

TSCA PFAS Reporting Rule

Toxic Substances Control Act PFAS Reporting Rule

- TSCA section 8(a)(7) Reporting Requirements
- One time reporting rule, (2011-2022)
- 60 days after the effective date or January 31, 2027
 - 6 months to collect / 6 months to report (proposed)
- Manufacturers & Importers
- Central Data Exchange (CDX)
- Instructions for Reporting PFAS Under TSCA Section 8(a)(7)
https://www.epa.gov/system/files/documents/2024-05/tsca-8a7-reporting-instructions_may2024.pdf

https://www.youtube.com/watch?v=_y8EFyD1ToY
(watch video)

US TSCA Section 8(a)(7)

PFAS Reporting and Recordkeeping Requirements

- Under the **TSCA Section 8(a)(7) reporting and recordkeeping requirements**, any company that has manufactured or imported PFAS within the United States or has imported PFAS-containing articles in any year between **January 1, 2011 and December 31, 2022** are required to electronically report information regarding PFAS uses, production volumes, disposal, exposures, and hazards to the EPA.



Toxic Substances Control Act

Was enacted in 1976 and updated in 2016.

Authorizes the EPA to regulate new and existing chemical substances to prevent unreasonable risks to health or the environment.

It requires reporting, testing, and record-keeping for chemicals in commerce with strict import certification.

Then comes TSCA Section 8(a)(7) reporting requirements.

Toxic Substances Control Act

- Purpose: To identify, assess, and manage risks from chemical substances (excluding pesticides, drugs, tobacco, and food).
- Authority: The EPA can require testing, restrict, or ban the manufacturing, processing, and distribution of hazardous chemicals, such as asbestos and mercury.
- Reporting Requirements: Manufacturers and importers must report chemical data (e.g., TSCA Inventory, PFAS reporting).
- Import Restrictions: Chemical imports must comply with TSCA and often require a compliance certificate at the border.
- Penalties: Violations can result in significant fines and penalties.

Determining Reporting Requirements...

Manufacture

- Means to import into the customs territory of the United States, produce, or manufacture for commercial purposes. (40 CFR 705.3)

Manufacture for commercial purposes means:

- (1) To import, produce, or manufacture...and includes among other things, such “manufacture” of any amount of a chemical substance or mixture containing a chemical substance.
- (2) Manufacture for commercial purposes also applies to substances that are produced coincidentally during the manufacture, processing, use, or disposal of another substance or mixture....

Per- and Polyfluoroalkyl Substances or PFAS

Means any chemical substance or mixture containing a chemical substance that structurally contains at least one of the following three sub-structures:

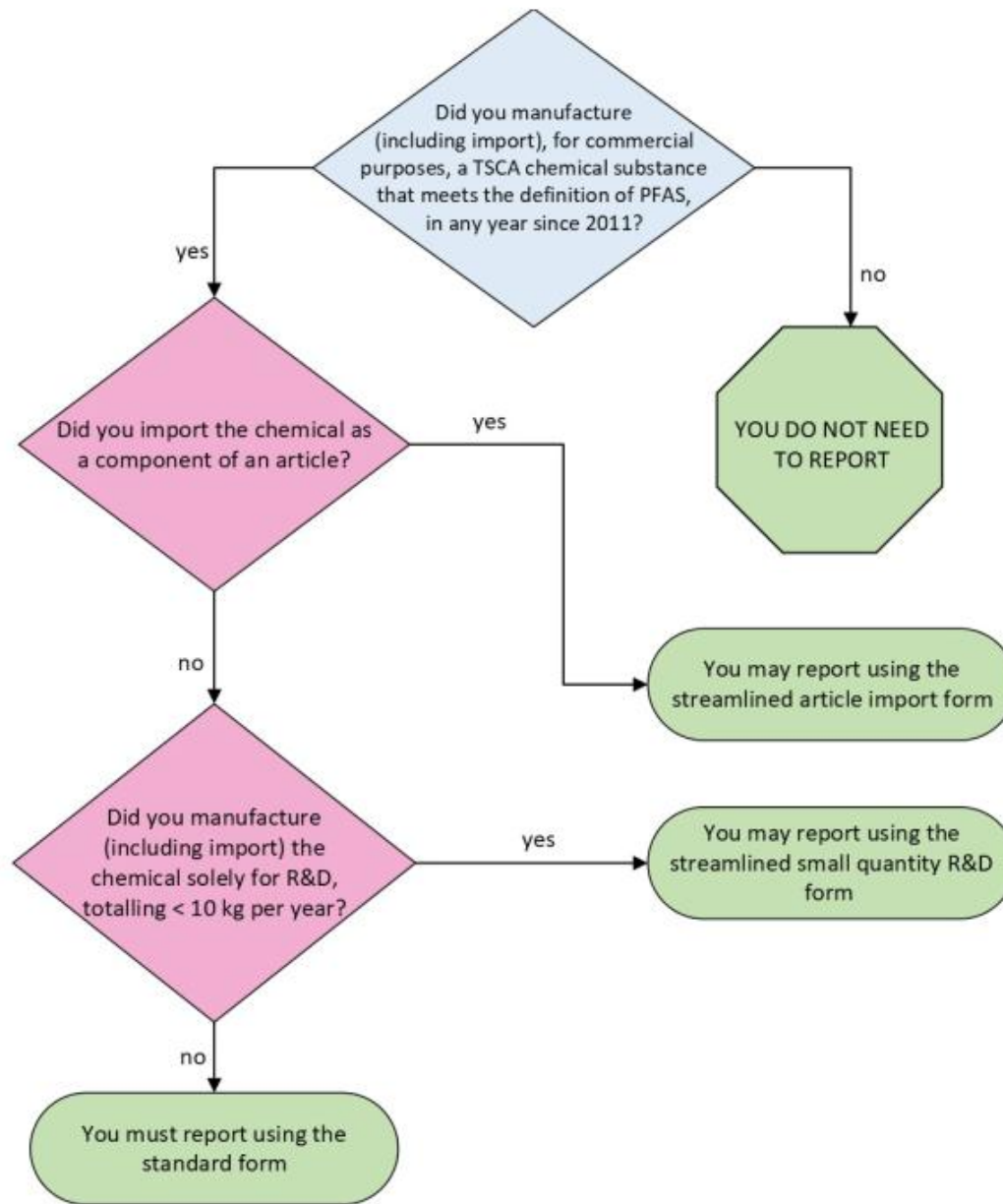
- (1) $R-(CF_2)-CF(R')R''$, where both the CF_2 and CF moieties are saturated carbons.
- (2) $R-CF_2OCF_2-R'$, where R and R' can either be F , O , or saturated carbons.
- (3) $CF_3C(CF_3)R'R''$, where R' and R'' can either be F or saturated carbons.

Streamlined vs Standard Reporting

If you imported an article containing PFAS, you may use a streamlined Imported Article form.

If you manufacture (including import) PFAS in small quantities solely for research or analysis for commercial purposes you may report using the streamlined Research & Development PFAS (<10 kg/year) form.

If you are required to report and do not qualify for either streamlined form, you are required to report via the standard form.



Good to Know...

Changes to Company Ownership or Legal Identity Under 40 CFR 705, the reporting obligation falls to the “person who manufactured (including imported)” a chemical substance that is a PFAS.

The rule is limited to manufacturers (including importers) of PFAS that are considered a “chemical substance” under TSCA section 3(2). This rule *does not require reporting on activities that are excluded from the definition of “chemical substance”* in TSCA section 3(2)(B).

If material comes into the US, through a broker and goes to industry, the reporting requirement may or may not apply. It’s important to know your position.

Good to Know...

No reporting exemptions apply to section 8(a)(7).

The rule does not require new testing — only existing information that is known or reasonably ascertainable.

If your company does not manufacture PFAS and does not meet the definition of an “importer” at 40 CFR 704.3 for the parts that contain PFAS, your company is not required to report.

Importer and Broker Reporting

Another US entity can be the importer of record and carry TSCA responsibility as long as they are not just the administrative agent.

For example, a broker or other entity that imports in bulk, gains a commercial benefit and then redistributes domestically to other entities would most likely be responsible for TSCA reporting.

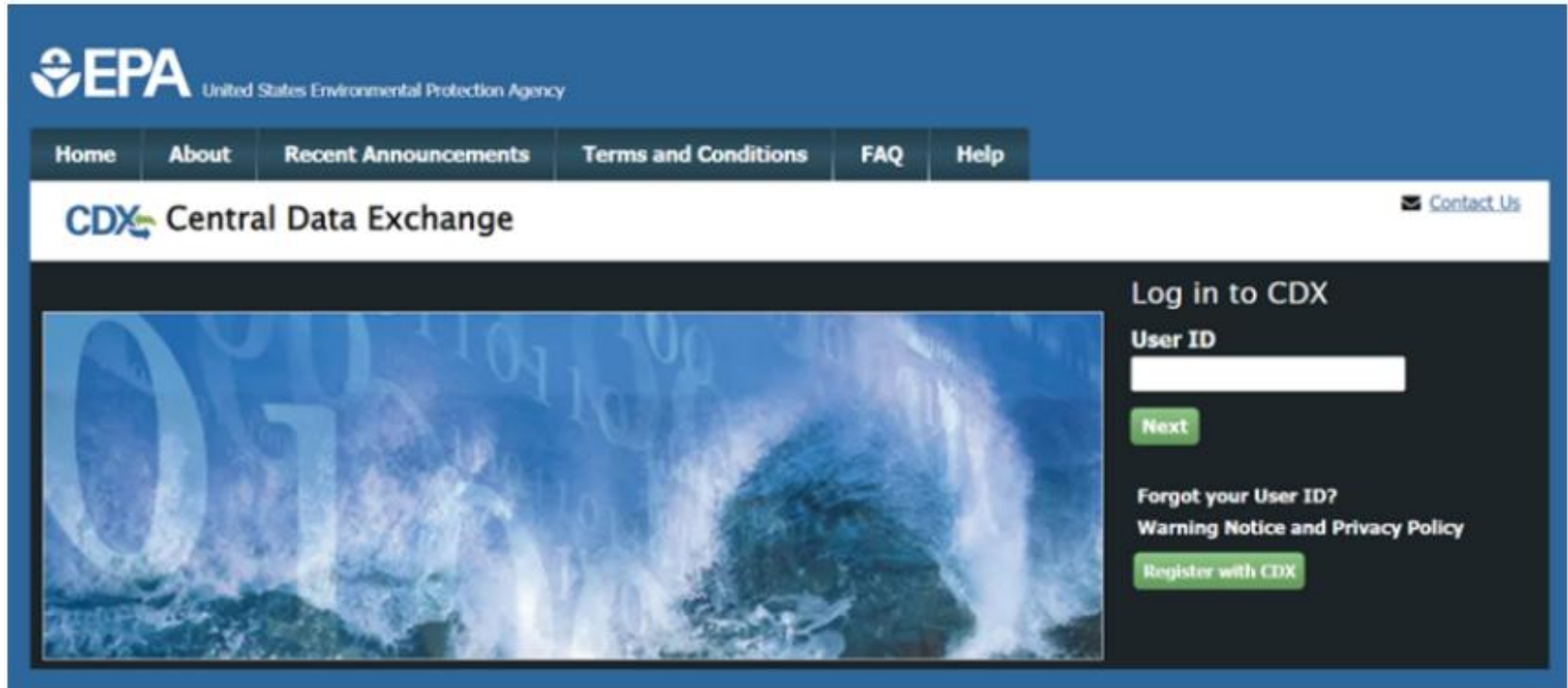
If the broker is acting on your behalf, then you are responsible for TSCA reporting as an importer.

Each situation is different and it is best to seek help when in doubt.

Information EPA Wants Reported

- Identity and properties of the PFAS
- Manufacture and/or import of the PFAS
- Byproducts produced during manufacture of each PFAS
- Workers' exposure to the PFAS
- Industrial processing and use
- Consumer and commercial use
- Existing information concerning the environmental and health effects of the PFAS
- Disposal of the PFAS

Central Data Exchange (CDX)



The screenshot displays the EPA Central Data Exchange (CDX) website. At the top left is the EPA logo with the text "United States Environmental Protection Agency". A navigation menu includes "Home", "About", "Recent Announcements", "Terms and Conditions", "FAQ", and "Help". The main header features the "CDX Central Data Exchange" logo and a "Contact Us" link. The main content area is dark blue and contains a large image of a waterfall with binary code overlaid. To the right of the image is a "Log in to CDX" section with a "User ID" input field, a "Next" button, and links for "Forgot your User ID?", "Warning Notice and Privacy Policy", and a "Register with CDX" button.

Status of Deadlines (As of April 2026)

- The original 2023 final rule has faced multiple delays due to software development, guidance needs, and policy reviews.
- The reporting submission period now begins on the earlier of:
60 days after the effective date of a forthcoming final rule, or
January 31, 2027 (backstop date).
- The submission window is currently expected to last **6 months** for most reporters (12 months for certain small article importers). EPA may adjust this duration in the upcoming revisions.
- EPA plans to issue a final revised rule later in 2026, along with updated guidance and reporting tools.

What You Should Do Now

- **Determine applicability**: Review your operations and supply chain for any PFAS involvement (chemicals or in articles) from 2011–2022. This may require supplier inquiries, as many companies lack full historical data on trace PFAS.
- **Gather records**: Collect any existing data on identity, volumes, uses, exposures, etc. "Reasonably ascertainable" means you must make a good-faith effort (e.g., supplier surveys) but not generate new data.
- **Monitor updates**: Watch for the final revised rule (expected later 2026) and any new EPA guidance or CDX tool updates. Check the main EPA page: [TSCA Section 8\(a\)\(7\) PFAS Reporting](#).
- **Consider consulting experts**: Compliance can be complex (especially for importers or complex supply chains). Legal or environmental consultants familiar with TSCA can help with due diligence.
- **Plan for recordkeeping**: Even if exemptions expand, retain relevant records.

Sources of Information

[TSCA 8\(a\)\(7\) GuideME](#)

[TSCA Section 8\(a\)\(7\) Rule, Frequently Asked Questions](#)

[Instructions for Reporting PFAS Under TSCA Section 8\(a\)\(7\)](#)

[TSCA 8a7 Small Entity Compliance Guidance](#)

[Public List of TSCA PFAS for 8\(a\)\(7\) Rule](#)

Thank You!

John D. Jurgensmeyer
Department Manager
Regulatory Compliance

D (913) 202-7594

M (573) 619-7172

John.Jurgensmeyer@Terracon.Com





Tierracon

