New
Jersey
Department of
Environmental
Protection

COMPLIANCE ADVISORY
UPDATE

Making You Aware of Incentives and Compliance Assistance Opportunities

Compliance & Enforcement	Issued: November 15, 2023	#2023-22

2022 North American Industry Classification System (NAICS) Update and the Community Right to Know Program

Who is affected by this Advisory?

The U.S. Environmental Protection Agency (EPA) has finalized a rule 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) 2022 NAICS code revision. The final rule was published in the Federal Register on November 28, 2022 (87 FR 72891). OMB updates the NAICS codes every five years. EPA has implemented the 2022 codes for TRI Reporting Year 2022 (i.e., facilities reporting to TRI are required to use 2022 NAICS codes on reports that are due to the EPA by July 1, 2023).

This final rule is a conforming edit to update the NAICS list to 2022 codes from 2017 codes and does not alter the universe of entities required to report to TRI. No new business activities have been added and no previously regulated activities have been deleted. As a result of updating the 2017 NAICS codes to the 2022 NAICS codes, 54 TRI-covered NAICS codes have changed.

Why is DEP issuing this advisory?

Many New Jersey facilities report to the EPA and NJ Department of Environmental Protection (DEP) under the federal TRI program. The NAICS code is one data element that is reported on TRI forms and it is important for a facility to use the correct code when reporting. Also, NJ facilities are identified by their NAICS code to help DEP determine if they are subject to the Community Right to Know regulations. If your facility is affected by this NAICS change then you must be aware of the new 2022 code that applies to your business.

What is DEP doing?

The DEP's Community Right To Know (CRTK) Program has updated its facility management and data tracking system that contains information related to the submission of a CRTK Survey, a Release and Pollution Prevention Report (RPPR), a Pollution Prevention (P2) Plan Summary, and/or TRI reporting forms (Form R and Form A). DEP does not update the federal TRI reporting system, therefore it is incumbent upon you to keep current with your NAICS code.

What should I do?

Know Your NAICS Code

1. Identify your own business' specific industry classification. Most can be found in this search: https://www.careeronestop.org/toolkit/Jobs/find-businesses.aspx

2. To view the complete NAICS codes that are covered by TRI and the CRTK Program, please use the websites that are listed at the bottom of this page.

3. If you cannot identify your NAICS code or are not sure of it, email RTK@dep.nj.gov. Use the subject "NAICS Code Inquiry" and include the CRTK Facility ID Number (FACID), name, physical location, and detailed description of your business.

Who should I contact with questions?

Please contact the Bureau of Local Environmental Management & Right to Know at RTK@dep.nj.gov with any relevant questions.

Where can I get more information?

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

- Community Right to Know Program: http://www.nj.gov/dep/enforcement/crtk.html
- Pollution Prevention Program: http://www.nj.gov/dep/enforcement/pp.html
- General NJDEP Contact Information: https://dep.nj.gov/contact
- Adoption of 2022 North American Industry Classification System (NAICS) Codes for TRI Reporting: https://www.epa.gov/toxics-release-inventory-tri-program/adoption-2022-north-american-industry-classification-system
- Compliance Advisories Survey: http://www.nj.gov/dep/enforcement/survey.html
- North American Industry Classification System – Introduction to NAICS: https://www.census.gov/naics/

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.