-HQ-OEI-2011-0979. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at www.regulations.gov, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information for which disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through www.regulations.gov or e-mail. The

www.regulations.gov website is an “anonymous access” system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through www.regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters or any form of encryption and must be free of any defects or viruses. For additional information about EPA’s public docket, visit the EPA Docket Center homepage at

<http://www.epa.gov/epahome/dockets.htm>.

Docket: All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., CBI or other information for which disclosure is restricted by statute. Certain other materials, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the OEI Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The Public Reading Room is open Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OEI Docket is (202) 566-1752.

FOR FURTHER INFORMATION CONTACT: Judith Kendall, Toxics Release Inventory Program Division, Mailcode 2844T, OEI, Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Ave. NW, Washington, DC 20460; Telephone: (202) 566-0750; Fax: (202) 566-0715; email: kendall.judith@epa.gov. For general information on TRI, contact the Emergency Planning and Community Right-to-Know Hotline at (800) 424-9346 or (703) 412-9810, TDD (800) 553-7672, <http://www.epa.gov/epaoswer/hotline/>.

SUPPLEMENTARY INFORMATION:

I. Why is EPA Issuing this Proposed Rule? This document proposes to take action to update the list of North American Industry Classification System (NAICS) codes subject to reporting under the Toxics Release Inventory (TRI) to reflect the Office of Management and Budget (OMB) final 2012 NAICS revision (75 FR 26856 and 76 FR 51240). We have published a direct final rule to adopt the OMB 2012 NAICS codes for TRI reporting purposes in the “Rules and Regulations” section of this **Federal Register** because we view this as a noncontroversial action and anticipate no adverse comment. We have explained our reasons for this action in the preamble to the direct final rule.

If we receive no adverse comment, we will not take further action on this proposed rule. The proposed rule will be withdrawn, and the direct final rule will become effective as specified in that rule. If, however, we receive adverse comment, we will withdraw the direct final rule and it will not take effect. In that case, we would address all public comments in any subsequent final rule based on this proposed rule.

We do not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information, please see the information provided in the **ADDRESSES** section of this document.

II. Does This Action Apply to Me?

Entities that may be affected by this action are those facilities that have 10 or more full-time employees or the equivalent 20,000 hours per year that manufacture, process, or otherwise use toxic chemicals listed on the TRI, and that are required under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) or section 6607 of the Pollution Prevention Act (PPA) to report annually to EPA and States or Tribes their environmental releases or other waste management quantities of covered chemicals. (A rule was published on April 19, 2012 (77 FR 23409), requiring facilities located in Indian country to report to the appropriate tribal government official and EPA instead of to the state and EPA.) Under Executive Order 13423 (January 24, 2007), published in the **Federal Register** on January 26, 2007 (72 FR 3919), all federal facilities are required to comply with the provisions set forth in Section 313 of EPCRA and section 6607 of the PPA. On March 29, 2007, the White House Council on Environmental Quality (CEQ) issued *Instructions for Implementing Executive Order 13423*, including annual reporting to the TRI program. Notice of availability of those implementing instructions was published in the **Federal Register** on June 18, 2007 (72 FR 33504).

To determine whether your facility is affected by this action, you should carefully examine the applicability criteria in Part 372 of Title 40 of the Code of Federal Regulations. If you have any questions regarding the applicability of this action to a particular entity, consult the

person listed in the “**FOR FURTHER INFORMATION CONTACT**” section.

III. What Should I Consider as I Prepare My Comments for EPA?

A. *Submitting CBI.* If you wish to claim information submitted in a comment to be CBI, it will be handled in accordance with procedures set forth in 40 CFR part 2, subpart B. If you do not assert a confidentiality claim at the time of submission, the information may be made available to the public by EPA without further notice. See 40 CFR 2.203, 41 FR 36902, September 1, 1976. Do not submit this information to EPA through www.regulations.gov or e-mail. Clearly mark the specific information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2.

B. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions - The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree; suggest alternatives and substitute language

for your requested changes.

- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

IV. What is EPA's Statutory Authority for Taking This Action?

EPA is taking this action under sections 313(g)(1) and 328 of EPCRA, 42 U.S.C. 11023(g)(1) and 11048. EPCRA is also referred to as Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) (Pub. L. 99-499). In general, section 313 of EPCRA requires owners and operators of covered facilities in specified Standard Industrial Classification (SIC) codes that manufacture, process, or otherwise use a listed toxic chemical in amounts above specified threshold levels to report certain facility specific information about such chemicals, including the annual releases and other waste management quantities. Section 313(g)(1) of EPCRA requires EPA to publish a uniform toxic chemical release form for these reporting purposes, and it also prescribes, in general terms, the types of information that must be submitted on the form. Section 313(g)(1)(A) requires owners and operators of facilities that are subject to section 313 requirements to report the principal business activities at the facilities. Congress also granted EPA broad rulemaking authority to allow the Agency to fully implement the statute.

EPCRA section 328 states that: “The Administrator may prescribe such regulations as may be necessary to carry out this chapter.” 42 U.S.C. 11048.

Consistent with these authorities, on June 6, 2006, EPA amended 40 CFR Part 372 to include the 2002 NAICS codes that correspond to the SIC codes that are currently subject to section 313 of EPCRA and section 6607 of the PPA (71 FR 32464). On June 9, 2008 (73 FR 32466), EPA amended 40 CFR Part 372 to include the 2007 NAICS codes that correspond to the SIC codes that are currently subject to section 313 of EPCRA and section 6607 of the PPA. This proposed action would amend 40 CFR Part 372 to include OMB’s revised NAICS codes for 2012.

Owners and operators of facilities that are subject to section 313 would need to use 2012 NAICS codes when identifying their principal business activities beginning with TRI reporting forms that are due on July 1, 2014, covering releases and other waste management quantities at the facility for the 2013 calendar year.

V. Background Information

What is the General Background for this Action?

EPA promulgated a final TRI NAICS rule on June 6, 2006, to amend its regulations for TRI, found at 40 CFR Part 372, to include NAICS codes in addition to SIC codes. The list of TRI NAICS codes that appeared in the final rule was developed from the OMB 2002 NAICS revision. EPA updated the list of TRI NAICS codes in 2008 (73 FR 32466), to incorporate changes to the TRI NAICS codes resulting from the OMB 2007 NAICS revision.

The Office of Management and Budget (OMB) revises North American Industry Classification Codes every five years. An OMB **Federal Register** notice published on May 12,

2010 (75 FR 26856), announced updated NAICS codes for 2012, and a second OMB **Federal Register** notice published on Aug. 17, 2011 (76 FR 51240), finalized and further modified the NAICS codes for 2012.

VI. Proposed Action

A. What Is the Agency Proposing?

EPA would amend 40 CFR Part 372 to include 2012 NAICS codes for TRI reporting that accurately reflect the universe of covered facilities under section 313 of EPCRA and section 6607 of the PPA.

B. Would The Proposal Change the Universe of Facilities That are Currently Required to Report to EPA and the States?

Today's proposal of updating the list of NAICS codes to reflect the 2012 OMB NAICS revision would not change the universe of facilities that are currently required to report to EPA and the States.

C. How Would Section 313 Reporting Requirements Change as a Result of This Proposed Rule?

TRI reporting requirements would not change as a result of this proposed rule. This proposed rule would simply revise the NAICS codes to reflect the OMB NAICS 2012 revision.

VII. Which TRI-covered NAICS Codes Have Been Modified Under This Proposed Rule?

The Office of Management and Budget (OMB) revises North American Industry Classification Codes every five years. An OMB **Federal Register** notice published on May 12, 2010 (75 FR 26856), announced updated NAICS codes for 2012, and a second OMB **Federal Register** notice published on August 17, 2011 (76 FR 51240), finalized and further modified the NAICS codes

for 2012. All facilities that are currently required to report to TRI would still be required to report, and facilities that are not currently required to file TRI reports to the Agency would not be required to do so. However, due to the 2012 NAICS modifications, some facilities would need to modify their NAICS codes as outlined in the table below. This table reflects only the revised TRI NAICS reporting codes. A complete table of all TRI NAICS reporting codes can be found in the regulations at § 372.23.

Revised TRI 2012 Reporting Codes			
2007 NAICS Code	2007 NAICS and U.S. Description	2012 NAICS Code	2012 NAICS description
221119	Other Electric Power Generation	221118	Other Electric Power Generation
311222 311223	Soybean Processing Other Oilseed Processing	311224	Soybean and Other Oilseed Processing
311311 311312	Sugarcane Mills Cane Sugar Refining	311314	Cane Sugar Manufacturing
311320	Chocolate and Confectionery Manufacturing from Cacao Beans	311351	Chocolate and Confectionery Manufacturing from Cacao Beans
311330	Confectionery Manufacturing from Purchased Chocolate	311352	Confectionery Manufacturing from Purchased Chocolate
311711 311712	Seafood Canning Fresh and Frozen Seafood Processing	311710	Seafood Product Preparation and Packaging
311822 311823	Flour Mixes and Dough Manufacturing from Purchased Flour Dry Pasta Manufacturing	311824	Dry Pasta, Dough, and Flour Mixes Manufacturing from Purchased Flour
312210 312221 312229	Tobacco Stemming and Redrying Cigarette Manufacturing Other Tobacco Product Manufacturing	312230	Tobacco Manufacturing
313111 313112 313113	Yarn Spinning Mills Yarn Texturizing, Throwing, and Twisting Mills Thread Mills	313110	Fiber, Yarn, and Thread Mills
313221 313222	Narrow Fabric Mills Schiffli Machine Embroidery	313220	Narrow Fabric Mills and Schiffli Machine Embroidery
313241 313249	Weft Knit Fabric Mills Other Knit Fabric and Lace Mills	313240	Knit Fabric Mills
313311 313312	Broadwoven Fabric Finishing Mills Textile and Fabric Finishing (except Broadwoven Fabric) Mills	313310	Textile and Fabric Finishing Mills
314121 314129	Curtain and Drapery Mills Other Household Textile Product Mills	314120	Curtain and Linen Mills

314911 314912	Textile Bag Mills Canvas and Related Product Mills	314910	Textile Bag and Canvas Mills
314991 314992	Rope, Cordage, and Twine Mills Tire Cord and Tire Fabric Mills	314994	Rope, Cordage, Twine, Tire Cord, and Tire Fabric Mills
315111 315119	Sheer Hosiery Mills Other Hosiery and Sock Mills	315110	Hosiery and Sock Mills
315191 315192	Outerwear Knitting Mills Underwear and Nightwear Knitting Mills	315190	Other Apparel Knitting Mills
315211 315212	Men's and Boys' Cut and Sew Apparel Contractors Women's, Girls', and Infants' Cut and Sew Apparel Contractors	315210	Cut and Sew Apparel Contractors
315221 315222 315223 315224 315225 315228	Men's and Boys' Cut and Sew Underwear and Nightwear Manufacturing Men's and Boys' Cut and Sew Suit, Coat, and Overcoat Manufacturing Men's and Boys' Cut and Sew Shirt (except Work Shirt) Manufacturing Men's and Boys' Cut and Sew Trouser, Slack, and Jean Manufacturing Men's and Boys' Cut and Sew Work Clothing Manufacturing Men's and Boys' Cut and Sew Other Outerwear Manufacturing	315220	Men's and Boys' Cut and Sew Apparel Manufacturing
315231 315232 315233 315234 315239 315291	Women's and Girls' Cut and Sew Lingerie, Loungewear, and Nightwear Manufacturing Women's and Girls' Cut and Sew Blouse and Shirt Manufacturing Women's and Girls' Cut and Sew Dress Manufacturing Women's and Girls' Cut and Sew Suit, Coat, Tailored Jacket, and Skirt Manufacturing Women's and Girls' Cut and Sew Other Outerwear Manufacturing. Infants' Cut and Sew Apparel Manufacturing	315240	Women's, Girls', and Infants' Cut and Sew Apparel Manufacturing
315292 315299	Fur and Leather Apparel Manufacturing All Other Cut and Sew Apparel Manufacturing	315280	Other Cut and Sew Apparel Manufacturing
315991 315992 315993 315999	Hat, Cap, and Millinery Manufacturing Glove and Mitten Manufacturing Men's and Boys' Neckwear Manufacturing Other Apparel Accessories and Other Apparel Manufacturing	315990	Apparel Accessories and Other Apparel Manufacturing
316211 316212	Rubber and Plastics Footwear Manufacturing House Slipper Manufacturing	316210	Footwear Manufacturing

316213 316214 316219	Men's Footwear (except Athletic) Manufacturing Women's Footwear (except Athletic) Manufacturing Other Footwear Manufacturing		
316991 316993 316999	Luggage Manufacturing Personal Leather Good (except Women's Handbag and Purse) Manufacturing All Other Leather Good and Allied Product Manufacturing	316998	All Other Leather Good and Allied Product Manufacturing
322213 322214 322215	Setup Paperboard Box Manufacturing Fiber Can, Tube, Drum, and Similar Products Manufacturing Nonfolding Sanitary Food Container Manufacturing	322219	Other Paperboard Container Manufacturing
322221 322222 322223 322224 322225 322226	Coated and Laminated Packaging Coated and Laminated Paper Manufacturing. Coated Paper Bag and Pouch Manufacturing Uncoated Paper and Multiwall Bag Manufacturing Laminated Aluminum Foil Manufacturing for Flexible Packaging Uses. Surface-Coated Paperboard Manufacturing	322220	Paper Bag and Coated and Treated Paper Manufacturing
322231 322232 322233	Die-Cut Paper and Paperboard Office Supplies Manufacturing. Envelope Manufacturing Stationery, Tablet, and Related Product Manufacturing	322230	Stationery Product Manufacturing
323110 323111 323112 323114 323115 323116 323118 323119	Commercial Lithographic Printing. Commercial Gravure Printing). Commercial Flexographic Printing Quick Printing Digital Printing Manifold Business Forms Printing. Blankbook, Looseleaf Binders, and Devices Manufacturing. Other Commercial Printing	323111	Commercial Printing (except Screen and Books)
323121 323122	Tradebinding and Related Work Prepress Services	323120	Support Activities for Printing
325131 325132	Inorganic Dye and Pigment Manufacturing Synthetic Organic Dye and Pigment Manufacturing	325130	Synthetic Dye and Pigment Manufacturing
325181 325182 325188	Alkalies and Chlorine Manufacturing Carbon Black Manufacturing All Other Basic Inorganic Chemical Manufacturing	325180	Other Basic Inorganic Chemical Manufacturing

325191	Gum and Wood Chemical Manufacturing	325194	Cyclic Crude, Intermediate, and Gum and Wood Chemical Manufacturing
325192	Cyclic Crude and Intermediate Manufacturing		
325221	Cellulosic Organic Fiber Manufacturing	325220	Artificial and Synthetic Fibers and Filaments Manufacturing
325222	Noncellulosic Organic Fiber Manufacturing		
326192	Resilient Floor Covering Manufacturing	326199	All Other Plastics Product Manufacturing
327111	Vitreous China Plumbing Fixture and China and Earthenware Bathroom Accessories Manufacturing.	327110	Pottery, Ceramics, and Plumbing Fixture Manufacturing
327112	Vitreous China, Fine Earthenware, and Other Pottery Product Manufacturing.		
327113	Porcelain Electrical Supply Manufacturing		
327121	Brick and Structural Clay Tile Manufacturing	327120	Clay Building Material and Refractories Manufacturing
327122	Ceramic Wall and Floor Tile Manufacturing		
327123	Other Structural Clay Product Manufacturing		
327124	Clay Refractory Manufacturing		
327125	Nonclay Refractory Manufacturing		
331111	Iron and Steel Mills	331110	Iron and Steel Mills and Ferroalloy Manufacturing
331112	Electrometallurgical Ferroalloy Product Manufacturing		
331311	Alumina Refining	331313	Alumina Refining and Primary Aluminum Production
331312	Primary Aluminum Production		
331316	Aluminum Extruded Product Manufacturing.	331318	Other Aluminum Rolling, Drawing, and Extruding
331319	Other Aluminum Rolling and Drawing		
331411	Primary Smelting and Refining of Copper	331410	Nonferrous Metal (except Aluminum) Smelting and Refining
331419	Primary Smelting and Refining of Nonferrous Metal (except Copper and Aluminum)		
331421	Copper Rolling, Drawing, and Extruding	331420	Copper Rolling, Drawing, Extruding, and Alloying
331422	Copper Wire (except Mechanical) Drawing.		
331423	Secondary Smelting, Refining, and Alloying of Copper		
331521	Aluminum Die-Casting Foundries	331523	Nonferrous Metal Die-Casting Foundries
331522	Nonferrous (except Aluminum) Die-Casting Foundries.		
331525	Copper Foundries (except Die-Casting)	331529	Other Nonferrous Metal Foundries (except Die-Casting)
331528	Other Nonferrous Foundries (except Die-Casting)		
332115	Crown and Closure Manufacturing	332119	Metal Crown, Closure, and Other Metal Stamping (except Automotive)
332116	Metal Stamping		

332211 332214	Cutlery and Flatware (except Precious) Manufacturing. Kitchen Utensil, Pot, and Pan Manufacturing	332215	Metal Kitchen Cookware, Utensil, Cutlery, and Flatware (except Precious) Manufacturing
332212 332213	Hand and Edge Tool Manufacturing Saw Blade and Handsaw Manufacturing	332216	Saw Blade and Handtool Manufacturing
332611 332612	Spring (Heavy Gauge) Manufacturing Spring (Light Gauge) Manufacturing	332613	Spring Manufacturing
332994 332995	Small Arms Manufacturing Other Ordnance and Accessories Manufacturing	332994	Small Arms, Ordnance, and Ordnance Accessories Manufacturing
332997 332998 332999	Industrial Pattern Manufacturing Enameled Iron and Metal Sanitary Ware Manufacturing All Other Miscellaneous Fabricated Metal Product Manufacturing	332999	All Other Miscellaneous Fabricated Metal Product Manufacturing
333210 333291	Sawmill and Woodworking Machinery Manufacturing pt. Paper Industry Machinery Manufacturing	333243	Sawmill, Woodworking, and Paper Machinery Manufacturing
333220 333292 333298	Plastics and Rubber Industry Machinery Manufacturing Textile Machinery Manufacturing All Other Industrial Machinery Manufacturing	333249	Other Industrial Machinery Manufacturing
333293	Printing Machinery and Equipment Manufacturing	333244	Printing Machinery and Equipment Manufacturing
333294	Food Product Machinery Manufacturing	333241	Food Product Machinery Manufacturing
333295	Semiconductor Machinery Manufacturing	333242	Semiconductor Machinery Manufacturing
333311 333312 333313 333319	Automatic Vending Machine Manufacturing Commercial Laundry, Drycleaning, and Pressing Machine Manufacturing Office Machinery Manufacturing Other Commercial and Service Industry Machinery Manufacturing.	333318	Other Commercial and Service Industry Machinery Manufacturing
333315 334119	Photographic and Photocopying Equipment Manufacturing. Other Computer Peripheral Equipment Manufacturing. <i>digital camera manufacturing</i>	333316	Photographic and Photocopying Equipment Manufacturing
333411 333412	Air Purification Equipment Manufacturing. Industrial and Commercial Fan and Blower Manufacturing	333413	Industrial and Commercial Fan and Blower and Air Purification Equipment Manufacturing
333512 333513	Machine Tool (Metal Cutting Types) Manufacturing Machine Tool (Metal Forming Types) Manufacturing	333517	Machine Tool Manufacturing

333516	Rolling Mill Machinery and Equipment Manufacturing	333519	Rolling Mill and Other Metalworking Machinery Manufacturing
333518	Other Metalworking Machinery Manufacturing		
334113	Computer Terminal Manufacturing	334118	Computer Terminal and Other Computer Peripheral Equipment Manufacturing
334119	Other Computer Peripheral Equipment Manufacturing. <i>except digital camera manufacturing</i>		
334411	Electron Tube Manufacturing	334419	Other Electronic Component Manufacturing
334414	Electronic Capacitor Manufacturing	334416	Capacitor, Resistor, Coil, Transformer, and Other Inductor Manufacturing
334415	Electronic Resistor Manufacturing		
334416	Electronic Coil, Transformer, and Other Inductor Manufacturing		
334518	Watch, Clock, and Part Manufacturing.	334519	Other Measuring and Controlling Device Manufacturing
334611	Software Reproducing	334614	Software and Other Prerecorded Compact Disc, Tape, and Record Reproducing
334612	Prerecorded Compact Disc (except Software), Tape, and Record Reproducing.		
335211	Electric Housewares and Household Fan Manufacturing.	335210	Small Electrical Appliance Manufacturing
335212	Household Vacuum Cleaner Manufacturing		
336311	Carburetor, Piston, Piston Ring, and Valve Manufacturing.	336310	Motor Vehicle Gasoline Engine and Engine Parts Manufacturing
336312	Gasoline Engine and Engine Parts Manufacturing		
336321	Vehicular Lighting Equipment Manufacturing.	336320	Motor Vehicle Electrical and Electronic Equipment Manufacturing
336322	Other Motor Vehicle Electrical and Electronic Equipment Manufacturing		
336391	Motor Vehicle Air-Conditioning Manufacturing	336390	Other Motor Vehicle Parts Manufacturing
336399	All Other Motor Vehicle Parts Manufacturing		
337129	Wood Television, Radio, and Sewing Machine Cabinet Manufacturing.	321999	All Other Miscellaneous Wood Product Manufacturing
339911	Jewelry (except Costume) Manufacturing	339910	Jewelry and Silverware Manufacturing
339912	Manufacturing		
339913	Silverware and Hollowware Manufacturing		
339914	Jewelers' Material and Lapidary Work Manufacturing. Costume Jewelry and Novelty Manufacturing		
339931	Doll and Stuffed Toy Manufacturing	339930	Doll, Toy, and Game Manufacturing
339932	Game, Toy, and Children's Vehicle Manufacturing		
339941	Pen and Mechanical Pencil Manufacturing	339940	Office Supplies (except Paper) Manufacturing
339942	Lead Pencil and Art Good Manufacturing		
339943	Marking Device Manufacturing		

339944	Carbon Paper and Inked Ribbon Manufacturing		
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VIII. What Additional Reporting Burden is Associated With This Action?

This proposed rule would add no new reporting requirements, and there would be no net increase in respondent burden. Facilities were first required to use NAICS codes when reporting their toxic chemical releases and other waste management activities to EPA beginning in 2007 for reporting year 2006. Covered facilities should refer to the updated NAICS code list in 40 CFR 372.23 when reporting. Crosswalk tables between 2007 NAICS codes and 2012 NAICS codes can be found on the Internet at <http://www.census.gov/epcd/www/naics.html>.

IX. Regulatory Assessment Requirements

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a “significant regulatory action” under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

EPA analyzed the potential costs and benefits associated with this action, and determined that since this rule adds no new reporting requirements, there will be no net increase in respondent burden or other economic impacts.

B. Paperwork Reduction Act

This action does not impose any new information collection burden. Facilities that are

affected by the rule are already required to report their industrial classification codes on the approved reporting forms under section 313 of EPCRA and 6607 of the PPA.

However, the Office of Management and Budget (OMB) has previously approved the information collection requirements contained in 40 CFR part 372 under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and has assigned OMB control number 2025-0009 (EPA ICR No. 1363-21) for Form R and Form A. A copy of the OMB approved Information Collection Requests (ICRs) may be obtained from Susan Auby, Collection Strategies Division; U.S. Environmental Protection Agency (2822T); 1200 Pennsylvania Ave., NW, Washington, DC 20460 or by calling (202) 566-1672. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

C. The Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of this rule on small entities, section 601 of the RFA, 5 U.S.C. 601, defines “small entity” as: (1) a business that is classified as a “small business” by the Small Business Administration at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; or (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

This rule adds no new reporting requirements, and there will be no net increase in respondent burden. This rule only proposes to update the NAICS codes already reported by respondents. After considering the economic impacts of today's proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This proposed rule will not impose any requirements on small entities.

We continue to be interested in the potential impacts of the proposed rule on small entities and welcome comments on issues related to such impacts.

D. Unfunded Mandates Reform Act

This rule does not contain a Federal mandate that may result in expenditures of \$100 million or more to State, local, and tribal governments, in the aggregate, or to the private sector in any one year. This rule adds no new reporting requirements and there will be no net increase in respondent burden. Thus, this rule is not subject to the requirements of sections 202 or 205 of UMRA.

This rule is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. This EPA action contains no new reporting requirements.

E. Executive Order 13132, Federalism

This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This action only proposes to update the NAICS reporting codes used by TRI reporting facilities on chemical reporting forms. Thus, Executive Order 13132 does not apply to this rule.

In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, EPA specifically solicits comment on this proposed action from State and local officials.

F. Executive Order 13175

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249), November 9, 2000, because this action only proposes to update the NAICS reporting codes for TRI reporting purposes. Thus, Executive Order 13175 does not apply to this rule.

G. Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks

EPA interprets EO 13045 (62 FR 19885, April 23, 1997), as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5-501 of the EO has the potential to influence the regulation. This action is not subject to EO 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

H. Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (“NTTAA”), Public Law No. 104-113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards

(e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

J. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

Executive Order (EO) 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because the rule addresses information collection and does not affect the level of protection provided to human health or the environment. This rule simply proposes to update the NAICS reporting codes for TRI reporting purposes.

List of Subjects in 40 CFR Part 372

Environmental protection, Community right-to-know, Reporting and recordkeeping requirements, Toxic chemicals.

Dated: July 9, 2013.

Bob Perciasepe,
Acting Administrator.

For the reasons set out in the preamble, title 40 Chapter I of the Code of Federal Regulations is proposed to be amended as follows:

PART 372-[AMENDED]

1. The authority citation for part 372 continues to read as follows:

Authority: 42 U.S.C. 11023 and 11048.

2. Amend § 372.22 by revising the introductory text for paragraph (b) to read as follows:

§372.22 Covered facilities for toxic chemical release reporting.

* * * * *

(b) The facility is in a Standard Industrial Classification (SIC) (as in effect on January 1, 1987) major group or industry code listed in § 372.23(a), for which the corresponding North American Industry Classification System (NAICS) (as in effect on January 1, 2012, for reporting year 2013 and thereafter) subsector and industry codes are listed in §§ 372.23(b) and 372.23(c) by virtue of the fact that it meets one of the following criteria:

* * * * *

3. Amend § 372.23 by revising paragraphs (b) and (c) to read as follows:

§ 372.23 SIC and NAICS codes to which this Part applies.

* * * * *

(b) NAICS codes that correspond to SIC codes 20 through 39

Subsector Code or Industry Code	Exceptions and/or Limitations
311 Food Manufacturing	<p>Except 311119 - Exception is limited to facilities primarily engaged in Custom Grain Grinding for Animal Feed (previously classified under SIC 0723, Crop Preparation Services for Market, Except Cotton Ginning);</p> <p>Except 311340 - Exception is limited to facilities primarily engaged in the retail sale of candy, nuts, popcorn and other confections not for immediate consumption made on the premises (previously classified under SIC 5441, Candy, Nut, and Confectionery Stores);</p> <p>Except 311352 - Exception is limited to facilities primarily engaged in the retail sale of candy, nuts, popcorn and other confections not for immediate consumption made on the premises (previously classified under SIC 5441, Candy, Nut, and Confectionery Stores);</p> <p>Except 311611 - Exception is limited to facilities primarily engaged in Custom Slaughtering for individuals (previously classified under SIC 0751, Livestock Services, Except Veterinary, Slaughtering, custom: for individuals);</p> <p>Except 311612 - Exception is limited to facilities primarily engaged in the cutting up and resale of purchased fresh carcasses for the trade (including boxed beef), and in the wholesale distribution of fresh, cured, and processed (but not canned) meats and lard (previously classified under SIC 5147, Meats and Meat Products);</p> <p>Except 311811 - Retail Bakeries (previously classified under SIC 5461, Retail Bakeries);</p>

<p>312 Beverage and Tobacco Product Manufacturing</p>	<p>Except 312112 - Exception is limited to facilities primarily engaged in bottling mineral or spring water (previously classified under SIC 5149, Groceries and Related Products, NEC)</p> <p>Except 312230 - Exception is limited to facilities primarily engaged in providing Tobacco Sheeting Services (previously classified under SIC 7389, Business Services, NEC);</p>
<p>313 Textile Mills</p>	<p>Except 313310 - Exception is limited to facilities primarily engaged in converting broadwoven piece goods and broadwoven textiles, (previously classified under SIC 5131, Piece Goods Notions, and Other Dry Goods, broadwoven and non-broadwoven piece good converters); and facilities primarily engaged in converting narrow woven Textiles and narrow woven piece goods, (previously classified under SIC 5131, Piece Good Notions, and Other Dry Goods, converters, except broadwoven fabric); and facilities primarily engaged in sponging fabric for tailors and dressmakers (previously classified under SIC 7389, Business Services, NEC (Sponging fabric for tailors and dressmakers);</p>
<p>314 Textile Product Mills</p>	<p>Except 314120 - Exception is limited to facilities primarily engaged in making Custom drapery and in making Custom slipcovers for retail sale (previously classified under SIC 5714, Drapery, Curtain, and Upholstery Stores);</p> <p>Except 314999 - Exception is limited to facilities primarily engaged in Binding carpets and rugs for the trade, Carpet cutting and binding, and Embroidering on textile products (except apparel) for the trade (previously classified under SIC 7389, Business Services Not Elsewhere Classified, Embroidering of advertising on shirts and Rug binding for the trade);</p>

<p>315 Apparel Manufacturing</p>	<p>Except 315220 - Exception is limited to custom tailors primarily engaged in making and selling men's and boys' suits, men's and boys' dress shirts, and bridal dresses or gowns or women's, misses' and girls' dresses, cut and sewn from purchased fabric (previously classified under SIC 5699, Miscellaneous Apparel and Accessory Stores (custom tailors)) and to custom tailors primarily engaged in making and selling bridal dresses or gowns, or women's, misses' and girls' dresses cut and sewn from purchased fabric (except apparel contractors)(custom dressmakers) (previously classified under SIC Code 5699, Miscellaneous Apparel and Accessory Stores);</p>
<p>316 Leather and Allied Product Manufacturing</p>	
<p>321 Wood Product Manufacturing</p>	
<p>322 Paper Manufacturing</p>	
<p>323 Printing and Related Support Activities</p>	<p>Except 323111 - Exception is limited to facilities primarily engaged in reproducing text, drawings, plans, maps, or other copy, by blueprinting, photocopying, mimeographing, or other methods of duplication other than printing or microfilming (i.e., instant printing) (previously classified under SIC 7334, Photocopying and Duplicating Services, (instant printing));</p>
<p>324 Petroleum and Coal Products Manufacturing</p>	
<p>325 Chemical Manufacturing</p>	<p>Except 325998 - Exception is limited to facilities primarily engaged in Aerosol can filling on a job order or contract basis (previously classified under SIC 7389, Business Services, NEC (aerosol packaging));</p>
<p>326 Plastics and Rubber Products Manufacturing</p>	<p>Except 326212 - Tire Retreading, (previously classified under SIC 7534, Tire Retreading</p>

	and Repair Shops (rebuilding));
327 Nonmetallic Mineral Product Manufacturing	Except 327110 - Exception is limited to facilities primarily engaged in manufacturing and selling pottery on site (previously classified under SIC 5719, Miscellaneous Homefurnishing Stores)
331 Primary Metal Manufacturing	
332 Fabricated Metal Product Manufacturing	
333 Machinery Manufacturing	
334 Computer and Electronic Product Manufacturing	Except 334614 – Exception is limited to facilities primarily engaged in Software Reproducing (previously classified under SIC 7372, Prepackaged Software, (reproduction of software)) and to facilities primarily engaged in mass reproducing pre-recorded Video cassettes, and mass reproducing Video tape or disk (previously classified under SIC 7819, Services Allied to Motion Picture Production (reproduction of Video));
335 Electrical Equipment, Appliance, and Component Manufacturing	Except 335312 - Exception is limited to facilities primarily engaged in armature rewinding on a factory basis (previously classified under SIC 7694 (Armature Rewinding Shops (remanufacturing)));
336 Transportation Equipment Manufacturing	
337 Furniture and Related Product Manufacturing	Except 337110 - Exception is limited to facilities primarily engaged in the retail sale of household furniture and that manufacture custom wood kitchen cabinets and counter tops (previously classified under SIC 5712, Furniture Stores (custom wood cabinets));

	<p>Except 337121 - Exception is limited to facilities primarily engaged in the retail sale of household furniture and that manufacture custom made upholstered household furniture (previously classified under SIC 5712, Furniture Stores (upholstered, custom made furniture));</p> <p>Except 337122 - Exception is limited to facilities primarily engaged in the retail sale of household furniture and that manufacture nonupholstered, household type, custom wood furniture (previously classified under SIC 5712, Furniture Stores (custom made wood nonupholstered household furniture except cabinets));</p>
339 Miscellaneous Manufacturing	<p>Except 339113 - Exception is limited to facilities primarily engaged in manufacturing orthopedic devices to prescription in a retail environment (previously classified under SIC 5999, Miscellaneous Retail Stores, NEC)</p> <p>Except 339115 - Exception is limited to lens grinding facilities that are primarily engaged in the retail sale of eyeglasses and contact lenses to prescription for individuals (previously classified under SIC 5995, Optical Goods Stores (optical laboratories grinding of lenses to prescription));</p> <p>Except 339116 - Dental Laboratories (previously classified under SIC 8072, Dental Laboratories);</p>
111998 All Other Miscellaneous Crop Farming	Limited to facilities primarily engaged in reducing maple sap to maple syrup (previously classified under SIC 2099, Food Preparations, NEC, Reducing Maple Sap to Maple Syrup);
113310 Logging	
211112 Natural Gas Liquid Extraction	Limited to facilities that recover sulfur from natural gas (previously classified under SIC

	2819, Industrial Inorganic chemicals, NEC (recovering sulfur from natural gas));
212324 Kaolin and Ball Clay Mining	Limited to facilities operating without a mine or quarry and that are primarily engaged in beneficiating kaolin and clay (previously classified under SIC 3295, Minerals and Earths, Ground or Otherwise Treated (grinding, washing, separating, etc. of minerals in SIC 1455));
212325 Mining	Limited to facilities operating without a mine or quarry and that are primarily engaged in beneficiating clay and ceramic and refractory minerals (previously classified under SIC 3295, Minerals and Earths, Ground or Otherwise Treated (grinding, washing, separating, etc. of minerals in SIC 1459));
212393 Other Chemical and Fertilizer Mineral Mining	Limited to facilities operating without a mine or quarry and that are primarily engaged in beneficiating chemical or fertilizer mineral raw materials (previously classified under SIC 3295, Minerals and Earths, Ground or Otherwise Treated (grinding, washing, separating, etc. of minerals in SIC 1479));
212399 All Other Nonmetallic Mineral Mining	Limited to facilities operating without a mine or quarry and that are primarily engaged in beneficiating nonmetallic minerals (previously classified under SIC 3295, Minerals and Earths, Ground or Otherwise Treated (grinding, washing, separating, etc. of minerals in SIC 1499));
488390 Other Support Activities for Water Transportation	Limited to facilities that are primarily engaged in providing routine repair and maintenance of ships and boats from floating drydocks (previously classified under SIC 3731, Shipbuilding and Repairing (floating drydocks not associated with a shipyard));
511110 Newspaper Publishers	
511120 Periodical Publishers	
511130 Book Publishers	

<p>511140 Directory and Mailing List Publishers</p>	<p>Except facilities that are primarily engaged in furnishing services for direct mail advertising including Address list compilers, Address list publishers, Address list publishers and printing combined, Address list publishing , Business directory publishers, Catalog of collections publishers, Catalog of collections publishers and printing combined, Mailing list compilers, Directory compilers, and Mailing list compiling services (previously classified under SIC 7331, Direct Mail Advertising Services (mailing list compilers));</p>
<p>511191 Greeting Card Publishers</p>	
<p>511199 All Other Publishers</p>	
<p>512220 Integrated Record Production/Distribution</p>	
<p>512230 Music Publishers</p>	<p>Except facilities primarily engaged in Music copyright authorizing use, Music copyright buying and licensing, and Music publishers working on their own account (previously classified under SIC 8999, Services, NEC (music publishing));</p>
<p>519130 Internet Publishing and Broadcasting and Web Search Portals</p>	<p>Limited to facilities primarily engaged in Internet newspaper publishing (previously classified under SIC 2711, Newspapers: Publishing, or Publishing and Printing), Internet periodical publishing (previously classified under SIC 2721, Periodicals: Publishing, or Publishing and Printing), Internet book publishing (previously classified under SIC 2731, Books: Publishing, or Publishing and Printing), Miscellaneous Internet publishing (previously classified under SIC 2741, Miscellaneous Publishing), Internet greeting card publishers (previously classified under SIC 2771, Greeting Cards); Except for facilities primarily engaged in web search portals.</p>
<p>541712 Research and Development in the Physical,</p>	<p>Limited to facilities that are primarily engaged in Guided missile and space vehicle engine research and development (previously classified under SIC 3764, Guided Missile and</p>

Engineering, and Life Sciences (except Biotechnology)	Space Vehicle Propulsion Units and Propulsion Unit Parts), and in Guided missile and space vehicle parts (except engines) research and development (previously classified under SIC 3769, Guided Missile and Space Vehicle Parts and Auxiliary Equipment, Not Elsewhere Classified);
811490 Other Personal and Household Goods Repair and Maintenance	Limited to facilities that are primarily engaged in repairing and servicing pleasure and sail boats without retailing new boats (previously classified under SIC 3732, Boat Building and Repairing (pleasure boat building));

(c) NAICS codes that correspond to SIC codes other than SIC codes 20 through 39.

Subsector or Industry Code	Exceptions and/or Limitations
212111 Bituminous Coal and Lignite Surface Mining	
212112 Bituminous Coal and Underground Mining	
212113 Anthracite Mining	
212221 Gold Ore Mining	
212222 Silver Ore Mining	
212231 Lead Ore and	

Zinc Ore Mining	
212234 Copper Ore and Nickel Ore Mining	
212299 Other Metal Ore Mining	
221111 Hydroelectric Power Generation	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221112 Fossil Fuel Electric Power Generation	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221113 Nuclear Electric Power Generation	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221118 Other Electric Power Generation	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221121 Electric Bulk Power Transmission and Control	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221122 Electric Power Distribution	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221330 Steam and Air Conditioning Supply	Limited to facilities engaged in providing combinations of electric, gas, and other services, not elsewhere classified (N.E.C.)(previously classified under SIC 4939, Combination Utility Services Not Elsewhere Classified.)
424690 Other Chemical and Allied	

Products Merchant Wholesalers	
424710 Petroleum Bulk Stations and Terminals	
425110 Business to Business Electronic Markets	Limited to facilities previously classified in SIC 5169, Chemicals and Allied Products, Not Elsewhere Classified.
425120 Wholesale Trade Agents and Brokers	Limited to facilities previously classified in SIC 5169, Chemicals and Allied Products, Not Elsewhere Classified.
562112 Hazardous Waste Collection	Limited to facilities primarily engaged in solvent recovery services on a contract or fee basis (previously classified under SIC 7389, Business Services, NEC);
562211 Hazardous Waste Treatment and Disposal	Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 <i>et seq.</i>
562212 Solid Waste Landfill	Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 <i>et seq.</i>
562213 Solid Waste Combustors and Incinerators	Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 <i>et seq.</i>
562219 Other Nonhazardous Waste Treatment and Disposal	Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 <i>et seq.</i>
562920 Materials Recovery Facilities	Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 <i>et seq.</i>

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