



Chemours™

EPA's Changes to Reporting Requirements for Per-
and Polyfluoroalkyl Substances and to Supplier
Notifications for Chemicals of Special Concern;
Community Right-to-Know Toxic Chemical Release
Reporting

OMB EO 12866 Meeting
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Outline

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Reporting burden amplified by removal of de minimis exemption

- The lack of the de minimis exemption will substantially increase the burden to industry by requiring manufacturers to consider a wider universe of substances than what is expected for their processes.
- EPA does not require facilities to perform analysis to determine thresholds or releases.
 - Creates a disincentive for companies to analyze for PFAS at the impurity level
 - It is difficult to estimate levels that are expected to be in part per billion (ppb) or parts per trillion (ppt) concentrations of impurities.
- Very limited availability of analytical test methods for a majority of TRI PFAS

Analytical Methods for TRI PFAS

<https://www.epa.gov/water-research/pfas-analytical-methods-development-and-sampling-research>

PFAS Descriptor	CAS Number	Drinking Water Method 533 and 537.1		Non-Drinking Water Method 8327	Draft Method 1633	On TRI List
HFPO-DA	13252-13-6	X	X		X	X
PFBS	375-73-5	X	X	X	X	X
PFDA	335-76-2	X	X	X	X	X
PFDaA	307-55-1	X	X	X	X	X
PFHxS	355-46-4	X	X	X	X	X
PFNA	375-95-1	X	X	X	X	X
PFOS	1763-23-1	X	X	X	X	X
PFOA	335-67-1	X	X	X	X	X
PFTA	376-06-7		X	X	X	X
NMeFOSA	31506-32-8				X	X
NEtFOSA	4151-50-2				X	X
NMeFOSE	24448-09-7				X	X
NEtFOSE	1691-99-2				X	X

There are EPA approved analytical methods for **only 13 out of 189** PFAS chemicals. With no *de minimis* exemption, the lack of approved analytical methods for the remaining PFAS chemicals will cause inconsistency among companies trying to make reporting determinations.

- EPA Method 533 (drinking water only) – Can analyze for 25 PFAS chemicals
- EPA Method 537.1 (drinking water only) – Can analyze for 18 PFAS chemicals
- EPA Method 8327 (non-drinking water) – Can analyze for 24 PFAS chemicals
- Draft Method 1633 (multiple media) – When available, will analyze for 40 PFAS chemicals

Adding PFAS to the Chemicals of Special Concern List (COSC)

There are multiple issues associated with adding PFAS to the list of COSC

1. Requirements of EPCRA 42 U.S.C Code 11023(d)(C) are not being followed, which requires a PBT determination to be based on scientific criteria.
2. The list of PBT chemicals can be no more than 25% of the total number of chemicals on the TRI list. If the Agency adds 189 PFAS chemicals to the PBT list, that will bring the total percentage to 23%
3. PFAS chemicals are not all the same yet are all being added as COSC without referencing the scientific criteria on a chemical-by-chemical basis.
4. All PFAS added to the TRI list in the future will automatically be added to the COSC list, without regard for specific PBT criteria. This will dilute the original intent of the PBT list and may create unnecessary public concern.

Issues with removing the de minimis from supplier notification for all Chemical of Special Concern (COSC)

- **Potentially Misleading**

- There is insufficient risk data on most PFAS substances. Notifications of extremely small quantities could mislead the public concerning the hazards of a product.
- Because trace amounts of COSC are hard to measure and can vary from batch to batch, they are difficult to accurately quantify which leads to overestimation.
- If a trace amount is detected at some point in the supply chain, downstream suppliers would need to notify their customers unless they conduct testing to determine no trace amounts are present.

- **Burdensome for Industry**

- Gathering data for trace quantities of COSC is a time consuming and manual process
- Large number of new supplier notifications takes time to generate and manage
- Simultaneously removing burden reduction provisions and drastically increasing the list of COSCs
- Concerns with implementation timing after finalization of the rule. Typically, chemicals added before December 1 means supplier notifications begin the following year.

Issue with removing the de minimis from supplier notification for all Chemical of Special Concern (COSC)

Competitive Disadvantage

- Foreign suppliers are not required to comply with supplier notification when selling into the US
 - Foreign manufacturers are at an advantage and the public is not being provided this information.
 - We are missing a huge source of PFAS in commerce from foreign suppliers
- Notification levels lower than those specified by the EU could put US companies at a disadvantage. The EU has a notification level of 25 ppb for some substances for example.
- No de minimis and no test methods being prescribed disincentivizes testing, and potentially penalizes those companies that do testing.

Chemours' Recommendations

1. Don't treat PFAS as a Chemical of Special Concern unless backed by the best available science
2. Maintain the reportable threshold at the 100 lb limit
3. Maintain the existing de minimis for Supplier Notifications and harmonize with GHS thresholds for reporting
4. Give impacted companies sufficient time to implement Supplier Notifications.



Questions?