tribe for the purposes of Executive Order 13175, but would not impose substantial direct costs upon the tribes, nor would it preempt tribal law. A tribe that is part of a Marginal nonattainment area that is reclassified Moderate is not required to submit a TIP revision to address new Moderate area requirements. However, if the EPA finalizes the determination of failure to attain proposed in this action, the nonattainment new source review major source threshold and offset requirements would change for stationary sources seeking preconstruction permits in any nonattainment areas newly reclassified as Moderate, including on tribal lands within these nonattainment areas.

In a letter dated July 16, 2021, the EPA invited the Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony to consult on our evaluation and determination of whether the Las Vegas nonattainment area attained or failed to attain by its Marginal area attainment date. The EPA intends to notify the Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony of this proposed action and we will initiate government-to-government consultation if requested.

G. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

H. Executive Order 13211, Actions That Significantly Affect Energy Supply, Distribution, or Use

This proposed action is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Population

Executive Order (E.O.) 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. Upon review, the EPA did not identify any particular facts or circumstances that would indicate this action will have potential disproportionately high and adverse human health or environmental effects on minority, low-income, or indigenous populations.

Furthermore, with respect to the determinations of whether areas have attained the NAAQS by the attainment date, the EPA has no discretionary authority to address environmental justice in these determinations. The CAA directs that within 6 months following the applicable attainment date, the Administrator shall determine, based on the area's design value as of the attainment date, whether the area attained the standard by that date. CAA section 181(b)(2)(A). Except for any Severe or Extreme area, any area that the Administrator finds has not attained the standard by that date shall be reclassified by operation of law to either the next higher classification or the classification applicable to the area's design value.

List of Subjects

40 CFR Part 52

Environmental protection, Administrative practice and procedure, Air pollution control, Designations and classifications, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements and Volatile organic compounds.

40 CFR Part 81

Environmental protection, Administrative practice and procedure, Air pollution control, Designations and classifications, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, and Volatile organic compounds.

Dated: July 16, 2022.

Martha Guzman Aceves,

Regional Administrator, Region IX.

[FR Doc. 2022–15674 Filed 7–21–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 372

[EPA–HQ–OPPT–2022–0387; FRL–9529–01–OCSPP]

RIN 2070–AL09

Community Right-To-Know; Adopting 2022 North American Industry Classification System (NAICS) Codes for Toxics Release Inventory (TRI) Reporting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing 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. OMB updates the NAICS codes every five years. EPA currently uses 2017 NAICS codes and is proposing to implement the 2022 codes for TRI Reporting Year 2022 (*i.e.,* facilities reporting to TRI would be required to use 2022 NAICS codes on reports that are due to the Agency by July 1, 2023). The actual data required by a TRI form will not change as a result of this rulemaking, nor will the rule affect the universe of TRI reporting facilities that are required to submit reports to the Agency under the Emergency Planning and Community Right-to-Know Act (EPCRA).

DATES: Comments must be received on or before September 20, 2022.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2022–0387, through the Federal eRulemaking Portal at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Rachel Dean, Data Collection Branch, Data Gathering and Analysis Division (Mailcode: 7406M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 566–1303; email address: *dean.rachel@epa.gov.*

For general information contact: The Emergency Planning and Community Right-to-Know Information Center; telephone number: (800) 424–9346 or (703) 348–5070 in the Washington, DC Area and International; website: *https://www.epa.gov/aboutepa/epa-hotlines.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

You may be potentially affected by this action if you own or operate facilities that have 10 or more full-time employees or the equivalent of 20,000 employee hours per year that manufacture, process, or otherwise use toxic chemicals listed on the TRI, and that are required under section 313 of EPCRA or section 6607 of the Pollution Prevention Act (PPA) to report annually to EPA and States or Tribes their environmental releases or other waste management quantities of covered chemicals. (A rule was published on April 19, 2012 (77 FR 23409; FRL–9660–9), requiring facilities located in Indian country to report to the appropriate tribal government official and EPA instead of to the state and EPA.)

The following list of 2017 North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Facilities included in the following NAICS manufacturing codes (corresponding to Standard Industrial Classification (SIC) codes 20 through 39): 311*, 312*, 313*, 314*, 315*, 316, 321, 322, 323*, 324, 325*, 326*, 327, 331, 332, 333, 334*, 335*, 336, 337*, 339*, 111998*, 113310, 211130* (corresponds to SIC 2819), 212324*, 212325*, 212393*, 212399*, 488390*, 511110, 511120, 511130, 511140*, 511191, 511199, 512230*, 512250*, 519130*, 541713*, 541715*, or 811490*.

(*Exceptions and/or limitations exist for these NAICS codes.)

- Facilities included in the following NAICS manufacturing codes (corresponding to SIC codes other than 20–39): 211130 (corresponds to SIC code 1321); or 212111, 212112, 212113, (corresponds to SIC code 12, Coal Mining (except 1241)); 212221, 212222, 212230, 212299 (corresponds to SIC code 10, Metal Mining (except 1011, 1081, and 1094)); or 22111*, 221121, 221122, 221330 (limited to facilities that combust coal and/or oil for the purpose of generating power distribution in commerce) (corresponds to SIC codes 4911, 4931, and 4939, Electric Utilities); or 424690, 425110, 425120 (limited to facilities previously classified in SIC code 5169, Chemicals and Allied Products, Not Elsewhere Classified); or 424710 (corresponds to SIC code 5171, Petroleum Bulk Terminals and Plants); or 562112 (limited to facilities primarily engaged in solvent recovery services on a contract or fee basis (previously classified under SIC code 7389, Business Services, Not Elsewhere Classified)); or 562211, 562212, 562213, 562219, 562920 (limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 *et seq.*) (corresponds to SIC code 4953, Refuse Systems).

(*Exceptions and/or limitations exist for these NAICS codes.)

- Federal facilities.

If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed in the **FOR FURTHER INFORMATION CONTACT** section.

B. What is the Agency's authority for taking this action?

EPA is taking this action under EPCRA sections 313(g)(1) and 328, 42 U.S.C. 11023(g)(1) and 11048. In general, EPCRA section 313 requires owners and operators of covered facilities in specified SIC codes that manufacture, process, or otherwise use listed toxic chemicals in amounts above specified threshold levels to report certain facility specific information about such chemicals, including the annual releases and other waste management quantities. EPCRA section 313(g)(1) requires EPA to publish a uniform toxic chemical release form for these reporting purposes, and it also prescribes, in general terms, the types of information that must be submitted on the form. Congress also granted EPA broad rulemaking authority to allow the Agency to fully implement the statute. EPCRA section 328 authorizes EPA to ''prescribe such regulations as may be necessary to carry out this chapter.'' 42 U.S.C. 11048.

C. Why is EPA taking this action?

In the **Federal Register** of April 9, 1997 (62 FR 17288), OMB published a final decision to adopt the NAICS economic classification system, replacing the Standard Industry Classification (SIC) system which had traditionally been used by the Federal Government for collecting and organizing industry-related statistics. Consistent with EPCRA section 313 and PPA section 6607, on June 6, 2006, EPA amended 40 CFR part 372 to change TRI reporting from requiring SIC codes to requiring NAICS codes (71 FR 32464; FRL–8180–2) (Ref. 1). This amendment to the regulation included the 2002 NAICS codes for TRI reporting. OMB revises the NAICS codes every five years. Therefore, EPA subsequently updated the NAICS codes in:

- June 9, 2008 (73 FR 32466; FRL–8577–1) to include the 2007 codes,
- July 18, 2013 (78 FR 42875; FRL–9825–8) (Ref. 2) to include the 2012 NAICS codes,
- December 26, 2017 (82 FR 60906; FRL–9970–02) to include the 2017 NAICS codes.

In the **Federal Register** of December 21, 2021, OMB announced updated NAICS codes for 2022 (86 FR 72277). In this document EPA is proposing to amend 40 CFR part 372 to reflect OMB's updated 2022 NAICS codes.

NAICS codes are used by EPA's TRI program, which provides the ability to track releases and other waste management (among other information) of chemicals by a sector and/or facility basis. This detailed information is made public so that community members, industrial facilities, research organizations, and federal government can make informed decisions that impact human health and the environment. Also, comparative analysis by sector or facility can demonstrate the volume of a specific chemical released to air, water, and land. In addition, NAICS codes help provide a snapshot of pollution prevention efforts at each facility by demonstrating results of toxic emissions reductions across industry sectors.

D. What action is the Agency taking?

Given OMB's revisions to the NAICS codes that became effective January 1, 2022, EPA is proposing to amend 40 CFR part 372 to update the 2022 NAICS codes for TRI reporting. In addition, EPA is proposing to include NAICS codes in 40 CFR part 372 for facilities that are covered under TRI's SIC codes but had been inadvertently excluded in past TRI NAICS rulemakings. EPA is also proposing to update the CFR to account for the discretionary authority provision provided in EPCRA section 313(b)(2) (42 U.S.C. 11023(b)(2)).

1. NAICS Codes Updated To Conform With the 2022 NAICS Code Modifications

Under this action, TRI reporting requirements would remain unchanged. However, due to the 2022 NAICS code modifications, some facilities will need to modify their reported NAICS codes as outlined in Table 1 in Unit I.D., which identifies only the revised TRI NAICS

reporting codes and is not an exhaustive list of all NAICS reporting codes subject to EPCRA section 313 and PPA section 6607. Table 1 also includes notes where a 2022 NAICS code is the result of merging 2017 NAICS codes. In those cases, EPA is clarifying which subset of the 2022 NAICS code is covered by TRI. (Note that non-TRI-covered NAICS codes will not be listed in the table.) A complete listing of all TRI-covered facilities can be found in the regulations at 40 CFR 372.23.

TABLE 1—MODIFIED TRI REPORTING NAICS CODES

2017 NAICS code	2017 NAICS and U.S. description	2022 NAICS code	2022 NAICS and U.S. description
212111	Bituminous Coal and Lignite Surface Mining	212114	Surface Coal Mining.
212112	Bituminous Coal Underground Mining	212115	Underground Coal Mining.
212113	Anthracite Mining—*anthracite surface mining* activity	212114	Surface Coal Mining.
212113	Anthracite Mining—*anthracite underground mining* activity.	212115	Underground Coal Mining.
212221	Gold Ore Mining	212220	Gold Ore and Silver Ore Mining.
212222	Silver Ore Mining	”	”
212299	All Other Metal Ore Mining	212290.	Other Metal Ore Mining. *This merges both TRI-covered and non-TRI-covered NAICS codes. Only 212299: All Other Metal Ore Mining was covered by TRI. TRI will note that only “All Other Metal Ore Mining” facilities under NAICS code 212290 are required to report.*
212324	Kaolin and Ball Clay Mining	212323	Kaolin, Clay, and Ceramic and Refractory Minerals Mining.
212325	Clay and Ceramic and Refractory Minerals Mining	”	”
212393	Other Chemical and Fertilizer Mineral Mining	212390	Other Nonmetallic Mineral Mining and Quarrying.
212399	All Other Nonmetallic Mineral Mining	”	” *This merges both TRI-covered and non-TRI-covered NAICS codes. Only 212393 and 212399 were covered by TRI. TRI will note that only “Other Chemical and Fertilizer Mineral Mining” and “All Other Nonmetallic Mineral Mining” facilities under NAICS code 212390 are required to report.*
315110	Hosiery and Sock Mills	315120	Apparel Knitting Mills.
315190	Other Apparel Knitting Mills	”	”
315220	Men’s and Boys’ Cut and Sew Apparel Manufacturing	315250	Cut and Sew Apparel Manufacturing (except Contractors).
315240	Women’s, Girls’, and Infants’ Cut and Sew Apparel Manufacturing.	”	”
315280	Other Cut and Sew Apparel Manufacturing	”	”
316992	Women’s Handbag and Purse Manufacturing	316990	Other Leather and Allied Product Manufacturing.
316998	All Other Leather Good and Allied Product Manufacturing.	”	”
321213	Engineered Wood Member (except Truss) Manufacturing.	321215	Engineered Wood Member Manufacturing
321214	Truss Manufacturing	”	”
322121	Paper (except Newsprint) Mills	322120	Paper Mills.
322122	Newsprint Mills	”	”
325314	Fertilizer (Mixing Only) Manufacturing	325315, 325314	Compost Manufacturing Fertilizer (Mixing Only) Manufacturing.
333244	Printing Machinery Equipment Manufacturing	333248	All Other Industrial Machinery Manufacturing.
333249	Other Industrial Machinery Manufacturing	”	”
333314	Optical Instrument and Lens Manufacturing	333310	Commercial and Service Industry Machinery Manufacturing.
333316	Photographic and Photocopying Equipment Manufacturing.	”	”
333318	Other Commercial and Service Industry Machinery Manufacturing.	”	”
333997	Scale and Balance Manufacturing	333998	All Other Miscellaneous General Purpose Machinery Manufacturing.
333999	All Other Miscellaneous General Purpose Machinery Manufacturing.	”	”
334613	Blank Magnetic and Optical Recording Media Manufacturing.	334610	Manufacturing and Reproducing Magnetic and Optical Media.
334614	Software and Other Prerecorded Compact Disc, Tape, and Record Reproducing.	”	”
335121	Residential Electric Lighting Fixture Manufacturing	335131	Residential Electric Lighting Fixture Manufacturing.
335122	Commercial, Industrial, and Institutional Electric Lighting Fixture Manufacturing.	335132	Commercial, Industrial, and Institutional Electric Lighting Fixture Manufacturing.
335110	Electric Lamp Bulb and Part Manufacturing	335139	Electric Lamp Bulb and Other Lighting Equipment Manufacturing.
335129	Other Lighting Equipment Manufacturing	”	”
335911	Storage Battery Manufacturing	335910	Battery Manufacturing.
335912	Primary Battery Manufacturing	”	”

TABLE 1—MODIFIED TRI REPORTING NAICS CODES—Continued

2017 NAICS code	2017 NAICS and U.S. description	2022 NAICS code	2022 NAICS and U.S. description
336111	Automobile Manufacturing	336110	Automobile and Light Duty Motor Vehicle Manufacturing.
336112	Light Truck and Utility Vehicle Manufacturing	”	”
337124	Metal Household Furniture Manufacturing	337126	Household Furniture (except Wood and Upholstered) Manufacturing.
337125	Household Furniture (except Wood and Metal) Manufacturing.	”	”
425110	Business to Business Electronic Markets	425120	Wholesale Trade Agents and Brokers.
511110	Newspaper Publishers	513110	Newspaper Publishers.
519130	Internet Publishing and Broadcasting and Web Search Portals—*Internet Newspaper Publishers* activity.	”	”
511120	Periodical Publishers	513120	Periodical Publishers.
519130	Internet Publishing and Broadcasting and Web Search Portals—*Internet Periodical Publishers* activity.	”	”
511130	Book Publishers	513130	Book Publishers.
519130	Internet Publishing and Broadcasting and Web Search Portals—*Internet Book Publishers* activity.	”	”
511140	Directory and Mailing List Publishers	513140	Directory and Mailing List Publishers.
519130	Internet Publishing and Broadcasting and Web Search Portals—*Internet Directory and Mailing List Publishers* activity.	”	”
511191	Greeting Card Publishers	513191	Greeting Card Publishers.
519130	Internet Publishing and Broadcasting and Web Search Portals for *Internet Greeting Card Publishers* activity.	”	”
511199	All Other Publishers	513199	All Other Publishers.
519130	Internet Publishing and Broadcasting and Web Search Portals for *All other Internet Publishers* activity.	”	”
519130	Internet Publishing and Broadcasting and Web Search Portals—*Internet Broadcasting* activity.	516210	Media Streaming Distribution Services, Social Networks, and Other Media Networks and Content Providers. *This merges both TRI-covered and non-TRI-covered NAICS codes. Only 519130: Internet Publishing and Broadcasting and Web Search Portals was covered by TRI. TRI will note that only certain ‘‘Internet Broadcasting’’ facilities under NAICS code 516210 are required to report.*
519130	Internet Publishing and Broadcasting and Web Search Portals—*Web Search Portals* activity.	519290	Web Search Portals and All Other Information Services. *This merges both TRI-covered and non-TRI-covered NAICS codes. Only 519130: Internet Publishing and Broadcasting and Web Search Portals was covered by TRI. TRI will note that only certain ‘‘Web Search Portals’’ facilities under NAICS code 519290 are required to report.*

2. Listing of Certain NAICS Codes in the Utilities Industry Sector

Additionally, facilities included in the following NAICS manufacturing codes will be listed at 40 CFR 372.23 and will be subject to TRI reporting requirements (see 40 CFR part 372—[AMENDED]): 221114—Solar Electric Power Generation; 221115—Wind Electric Power Generation; 221116—Geothermal Electric Power Generation; and 221117—Biomass Electric Power Generation). In 1997, when EPA added the electric utility industry sector to the scope of the TRI, the Agency qualified the addition to include all facilities which ‘‘burn any quantity of coal or oil to generate power for distribution in commerce.’’ (62 FR 23834, May 1, 1997; FRL–5578–3) (Ref. 3). Further, the Agency clearly stated that this addition includes any facility classified under SIC codes 4911, 4931, or 4939 that combusts coal and/or oil for the purpose of generating power for distribution in commerce. EPA clearly stated that this coverage includes a facility that burns ‘‘any quantity’’ of coal or oil to generate power for distribution in commerce, noting examples where a facility might burn coal or oil for purposes other than distribution in commerce and thus not fit the qualifier provided for the industry sector. (62 FR 23834, 23863) (Ref. 3).

The 2007 NAICS to 2012 NAICS revision split NAICS 221119 (a NAICS code at the time covered by TRI due to its crosswalk to SIC codes 4911, 4931, and 4939) into multiple codes (*i.e.,* 221114, 221115, 221116, 221117, and 221118). When EPA updated the set of 2007 NAICS codes used by TRI to conform to the 2012 NAICS revision, the Agency listed only 221118, neglecting to include 221114, 221115, 221116, and 221117. (78 FR 42875) (Ref. 2). However, as provided by the 1997 rule that included electricity generating facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce, these NAICS codes should have been included in the

CFR. Further, because the CFR lists SIC codes 4911, 4931, and 4939 as being regulated by TRI, facilities in NAICS codes 221114, 221115, 221116, and 221117 would be regulated by TRI should they combust coal and/or oil for the purpose of generating power for distribution in commerce despite the Agency's oversight in terms of failing to list these NAICS codes in the CFR. Therefore, facilities identifying with these NAICS codes (*i.e.,* 221114, 221115, 22116, and 221117) are covered under TRI reporting regulation and EPA proposes to address its previous oversight by adding these NAICS codes to 40 CFR 372.23. Similarly, in the 2006 rule to include NAICS codes in the regulations for TRI, EPA neglected to include NAICS code 221210. SIC codes 4931 and 4939 are covered TRI reporting codes (40 CFR 372.23(b), 62 FR 23834). Both of these SIC codes crosswalk to multiple NAICS codes which are listed on the CFR, except for 221210. EPA acknowledges it was an oversight not to include 221210 in the 2006 rule adopting NAICS codes for TRI reporting (71 FR 32464) (Ref. 1) and proposes to add 221210 to 40 CFR 372.23 for this NAICS update rule.

Crosswalk tables between all 2017 NAICS codes and 2022 NAICS codes can be found on the internet at *https://www.census.gov/naics/.*

3. Updates to 40 CFR Part 372 To Accommodate EPCRA Section 313(b)(2)

As authorized under EPCRA section 313(b)(2), the EPA Administrator may determine that a particular facility is subject to the requirements of EPCRA section 313(a) on the basis of the toxicity of a chemical, the facility's proximity to other facilities that release the chemical or to population centers, the history of releases of the chemical at the facility, or other factors the Administrator deems appropriate. This authority has been codified previously in TRI regulations, describing the process for modifying the list of covered facilities (40 CFR 372.20(b)). EPA is proposing to also codify this discretionary authority at 40 CFR 372.22, which describes the criteria to determine whether a facility must report to TRI for a certain calendar year. This proposed edit is a conforming edit to accommodate the longstanding discretionary authority under EPCRA section 313(b)(2), and this edit would not alter the universe of EPCRA section 313 reporters or any TRI reporting requirements. This additional criteria for facilities reporting to TRI will be added to 40 CFR 372.22 (see part 372—[AMENDED]).

E. What are the incremental impacts of this action?

EPA analyzed the potential costs and benefits associated with this action and determined that since this action will not add or remove any reporting requirements, there is no net increase in respondent burden or other economic impacts to consider.

F. Are there potentially disproportionate impacts for children health?

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997), as applying only to those regulatory actions that concern health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

II. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

1. U.S. EPA. Community Right-to-Know; Toxic Chemical Release Reporting Using North American Industry Classification System (NAICS); Final Rule. **Federal Register**. 71 FR 32464, June 6, 2006 (FRL–8180–2).
2. U.S. EPA. Community Right-to-Know; Adoption of 2012 North American Industry Classification System (NAICS) Codes for Toxics Release Inventory (TRI) Reporting; Final Rule. **Federal Register**. 78 FR 42875, July 18, 2013 (FRL–9825–8).
3. U.S. EPA. Addition of Facilities in Certain Industry Sectors; Revised Interpretation of Otherwise Use; Toxic Release Inventory Reporting; Community Right-to-Know; Final Rule. **Federal Register**. 62 FR 23834, May 1, 1997 (FRL–5578–3).

III. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review under Executive Order 12866 (58 FR 51735, October 4, 1993) and Executive Order 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA, 44 U.S.C. 3501 *et seq.* Facilities that are affected by the rule are already required to report their industrial classification codes on the approved reporting forms under EPCRA section 313 and PPA section 6607. In addition, OMB has previously approved the information collection activities involving Form R and Form A as contained in 40 CFR part 372 under OMB Control No. 20070–0212 (EPA ICR No. 2613.04).

Under the PRA, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA, 5 U.S.C. 601 *et seq.* In making this determination, EPA concludes that the impact of concern for this rule is any significant adverse economic impact on small entities and that the agency is certifying that this rule will not have a significant economic impact on a substantial number of small entities if the rule has no net burden on the small entities subject to the rule. This proposed rule adds no new reporting requirements, and there would be no net increase in respondent burden and costs. This rule would only update the NAICS codes already reported by respondents. As such, this action will not impose any new requirements on small entities.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does

not significantly or uniquely affect small governments. The action would impose no enforceable duty on any state, local or tribal governments or the private sector.

E. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000), because it does not impose substantial direct compliance costs on Indian tribal governments. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not a ''significant energy action'' under Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not likely to have a significant adverse effect on the supply, distribution or use of energy and has not otherwise been designated by the Administrator of OMB's Office of Information and Regulatory Affairs as a ''significant energy action.'' This action is not expected to affect energy use, energy supply or energy prices.

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards. As such, NTTAA section 12(d), 15 U.S.C. 272 note, does not apply to this action.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations and Executive Order 14008: Tackling the Climate Crisis at Home and Abroad

In accordance with Executive Order 12898 (59 FR 7629, February 16, 1994) and Executive Order 14008 (86 FR 7619, January 27, 2021), EPA finds that this action will not result in disproportionately high and adverse human health, environmental, climate-related, or other cumulative impacts on disadvantaged communities because this action does not establish an environmental health or safety standard.

List of Subjects in 40 CFR Part 372

Environmental protection, Community right-to-know, Reporting and recordkeeping requirements, Toxic chemicals.

Dated: July 13, 2022.

Michal Freedhoff,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

Therefore, for the reasons set forth in the preamble, it is proposed that 40 CFR chapter I be amended as follows:

PART 372—TOXIC CHEMICAL RELEASE REPORTING: COMMUNITY RIGHT-TO-KNOW

■ 1. The authority citation for part 372 continues to read as follows:

Authority: 42 U.S.C. 11023 and 11048.

■ 2. Amend § 372.22 by revising the introductory paragraph and adding paragraph (d) to read as follows:

§ 372.22 Covered facilities for toxic chemical release reporting.

A facility is a covered facility for a particular calendar year, and must report under 40 CFR 372.30, if the facility meets either all of the criteria in paragraphs (a) through (c), or all of the criteria in paragraphs (c) and (d), for that calendar year.

* * * * *

(d) The Administrator determined that applying the 42 U.S.C. 11023 requirements to the facility was warranted, pursuant to 42 U.S.C. 11023(b)(2) and 40 CFR 372.20(b).

■ 3. Amend § 372.23 by revising paragraphs (b) and (c) to read as follows:

§ 372.23 SIC and NAICS codes to which this Part applies.

* * * * *

(b) NAICS codes that correspond to SIC codes 20–39.

311—Food Manufacturing	Except 311119—Exception is limited to facilities previously classified under SIC 0723, Crop Preparation Services for Market, Except Cotton Ginning. Except 311340—Exception is limited to facilities previously classified under SIC 5441, Candy, Nut, and Confectionery Stores. Except 311352—Exception is limited to facilities previously classified under SIC 5441, Candy, Nut, and Confectionery Stores. Except 311611—Exception is limited to facilities previously classified under SIC 0751, Livestock Services, Except Veterinary. Except 311612—Exception is limited to facilities previously classified under SIC 5147, Meats and Meat Products. Except 311811—Exception is limited to facilities previously classified under SIC 5461, Retail Bakeries.
312—Beverage and Tobacco Product Manufacturing.	Except 312112—Exception is limited to facilities previously classified under SIC 5149, Groceries and Related Products, Not Elsewhere Classified. Except 312230—Exception is limited to facilities previously classified under SIC 7389, Business Services, Not Elsewhere Classified, except facilities primarily engaged in solvent recovery services on a contract or fee basis.
313—Textile Mills	Except 313310—Exception is limited to facilities previously classified under SIC 5131, Piece Goods, Notions, and Other Dry Goods; and facilities previously classified under SIC 7389, Business Services, Not Elsewhere Classified, except facilities primarily engaged in solvent recovery services on a contract or fee basis.
314—Textile Product Mills	Except 314120—Exception is limited to facilities previously classified under SIC 5714, Drapery, Curtain, and Upholstery Stores. Except 314999—Exception is limited to facilities previously classified under SIC 7389, Business Services, Not Elsewhere Classified, except facilities primarily engaged in solvent recovery services on a contract or fee basis.

315—Apparel Manufacturing	Except 315290—Exception is limited to facilities previously classified under SIC 5699, Miscellaneous Apparel and Accessory Stores.
316—Leather and Allied Product Manufacturing.	
321—Wood Product Manufacturing	
322—Paper Manufacturing	
323—Printing and Related Support Activities.	Except 323111—Exception is limited to facilities previously classified under SIC 7334, Photocopying and Duplicating Services.
324—Petroleum and Coal Products Manufacturing.	
325—Chemical Manufacturing	Except 325998—Exception is limited to facilities previously classified under SIC 7389, Business Services, Not Elsewhere Classified.
326—Plastics and Rubber Products Manufacturing.	Except 326212—Exception is limited to facilities previously classified under SIC 7534, Tire Retreading and Repair Shops.
327—Nonmetallic Mineral Product Manufacturing.	Except 327110—Exception is limited to facilities previously classified under SIC 5719, Miscellaneous Home Furnishings Stores.
331—Primary Metal Manufacturing	
332—Fabricated Metal Product Manufacturing.	
333—Machinery Manufacturing	
334—Computer and Electronic Product Manufacturing.	Except 334610—Exception is limited to facilities previously classified under SIC 7372, Prepackaged Software; and to facilities previously classified under SIC 7819, Services Allied to Motion Picture Production.
335—Electrical Equipment, Appliance, and Component Manufacturing.	Except 335312—Exception is limited to facilities previously classified under SIC 7694, Armature Rewinding Shops.
336—Transportation Equipment Manufacturing.	
337—Furniture and Related Product Manufacturing.	Except 337110—Exception is limited to facilities previously classified under SIC 5712, Furniture Stores.
	Except 337121—Exception is limited to facilities previously classified under SIC 5712, Furniture Stores.
	Except 337122—Exception is limited to facilities previously classified under SIC 5712, Furniture Stores.
339—Miscellaneous Manufacturing	Except 339113—Exception is limited to facilities previously classified under SIC 5999, Miscellaneous Retail Stores, Not Elsewhere Classified.
	Except 339115—Exception is limited to lens grinding facilities previously classified under SIC 5995, Optical Goods Stores.
	Except 339116—Exception is limited to facilities previously classified under SIC 8072, Dental Laboratories.
111998—All Other Miscellaneous Crop Farming.	Limited to facilities previously classified under SIC 2099, Food Preparations, Not Elsewhere Classified.
113310—Logging	
211130—Natural Gas Extraction	Limited to facilities that recover sulfur from natural gas and previously classified under SIC 2819, Industrial Inorganic Chemicals, Not Elsewhere Classified.
212323—Kaolin, Clay, and Ceramic and Refractory Minerals Mining.	Limited to facilities operating without a mine or quarry and previously classified under SIC 3295, Minerals and Earths, Ground or Otherwise Treated.
212390—Other Nonmetallic Mineral Mining and Quarrying.	Limited to facilities previously classified under SIC 3295, Minerals and Earths, Ground or Otherwise Treated.
488390—Other Support Activities for Water Transportation.	Limited to facilities previously classified under SIC 3731, Shipbuilding and Repairing.
512230—Music Publishers	Except facilities previously classified under SIC 8999, Services, Not Elsewhere Classified.
512250—Record Production and Distribution.	Limited to facilities previously classified under SIC 3652, Phonograph Records and Prerecorded Audio Tapes and Disks.
5131—Publishing Industries	Except for facilities primarily engaged in web search portals and except for facilities previously classified under SIC 7331, Direct Mail Advertising Services and SIC 8999, Services Not Elsewhere Classified.
516210—Media Streaming Distribution Services, Social Networks, and Other Media Networks and Content Providers.	Limited to Internet publishing facilities previously classified under SIC 2711, Newspapers: Publishing, or Publishing and Printing; facilities previously classified under SIC 2721, Periodicals: Publishing, or Publishing and Printing; facilities previously classified under SIC 2731, Books: Publishing, or Publishing and Printing; facilities previously classified under SIC 2741, Miscellaneous Publishing; facilities previously classified under SIC 2771, Greeting Cards; Except for facilities primarily engaged in web search portals.
519290—Web Search Portals and All Other Information Services.	Limited to Internet publishing facilities previously classified under SIC 2711, Newspapers: Publishing, or Publishing and Printing; facilities previously classified under SIC 2721, Periodicals: Publishing, or Publishing and Printing; facilities previously classified under SIC 2731, Books: Publishing, or Publishing and Printing; facilities previously classified under SIC 2741, Miscellaneous Publishing; facilities previously classified under SIC 2771, Greeting Cards; Except for facilities primarily engaged in web search portals.
541713—Research and Development in Nanotechnology.	Limited to facilities previously classified under SIC 3764, Guided Missile and Space Vehicle Propulsion Units and Propulsion Unit Parts; and facilities previously classified under SIC 3769, Guided Missile and Space Vehicle Parts and Auxiliary Equipment, Not Elsewhere Classified.
541715—Research and Development in the Physical, Engineering, and Life Sciences (except Nanotechnology and Biotechnology).	Limited to facilities previously classified under SIC 3764, Guided Missile and Space Vehicle Propulsion Units and Propulsion Unit Parts; and facilities previously classified under SIC 3769, Guided Missile and Space Vehicle Parts and Auxiliary Equipment, Not Elsewhere Classified.
811490—Other Personal and Household Goods Repair and Maintenance.	Limited to facilities previously classified under SIC 3732, Boat Building and Repairing.

(c) NAICS codes that correspond to SIC codes other than SIC codes 20–39.

211130—Natural Gas Extraction	Limited to facilities classified under SIC 1321, Natural Gas Liquids.
212114—Surface Coal Mining.	
212115—Underground Coal Mining	
212220—Gold Ore and Silver Ore Mining.	
212230—Copper, Nickel, Lead and Zinc Mining.	
212290—Other Metal Ore Mining ...	Limited to facilities previously classified under SIC 1061, Ferroalloy Ores, Except Vanadium (nickel); and facilities previously classified under SIC 1099, Miscellaneous Metal Ores, Not Elsewhere Classified.
221111—Hydroelectric Power Generation.	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221112—Fossil Fuel Electric Power Generation.	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221113—Nuclear Electric Power Generation.	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221114—Solar Electric Power Generation.	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221115—Wind Electric Power Generation.	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221116—Geothermal Electric Power Generation.	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221117—Biomass Electric Power Generation.	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221118—Other Electric Power Generation.	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221121—Electric Bulk Power Transmission and Control.	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221122—Electric Power Distribution	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221210—Natural Gas Distribution ..	Limited to facilities previously classified under SIC 4931, Electric and Other Services Combined and facilities previously classified under SIC 4939, Combination Utilities, Not Elsewhere Classified.
221330—Steam and Air Conditioning Supply.	Limited to facilities previously classified under SIC 4939, Combination Utilities, Not Elsewhere Classified.
424690—Other Chemical and Allied Products Merchant Wholesalers.	
424710—Petroleum Bulk Stations and Terminals.	
425120—Wholesale Trade Agents and Brokers.	Limited to facilities previously classified in SIC 5169, Chemicals and Allied Products, Not Elsewhere Classified.
562112—Hazardous Waste Collection.	Limited to facilities primarily engaged in solvent recovery services on a contract or fee basis and previously classified under SIC 7389, Business Services, Not Elsewhere Classified;
562211—Hazardous Waste Treatment and Disposal.	Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 *et seq.*
562212—Solid Waste Landfill	Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 *et seq.*
562213—Solid Waste Combustors and Incinerators.	Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 *et seq.*
562219—Other Nonhazardous Waste Treatment and Disposal.	Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 *et seq.*
562920—Materials Recovery Facilities.	Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 *et seq.*

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