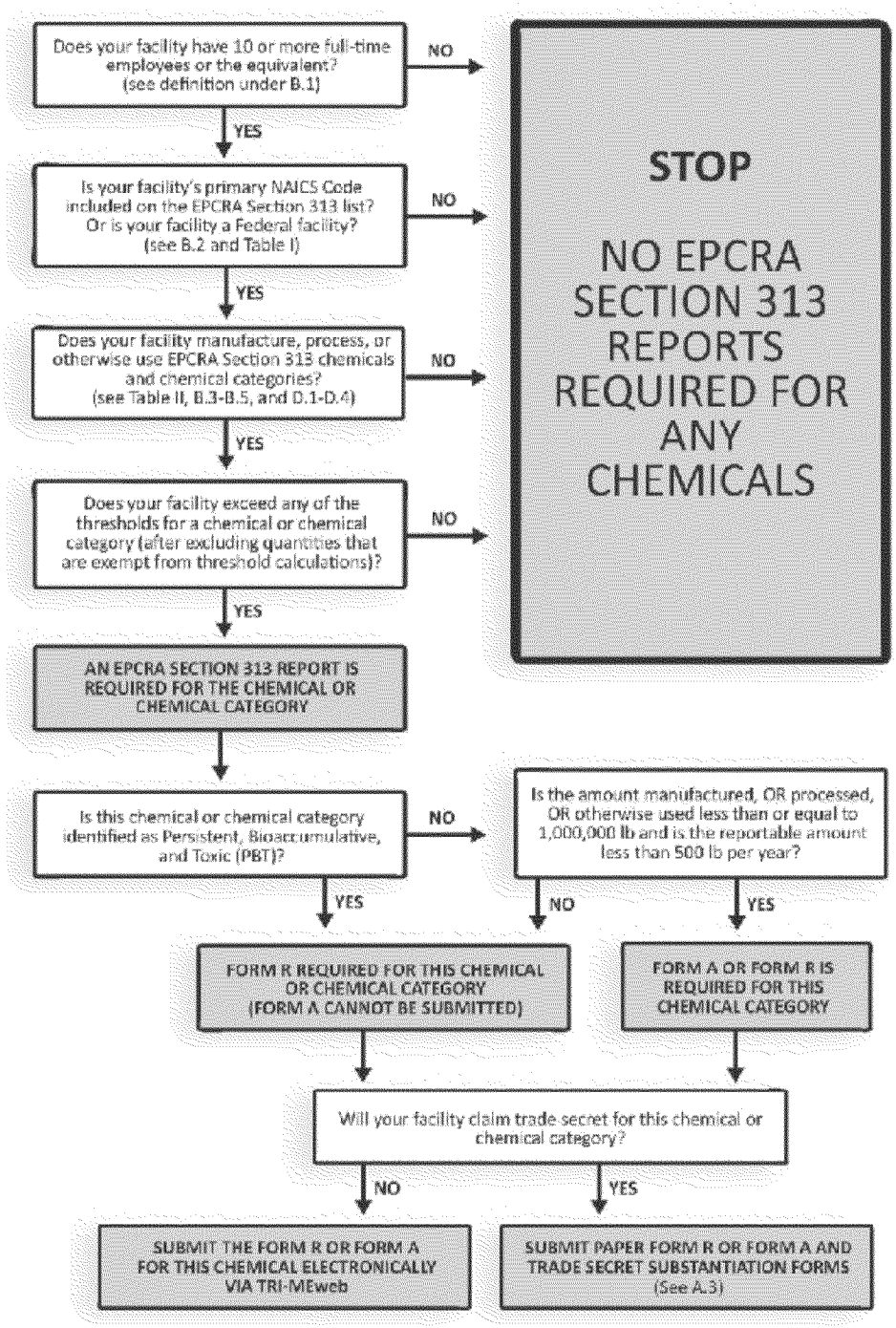

Figure 2. EPCRA Section 313 Reporting Decision Diagram

B.2 Primary NAICS Code Determination

Beginning with Reporting Year 2006, the TRI Program requires North American Industry Classification System (NAICS) codes instead of Standard Industrial Classification (SIC) codes. Please refer to the TRI Program's final rule titled Community Right-to-Know; Toxic Chemical Release Reporting Using North American Industry Classification System (NAICS) published in the *Federal Register* on June 6, 2006 (71 FR 32464).

A direct final rule was published in the Federal Register on July 18, 2013 (78 FR 42875) to adopt 2012 NAICS codes for RY 2013 and subsequent reporting years.

The full list of 2012 NAICS codes for facilities that must report to TRI (including exceptions and/or limitations) if all other threshold determinations are met can be found in Table I and also at the TRI website at: http://www2.epa.gov/toxics-release-inventory-tri-program/my-facilitys-six-digit-naics-code-tri-covered-industry.

The facility should determine its own NAICS code(s), based on its activities on-site using the NAICS Manual and by conducting NAICS keyword and NAICS 2 to 6-digit code searches on the Census Bureau website at: http://www.census.gov/eos/www/naics/. For purposes of EPCRA Section 313 reporting, state assigned codes should not be used if they differ from codes assigned using the NAICS Manual.

B.2.a. Auxiliary Facilities

Under the Standard Industrial Classification (SIC) system, an auxiliary facility was defined as one that supported another covered establishment's activities (e.g., research and development laboratories, warehouses, and storage facilities). An auxiliary facility could assume the SIC code of another covered establishment if its primary function was to service that other covered establishment's operations. The North American Industry Classification System (NAICS), that replaces the SIC system for TRI reporting, does not recognize the concept of auxiliary facilities and assigns NAICS codes to all establishments based on economic activity. In its rulemaking, "Toxic Chemical Release Reporting Using North American Industry Classification System," the TRI Program has adopted NAICS for TRI reporting and also the NAICS treatment of former "auxiliary facilities" as entities with their own distinct NAICS code.

B.2.b. Multi-establishment Facilities

Your facility may include multiple establishments that have different NAICS codes. A multi-establishment facility is a facility that consists of two or more distinct and separate economic units. If your facility is a multi-establishment facility, calculate the value added of the products produced, shipped, or services provided from each establishment within the facility and then use the following rule to determine if your facility meets the NAICS code criterion:

- If the total value added of the products produced, shipped, or services provided at establishments with covered NAICS codes is greater than 50 percent of the value added of the entire facility's products and services, the entire facility meets the NAICS code criterion.
- If any one establishment with a covered NAICS code has a value added of services or products shipped or produced that is greater than any other establishment within the facility (40 CFR Section 372.22(b)(3)) the facility also meets the NAICS code criterion (see Figure 3).

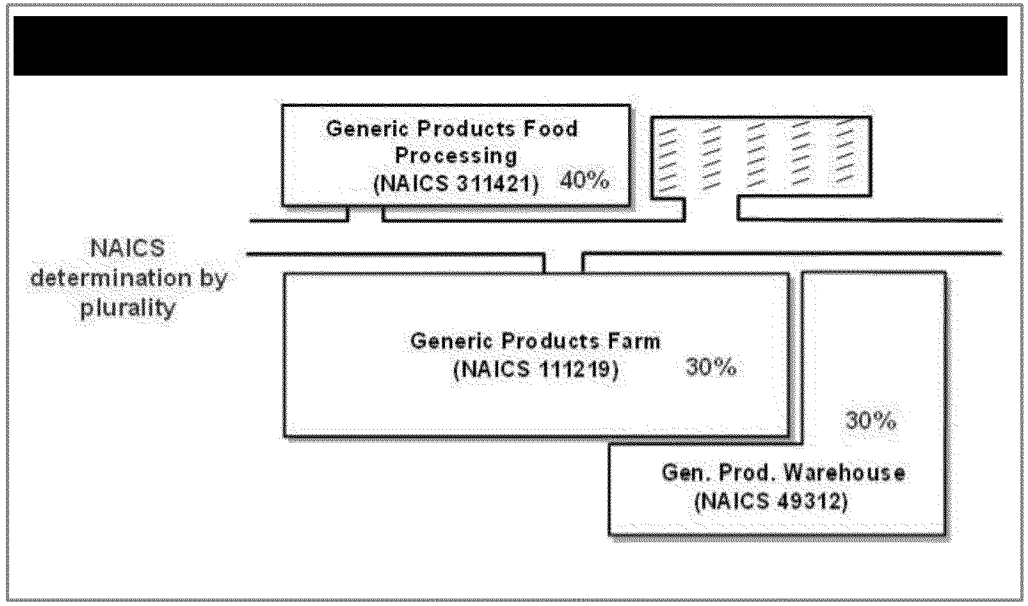

Figure 3. Example of a Multi-Establishment Facility

The value added of production or service attributable to a particular establishment may be isolated by subtracting the product value obtained from other establishments within the same facility from the total product or service value of the facility. This procedure eliminates the potential for "double counting" production and services in situations where establishments are engaged in sequential production or service activities at a single facility.

Examples include:

- A facility in coating, engraving and allied services has two establishments. The first establishment, a general automotive repair service, is in NAICS code 811113 (SIC 7537), which is not a covered NAICS code. However, the second establishment, a metal paint shop is in NAICS code 332812 (SIC 3479, which is a covered NAICS code). The metal paint shop paints the parts received from general automotive repair service. The facility determines the product is worth $500/unit as received from the general automotive repair service (in non-covered NAICS code 811113) and the value of the product is $1500/unit after processing by the metal paint shop (in covered NAICS code 332812). The value added by the metal paint shop is obtained by subtracting the value of the products from the general automotive repair service from that of the value of the products of the metal paint shop. (In this example, the value added = $1,500/unit - $500/unit = $1,000/unit.) The value added ($1,000/unit) by the establishment in NAICS code 332812 is more than 50 percent of the product value. Therefore, the facility's primary NAICS code is 332812, which is a covered NAICS code.
- A food processing establishment in a facility processes crops grown at the facility in a separate establishment. To determine the value added of the products of each establishment the facility could first determine the value of the crops grown at the agricultural establishment, and then calculate the contribution of the food processing establishment by subtracting the crop value from the total value of the product shipped from the processing establishment (value of product shipped from processing - crop value = value of processing establishment).

A covered multi-establishment facility must make EPCRA Section 313 chemical threshold determinations and, if required, report all relevant