

## EPA Extends PFAS Reporting Deadline to January 11, 2026

On September 5, 2024, the U.S. Environmental Protection Agency (EPA) extended the PFAS reporting deadline under the new Toxic Substances Control Act (TSCA) Section 8(a)(7) regulation, found at 40 C.F.R. Part 705 (PFAS Reporting Rule). The reporting period now opens on July 11, 2025, with the deadline to complete all reporting by January 11, 2026. Small manufacturers may qualify for a further extension and have until July 11, 2026, to complete reporting.

### What are PFAS?

Perfluoroalkyl and polyfluoroalkyl substances (PFAS) are a group of synthetic chemicals found in a variety of industrial and consumer products. EPA has determined that these substances are toxic to humans and animals and that continued exposure to specific levels of certain PFAS may lead to adverse health effects. For the purposes of this rule, the EPA defines PFAS with a structural definition and provides some guidance with a list of known PFAS available on EPA's CompTox Dashboard, though it also states that this list is not exhaustive.

### Covered Entities Under Rule

The PFAS Reporting Rule applies to anyone who has manufactured (including imported) a PFAS for a commercial purpose **in any year since January 1, 2011**. Those that have simply processed, distributed in commerce, used, and/or disposed of PFAS are not required to report under this rule, unless they have also manufactured PFAS for a commercial purpose. Activities such as scientific experimentation, research, or analysis conducted by academic, government, or independent not-for-profit research organizations, unless the activity is for eventual commercial purposes are also not subject to the reporting requirements in this rule.

### Reporting Requirements

The threshold evaluation of whether any PFAS have been manufactured or imported since January 1, 2011, is the critical first step since there are no small quantity exemptions in the rule. The PFAS Reporting Rule includes a comprehensive list of required information for reporting, including uses, production volume, disposal, exposure, hazards, and environmental or health effects.

While there are no exemptions to the PFAS Reporting Rule, the EPA has recognized that importers of "articles" or manufactured items or products, would likely find it difficult to report all of the information required in the general form. Therefore, article importers have the opportunity to submit a streamlined form that would require identifying the total volume of the imported article instead of the quantity of PFAS. Examples of articles that may contain PFAS and be subject to this rule are textiles, electrical equipment and components, automotive components, pipes, wires and cables, cookware, and transportation equipment.

### Known or Reasonably Ascertainable Reporting Standard

Manufacturers or importers affected by the PFAS Reporting Rule must report all information "known or reasonably ascertainable" by the manufacturer. This is defined to include "all information in a person's possession or control, plus all information that a reasonable person similarly situated might be expected to possess, control, or know." 40 CFR 704.3. This standard has been interpreted to require a reasonable inquiry within full scope of its organization. However, it does not require collecting samples or other supplemental data for reporting purposes.

### State Regulation of PFAS

In recent years, many states have implemented regulations aimed at reducing the use of PFAS in various products. These laws include PFAS disclosure requirements, prohibition of the sale of



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certain items, mandated reporting to environmental agencies, and even the ban of PFAS in certain products. States such as Maine and Minnesota have taken a conservative approach and have implemented broad bans and reporting requirements for all products that contain PFAS. These state regulatory trends will likely continue as federal regulation increases.

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