



Chemours™

EPA's Proposal to Remove *De Minimis* Exemption for PFAS Listed on the Toxics Release Inventory (TRI)

Presentation to OMB
September 16, 2022

Agenda

- Introduction to Chemours
- Elimination of the *De Minimis* Exemption Discussion
- Alternatives

Considerations with Elimination of the *De Minimis* Exemption

- Removing the *de minimis* exemption is unlikely to achieve additional useful data on PFAS substances
 1. The list of PFAS substances were not added via public comment rulemaking as outlined in Section 313 of EPCRA
 2. The list of TRI PFAS is a small subset and includes legacy substances that are no longer in commerce
 3. Limited analytical methods to test for PFAS substances
 4. This would create indirect costs, burdens and reporting uncertainties by inferring companies test to trace levels of impurities
- Other reporting mechanisms are available to EPA

Eliminating the *de minimis* exemption from all PFAS substances may result in the costly burden of monitoring and analysis for trace levels of PFAS with uncertain results

- Limited analytical methods for PFAS
 - Only three EPA approved analytical test methods currently available (two drinking water and one non-drinking water)
 - Can only analyze between 18 and 25 PFAS compounds
 - Only 9 of the 180 PFAS TRI chemicals can be analyzed by these methods
- EPA does not require facilities to perform analysis to determine thresholds or releases.
 - It is difficult to estimate levels that are expected to be in part per billion (ppb) or parts per trillion (ppt) concentrations of impurities.
 - Estimates may exaggerate (or overestimate) the releases, or the thresholds determined, and generate erroneous reporting.
 - Inaccurate estimates would not be beneficial to the Agency or to the public.
- Creates an incumbrance for companies to analyze TRI substances at the impurity level.

Alternatives

- Use other mechanisms for understanding PFAS on the market such as TSCA Section 8(a)7 proposed PFAS Reporting rule and CDR
- Removal of the *de minimis* exemption for any PFAS compounds follows existing rulemaking precedent (1999 rule making).
 - Maintain the reportable threshold at the 100 lb limit, which is consistent with 43% of the current PBT chemical list.
 - If any PFAS chemical thresholds are reduced, Chemours recommends that the rationale be explained based on scientific criteria.
 - Any addition to the PBT list, including PFAS compound, should be subject to rational scientific criteria for each individual compound.



Questions?