

New PFAS Reporting Expected by 2023

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In a new federal plan to remediate "forever chemicals" known as PFAS across the United States, certain businesses would need to comply with new reporting standards by 2023. In addition, as part of the plan, the U.S. Environmental Protection Agency will establish national drinking water standards for certain PFAS chemicals and designate certain PFAS as hazardous substances.

The EPA announced its "PFAS Strategic Roadmap" on Monday, a [26-page report](#) on how it intends to reduce the threat of PFAS - which stands for per- and poly-fluoroalkyl substances - throughout the country.

Certain PFAS, which have been and are still used in the manufacturing of consumer products and industrial applications, can adversely impact human health. Exposure to them have been linked to types of cancer and other ailments.

In addition to the multitude of environmental remediation methods and plans the roadmap contains, there is [one item that is important to many businesses in the U.S.](#), including some in central Pennsylvania. The roadmap has a new reporting requirement for businesses that have manufactured, processed or imported PFAS to submit a comprehensive report detailing all of those uses for a 10-year period. The reporting would be only a one-time requirement, but compliance could pose a significant burden for businesses that may not have routinely documented their past usage of PFAS substances.

[The reporting rule](#), which is still in proposed form, would require any business that manufactures or imports PFAS, including products that might contain the chemicals but are otherwise finished products before being imported, to report these imports back to 2011.

The EPA announced the proposed rule in June and took public comment on it through September. According to the roadmap, the EPA "will consider public comments on the proposal and finalize it before January 1, 2023" - which means it could become effective before that.

Businesses that will be affected by the rule when it goes into effect should start now on figuring out how they will comply, since many businesses that would be affected didn't keep records on PFAS that far back (or at all). But they should begin the process of speaking with the EPA to find out how they can comply if they don't have the records.

In addition, designating certain PFAS as hazardous substances could make companies that disposed of PFAS containing materials liable for cleanup costs.

If you have any questions on the proposed rule or the EPA's overall plan, please [contact me](#) or any member of the [Barley Snyder Environment & Energy Industry Group](#).

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