Toxics Release Inventory: U.S. Environmental Protection Agency Adds Nine Additional PFAS

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The United States Environmental Protection Agency ("EPA") added nine per- and polyfluoroalkyl substances ("PFAS") to the list of chemicals covered by the Toxics Release Inventory ("TRI"). See 90 Fed. Reg. 573 (Jan. 6, 2025).

The TRI is a publicly available database that is prepared and published by EPA.

The TRI contains information on the release of over 800 chemicals and chemical categories from industries including manufacturing, metal and coal mining, electric utilities, and commercial hazardous waste treatment (among others). The Emergency Planning and Community Right-to-Know Act requires companies that manufacture, process, or otherwise use specified toxic chemicals in amounts above reporting threshold levels to submit reports to EPA and to designated officials.

EPA states that the nine PFAS were added to the TRI list pursuant to the fiscal year 2020 National Defense Authorization Act ("NDAA"). It is described as providing a framework for the automatic addition of PFAS to TRI each year in response to specified EPA activities involving such PFAS. The requirement to add PFAS for the nine specified chemicals was EPA's finalizing a toxicity value during 2024 and whose identity is not claimed as confidential business information.

The nine PFAS include:

- Perfluoro-3-methoxypropanoic acid.
- Ammonium perfluorodecanoate (PFDA NH4).
- Sodium perfluorodecanoate (PFDA-Na).
- 6:2 Fluorotelomer sulfonate acid.
- 6:2 Fluorotelomer sulfonate anion.
- 6:2 Fluorotelomer sulfonate potassium salt.
- 6:2 Fluorotelomer sulfonate ammonium salt.
- 6:2 Fluorotelomer sulfonate sodium salt.
- Acetic acid, [(γ-ω-perfluoro-C8-10-alkyl)thio] derivs., Bu esters.

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