

EPA PFAS FINAL RULE

The U.S. Environmental Protection Agency (EPA) has issued a final rule requiring a one-time, 12-year retrospective report on Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) under the Toxic Substances Control Act (TSCA) Section 8(a)(7). This new rule is crucial for improving the understanding and management of PFAS, helping to safeguard public health and the environment. This rule affects composites fabricators who manufacture and import chemicals, mixtures, and articles containing PFAS.

Key Points:

- **Reporting Period:** Covers each calendar year from January 1, 2011, to December 31, 2022.
- **Required Information:** Includes data on uses, volumes, disposal, exposures, and environmental and health hazards of PFAS.
- **Submission Details:** All known or reasonably ascertainable amounts of PFAS must be reported, with no minimum volume or concentration exemptions.
- **Special Reporting Form:** Importers of PFAS-containing articles can use a shorter reporting form.

Why it Matters:

Known as "forever chemicals," PFAS are found in products like fire-fighting foam, food packaging, textiles, cosmetics, and electronics. In the composites industry, PFAS includes, but is not limited to, certain ETFE/FEP/PVF and PTFE release films and fabrics, sealant tapes, and O-rings. Resistant to heat, oil, stains, and water, PFAS can accumulate in the human body, potentially causing health issues such as decreased immunity, liver and kidney disease, birth defects, and cancer. Understanding the sources and impacts of PFAS helps the EPA protect human health and the environment.

Deadlines:

- **General Reporting Period:** November 13, 2024, to March 8, 2025.
- **Small Manufacturers:** Additional six months to report, with a deadline of November 10, 2025.
- **Record-Keeping:** Required for five years.

Next Steps:

- **Prepare Early:** Ensure you have your login credentials for EPA's Central Data Exchange (CDX) in advance (see <https://cdx.epa.gov/cdx/Login>).
- **More Information:** Visit the EPA's website for detailed guidance: [EPA PFAS Rule Information](#).

STATE-SPECIFIC PFAS ACTIVITIES

Several U.S. states have restricted intentionally added PFAS in consumer products and are in the process of preparing legislation to mandate reporting and notification on the sale and use of products containing PFAS. These legislative measures aim to enhance transparency and enable better monitoring of PFAS usage and distribution within state boundaries. For further information on specific state legislation and requirements for PFAS reporting, please refer to the respective state environmental agency websites.

CALIFORNIA PROPOSITION 65 – PFAS WARNINGS

California's Proposition 65 (Prop 65) requirements require warnings for PFAS chemicals, (perfluorooctanoic acid (PFOA), perfluorooctanoic sulfonate (PFOS), and perfluorononanoic acid (PFNA) and their salts). At least one PFAS chemical must be named for each applicable health risk (e.g., cancer, reproductive harm) and applies to consumer products, including online sales. For more information on Prop 65 and warning labels see <https://www.p65warnings.ca.gov/businesses/new-proposition-65-warnings> and the California Prop 65 website - <https://oehha.ca.gov/proposition-65>.

EPA CDR REPORTING

Composite fabricators that manufacturer or import chemical substances in quantities exceeding 25,000 pounds at a single site should review [40 CFR Part 711](#) outlining the US EPA's Chemical Data Reporting (CDR) requirements for submitting information on the manufacturing, processing, and use of chemicals from 2020 through 2023. A reduced threshold of 2,500 pounds applies to certain chemicals subject to specific TSCA actions.

Due every four years, the information will help EPA prioritize chemicals for TSCA risk evaluation. The submission window is from June 1 to September 30, 2024, and must be submitted electronically via EPA's Central Data Exchange (CDX) portal. To avoid delays is using the CDX portal, it is recommended to register early at <https://cdx.epa.gov/>. For more information on the CDR rule, visit EPA's website at <https://www.epa.gov/chemical-data-reporting>.

OSHA HAZARD COMMUNICATION STANDARD – FINAL RULE [29 CFR 1910.1200]

The Occupational Safety and Health Administration (OSHA) issued a final rule in the Federal Register [\[89 FR 44144 \(May 20, 2024\)\]](#) that updates the Hazard Communication Standard (HCS) to align with Canada's WHMIS and the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) revision 7. This update aims to enhance workplace safety by improving understanding of chemical hazards and protection measures, thus reducing exposures and decreasing the incidence of chemical-related occupational injuries and illnesses.

Composite fabricators should expect to see revised SDSs and labels over the next three years for chemical substances and mixtures that are revised to:

- Update hazard and precautionary statements
- Allow flexibility on the labeling of small packages and bulk containers
- Narrow the concentration ranges listed for confidential (trade secret) chemicals
- Revise classifications for aerosols, flammable gases
- Introduce a new hazard category for "chemicals under pressure"
- Identify hazards based on "reasonably anticipated" downstream use or application (e.g., change in physical form or reaction products).

For further information see OSHA's website - <https://www.osha.gov/hazcom/rulemaking>.

Ask the Compliance Expert

For questions related to this bulletin or any other regulatory issues, please email us at compliance.expert@compositesone.com. You can also visit our website at [Regulatory Assistance](#) for more information or to submit an inquiry. We strive to respond to your requests within 24-48 hours.

Information Line 800.621.8003
