

TSCA PFAS REPORTING

In accordance with the Toxic Substances Control Act (TSCA), the United States Environmental Protection Agency (EPA) finalized reporting requirements for per- and polyfluoroalkyl substances (PFAS) on October 11, 2023. Under the requirements, any United States manufacturer or importer of PFAS or PFAS-containing articles must report relevant information (e.g., uses, production volumes, import amounts, disposal, and hazards) for each year since January 1, 2011. Once enacted, the reporting requirements will include PFAS based on a structural definition provided by EPA, including at least 1,500 PFAS.

EPA recently delayed the final TSCA PFAS reporting deadline by eight months, pushing it from May 8, 2025, to January 22, 2026, for most submitters. A new tool hosted by the EPA Central Data Exchange site will be used for reporting; importers of PFAS-containing articles will be allowed to use a streamlined form. The reporting standard is “known or reasonably ascertainable,” meaning all information in possession plus all information determined after a reasonable inquiry. Subsidiaries and suppliers are included, and reporting is by site location, though importers may have the option to use the company headquarters as the central site. Reporting is based on ownership as of the date the report is submitted. EPA states that if acquisition or divestiture occurred over the look-back period, the information may not be known or reasonably ascertainable, in which case reporting may not be required.

What are the challenges of TSCA PFAS reporting?

- The reporting period spans over a decade.
- Requirements include a range of potentially imported products, such as packaging, cookware, electronic equipment, and car wax.
- Requirements include PFAS used as industrial intermediates, if imported, and PFAS that are manufacturing byproducts or impurities.
- Reporting of confidential business information must be substantiated by EPA.
- Difficulty identifying PFAS information applicable to importers with complex, international supply chains.
- Interpreting whether substances meet the PFAS structural definition supplied by EPA, in addition to accounting for any PFAS definitive list.

Exemptions include:

- Companies that solely process, distribute, or use PFAS and do not manufacture or import PFAS
- Waste management activities that involve importing municipal solid waste for disposal or destruction
- Non-commercial R&D
- Any pesticide that is used as a pesticide, as defined by the Federal Insecticide, Fungicide, and Rodenticide Act
- Tobacco or any tobacco product
- Nuclear materials, as defined by the Atomic Energy Act
- Firearms and ammunition
- Food, food additives, drugs, cosmetics, or devices, as defined in Section 201 of the Federal Food, Drug, and Cosmetic Act

To discuss this matter and how it may impact your projects, please contact your Langan Project Manager or:



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