

basis that were previously classified under SIC 7389 (Business Services, Not Elsewhere Classified). However, those facilities that fill pressure containers on a job order or contract basis that were previously classified in the manufacturing sector under the SIC system because they are primarily engaged in activities, such as blending of chemicals, that are considered under the SIC to be manufacturing activities, would continue to report to TRI.

One of the industry exceptions in NAICS 311, under 311119, Food Manufacturing, includes facilities that are primarily engaged in Custom Grain Grinding for Animal Feed. Facilities that conduct custom milling of animal feed and those that provide mobile feed milling services that were previously classified under SIC 2048, Prepared Feeds and Feed Ingredients for Animals and Fowls, Except Dogs and Cats, are not included in this exception.

At the end of the list of 3-digit NAICS manufacturing subsector codes and exceptions that appears in this preamble in Unit V.D.1., there is a list of additional 6-digit NAICS industries. Some of these industries are the NAICS equivalents of the SIC industries that were added to TRI in the Industry Expansion Rule. See Unit V.B. below. Others were considered manufacturing industries under SIC, but are not considered manufacturing industries under NAICS. For example, whereas SIC treats establishments that produce maple syrup from maple sap as manufacturing establishments classified in SIC 2099 (Food Preparations, NEC, Reducing Maple Sap to Maple Syrup), NAICS treats establishments engaged in maple syrup production as an agricultural activity and classifies such establishments in NAICS 111998 (All Other Miscellaneous Crop Farming). Despite the NAICS classification, establishments that reduce maple sap to maple syrup are still subject to TRI requirements. See Unit IV.C. above. Another notable example of a SIC manufacturing industry which is no longer classified as such in NAICS is SIC 3295 (Minerals and Earths, Ground or Otherwise Treated). This SIC industry is composed of establishments operating without a mine or quarry and that are primarily engaged in crushing, grinding, pulverizing, or otherwise preparing clay, ceramic, and refractory minerals; barite; and miscellaneous nonmetallic minerals, except fuels (Standard Industrial Classification Manual, 1987, p. 170). Such establishments are now classified within various industries in the mining sector in NAICS (NAICS code 21), but

they are still subject to TRI reporting requirements.

#### *B. Industries Added to TRI in the Industry Expansion Rule*

For the mining industry and for most of the other industries that were added to the list of industries that are required to report under the Industry Expansion Rule (62 FR 23833), the crosswalk from SIC to NAICS based on the Census Bureau's crosswalk tables was more straightforward. The metal mining industry, SIC major group 10 (except 1011, 1081, and 1094), converted to NAICS 212221 (Gold Ore Mining), 212222 (Silver Ore Mining), 212231 (Lead Ore and Zinc Mining), 212234 (Copper Ore and Mickle Ore Mining), and 212299 (All Other Metal Ore Mining). The coal mining industry, SIC major group 12 (except 1241), consists of three 4-digit SIC codes that convert to three 6-digit NAICS codes: 212111 (Bituminous Coal and Lignite Surface Mining), 212112 (Bituminous Coal Underground Mining), and 212113 (Anthracite Mining).

For electric utilities subject to TRI requirements, three 4-digit SIC codes-4911, 4931, and 4939-convert to six 6-digit NAICS codes, all within NAICS 221, the Utilities subsector of the Utilities sector: 221111 (Hydroelectric Power Generation), 221112 (Fossil Fuel Electric Power Generation), 221113 (Nuclear Electric Power Generation), 221119 (All Other Electric Power Generation), 221121 (Electric Power Bulk Transmission and Control), and 221122 (Electric Power Distribution).

SIC 4953, Refuse Systems, for which TRI reporting is limited to facilities regulated under RCRA Subtitle C, converts to five 6-digit NAICS codes, all within NAICS 562, the Waste Management and Remediation Services subsector of the Administrator and Support and Waste Management and Remediation Services sector: 562920 (Materials Recovery Facilities), 562211 (Hazardous Waste Treatment and Disposal), 562212 (Solid Waste Landfill), 562213 (Solid Waste Combustors and Incinerators), and 562219 (Other Nonhazardous Waste Treatment and Disposal).

SIC 5169, Chemicals and Allied Products-Wholesale, converts to only one 6-digit NAICS code: 422690 (Other Chemical and Allied Products Wholesalers). In the Census Bureau SIC and NAICS crosswalk tables, SIC 5171, Petroleum Bulk Stations and Terminals, is represented by one NAICS wholesale code (4117, Petroleum Bulk Stations and Terminals) and two NAICS retail codes (454311, Heating Oil Dealers and 454312, Liquefied Petroleum Gas

(Bottled Gas Dealers), even though SIC 5171 includes only establishments primarily engaged in the wholesale distribution of crude petroleum and petroleum products from bulk liquid storage facilities. Only facilities that are primarily engaged in the wholesale distribution of crude petroleum and petroleum products from bulk liquid storage facilities are required to report waste management quantities and toxic chemical releases to the TRI. Accordingly, facilities in NAICS 42271 (Petroleum Bulk Stations and Terminals) are subjects to TRI requirements and those in 454311 and 454312 are not. Retail facilities were never covered under EPCRA 313, nor do they meet the definition of SIC 5171 which includes establishments that are primarily engaged in the wholesale distribution of crude petroleum and petroleum products.

Finally, the crosswalk documents developed by the Census Bureau do not identify a NAICS code or codes that correspond to SIC 7389, Solvent Recovery Services (on a contract or fee basis). However, with guidance from representatives of the Census Bureau, EPA has concluded that NAICS 562112, Collection of Hazardous Waste, is one of two correct conversions for SIC 7389, Solvent Recovery Services (on a contract or fee basis). [U.S. Census Bureau letter from Mark E. Wallace to Maria J. Doa, U.S. EPA]. Establishments with a primary SIC code of 4212, Local Trucking Without Storage (hazardous waste collection without disposal), are also included in NAICS 562112. However, because facilities having a primary SIC code of 4212 are not currently subject to TRI requirements, they would not report. Solvent recovery services (on a contract or fee basis) that purify, recycle or otherwise treat solvents collected are also classified in manufacturing according to the material(s) purified, recycled, or otherwise treated. [U.S. Census Bureau letter from Mark E. Wallace to Maria J. Doa, U.S. EPA]. For toxic solvents, these facilities will fall under NAICS subsector 325, Chemical Manufacturing.

#### *C. Auxiliary Facilities*

Auxiliary facilities that are classified in covered SIC codes are subject to EPCRA section 313 reporting requirements. Today's proposal does not affect the status of auxiliary facilities for purposes of reporting under section 313 of EPCRA and section 6607 of the PPA. However, during the transition year,