



Corporate Compliance, Risk Management & Internal Controls



Don't Be a "Rubber Stamp" – Information Concerning the Submission of the Toxic Release Inventory Form

July 9, 2009

Many companies have recently just submitted their annual Toxic Release Inventory (TRI) form to the government. The TRI form catalogs releases of various chemicals that exceed listed threshold amounts. For many companies, completing a TRI form is often a rote exercise in duplicating the prior year's report. In some circumstances, this may be appropriate, but often it is not. If mistakes were made in prior years, such mistakes could be repeated. Also, changes in operations or processes may not be properly considered if last year's report is simply copied. Care should be taken to ensure the methods and data previously relied upon in prior years were appropriate and accurate. Simply "rubber-stamping" prior methods, data, or operations may result in gross errors in current filings. This could mean big penalties from the government or worse. Now that the report has been submitted, it is a great time to evaluate the methods and processes used to calculate your company's TRI form so if changes are needed they can be implemented for next year's filing, or, if necessary, so the current year's filing can be revised.

The same principle applies in other contexts, such as permit renewals or amendments. Many permits incorporate application materials into permit conditions. If permit application materials are submitted that simply copy data from prior filings, and such prior material is no longer accurate or contains conditions that can no longer be met, there is a risk that such conditions could be adopted into a new permit. You could be left with a permit that off-the-shelf, you cannot comply with. Changing the conditions could mean filing time-consuming and costly amendments. Such amendments also may reopen the permit to public notice and comment.

Care must be taken to review each and every report, permit application, and other regulatory filing. Simply "rubber-stamping" old methods could prove costly. Often, an independent eye can help ask the tough questions necessary to break out of the "we've always done it this way" school of thought. The attorneys at Curran Tomko Tarski LLP can be that independent eye and are intimately familiar with assisting clients with such review and breaking companies out of the rubber stamp trap.

Curran Tomko Tarski LLP Attorneys Can Help

Curran Tomko Tarski LLP attorneys can help you stay abreast of the latest environmental legislative and regulatory initiatives that may impact your business. If you need assistance with these or other environmental compliance concerns or other real estate matters, please contact one of the following attorneys or your other favorite Curran Tomko Tarski LLP attorney:

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Other Helpful Resources & Other Information

We hope that this information is useful to you. Curran Tomko Tarski LLP offers a variety of updates, publications, training and other resources to assist its business clients and their leaders meet their legal and operational challenges. If you or someone else you know would like to receive future updates about developments on these and other concerns, please be sure that we have your current contact information (including your preferred e-mail) by creating or updating your profile [here](#). You can access other recent updates and other informative publications and resources provided by Curran Tomko Tarski LLP attorneys, get information about their briefings and speeches, and review highlights of their experience and credentials [here](#). More information is also available on our blog.

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