EPA Takes Bold Step to Enhance Public Access to PFAS Data

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On October 2, 2024, the US Environmental Protection Agency (EPA) announced a groundbreaking proposal aimed at combating the pervasive threat of per- and polyfluoroalkyl substances (PFAS), commonly known as “forever chemicals.” Notably, this proposal seeks to add over 100 PFAS to the Toxics Release Inventory (TRI) and represents a significant leap by EPA in its enforcement initiatives.

PFAS are a group of man-made chemicals that have been used in a variety of industrial and consumer products for decades. Known for their water and grease-resistant properties, these substances are found in items ranging from nonstick cookware to water-repellent clothing and food packaging. However, their durability in the environment and human body—hence the nickname “forever chemicals”—has raised alarms among health officials and environmental advocates alike.

Research has linked PFAS to numerous alleged health risks, including certain cancers, liver damage, thyroid issues, and reproductive and developmental harms. According to the EPA, these health concerns make it critical for communities to be informed about PFAS use and release in their environments.

Key features of EPA's recent proposal include:

+ **Expanded Inclusion**: The proposal adds over 100 PFAS to the TRI, significantly broadening the scope of reporting.
+ **Stricter Reporting Requirements**: Facilities will be mandated to report any releases of PFAS, even minor amounts.
+ **Publicly Accessible Data**: The information will be available to the public, enhancing community awareness and enabling informed advocacy.

The EPA's proposal to expand the TRI to include 16 individual PFAS and 15 PFAS categories, encompassing more than 100 unique substances, is a direct response to mounting public concern regarding these chemicals. The TRI, established to help track the management of toxic chemicals and support pollution prevention efforts, will now require facilities to report *any* release of these substances, no matter how small.

Moreover, EPA's proposed reporting threshold is set at 100 pounds for PFAS manufacturing, processing, and other uses. This aligns with existing TRI requirements for other PFAS and ensures a more comprehensive approach to monitoring these chemicals. Notably, all PFAS within a given category will count towards this threshold, preventing facilities from evading reporting by focusing on individual substances.

Additionally, EPA plans to reclassify some previously listed PFAS into broader categories, allowing for more streamlined reporting and improved data accuracy. This change will facilitate a clearer understanding of PFAS management practices across various industries.

Following EPA's proposal publication in the Federal Register, there will be a 60-day comment period during which community members, stakeholders, and industry professionals can express their views. Interested parties can share their thoughts and concerns via the EPA docket (EPA-HQ-TRI-2023-0538) on Regulations.gov.

The proposed expansion of the TRI is part of a broader strategy outlined in the EPA's PFAS Strategic Roadmap, which seeks to tackle the alleged human health and environmental impacts of these substances. As the EPA moves forward with this proposal, it is critical for all industries and stakeholders to keep abreast of ever-changing federal, state and local PFAS regulations, and proactively identify and minimize potential risks.

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