

Regulated Facilities Required to Report PFAS Chemicals Under New EPA Rules

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The U.S. Environmental Protection Agency (EPA) has finalized regulations adding seven per- and polyfluoroalkyl substances (PFAS) to the Toxics Release Inventory (TRI) program under the Emergency under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA).

The seven PFAS chemicals include:

- Perfluorohexanoic acid (PFHxA)
- Perfluoropropanoic acid (PFPrA)
- Sodium perfluorohexanoate
- Ammonium perfluorohexanoate, 1,1,1-Trifluoro-N-[(trifluoromethyl)sulfonyl]methanesulfonamide (TFSI)
- Lithium bis[(trifluoromethyl)sulfonyl] azanide, and
- Betaines, dimethyl(.gamma.-.omega.-perfluoro-.gamma.-hydro-C8-18-alkyl).

Facilities that manufacture, process or otherwise use any of these PFAS chemicals above the 100-pound annual threshold must report releases for the 2024 reporting year (along with other chemicals subject to TRI reporting requirements). While TRI reports for the 2024 reporting year are not due until July 1, 2025, regulated facilities should be keeping track of PFAS chemicals now for future reporting.

It should also be noted that pursuant to EPA regulations entitled “Changes to Reporting Requirements for Per- and Polyfluoroalkyl Substances” the PFAS chemicals added to the TRI inventory are designated as “chemicals of special concern.” Chemical of special concern are specifically excluded from utilizing the *de minimis* exemption, which allows facilities to forego reporting for negligible amounts of chemicals present in mixtures when present at concentrations below 1% (or 0.1% for carcinogens). As a result, regulated facilities utilizing PFAS will be required to track and report very small quantities of PFAS that might be present in products or materials that they manufacture, process or otherwise use.

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