Comments for Option #4, No Significant change.

As a state that actively collects, manages/analyzes, and publicly distributes TRI data, we agree that using TRI software for submittal of subsequent years' data is not difficult, particularly if no changes are necessary. Therefore, we see no need to introduce the factor of "no significant change" and see no benefit in doing so.

We do have some concerns if the "no significant change" option #4 were to be implemented.

1. How would the "no significant change" data values be reported? Our data base is structured on the data base developed by TRI-ME reports for the current reporting year. If a "no significant change" certification is received, how will numerical data it be entered into the data base along with the other real reports? The data base, as far as we can determine, does not have the capability to update current year data with the previous year's data. Would the states be required to manually enter last year's data into this year's data base? Although we could reload data from our backup disk, this seems cumbersome, and with the changing design of Form R, would probably not work.
2. We believe that the public is in the best position to make the determination of what constitutes "no significant change". We see some year-to-year variation from facilities now, even though they report a Production Index (PI) of 100. Also, some facilities show a downward trend through their Pollution Prevention efforts even though their PI may be 100 or greater, and we believe that they and the public would like to see these efforts documented instead of just showing a straight line or "no significant change". If you provide the option of reporting actual values or "no significant change", the reporters of increases but within the criteria will opt for "no significant change", and the reporters of decreases will opt for actual values. This may tend to skew the data. If you continue to require actual value reporting every year from all facilities, this would allow the public, to whom we report, make its own determination as to what constitutes "no significant change" instead of having someone in our system make that determination for them.
3. We doubt that we could develop a set of criteria that would allow reporting "no significant change" that all reporters would perceive as fair. Whatever criteria used would no doubt be challenged as unfair and showing favoritism to the groups allowed to report "no significant change" by a facility or group of facilities still required to report actual values. We see that now regarding nitrate reporting, where groups of facilities are not required to report.
4. Even if a facility were to truly have "no significant change" in its operation within the established criteria, it may and often does have revisions based on new test methods, updated EPA guidance, better science and methodology for existing methods, or facility/state/EPA detection of reporting errors. How would this new information get reported? Again, we believe that those who have higher releases will opt to not report actual values while those who have decreases will opt to report actual values if the option is available.