

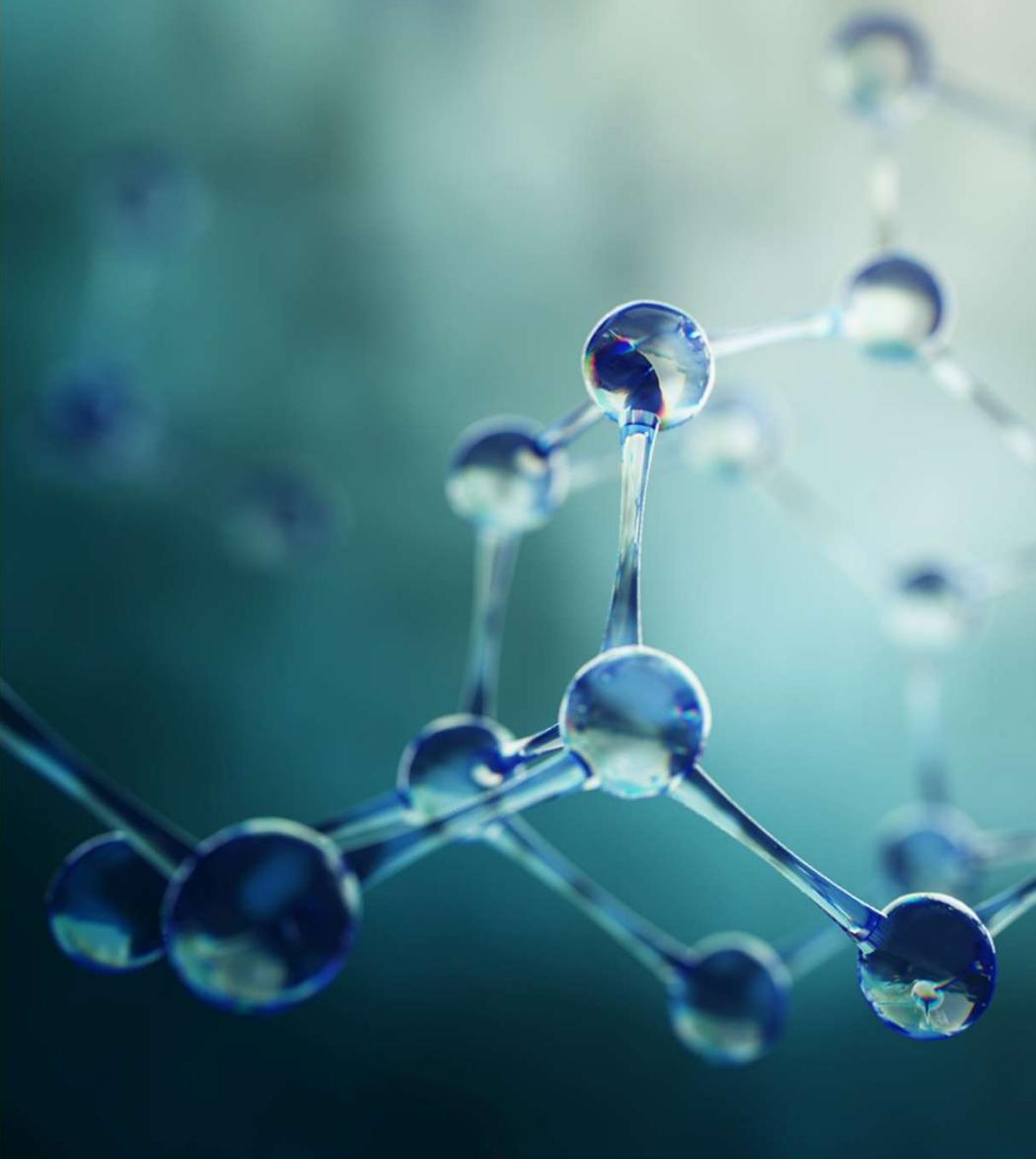


US PFAS Disclosure Requirements, TRI & TSCA

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ERM, INC

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What are PFAS – the Basics

Per- and Polyfluoroalkyl Substances (PFAS) Basics

Complex family of ~10,000 man-made compounds, substances, & mixtures:

- Contain a fluorinated carbon chain (“alkyl chain”)
 - Perfluoroalkyl substances are completely fluorinated
 - Polyfluoroalkyl substances are partially fluorinated; contain at least 2 or 3 fully fluorinated carbon atoms
- May contain one or more functional groups (e.g., acid) & other chemical groups may be attached

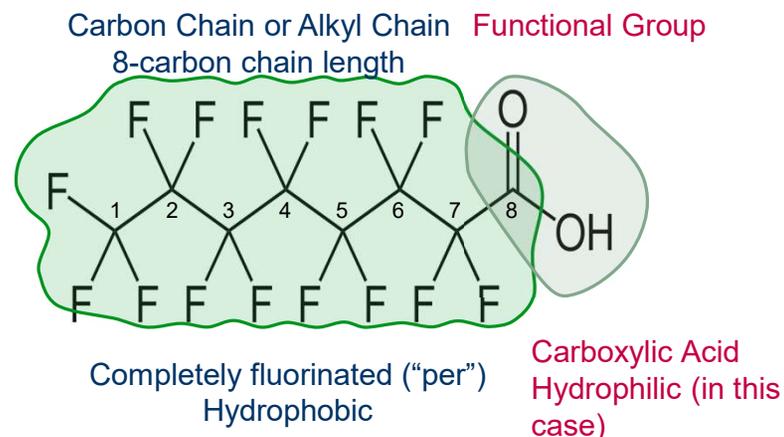
Carbon-fluorine bonds:

- Very strong & inert
- Oil and water resistant
- Stable under extreme conditions - high temp, acid/base, microbial attack

Environmental & health concerns:

- Persistent, mobile, bioaccumulate (often due to contaminated water or food)
- Health effects – hepatotoxicity, immunotoxicity, neurotoxicity, hormonal changes
- Difficult to degrade/treat

Example Perfluorooctanoic Acid - PFOA



Who Uses PFAS?

- **Aviation and Aerospace** – tubing, seals, gaskets, cables, insulators, hydraulic fluid additives
- **Automotive** – wiring and cables, fuel delivery tubing, seals, bearings, gaskets and lubricants, upholstery and leather coatings
- **Biocides** – some herbicides, ant and termite bait, and other pesticides (anti-foaming agent)
- **Building and construction** – coatings on building materials, adhesives, seals, caulks, paints
- **Electronics** – wire coatings and jackets, circuit boards, cell phones, computers, speakers, transducers
- **Cosmetics and PCPs** – dental floss, micro powers, shampoos, nail polish, eye makeup denture cleaners
- **Paper and packaging** – water and grease resistant wrappers and cardboard
- **Textiles** – outdoor gear, stain resistant clothing and upholstery
- **Energy** – solar panels and fuel cells
- **Safety** – protective clothing, fire fighting foam
- **Food processing** – lines for trays, ovens, grills, coating on food packaging
- **Household products** – non-stick/stain resistant coating on carpet, upholstery, pans, paint
- **Medical products** – surgical patches, catheters, stents, needles
- **Metal plating** – wetting agent, mist suppression, and surfactants
- **Oil production** – lining in gas pipes, sometimes in well additive
- **Mining** – surfactants used in ore mining floatation

...the answer is almost everyone.

US Toxic Release Inventory

US Toxic Release Inventory (TRI) Reporting Program

What is the TRI?



- [Learn why the TRI was created and what chemicals and industry sectors it covers](#)

Report TRI Data



- [Resources for facilities to complete and submit TRI reporting forms](#)

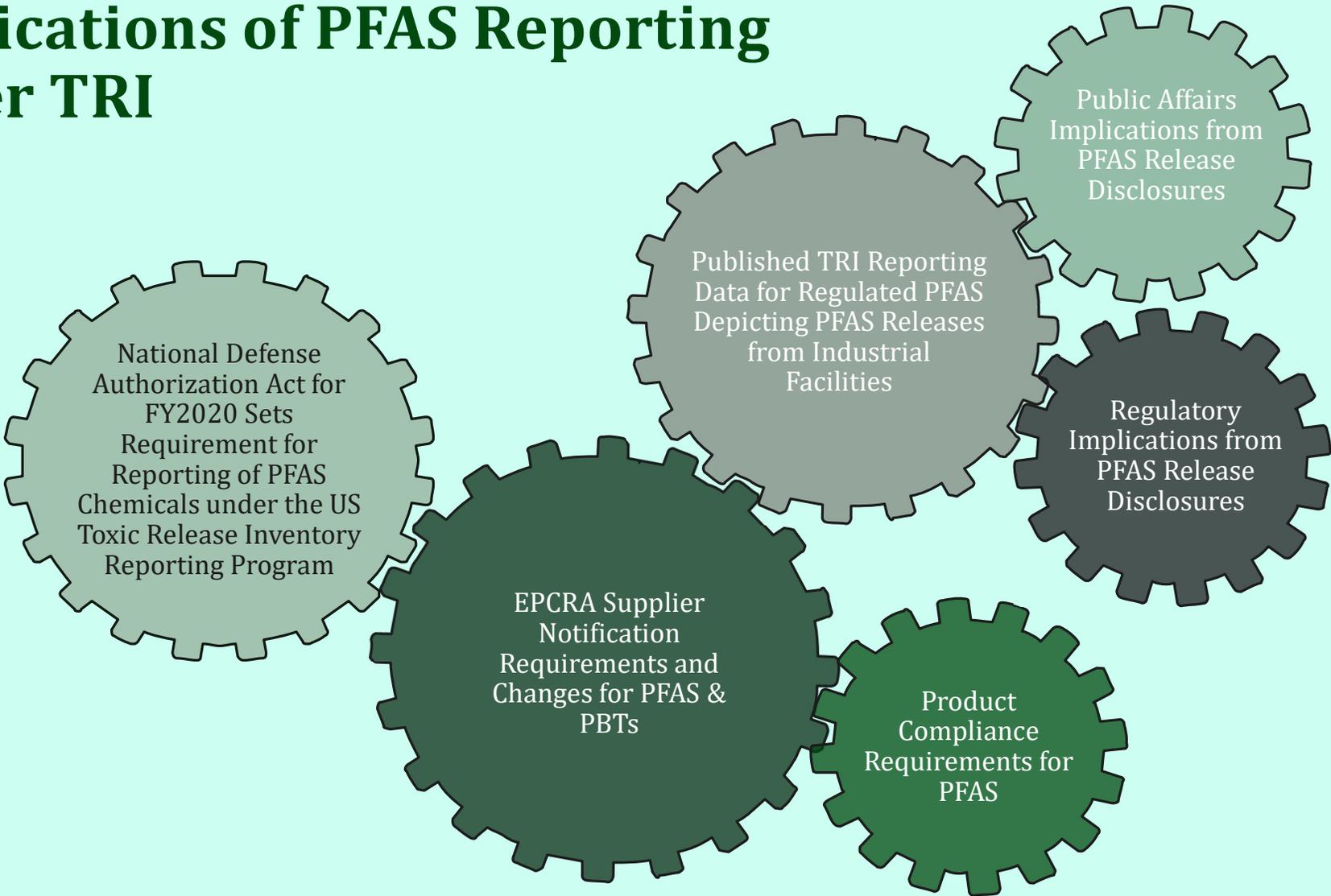
Access & Use Data



- [TRI data, materials for specific audiences, and examples of TRI uses](#)

<https://www.epa.gov/toxics-release-inventory-tri-program>

Implications of PFAS Reporting under TRI



PFAS Regulated Under the TRI Reporting Program

205 individual PFAS chemicals have been added to the TRI Program since December of 2019; with the latest 9 just added for Reporting Year 2025 reports due July 1, 2026.

The Manufacture, Process and Otherwise Use (M/P/OU) reporting thresholds for each of the individual PFAS is **100 lbs/year**.

www.epa.gov/toxics-release-inventory-tri-program/tri-listed-chemicals

Upcoming PFAS Disclosure Requirements

TITLE LXXIII—PFAS

Sec. 7301. Short title.
Sec. 7302. Definition of Administrator.

Subtitle A—Drinking Water

Sec. 7311. Monitoring and detection.
Sec. 7312. Drinking water state revolving funds.

Subtitle B—PFAS Release Disclosure

Sec. 7321. Additions to toxics release inventory.

Subtitle C—USGS Performance Standard

Sec. 7331. Definitions.
Sec. 7332. Performance standard for the detection of highly fluorinated compounds.
Sec. 7333. Nationwide sampling.
Sec. 7334. Data usage.
Sec. 7335. Collaboration.

Subtitle D—Emerging Contaminants

Sec. 7341. Definitions.
Sec. 7342. Research and coordination plan for enhanced response on emerging contaminants.

Subtitle E—Toxic Substances Control Act

Sec. 7351. PFAS data call.
Sec. 7352. Significant new use rule for long-chain PFAS.

Subtitle F—Other Matters

Sec. 7361. PFAS destruction and disposal guidance.
Sec. 7362. PFAS research and development.

SEC. 7301. SHORT TITLE.

This title may be cited as the “PFAS Act of 2019”.

Current Updates to TRI Reporting for PFAS

October 31, 2023 Final Rule: All PFAS chemicals regulated under TRI were moved to the “Chemicals of Special Concern” list (i.e., Persistent, Bioaccumulative, and Toxic (PBT) list), including PFAS chemicals to be added in the future under NDAA Sections 7321(b) and 7321(c)



- **Reporting Threshold will remain 100 lbs/year for each individual PFAS**
- **Changes to TRI Reporting for PFAS is Effective January 1, 2024 for Reporting Year 2024 Reports Due July 1, 2025**

Update to EPCRA Supplier Notification

October 2023 final rule also eliminates the de minimis exemption under EPCRA Supplier Notification Requirements for all substances on the “chemicals of special concern” list (PFAS and PBTs)

Facility in SIC codes 20 through 39 that imports, manufactures or processes a TRI chemical and then sells or otherwise distributes a product containing a TRI chemical to another TRI regulated facility must provide the receiving facility the following information in writing, contained in or attached to the SDS:

- 01 A **statement** that the mixture or trade name product **contains a toxic chemical or chemicals** subject to the TRI reporting requirements
- 02 The **name** of each toxic chemical, and the associated **CAS number** of each chemical, if applicable; and
- 03 The **percent by weight** of each toxic chemical in the mixture or trade name product.

For PFAS/PBTs

Now required to disclose at ANY concentration in products

~~Non-carcinogenic chemicals present at >1%~~

~~Carcinogenic chemicals present at >0.1%~~

Existing TRI PBTs	
Aldrin	
Benzo(g,h,i)perylene	
Chlordane	
Dioxin and Dioxin-Like Compounds	★
Heptachlor	
Hexabromocyclododecanes (HBCD)	★
Hexachlorobenzene	
Isodrin	
Lead (not in stainless/brass/bronze)	
Lead Compounds	★
Mercury	
Mercury Compounds	★
Methoxychlor	
Octachlorostyrene	
Pendimethalin	
Pentachlorobenzene	
Polychlorinated biphenyl (PCBs)	★
Polycyclic Aromatic Compounds (PACs)	★
Tetrabromobisphenol A	
Toxaphene	
Trifluralin	
1,3,4,6,7,8-Hexahydro-4,6,6,7,8,8-hexamethylcyclopenta[g]-2-benzopyran	

Upcoming PFAS Disclosure Requirements

★ Defined list of CAS#s ★ Undefined list of CAS#s

New Proposed Update to TRI Reporting for PFAS

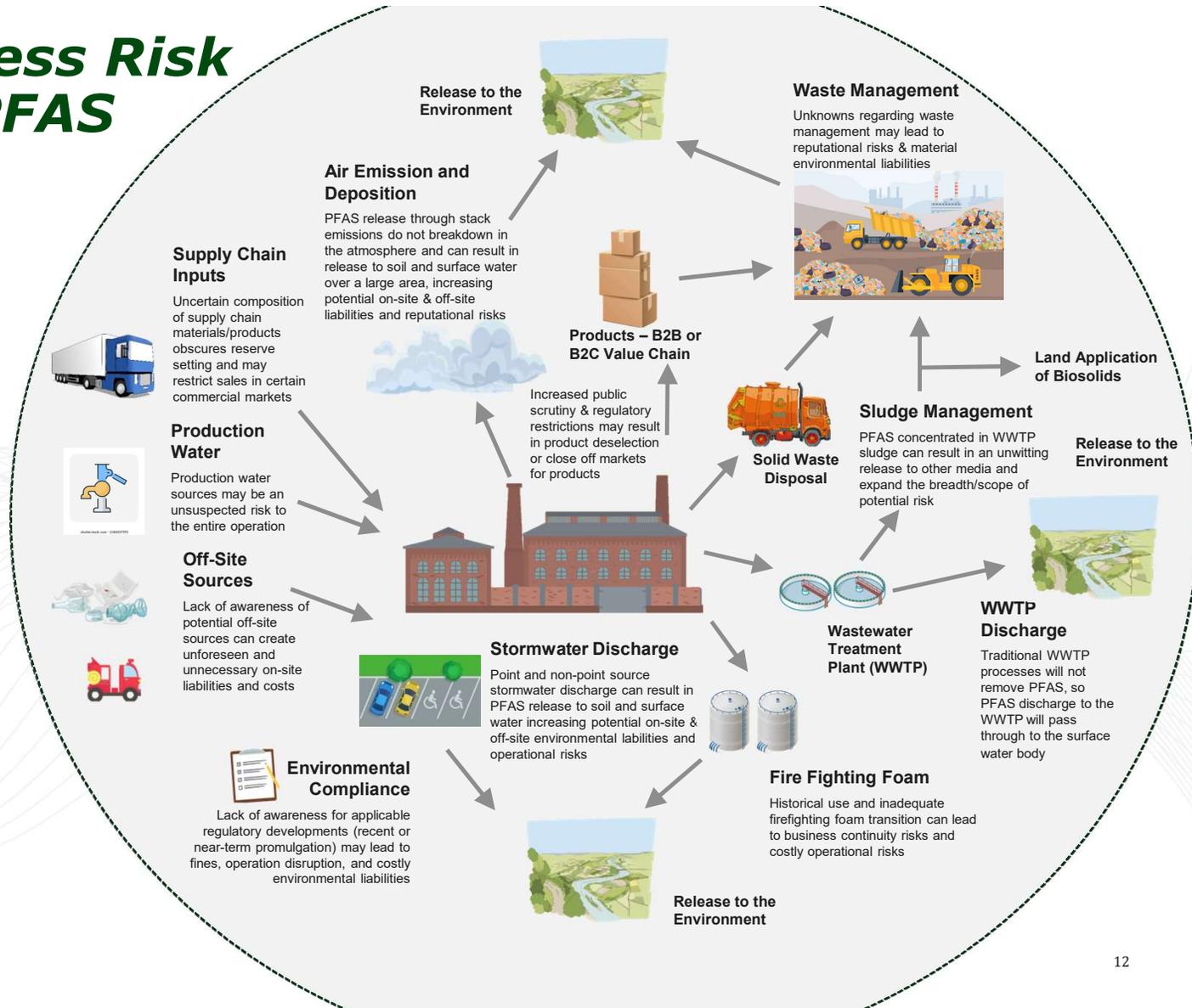
EPA Published Proposed Rule October 8, 2024 - Proposes Listing of Additional PFAS under NDAA 7321(d):

- Proposes 16 individual PFAS and 15 PFAS categories, representing over 100 new individual PFAS
 - First time PFAS categories will be a factor
 - Categories currently include “the acid and associated salts, acyl/sulfonyl halides and anhydride” - EPA is NOT providing CAS# listings for these categories, so applicability will have to be determined by regulated community
 - Includes reclassification of ~30 currently regulated PFAS into one of the 15 PFAS categories
 - ALL PFAS are proposed with a 100 lb reporting threshold, including the categories
 - Note: a 100 lb reporting threshold is not dictated by Congress in 7321(d)
 - EPA applying 100 lb as they “find it appropriate to maintain consistency for all chemicals added pursuant to the NDAA”...given the proposed PFAS have “similar properties” as current TRI-regulated PFAS
 - ALL PFAS are proposed for addition to “Chemicals of Special Concern” List
 - No de minimis exemption, no Form A, no range code
 - Because per EPA, “even small quantities of releases of these chemicals can be of concern”
 - Public comment period on the proposed rule closed December 9, 2024



Identifying Business Risk Associated with PFAS

Understanding where PFAS may exist, currently and historically, within your business is critical to developing a sound risk management strategy and avoiding costly impacts to a business.



US TSCA Reporting Rule

Reporting: TSCA Section 8(a)(7) PFAS Reporting Rule

On Oct 11, 2023, EPA finalized a rule under Section 8 of the Toxic Substances Control Act (TSCA) to collect information on PFAS substances.

- This rule outlines *information collection* and is not imposing specific regulations
 - Individual PFAS
 - Uses of PFAS
 - The amount processed for each use
 - Descriptions of any byproducts
 - Information on environmental and health effects
 - The number of people exposed
 - Disposal procedures
- Importers and manufacturers of “PFAS” must report certain information about activities with PFAS, by site, in any quantity (no threshold applies), for each calendar year from 2011
- EPA did not include any exemptions for small manufacturers or any volume thresholds; no exemptions for articles, byproducts, or impurities

Timeline and Reporting Deadlines

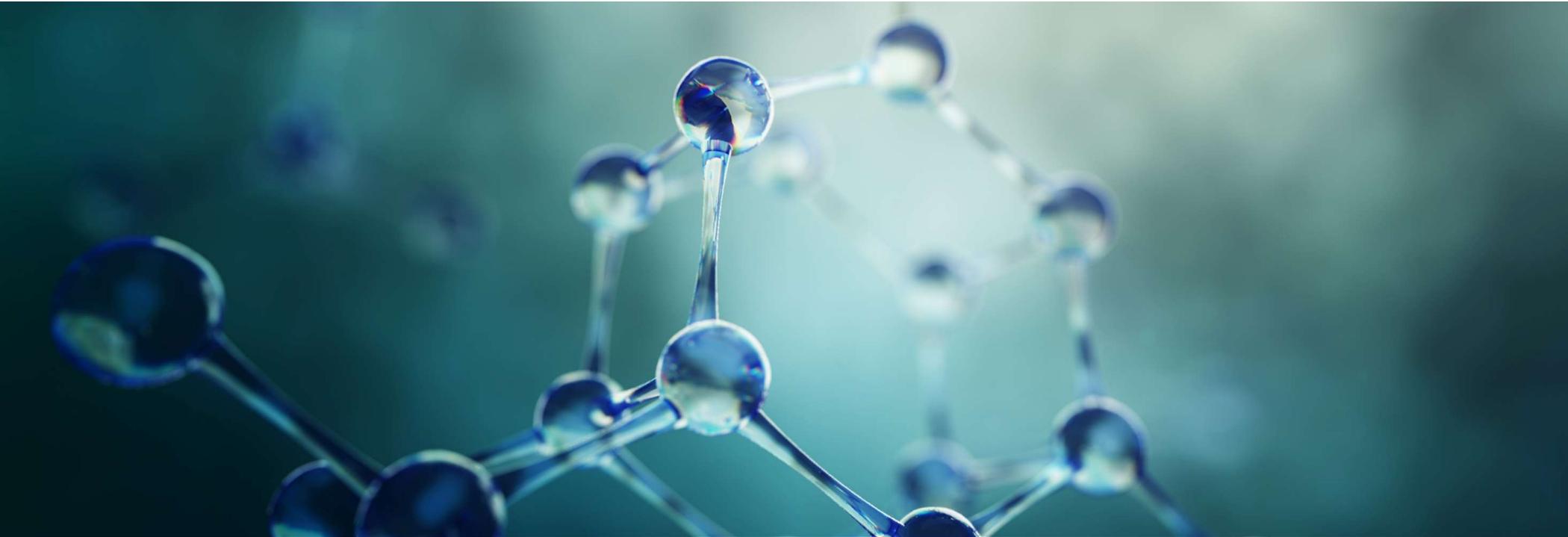
Action	Date
Information collection period Effective Nov 13, 2023	NOW!!!
PFAS reporting module opens in the EPA Central Data Exchange System (CDX)	Delayed, now July 11, 2025
Reporting closes in CDX for manufacturers/importers (6 months)	Delayed, now January 11, 2026
Reporting closes in CDX for small manufacturers/importers (as defined in 40 CFR 704.3) exclusively as part of an article (12 months)	Delayed, now July 11, 2026



Q&A

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Thank You

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