

## **Advocacy comments on EPA’s Reporting and Recordkeeping Requirements for Perfluoroalkyl and Polyfluoroalkyl Substances under the Toxic Substance Control Act**

On June 28, 2021, the Environmental Protection Agency (EPA) published a proposed rulemaking titled “TSCA Section 8(a)(7) Reporting and Recordkeeping Requirements for Perfluoroalkyl and Polyfluoroalkyl Substances.” In this proposal, EPA is promulgating reporting and recordkeeping requirements for perfluoroalkyl and polyfluoroalkyl substances (PFAS) under the Toxic Substance Control Act (TSCA) to require any person who manufactures or has manufactured PFAS chemical substances since January 1, 2011 to electronically report information regarding PFAS uses, production volumes, disposal, exposures, and hazards. The agency does not provide any of the typical reporting exemptions such as those for small manufacturers and importers of articles among others.

Advocacy is concerned that the agency has improperly certified that this rule will not have a significant economic impact on a substantial number of small entities under the RFA. Advocacy is further concerned with small businesses’ ability to comply with the rule due to its broad scope and applicability. Therefore, Advocacy believes that EPA must conduct a small business advocacy review panel, as required by Section 609 of the RFA to assess the impact of the proposed rule on small entities, and to consider less burdensome alternatives including:

- Exemptions for small businesses who are not likely to produce responsive, reliable or any information at all;
- A tiered and phased approach for compliance based on the small businesses’ abilities to provide required information; and
- Tailored guidance on the application of the “reasonably ascertainable” standard for reporting on articles.

A complete copy of Advocacy’s letter to EPA is [available here](#). For more information, please contact Tabby Zeb, Assistant Chief Counsel, at (202) 205-6790 or via email at [Tayyaba.zeb@sba.gov](mailto:Tayyaba.zeb@sba.gov).

