



Right to Know and Pollution Prevention Requirements De Minimis Change for Reportable Chemicals

Who is affected by this Advisory?

The U.S. Environmental Protection Agency's Toxic Release Inventory (TRI) "Reporting Forms and Instructions" for report year (RY) 2022 lists the following change. Per the requirements of 40 CFR (Code of Federal Regulations) §372.38(a), the de minimis levels for Aniline (CAS # 62-53-3) and Acrolein (CAS # 107-02-8) have been changed from 1.0% to 0.1% since these chemicals are classified as carcinogens due to assessments by the International Agency for Research on Cancer (IARC).

In addition, to help with tracking and collecting data for RY 2023, be advised that beginning with 2023, the de minimis levels for the following chemicals will be changed from 1.0% to 0.1% as they will also be classified as carcinogens due to assessments by IARC:

- C.I. Direct Blue 218 (CAS # 28407-37-6)
- 1,1,1-Trichloroethane (CAS # 71-55-6)
- Diphenylamine (CAS # 122-39-4)
- N-Methylolacrylamide (CAS # 924-42-5)

Why is DEP issuing this Advisory?

Facilities in New Jersey may be subject to the requirements of the Community Right to Know (CRTK) program and the Pollution Prevention (P2) programs, as well as the federal TRI. If threshold criteria are exceeded, the reporting of these chemicals is required on the TRI forms (Form R or Form A), the NJ CRTK Survey, the Release and Pollution Prevention Report (RPPR), and in P2 Plans and P2 Plan Summaries.

What should I do?

Check your facility inventory for these two chemicals for 2022 – Aniline (CAS # 62-53-3) and Acrolein (CAS # 107-02-8). If your business activities include storing, manufacturing, processing, using or any other related actions, make sure you have a safety data sheet (SDS) for the chemical or related product material. If your SDS shows a de minimis of 1.0% then you should contact the manufacturer or supplier of your material and acquire an updated SDS showing the de minimis for either chemical at 0.1% concentration.

COMPLIANCE ADVISORY

Track the storage and uses of these chemicals at your facility to accurately prepare for the required reports for 2022 and into the future. Facilities in New Jersey are subject to reporting Aniline and Acrolein on the CRTK Survey and the RPPR for RY 2022. The threshold for reporting on the New Jersey CRTK Survey by March 1, 2023, is 500 pounds on site at any one time. You should revisit and review your 2022 inventory and revise your CRTK Survey to reflect the new, lower de minimis, if necessary. The annual threshold for the RPPR due by July 1, 2023, is 25,000 pounds for the Manufacturing or Processing, and 10,000 pounds for the Otherwise Use of these chemicals.

Further, be aware of the four (4) chemicals affected by de minimis changes for RY 2023. Start tracking and collecting data for 2023 in order to submit accurate reports for the CRTK Survey by March 1, 2024, and the RPPR by July 1, 2024. The CRTK Survey and RPPR thresholds are the same as noted above.

Who should I contact with questions?

For questions on CRTK reporting, please contact the New Jersey Department of Environmental Protection (NJDEP) via e-mail at RTK@dep.nj.gov.

For questions on the RPPR, please contact the Pollution Prevention Program at 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>
- Toxic Release Inventory Reporting Forms and Instructions – New Information for RY 2022: [Reporting Forms and Instructions | US EPA](#)
- 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>

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.