

efficient database integration and will promote public access to commonly defined data from disparate sources.

## V. How Did EPA Develop This Proposal and What Are the Issues on Which EPA Is Interested in Receiving Comment?

### A. The Manufacturing Sector: SIC Codes 20 Through 39

This proposal to include the NAICS codes in 40 CFR part 372 that correspond to the SIC codes that are currently subject to the TRI requirements is being undertaken with the goal of maintaining coverage of all facilities that are currently required to report releases and waste management quantities of listed toxic chemicals. As noted above in Unit IV.C., if the TRI Program were to adopt a straight 1:1 identification of NAICS facilities to be covered (e.g., SIC Manufacturing facilities (20–39) → NAICS Manufacturing facilities (31–33)), many currently covered facilities would no longer be covered and other facilities that are not covered now would be added to the list of covered facilities. This would not be consistent with the statutory requirements. Therefore, to avoid this problem, the TRI Program developed an extensive SIC → NAICS → SIC crosswalk document based on U.S. Census Bureau SIC → NAICS and NAICS → SIC conversion tables in order to identify the universe of NAICS codes that correspond to covered SIC codes. [Table 1—1997 NAICS United States Matched to 1987 U.S. SIC and Table 2—1987 U.S. SIC Matched in 1997 NAICS United States at <http://www.census.gov/epcd/www/naicstab.htm>] From the crosswalk document, EPA is developing a web-based crosswalk tool for users that links all 4-digit SIC codes that are subject to TRI requirements to 6-digit NAICS codes that would also be subject to such requirements.

EPA developed its crosswalk document and is developing the crosswalk tool by carefully mapping each SIC code to its corresponding NAICS code or codes, and the mapping each of the resulting NAICS codes back to SIC. More specifically, for each 3-digit industry subsector in the NAICS manufacturing sector (i.e., NAICS 311 through 339), EPA checked the Census Bureau's NAICS to SIC crosswalk table at <http://www.census.gov/> to find industries that are not in the SIC manufacturing sector (SIC codes 20 through 39), but which have been classified as manufacturing industries under NAICS. Similarly, EPA checked the Census Bureau's SIC to NAICS crosswalk table to find SIC manufacturing industries that are not

classified in the NAICS manufacturing sector. By conducting this mapping, EPA was able to develop a list of NAICS codes that corresponds to the list of manufacturing sector SIC codes that are subject to TRI requirements. A hard copy of the Census Bureau's SIC/NAICS crosswalk document is included in the docket for this proposed rule.

It is possible that new NAICS codes will be created in the future. In the event that the Census Bureau does not update its crosswalk to provide corresponding SIC codes when newly-created NAICS codes are published, EPA would formally request such a determination from the Census Bureau. Should the Census Bureau decline the request, EPA would rely on information such as the definition of the newly-created NAICS codes and how closely that definition tracks the definitions of covered SIC codes, the types of activities that are undertaken by facilities that are classified in the new NAICS code, whether the facilities that are classified in the new NAICS code were previously classified in a covered SIC or NAICS code, and other relevant information.

In general, NAICS manufacturing industries that would be subject to TRI reporting requirements would be identified by their 3-digit subsector codes (e.g., NAICS 311, 324, 339). In some cases, all of the six digit NAICS industries that are included within the 3-digit NAICS industry subsector would be subject to TRI requirements (i.e., all 6 digit NAICS industries within that subsector correspond to industries with SIC codes that are currently subject to TRI requirements). The following NAICS manufacturing subsectors contain NAICS industries, all of which would be subject to TRI requirements: NAICS 316, Leather and Allied Product Manufacturing; NAICS 321, Wood Product Manufacturing; NAICS 322, Paper Manufacturing; NAICS 324, Petroleum and Coal Products Manufacturing; NAICS 327, Nonmetallic Mineral Product Manufacturing; NAICS 331, Primary Metal Manufacturing; NAICS 332, Fabricated Metal Product Manufacturing; NAICS 333, Machinery Manufacturing; and NAICS 336, Transportation Equipment Manufacturing.

In other cases, some, but not all, of the 6 digit NAICS industries contained within a 3-digit NAICS subsector would be subject to TRI requirements. Exceptions from the reporting requirements are provided for industries that were previously classified outside of the SIC manufacturing sector (SIC codes 20 through 39) but are not

classified within the NAICS manufacturing sector (NAICS codes 31 through 33). NAICS industry exceptions are identified by their 6-digit NAICS code and NAICS industry description, and also by their corresponding SIC code and SIC industry description. For purposes of this preamble and the proposed rule, EPA has defined "previously classified" to mean a facility that was properly classified, according to 40 CFR 372.22(b), under a given Standard Industrial Classification code, as identified in the Standard Industrial Classification Manual, 1987, Executive Office of the President, Office of Management and Budget. See section 372.3 of the proposed regulatory text; see generally, Executive Office of the President, Office of Management and Budget, *Standard Industrial Classification Manual*, 1987. Accordingly, owners or operators of facilities that are properly classified in the excepted industries because they were properly classified in a SIC industry that is not currently subject to TRI requirements would not report to TRI under this proposal. Conversely, owners or operators of manufacturing facilities that are, or have been, improperly classifying their facilities in SIC codes that are not currently subject to TRI would report to TRI under this proposal.

Industry exceptions are limited to specific types of industries when it is necessary to do so to ensure that the covered facilities under NAICS are identical to those under SIC. For example, under NAICS 311 (Food Manufacturing), NAICS 311612 (defined as "Meat Processed from Carcasses"), is listed as an industry exception. However, NAICS 311612 includes industries that were classified in SIC 2013, "Sausages and Other Prepared Meat Products," and in SIC 5147, "Meats and Meat Products." Facilities that were previously classified in the former industry are currently subject to TRI requirements whereas those that were previously classified in the latter industry are not. Accordingly, the exception for NAICS 311612 applies only to those facilities that were previously classified in SIC 5147. All other facilities included in NAICS 311612 would report if they satisfy the applicable reporting criteria.

Similarly, under NAICS 325 (Chemical Manufacturing), there is an exception for certain facilities classified in NAICS 325998 (Miscellaneous Chemical Product and Preparation Manufacturing). This exception is limited to facilities primarily engaged in filling pressure containers (i.e., aerosol containers) on a job order or contract