U.S. EPA Announces Nine-Month Delay for PFAS Reporting Period Under the Toxic Substances Control Act

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Categories:

PFAS Updates
Presidential Administration Impacts
Publications

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The United States Environmental Protection Agency (U.S. EPA) has issued an interim final rule that delays the reporting period for the per- and polyfluoroalkyl substances (PFAS) reporting rule under the Toxic Substances Control Act (TSCA).

The interim final rule further delays the prior reporting period deadlines by nine months. Submissions will now open on April 13, 2026, and close on October 13, 2026. For small manufacturers reporting exclusively as article importers, submissions will not be due until April 13, 2027.

Although the rule will be effective immediately upon publication, it will still be open for public comment for 30 days.

U.S. EPA originally promulgated the PFAS reporting rule on October 11, 2023, under Section 8(a)(7) of the TSCA, as amended by the National Defense Authorization Act for fiscal year 2020. The PFAS reporting rule requires any person who manufactured or imported an expansive list of PFAS (including PFAS-containing articles) between 2011 and 2022 to make a one-time report to U.S. EPA for each reporting year. Submissions were originally due by May 8, 2025; however, in September 2024, U.S. EPA delayed the start of the reporting period to open on July 11, 2025. As of May 13, 2025, U.S. EPA has again delayed the reporting period, with submissions now set to open on April 13, 2026, and close on October 13, 2026.

U.S. EPA stated it is taking this action because it requires additional time to develop the information collection software. U.S. EPA also stated that it is considering reopening other aspects of the reporting rule for public comment in a future separate action in light of Executive Order 14219: Unleashing Prosperity through Deregulations (90 FR 9065, January 31, 2025). This statement is another indication that U.S. EPA is considering requests from the

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regulated community, including the May 2, 2025 petition from chemical companies, to narrow the scope of the current rule and include typical TSCA 8(a) reporting exemptions.

If you would like to discuss how these upcoming actions may impact your business, please contact the authors or any member of the firm's Environmental Practice Group.

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