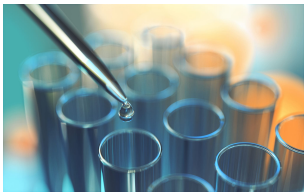

U.S. EPA Delays TSCA PFAS Reporting Deadline to January 2026

Sep 06, 2024

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On September 5, 2024, the United States Environmental Protection Agency (U.S. EPA) issued a direct final rule that delays the submission deadline for its Toxic Substances Control Act (TSCA) reporting requirements for per- and polyfluoroalkyl substances (PFAS).

This rule provides a bit of a reprieve for many manufacturers (including importers) of products and articles that may contain PFAS, particularly given the breadth of these reporting obligations and the 12 years of data that will need to be reported. Under the original TSCA rule, the portal for electronic reporting was set to open November 12, 2024, and close May 8, 2025. This new rule pushes these dates back, with the portal now set to open July 11, 2025, and final report submissions are due by January 11, 2026. Manufacturers that qualify under TSCA as small manufacturers reporting only article imports will have until July 11, 2026, to submit final reports.

According to U.S. EPA, this delay is a result of budget constraints that impacted ongoing software developments for the Agency's Central Data Exchange (CDX) system, where the TSCA PFAS reports will be submitted.

This rule was issued as a direct final rule because it was deemed a noncontroversial action, and U.S. EPA does not anticipate adverse comments. Unless adverse comments are received prior to October 7, 2024, this rule will become effective November 4, 2024, with no further notice from U.S. EPA.

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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