



Article

How to prepare for new PFAS TRI reporting, due July 2021

U.S. Environmental Protection Agency (EPA) has changed their Toxics Release Inventory (TRI) reporting requirements to include a large listing of per- and [polyfluoroalkyl substances \(PFAS\)](#) for reports due July 2021. In 2020, [EPA added 172 PFAS](#) to the list of chemicals subject to reporting, as part of the agency's evolving understanding of the potential for environmental and health risks from these chemicals. Facilities that manufacture, process, or otherwise use TRI-listed chemicals above reporting thresholds will need to prepare and submit the reports by the July 1 deadline. All TRI reporting is available for public access once accepted by EPA, so its disclosure, required for compliance, may affect how the public perceives your facility and should be as accurately determined as possible. This reporting cycle may be your first opportunity to determine if PFAS are present in the raw materials you use for your operations. This knowledge can also be a consideration for employee health and safety.

What's changing for EPA TRI reporting?

The National Defense Authorization Act (NDAA) added Section 7321 in June 2020 that lists the additional 172 PFAS to the TRI list of reportable chemicals, which are part of the Emergency Planning and Community Right-to-Know Act (EPCRA) Section 313.

The addition of these PFAS was effective beginning January 1, 2020, and submissions for the 2020 reporting year will be due by July 1, 2021. The listed PFAS have a de minimis level of 1% in mixtures, except for [perfluorooctanoic acid \(PFOA\)](#), a very commonly used compound, which has a de minimis level of 0.1% in mixtures, so it doesn't take much PFAS content to trigger threshold calculations. The reporting threshold for manufacturing, processing, and otherwise use reporting is 100 pounds for each individual PFAS compound on the amended TRI list. As a point of comparison, many other substances you may be currently reporting have much higher thresholds (25,000 or 10,000 pounds).

Who needs to report PFAS covered by TRI?



Generally, all facilities that operate in an industry sector covered by TRI reporting must identify materials manufactured, processed, or otherwise used which contain a listed compound above the de minimis level and track its usage to determine where a compound exceeds the threshold and will be subject to reporting. For PFAS, and the lower reporting threshold, there may be many other facilities previously not subject to the reporting that will now need to assess their operations. You can find out if your industry is included by checking [the federal regulations](#); however, sites where [aqueous film-forming foam \(AFFF\)](#) fire suppression has been tested or used have the potential for PFAS and may have to engage in reporting. Other likely candidates for reporting include manufacturing facilities, coal and oil electricity generation plants, mining operations, and wastewater treatment plants.

It's also important not to overlook less obvious, but still very common, sources of PFAS at facilities, which could be substantial enough to trigger a TRI reporting threshold. PFAS are often found in flame retardant coatings, firefighting foams, food packaging, water, stain and oil repellents, textiles and paper products, manufacturing involving Teflon™, [chrome plating](#), semiconductor manufacturing, and industrial surfactants, and resins.



If you are unsure of whether your facility uses any of the 172 PFAS added to the TRI list, your supplier has a [legal obligation to notify](#) you as part of the regulation. The supplier notification would include the specific chemical contained in their product as well as a reference Chemical Abstract Service ([CAS](#)) number, the unique numerical identifier assigned to determine which of the 172 PFAS are present. Additionally, information to identify materials that may be subject to this regulation would be available on current Safety Data Sheets (SDSs). Reportable substances are listed in Section 16 of the standard SDS format.

How to report PFAS to TRI

It is important to begin collecting usage and processing quantities and performing calculations to assess reporting thresholds soon, as the deadline is fast approaching. If your facility hasn't performed TRI reporting in the past, if you weren't aware of the TRI program, or if your facility is now subject to report these additional chemicals, you'll need to collect the pertinent information, perform calculations, prepare and submit reports utilizing the EPA software, and develop appropriate documentation for your facility's records. EPA has provided the [Basics of TRI Reporting](#) on its website.

In general, your organization will need to identify the amount of product or raw materials containing reportable chemicals over the de minimis level used during 2020. Most facilities will rely on purchasing and production records to assess whether manufacture, processing, or use of the particular compound is above the threshold that would trigger TRI reporting. The SDS will be a good resource for understanding the percentage of a compound contained in a mixture. Once you know the material will require a TRI report, you will need to quantify releases to air, water, and waste. It is important to obtain an accurate estimate not only to ensure compliance but also because this information will be publicly available and may be scrutinized by the public.

The regulatory requirement of substantive documentation for why a facility did or did not report remains applicable, so it's important to be prepared to present documentation if EPA were to perform an inspection – even if you're under the threshold limit for reporting.



In some cases, facilities may choose to perform sampling, such as [stormwater or wastewater discharge sampling](#), to collect the relevant data and that can take time to plan, execute, and evaluate the results. In the case of sampling to determine PFAS presence, consultation can [help avoid costly sampling errors](#) due to interference from routine sampling materials which contain PFAS and can skew [analytical results](#) and to select the most appropriate analytical methods.

Your consultant can offer guidance on determining thresholds, performing calculations for emissions, gathering samples, and conducting appropriate analyses if required. They can also prepare vendor information requests, reports, and required backup documentation on your behalf.

Contact me with any questions about TRI reporting or on the recent changes to include PFAS in the reporting requirements, and for any other regulatory challenges you may have.