

Publications

USEPA's Final PFAS TRI Rule Eliminates Reduced PFAS Reporting Options

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On October 31, 2023, the U.S. Environmental Protection Agency (USEPA) published a final rule that eliminates burden-reducing reporting options for PFAS listed on the Toxics Release Inventory (the PFAS TRI Rule). Read our post on the proposed version of the PFAS TRI Rule [here](#).

What businesses are impacted by the PFAS TRI Rule?

The PFAS TRI Rule impacts businesses subject to TRI reporting requirements. A facility is subject to TRI if it has: (1) a TRI-covered NAICS code; (2) 10 or more full-time employees; and (3) a reportable quantity of a TRI-listed chemical.

What does the PFAS TRI Rule do?

First, the Rule adds all TRI-listed PFAS (189 are currently listed) to the TRI's Chemicals of Special Concern list, removing burden-reducing reporting options for PFAS. Under the PFAS TRI Rule, PFAS may not be reported using the simplified Form A, reported as a range, or be excluded from reporting under the *de minimis* exemption. The *de minimis* exemption allows facilities to disregard TRI-listed chemicals if the chemicals are present at concentrations below 1% of a mixture (0.1% for carcinogens) when determining their reporting requirements.

Second, the PFAS TRI Rule removes the *de minimis* exemption from the Supplier Notification Requirements for all Chemicals of Special Concern. Prior to the PFAS TRI Rule, this exemption allowed suppliers to not provide notifications to purchasers of mixtures or trade name products if a TRI-listed chemical was present at *de minimis* levels. Under the PFAS TRI Rule, however, suppliers of mixtures or products must notify purchasers if the mixture or product contains any Chemical of Special Concern, including PFAS, no matter the quantity or concentration.

When must businesses start complying with the PFAS TRI Rule?

The Rule will apply for the TRI reporting year beginning January 1, 2024 (reports due July 1, 2025). Read the final PFAS TRI Rule [here](#).

Vorys actively monitors PFAS regulations and litigation. If you have questions about the new PFAS TRI rule, please contact your Vorys attorney or Kristin Watt (klwatt@vorys.com), Susan Harty (sbharty@vorys.com), Nina Webb-Lawton (niwebb@vorys.com), Rosemary D. Welsh (rdwelsh@vorys.com) or Brooke Zentmeyer (bnzentmeyer@vorys.com).