

EPA Proposes Amendments to PFAS Reporting Rule, Reducing Burden on Manufacturers and Importers

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The US Environmental Protection Agency (EPA) has released a proposed rule that would amend the Toxic Substances Control Act (TSCA) Section 8(a)(7) PFAS Reporting and Recordkeeping Rule, originally finalized on October 11, 2023. The proposal responds to widespread industry criticism over the rule's broad scope and reporting burden, particularly for companies lacking knowledge of per- and polyfluoroalkyl substances (PFAS) content in imported goods or low-volume mixtures. Most critically, the proposed amendments introduce targeted exemptions, technical clarifications, and an abbreviated reporting window designed to reduce compliance costs while still enabling EPA to collect meaningful PFAS manufacturing data. This shift reflects EPA efforts to balance data collection with administrative practicality—streamlining compliance, clarifying key provisions, and reducing unnecessary costs while maintaining the integrity of PFAS reporting.

Key Exemptions to Reporting Requirements

EPA's proposal would add several categorical exemptions that significantly narrow the universe of entities subject to reporting.

- + **De Minimis Exemption.** PFAS present below a concentration of 0.1 percent in a mixture or article would be exempt, regardless of total annual volume. The agency explained that such concentrations are unlikely to represent meaningful exposure or risk and that the exemption would align PFAS reporting with other TSCA chemical data collection standards.
- + **Imported Articles.** Imported articles containing PFAS would be excluded from reporting obligations. EPA noted that importers typically lack "known or reasonably ascertainable" information about PFAS content in complex articles, and compelling such reporting would impose substantial burdens with limited informational value.
- + **By-Products, Impurities, and Non-isolated Intermediates.** PFAS unintentionally manufactured as by-products or impurities—or formed as non-isolated intermediates during a reaction sequence—would be exempt if not used for commercial purposes. This exemption recognizes that many such substances are generated in trace amounts incidental to manufacturing processes.
- + **Research and Development (R&D) Chemicals.** PFAS manufactured in small quantities solely for R&D would be excluded from reporting. EPA reaffirmed that R&D-only production poses minimal potential for exposure or environmental release and that tracking these quantities adds little value to the agency's data objectives.

Technical Corrections and Clarifications

The proposal also includes several technical and procedural updates aimed at improving clarity and consistency in reporting. For example, EPA proposes to clarify the data elements required in specific fields of the TSCA § 8(a)(7) reporting form and to correct minor inconsistencies that appeared in the 2023 final rule. The agency would revise the submission period, establishing a three-month reporting window beginning 60 days after the effective date of the final rule, rather than the six-month period previously adopted. EPA anticipates that the reduced time frame will streamline implementation and align reporting schedules with other TSCA data collection efforts. In addition, the proposal clarifies how submitters should employ the OECD Harmonized Template (OHT) when reporting environmental and health-effects data. The OHT format is intended to facilitate international data comparability and electronic submission through EPA's Central Data Exchange (CDX) portal.

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Economic Impact and Burden Reduction

EPA estimates that the proposed revisions would yield a net industry burden reduction of 10 million–11 million hours, translating to \$786 million–\$843 million in cost savings compared to the 2023 rule. Much of this reduction results from exempting imported articles and de minimis concentrations, which were previously expected to generate substantial compliance costs for companies with limited PFAS information. The agency explained that the amendments aim to “lessen the economic impact of the TSCA and better allow EPA to carry out the statute in a reasonable and prudent manner.” By exempting entities least likely to possess relevant data, EPA seeks to preserve the quality of collected information while avoiding disproportionate burdens on small businesses and downstream users.

Legal Rationale and Statutory Context

EPA's preamble references both the plain language of TSCA § 8(a)(7) and stakeholder feedback as justification for adopting exemptions. The agency noted that § 8(a)(7) differs from other TSCA reporting provisions because it lacks an explicit statutory purpose directing EPA's use of the PFAS data. In contrast, § 8(b)(10) explicitly instructs EPA to compile and act on a mercury inventory.

Because Congress did not define how PFAS information under § 8(a)(7) must be used, EPA concluded that it has discretion to balance information gathering with administrative feasibility. Many commenters argued that the expected informational benefits did not justify the extreme reporting costs, particularly for sectors without PFAS expertise or supply-chain visibility. EPA therefore determined that a “reasonable and prudent” implementation required a narrower scope.

This reasoning may invite further debate during the public comment period, as environmental groups could challenge whether the proposed exemptions conflict with TSCA's overarching goal of ensuring that EPA possesses adequate chemical data to evaluate risks. Nevertheless, EPA emphasized that the amendments retain the “majority” of PFAS manufacture reporting requirements, maintaining comprehensive coverage of intentional PFAS producers.

Public Comment and Next Steps

EPA is soliciting public comment on every major component of the proposal, and comments will be accepted for 30 days after publication in the Federal Register. Following the review of stakeholder input, EPA may modify or finalize the exemptions and clarifications in a subsequent final rule.

Entities potentially affected, such as chemical manufacturers, importers, and article assemblers, should review the proposed text carefully and assess whether their PFAS reporting obligations could change. Companies that previously prepared submissions under the 2023 rule may find their compliance burden significantly reduced, but they should remain attentive to recordkeeping obligations and any retained requirements for intentional PFAS manufacture.

Conclusion

EPA's proposed amendments represent a notable shift toward risk-based pragmatism in the federal government's PFAS data-collection efforts. By introducing de minimis and imported-article exemptions, clarifying reporting procedures, and shortening the submission window, EPA seeks to balance transparency with economic feasibility. Whether these revisions ultimately withstand stakeholder scrutiny will depend on the agency's ability to demonstrate that streamlined reporting can still achieve TSCA's goal of providing EPA with sufficient information to manage PFAS risks “in a reasonable and prudent manner.”