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Addition of Certain Per- and Polyfluoroalkyl Substances/Community Right-to-Know Act: U.S. Environmental Protection Agency Advance Notice of Proposed Rulemaking

12/03/2019

The United States Environmental Protection Agency (“EPA”) issued a pre-publication Advance Notice of Proposed Rulemaking (“Proposal”) discussing the possibility of adding certain per- and polyfluoroalkyl substances (“PFAS”) to the Toxics Release Inventory (“TRI”) Chemical List under Section 313 of the Emergency Planning and Community Right-to-Know Act and Section 6607 of the Pollution Prevention Act.

The Proposal also indicates that EPA is considering establishing reporting thresholds for PFAS chemicals that are lower than the usual statutory thresholds.

PFAS consist of a large group of man-made chemicals. Their properties include resistance to heat, water, and oil. They have been described as persistent in the environment and resist degradation.

The compounds have been used in various industrial applications of consumer products such as:

- Fabrics for furniture
- Paper packaging for food and other material resistant to water, grease, or stains
- Firefighting at airfields
- Utilization in several industrial processes

Potential exposure to PFAS includes pathways through drinking water, air, and food.

EPA requests in the Proposal:

- comment on which PFAS should be evaluated for listing, how to list them, and what would be appropriate reporting thresholds given their persistence and bioaccumulation potential; and
- any additional data to inform EPA’s evaluation and determination of which PFAS may meet the Emergency Planning and Community Right-to-Know Act Section 313 listing criteria.

A copy of the Proposal can be downloaded [here](#).