

EPA TSCA Section 8(a)(7) PFAS Reporting & Regulatory Roundup



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Regulatory Roundup

- **New US Tariffs**

- **February 4th: 20% tariff on all China products** in effect (in addition to any Section 301 tariffs)
 - Temp. exemption for shipments w/aggregated value less than \$800
- **March 4th: 25% on all Canada/Mexico** products not covered by USMCA (until 4/2)
 - Temp. exemption for shipments w/aggregated value less than \$800
- **March 12: 25% tariff on extruded aluminum/steel** in effect on EU, Australia, Brazil, Canada, Japan, Mexico, South Korea, the United Kingdom, and Ukraine
 - Separate list of derivative products:
 - Skis (25%) (does not include snowboards or Nordic)
 - Tariff on the **value of the aluminum content** in the ski
- **Retaliatory tariffs** from EU, Mexico, China & Canada in force now on certain products

Regulatory Roundup

- **California**

- **SB253 - Climate Corporate Data Accountability Act**

- Large business must report carbon emissions
 - Companies <\$1BN exempt
 - Deadline in 2026 for 2025 data

- **AB1305 - California Voluntary Carbon Market Disclosures Act**

- Businesses must disclose carbon offsets
 - Deadline: January 1, 2025

- **SB707 - Responsible Textile Recovery Act**

- EPR for textiles
 - Next steps: form a PRO by July 2026



Regulatory Roundup

- **Packaging Extended Producer Responsibility (EPR)**
 - Five US states (CO, OR, CA, MD, MN)
 - Oregon reporting deadline: March 31
 - Register with the Circular Action Alliance **now**
- **Canada**
 - **PFAS Reporting:**
 - Any entity that manufactured, imported, used PFAS in Canada in **2023**
 - Reporting deadline was January 29, 2025
 - **Forced Labor** Reporting annual deadline: May 31, 2025
- **Lacey Act Phase VII**
 - Wood products, cork, bamboo, etc.
 - Imported skis, snowboards, for example must report
 - Shipment detentions increasing





PFAS: Current Landscape

In Force Now



New York (apparel) & California (textiles)

- Ban in effect on 1/1/25
- Ensure retailers have their Certificates of Compliance
- Exemption until 2028 for gear designed for severe wet conditions with label

Colorado

- Apparel for severe wet conditions label 1/1/25
- Ski wax

Minnesota, Vermont

- Ski wax

Upcoming bans:

- Connecticut (apparel, severe wet conditions label, 2026)
- Maine (textiles & ski wax 2026)
- Rhode Island (apparel, severe wet conditions label, & ski wax 2027)
- Washington (TBD)



EPA/TSCA PFAS Reporting

EPA TSCA PFAS Reporting Rules

Overview

- The EPA mandates stringent reporting and recordkeeping requirements for manufacturers and importers of PFAS
- **All PFAS imported 2011-2022 must be reported**
- No exemptions for small entities
- Importers can use a streamlined form

Status

- Delayed from original reporting dates (was 11/24)
- **Reporting portal will be open from July 2025 – January 2026**
 - Small entities have until July 2026
 - Manufacturers (including importers) with annual sales of less than \$120 million (including parent company sales) AND annual production or importation of a PFAS chemical at or below 100 kilograms (220 lbs.)

Non-Compliance

- Non-compliance can result in civil and criminal penalties
- Fines: up to \$50k per day





EPA TSCA PFAS Reporting Rules

Reporting Requirements

- **Volume of Articles Imported**
 - Reporting must include total weight of the imported PFAS or the quantity of articles imported.
- **Chemical Identity**
 - Reporting must include chemical identification number and any trade or common names.
- **Make a Reasonable Inquiry**
 - All entities must conduct a reasonable inquiry within the full scope of their organization.
 - This process may entail inquiries outside the organization to fill gaps in the submitter's knowledge.
- **What is Your Reporting Standard?**
 - “Known or Reasonably Ascertainable (KRA)”
 - “Not Known or Reasonably Ascertainable (NKRA)”

Reporting Standards

KRA (Known or Reasonably Ascertainable)

- Companies must report all information that they currently know or could reasonably find out through due diligence. It includes:
 - Information in a company's records (even if not immediately available)
 - Information held by employees or affiliates
 - Publicly available sources that a company would reasonably check
- **Companies must make reasonable efforts to collect the data**

NKRA (Not Known or Reasonably Ascertainable)

- If a company cannot find certain required information after reasonable due diligence, it may be considered NKRA
- The company must document efforts made to obtain the information in case of an EPA audit
- Examples:
 - A company doesn't have chemical composition data for an imported article, and the supplier refuses to provide it
 - No existing records or sources can confirm whether a PFAS compound was used in manufacturing

Why It Matters

- EPA expects companies to make good-faith efforts to gather information but recognizes that some data may not be available
- Using NKRA should be limited to cases where no reasonable way to obtain the information exists
- Misuse of NKRA (e.g., claiming ignorance without due diligence) could lead to compliance issues

EPA PFAS Reporting Rules



Due Diligence Recommendations

Supplier Engagement

- Communicate with suppliers to obtain information about presence of PFAS in articles (e.g., request Safety Data Sheets (SDS), technical specifications, and other relevant documentation that identifies chemical components).
- Educate suppliers about the importance of their cooperation in providing necessary information for compliance with TSCA Section 8(a)(7). Provide guidance to suppliers on how to identify PFAS in their products, especially if they are not familiar with the detailed chemical regulations in the U.S.

Data Review

- Review existing data or documentation that could indicate presence of PFAS in articles (e.g., compliance reports, third-party laboratory test results, or historical purchase records).

Independent Testing

- If supplier information is inconclusive or unavailable, consider independent testing of articles to determine presence of PFAS (e.g., engage certified laboratories to conduct chemical analysis).

EPA PFAS Reporting Rules

Due Diligence Recommendations (continued)

Recordkeeping

- Document all communications and efforts to gather information from suppliers. This includes emails, letters, meeting notes, and responses (or lack thereof) from suppliers. Update and organize data annually.

Regulatory Compliance Review

- Stay updated on changes in PFAS regulations and reporting requirements under TSCA and ensure compliance with the evolving legal landscape.



EPA PFAS Reporting Rules

Next Steps

- **Get data organized for inquiry**
 - Material lists
 - Supplier lists
 - Tier 1 and Tier 2
 - Specifications
 - Tech packs
- **Start educating suppliers**
- **Start developing key accountabilities and frameworks for data collection**

EPA PFAS Reporting Rules

SIA Support: <https://members.snowsports.org/library-resources/epa-tsca-reporting/>

Overview: <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/tsca-section-8a7-reporting-and-recordkeeping>

Reporting Instructions: https://www.epa.gov/system/files/documents/2024-05/tsca-8a7-reporting-instructions_may2024.pdf

EPA Webinar: Recording <https://youtu.be/F4kdgQJKNIM> and slides <https://www.epa.gov/system/files/documents/2024-02/tsca-8a7-jan-2024-webinar.pdf>

Small Entity Compliance Guide: <https://www.epa.gov/system/files/documents/2023-11/tsca-8a7-small-entity-compliance-guidance-10-11-23.pdf>

FAQ: <https://www.epa.gov/system/files/documents/2024-05/tsca-8a7-faqs-may-2024.pdf>





Q&A

Thank you!

Ammi Borenstein

Snaplinc Consulting

ammi@snaplinconsulting.com

206-409-2093

