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NEW EPA RULE CHANGE ON PFAS REPORTING: WHAT NEW JERSEY COMPANIES NEED TO KNOW

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Companies in New Jersey should be aware of important changes to federal reporting requirements for certain Forever Chemicals under the Toxic Substances Control Act (TSCA), which could have a direct impact on their operations. The U.S. Environmental Protection Agency (EPA) has revised its rules concerning the reporting of per- and polyfluoroalkyl substances (PFAS), and further changes may still be on the horizon.

The revised rule requires companies that import goods into the U.S. to report the identity and quantity of any PFAS substances contained in those products. This requirement stems from a one-time reporting rule under TSCA Section 8(a)(7), which mandates disclosure of not only the identity and amount of PFAS in imported or manufactured products, but also information about product types and uses, industrial processes, and any potential exposure to workers. The rule applies to both companies that import finished goods containing PFAS and those that manufacture or synthesize certain PFAS substances.

The new submission deadline has been moved from July 11, 2025, to October 13, 2026. For smaller manufacturers that report exclusively as article importers, the deadline has been extended to April 13, 2027. These extensions are intended to provide the EPA with additional time to build and test the electronic platform that companies will use to submit their data.

More significantly, the EPA has indicated it is considering reopening portions of the rule for public comment. While no new notices have been published as of now, companies should be aware that the situation is still developing and further regulatory changes may occur.

It's also important for businesses in New Jersey to remember that federal delays do not relieve them of state-level obligations. The New Jersey Department of Environmental Protection (NJDEP) has its own PFAS-related requirements. Various entities, including treatment facilities, Delegated Local Agencies, and public water systems, are required to report PFAS sampling data to the NJDEP. This reporting plays a critical role in identifying and mitigating PFAS sources in wastewater and related residuals, and it reflects New Jersey's proactive stance on environmental regulation.

In light of these evolving requirements, companies are strongly encouraged to begin reviewing their supply chains and internal processes to determine whether PFAS substances are present in their products, how they are processed, and downstream commercial and consumer use of the products. Early preparation will be essential to meeting compliance deadlines and avoiding future penalties.

If your business may be affected by these PFAS reporting requirements or if you need help understanding your obligations under federal or New Jersey law, please contact Heidi S. Minuskin at hsm@spsk.com and Georgia D. Reid at greid@spsk.com.

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