

**United States Senate
Committee on Environment and Public Works**

Testimony of

**Nancy Klinefelter
President
Baltimore Glassware Decorators**

6240 Frankford Ave.
Baltimore, MD 21206

on

**Environmental Protection Agency's
Toxic Release Inventory
Form A Burden Reduction Rule**

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Thank you for the opportunity to testify on EPA's efforts to reduce the paperwork burden of TRI reporting on small businesses like my company. My name is Nancy Klinefelter, and I am President of Baltimore Glassware Decorators. I am a Past President of the Society of Glass and Ceramic Decorators (SGCD) and a member of the National Federation of Independent Business (NFIB). The company was started in Baltimore by my brother in 1977 with the help of my father who has worked in glass decorating for more than 50 years. We have 15 employees including my Mom who works in the office, my Dad who acts as general manager and my two brothers who work in sales and production. We have no engineers on staff, let alone an environmental engineer, so the TRI paperwork is my responsibility.

We are a wholesale decorator. Our specialty is custom printing small quantities of glass and ceramic ware for advertising specialty, restaurant and souvenir distributors. When custom printing mugs or glasses, we may use lead-bearing enamels on the outside surfaces to achieve the color and durability demanded by our customers. As a rule, unleaded enamels do not have the durability, gloss or color ranges that our customers require. These lead-free colors do not hold up well for abrasion or deterioration in either domestic or commercial dishwashers. It is very important to understand that the leaded colors become a part of the glass after they are fired. Also, due to the cost of these colors, we use only what is needed, and the rest goes back on the shelf.

I am testifying today in support of EPA's recent burden reduction rule that allows companies such as mine to utilize the simpler TRI Reporting Form A instead of the more complicated Form R if we meet very strict eligibility requirements. I equate this change to the IRS allowing some taxpayers with very simple returns to use the 1040EZ instead of the complicated 1040 form. I will still be providing my neighbors and anyone else who might want to know with the same information about release that I have always provided, but the Form A will make it easier for me to file a report. Our neighbors will still have the same access to information about our releases as they do now.

To qualify, we must use less than 500 pounds of lead in a year and report 0 release of lead on-site and 0 release off-site. That means that we will essentially be reporting nothing of significance to our neighbors. Lead is the only TRI chemical used at my shop, and we report our lead use since the reporting threshold is 100 pounds of annual usage. We do exceed that threshold, although only barely. I want to emphasize that these threshold numbers reflect lead used, not released.

We make every attempt to complete the Form R properly, but every year, we receive notices from EPA that paperwork corrections are needed. These changes do not reflect any failure to report color use or release; they just reflect paperwork errors. For example, last year, I received a 13-page notice from EPA that informed me that I had not identified lead compounds by their CAS Number or chemical category code. Using Form A should streamline the process for us, and prevent this paperwork run-around.

I would estimate that tracking color use and completing the Form R paperwork takes my company more than 130 hours a year, although I've never attempted to formally track the time spent. Each ceramic color has a different percentage of lead, so we must calculate lead use differently for each color used. This varies from day to day, and the calculations take time. If we can maintain zero releases, this would be a much easier process since we'd be reporting on the Form A instead of Form R.

Remember that time spent on completing paperwork is time that I cannot spend on other things. Like I said, we have 15 employees, and there are only so many hours in the day. The time that I spend on paperwork is time that is not spent supervising employees, working with customers, and most importantly looking for new business. We face brutal competition from Chinese decorators, and the reality is that paperwork burdens add to our cost of doing business by absorbing my time in particular. EPA estimates in the final rule that I'll save 15.5 hours a year of staff time if I qualify to use the Form A instead of the complicated Form R. That is almost two days of my time which would really help.

As a responsible small business owner, I believe that it is important that we keep track of any releases that might impact my neighborhood or the environment. That will not change as a result of EPA's new burden reduction rule. If we have a release, no matter how miniscule or even if it is managed off-site, we would be required to use the Form R as in the past. If we do manage our production process during a year to avoid any releases, the ability to use the simpler Form A will make it easier for me to handle the paperwork to demonstrate that fact.

I also believe that this new EPA rule encourages companies like mine to adapt the best decorating methods possible to eliminate releases and to qualify for simpler TRI reporting.

I also want to emphasize that this burden reduction effort was not done in haste. EPA has focused on expanding Form A eligibility after many other options were considered. The agency also sought input from a wide variety of stakeholders. Both SGCD and NFIB have participated in the two on-line Stakeholder Dialogs that EPA conducted between 2002 and 2004. It has taken quite a long time to complete this process, although I understand that things move slowly here in Washington.

I am glad that EPA listened to our concerns and made an effort to reduce my paperwork burden without impacting the information that I will provide to the public through the TRI program. I urge this committee to support such paperwork burden reduction efforts which are critical to maintaining the competitiveness of small companies in this country.

Thank you again for the opportunity to testify before you today.