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Canada Announces Mandatory PFAS Reporting Rule

Canada's Minister of the Environment [issued a notice](#) on July 27, 2024, announcing a new mandatory PFAS reporting rule. In some ways, the notice is similar to the Toxic Substances Control Act (TSCA) 8(a)(7) PFAS reporting rule issued by the U.S. Environmental Protection Agency in October 2023. The purpose of Environment and Climate Change Canada's (ECCC) reporting requirement is to collect information regarding certain PFAS to assess whether such substances are toxic or capable of becoming toxic, while also assessing whether to control—and the manner to control—the risks posed by PFAS.

ECCC's rule has some significant differences, however, from its U.S. counterpart, including, but not limited to:

- The scope of the ECCC notice includes 312 specifically listed PFAS, while the [TSCA reporting rule](#) has a much broader definition of PFAS.
- Reporting may be required under the ECCC notice based on the reporting entity having manufactured, imported, or *used* PFAS above certain thresholds during the 2023 calendar year, while the TSCA PFAS reporting rule is triggered by only manufacturing and importing and does not include any minimum thresholds.
- The ECCC notice requires reporting only for 2023 activities, while the TSCA PFAS reporting rule requires reporting from 2011 to 2022.

Reporting entities will have only six months to collect and report the required information to ECCC, with reports due no later than January 29, 2025. ECCC has published a [guidance manual](#) to assist entities in this reporting. Those seeking an extension to the reporting deadline may do so by submitting such request in writing, at least five days prior to the deadline, to the Minister of the Environment.

Reports must be submitted electronically via the online reporting system available through [ECCC's Single Window](#).

For more information regarding this reporting rule or if you would like to discuss how this may impact your business, please contact the authors or any member of Frost Brown Todd's Environmental Practice Group.

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