

Environmental Protection Agency

§ 372.23

§ 372.22 Covered facilities for toxic chemical release reporting.

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

(a) The facility has 10 or more full-time employees.

(b) The facility is in a Standard Industrial Classification (SIC) (as in effect on January 1, 1987) major group or industry code listed in § 372.23(a), for which the corresponding North American Industry Classification System (NAICS) (as in effect on January 1, 2022, for reporting year 2022 and thereafter) subsector and industry codes are listed in §§ 372.23(b) and 372.23(c) by virtue of the fact that it meets one of the following criteria:

(1) The facility is an establishment with a primary SIC major group or industry code listed in § 372.23(a), or a primary NAICS subsector or industry code listed in § 372.23(b) or § 372.23(c).

(2) The facility is a multi-establishment complex where all establishments have primary SIC major group or industry codes listed in § 372.23(a), or primary NAICS subsector or industry codes listed in § 372.23(b) or § 372.23(c).

(3) The facility is a multi-establishment complex in which one of the following is true:

(i) The sum of the value of services provided and/or products shipped and/or produced from those establishments that have primary SIC major group or industry codes listed in § 372.23(a), or primary NAICS subsector or industry codes listed in § 372.23(b) or § 372.23(c) is greater than 50 percent of the total value of all services provided and/or

products shipped from and/or produced by all establishments at the facility.

(ii) One establishment having a primary SIC major group or industry code listed in § 372.23(a), or a primary NAICS subsector or industry code listed in § 372.23(b) or § 372.23(c) contributes more in terms of value of services provided and/or products shipped from and/or produced at the facility than any other establishment within the facility.

(c) The facility manufactured (including imported), processed, or otherwise used a toxic chemical in excess of an applicable threshold quantity of that chemical set forth in § 372.25, § 372.27, § 372.28, or § 372.29.

(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 § 372.20(b).

[53 FR 4525, Feb. 16, 1988, as amended at 59 FR 61501, Nov. 30, 1994; 62 FR 23892, May 1, 1997; 64 FR 58750, Oct. 29, 1999; 71 FR 32474, June 6, 2006; 73 FR 32470, June 9, 2008; 78 FR 42882, July 18, 2013; 82 FR 39041, Aug. 17, 2017; 82 FR 60909, Dec. 26, 2017; 85 FR 37357, June 22, 2020; 87 FR 72896, Nov. 28, 2022; 87 FR 74518, Dec. 6, 2022]

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

The requirements of this part apply to facilities in the following SIC and NAICS codes. This section contains three listings. Paragraph (a) of this section lists the SIC codes to which this part applies. Paragraph (b) of this section lists the NAICS codes that correspond to SIC codes 20 through 39 to which this part applies. Paragraph (c) of this section lists the NAICS codes that correspond to SIC codes other than SIC codes 20 through 39 to which this part applies.

(a) SIC codes.

Major group or industry code	Exceptions and/or limitations
10	Except 1011, 1081, and 1094.
12	
20 through 39 1321.	Except 1241.
4911, 4931, 4939	
4953	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
5169 5171 7389	Limited to facilities regulated under the Resource Conservation and Recovery Act, 42 U.S.C. 6921, <i>et seq.</i>
	Limited to facilities primarily engaged in solvent recovery services on a contract or fee basis.