EPA Mandates Toxics Release Inventory Reporting for Seven Additional PFAS

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January 11, 2024

Recently, the US Environmental Protection Agency (EPA) automatically expanded the list of chemicals covered under the Toxics Release Inventory (TRI) via inclusion of seven additional per- and polyfluoroalkyl substances (PFAS).

These particular substances joined an ever-expanding list of PFAS that both public and private facilities in designated industry sectors must report their use of in respective manufacturing processes. No longer subject to the *de minimus* exception enjoyed by other TRI-listed substances, approximately 196 PFAS substances are now subject to mandatory reporting, regardless of the amount utilized in mixtures or products. This reporting is also inclusive of incidental environmental releases or other waste management.

The 2020 National Defense Authorization Act (NDAA) provides the framework for EPA's automatic addition of PFAS to TRI each year due. In accordance with an NDAA provision that requires automatic addition of PFAS upon EPA's "finalization of a toxicity value," the following six PFAS were identified for 2024 reporting requirements:

+ Ammonium perfluorohexanoate C8 (a surfactant utilized in various manufacturing processes, including the production of Teflon);
+ Lithium bis[(trifluoromethyl)sulfonyl] azanide (commonly used in the production of Li-ion batteries);
+ Perfluorohexanoic acid (PFHxA) (used in the manufacturing of photographic film);
+ Perfluoropropanoic acid (PFPrA) (increasingly used as replacement refrigerants);
+ Sodium perfluorohexanoate (a chemical compound used in scientific research); and
+ 1,1,1-Trifluoro-N-[(trifluoromethyl)sulfonyl] methanesulfonamide (a chemical compound used in scientific research).

The seventh and final PFAS substance, Betaines, dimethyl(.gamma.-.omega.-perfluoro-.gamma.-hydro-C8-18-alkyl), was previously identified by EPA for inclusion, but was not publically announced until January 10, 2024. Previously subject to confidentiality, the substance was recently declassified and formally added to the TRI list.

Ultimately, the burden on public and private manufacturers to monitor and maintain documentation of their use of PFAS continues to grow, with no signs of slowing down. With annual additions of PFAS to the TRI, companies presently utilizing PFAS must continually keep abreast of these developments and adjust their business practices accordingly.

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