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By e-mail

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Re: Toxic Substances Control Act Reporting and Recordkeeping Requirements for Perfluoroalkyl and Polyfluoroalkyl Substances, Docket No. EPA-HQ-OPPT-2020-0549-0001, Federal Register No. 2021-13180, 86 Fed. Reg. 33926 (June 28, 2021)

To Whom It May Concern:

The Association of Home Appliance Manufacturers (AHAM) respectfully submits the following comments to the Office of Management and Budget (OMB) on the U.S. Environmental Protection Agency's (EPA) Proposed Rule concerning Toxic Substances Control Act (TSCA) Reporting and Recordkeeping Requirements for Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS), Docket No. EPA-HQ-OPPT-2020-0549-0001, Federal Register No. 2021-13180, 86 Fed. Reg. 33926 (June 28, 2021).

AHAM represents manufacturers of major, portable and floor care home appliances, and suppliers to the industry. AHAM's membership includes over 150 companies throughout the world. AHAM members employ tens of thousands of people and produce more than 95% of the household appliances shipped for sale. The appliance industry directly employs over 377,000 workers in the U.S. and AHAM members produce more than 95% of the household appliances shipped for sale domestically. The industry's total economic impact exceeds \$198 billion. The home appliance industry, through its products and innovation, is essential to consumer lifestyle, health, safety and convenience. Through its technology, employees and productivity, the industry contributes significantly to jobs and economic security. Home appliances also are a success story in terms of energy efficiency and environmental impact as new appliances often represent the most effective choice a consumer can make to reduce home energy use and costs.

AHAM will submit comments on EPA's Proposed Rule concerning TSCA reporting and recordkeeping requirements for PFAS substances in full, but is submitting these comments on

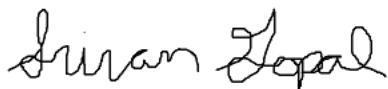
the information collection provisions in particular to OMB. The 10-year lookback period, in addition to the six month reporting period that goes into effect six months after the rule's finalization is unduly burdensome particularly because no information gathering requirement existed during the ten year timeframe. We are still in the early stages of gathering information from our members to respond to EPA's proposal, and AHAM intends to provide more detailed information to EPA by its August 27, 2021 comment deadline. If we have additional comments on the information collection provisions, we will share those additional comments with OMB as well. At this stage, however, we do know enough to comment that the proposed rule is too expansive for the reasons provided below.

EPA's proposed rule calls for manufacturers and importers of PFAS, which include article manufacturers, to provide information to EPA if they have engaged in manufacture or importation at any time since January 1, 2011. Appliance manufacturers employ a complex, global supply chain for thousands of models with hundreds of thousands of components, often involving multi-tiered suppliers located on multiple continents. Gathering detailed information on any given chemical, let alone a chemical class as broad as PFAS, is extremely difficult even for one given year, let alone for an entire decade. Furthermore, this assessment will require much more time than allotted in the proposed rule (six months beginning six months after the Final Rule's publication). Based on discussions with appliance manufacturers, AHAM believes that several years will be needed for a thorough examination of the supply chain at considerable cost. AHAM hopes to gather more detailed cost and timeline estimates for its comment submission to EPA, but OMB should in the meantime take the level of complexity into account when assessing the rule's compliance burden, which is very high.

Furthermore, it is not clear why EPA is seeking a decade's worth of information on PFAS. The proposed rule's purpose is to "obtain certain information known to or reasonably ascertainable by manufacturers of PFAS," presumably to assess the extent to and purposes for which PFAS is used in commerce. If that is the case, data that is ten years old is not useful in providing a snapshot of current uses. Products change over time, and data that is ten years old will not be indicative of products currently on the market. For that reason, OMB should advise EPA to significantly shorten the coverage period for its proposed data collection. As indicated above, we hope to provide a more specific suggestion in our upcoming comments on EPA's proposal.

AHAM appreciates the opportunity to submit these comments to OMB on EPA's Proposed Rule concerning TSCA reporting and recordkeeping requirements for PFAS substances and would be glad to discuss these matters in more detail should you so request.

Respectfully submitted,



Sriram Gopal  
Director, Technology and Environmental Policy