Nine New PFAS Added to Toxic Release Inventory (TRI) Reporting by U.S. EPA

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On January 6, 2025, the U.S. Environmental Protection Agency (U.S. EPA) published a final rule adding nine per- and polyfluoroalkyl substances (PFAS) to its Toxic Release Inventory (TRI) program. These nine PFAS chemicals will become reportable for reporting year 2025, with a reporting deadline of July 1, 2026.

The newest PFAS additions bring the total number of TRI-listed PFAS to 205. The 2020 National Defense Authorization Act (NDAA) authorizes U.S. EPA to automatically add certain PFAS to the TRI program on an annual basis, which it has been doing over the last several years. The recently listed PFAS include:

- Ammonium perfluorodecanoate (PFDA NH4) (CAS No. 3108-42-7)
- Sodium perfluorodecanoate (PFDA-Na) (CAS No. 3830-45-3)
- Perfluoro-3-methoxypropanoic acid (CAS No. 377-73-1)
- 6:2 Flourotelomer sulfonate acid (CAS No. 27619-97-2)
- 6:2 Flourotelomer sulfonate anion (CAS No. 425670-75-3)
- 6:2 Flourotelomer sulfonate potassium salt (CAS No. 59587-38-1)
- 6:2 Fourotelomer sulfonate aluminum salt (CAS No. (59587-39-2)
- 6:2 Flourotelomer sulfonate sodium salt (CAS No. 27619-94-9)
- Acetic Acid, [(□-□-perfluoro-C8-10-alkyl)thio] derivs., Bu esters (CAS No. 3030471-22-5)

Although these nine chemicals will not need to be reported until July 1, 2026, facilities will need to report information based on activities in 2025, so it is important to be compiling relevant information now. In addition, it is important to remember that the previously listed 196 PFAS chemicals must be reported for reporting year 2024, with a reporting deadline of July 1, 2025. Reporting

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facilities must also keep in mind that U.S. EPA previously eliminated the *de minimis* exemption for listed PFAS when it designated PFAS as "chemicals of special concern" in October 2023, thus increasing the burden of information gathering and potential reporting on listed compounds.

This action is in addition to an October 8, 2024 proposed rule that would add 16 individually listed PFAS and 15 categories of PFAS to the TRI program. U.S. EPA also proposed designating all PFAS as chemicals of special concern, which would set a manufacturing, processing, or otherwise use threshold of 100 pounds for each individually listed PFAS, as well as a 100-pound reporting threshold for listed categories of PFAS. To date, this rule has not been finalized.

This is one of a number of actions taken by U.S. EPA and various states to increase reporting on PFAS. If you would like to discuss how this action may impact your business, please contact the authors or any members of the firm's Environmental Practice Group.

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