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EPA Proposes Major Exemptions to PFAS Reporting Requirements

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The Environmental Protection Agency (EPA or the Agency) issued a proposed rule today (11/13/25) to amend reporting and recordkeeping requirements for per- and polyfluoroalkyl substances (PFAS) under Section 8(a)(7) of the Toxic Substances Control Act (TSCA). The proposal introduces exemptions and other modifications to the PFAS Reporting Rule intended to reduce regulatory burdens, particularly for small businesses, while preserving EPA's ability to collect essential data on PFAS manufacturing and use. The proposed changes would impact manufacturers and importers of PFAS and PFAS-containing articles across multiple sectors, including utilities (NAICS code 22), manufacturing (NAICS codes 31 through 33), and waste management and remediation services (NAICS code 562).

Background on the PFAS Reporting Rule

Congress directed EPA to establish PFAS reporting requirements in the National Defense Authorization Act for Fiscal Year 2020, which created TSCA Section 8(a)(7). EPA finalized the PFAS Reporting Rule in October 2023. The PFAS Reporting Rule requires any person that manufactured or imported PFAS or PFAS-containing articles between 2011 and 2022 to report certain information to the EPA including PFAS uses, production volumes, and known environmental and health effects.

The original reporting period was scheduled to begin in November 2024, but EPA has twice delayed implementation. The reporting period currently begins on April 13, 2026, with submissions due for most manufacturers by October 13, 2026. Importantly, EPA's proposed rule would delay the reporting period again.

Proposed Revisions to the PFAS Reporting Rule

Legal Bases for the Proposed Revisions

EPA's proposed revisions seek to realign the PFAS Reporting Rule with TSCA's statutory requirements, reduce unnecessary compliance burdens, and provide greater certainty for industry while ensuring the Agency continues to receive the most relevant PFAS data. In support of these changes, EPA cites TSCA provisions directing the Agency to minimize costs for small manufacturers, avoid duplicative reporting, and impose obligations only on entities likely to have information necessary for effective implementation of TSCA. EPA also explains that the revisions are informed by stakeholder feedback that the original rule imposed disproportionate burdens relative to the value of the data collected. According to EPA, the proposed revisions would significantly reduce obligations for entities least likely to possess relevant information while ensuring that known and reasonably ascertainable data related to historically manufactured PFAS continues to be collected.

Exemptions from Reporting Requirements

EPA proposes to create several exemptions to eliminate reporting obligations where manufacturers are unlikely to have knowledge of or reasonably ascertainable information about PFAS. Under the proposed rule, reporting would not be required for PFAS that are:

- Present in mixtures or articles at concentrations below 0.1% (*de minimis* concentration exemption);
- Imported as part of an article;
- Manufactured solely as byproducts under certain conditions;
- Manufactured as impurities;
- Manufactured as non-isolated intermediates; or
- Manufactured or imported in small quantities for research and development purposes.

Manufacturers and importers may qualify for more than one exemption. EPA is soliciting comments on whether these exemptions should be consolidated and on the potential benefits and drawbacks of finalizing all proposed exemptions. It is important to note that EPA's proposed exemptions are not explicitly authorized by TSCA Section 8(a)(7), which could create legal vulnerability if the exemptions are challenged.

Delayed Submission Period

No specific revised effective date has been announced for submitting reports. Instead, EPA proposes to delay the submission period to begin 60 days after the effective date of the final rule, with the period lasting for three months. This narrows the reporting period from six to three months. EPA notes that this adjustment will allow time for compliance planning while recognizing that regulated entities have already had substantial lead time since the rule's initial development to prepare their reports.

Technical Corrections

The proposed rule also includes technical corrections that would not alter reporting requirements but instead aim to clarify existing requirements. For example, EPA proposes to clarify the requirements for reporting health effects from unpublished studies. EPA is also proposing to revise names used for specific consumer and commercial product categories under 40 C.F.R. § 705.15(c)(4). These revisions aim to eliminate ambiguity and assist reporters in accurately classifying articles and materials within the product categories.

Next Steps

EPA's proposed revisions to the PFAS Reporting Rule would significantly narrow the scope of PFAS reporting obligations, particularly for companies importing PFAS or handling PFAS in trace concentrations. Companies that previously anticipated extensive reporting obligations under the 2023 rule should reassess their compliance strategies in light of the proposed exemptions.

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The proposed rule is open for public comment. EPA is seeking input on the exemptions and technical changes described above as well as a number of related questions that could impact the scope of reporting requirements. Comments must be received on or before **December 29, 2025**, and may be submitted to docket #EPA-HQ-OPPT-2020-0549 via https://www.regulations.gov.

For More Information

For further information or assistance, contact Britt Speyer Fleming, Dana Stotsky, or any member of Van Ness Feldman's Environmental practice group.