

EPA Proposes to Narrow PFAS Reporting Obligations

December 8, 2025 Mary Mendoza, Clarissa Mills, Victor Salazar

PRACTICES Environmental

EPA proposes to amend the one-time TSCA section 8(a)(7) PFAS Data Reporting and Recordkeeping rule (40 C.F.R. Part 705) (The Rule) to narrow the scope of required reporting while maintaining core information needed for TSCA implementation. The Rule, as promulgated in 2023, requires companies that manufacture or import PFAS, or PFAS-containing articles, in any year between 2011-2022 to report data on chemical identity, uses, production volumes, byproducts, disposal and worker exposure. EPA's proposal outlines several changes that would narrow who must report and what information must be included. The proposal was published in the [Federal Register](#)¹ on Nov. 13, 2025, and comments are due by Dec. 29, 2025.

Key Proposed Changes

- **Activity-Based Exemptions:** EPA proposes exempting certain categories of what would otherwise be reportable manufacturing activities, including:
 1. **De minimis concentrations:** PFAS in a mixture or article at concentrations of 0.1 percent or less.
 2. **Imported articles:** PFAS contained in imported "articles," as defined in 40 CFR 704.3.
 3. **Byproducts, impurities, nonisolated intermediates:** PFAS manufactured in a manner described in 40 CFR 720.30(h), including incidental generation or end use of another substance or mixture. However, byproducts used for a commercial purpose would still be reportable.
 4. **Research and development:** PFAS manufactured or imported in small quantities solely for research and development purposes (no numeric threshold beyond "no greater than reasonably necessary" per 40 CFR 704.3).
- **Clarifications And Technical Corrections:**
 1. **Health/environmental effects data:** EPA clarifies that OECD Harmonized Templates (via IUCLID) are required for unpublished study reports on effects data, but not for exposure information already provided through the application's fielded data elements.
 2. **Product category codes:** Updates names/descriptions for certain consumer and commercial product categories (Table 5).
- **Submission Period Change:** The submission window would start 60 days after the final rule's effective date and last for three months. EPA would remove the separate long submission deadline for small entities reporting only as article importers (because those importers would be exempt).

What Is Not Changing

- The structural definition of PFAS and the 2011-2022 lookback period.
- No production-volume threshold; EPA is seeking comment but maintains that lower-volume PFAS may still pose exposure concerns.

Next Steps

EPA is accepting public comment on all aspects of the proposed amendment until **Dec. 29, 2025**, and it specifies a list of issues outlined in the proposed rule, including:

1. Whether 0.1 percent is the appropriate *de minimis* threshold (and views on a 1.0 percent alternative or other levels).
2. Scope and rationale for the imported article exemption, including statutory interpretation of the NDAA language.
3. Incorporation of 40 CFR 720.30(h) exemptions for byproducts/impurities/non-isolated intermediates and their boundaries.
4. R&D exemption scope and any practical considerations.
5. Appropriateness of the revised data submission period.
6. OECD template requirements for unpublished studies and whether to allow robust study summaries in lieu of full reports upon initial submission.
7. Whether to modify the scope of reportable PFAS (e.g., limiting to PFAS with CASRNs or other identifiers) or to add a production-volume threshold, and implications for the proposed exemptions.
8. Economic Analysis assumptions, including sunk costs and the relationship between burden reductions and retained benefits.

Even with the proposed changes, the existing 2023 PFAS reporting rule remains in effect until EPA finalizes any amendments. Companies should continue collecting and preparing to submit information covering PFAS manufacturing or importing activities during the 2011–2022 period, evaluate whether any of their activities fall within the exemptions proposed by EPA and consider submitting comments before Dec. 29, 2025 to ensure stakeholder opinions are considered in the final rule.

Haynes Boone will continue to track the proposed rule and is available to assist stakeholders with drafting public comments and navigating the evolving regulatory landscape. For assistance or more information, please contact one of the attorneys listed below or a member of the [Environmental Practice Group](#).

¹ 90 Fed. Reg. 50923 (Nov. 13, 2025).
<https://www.federalregister.gov/documents/2025/11/13/2025-19882/perfluoroalkyl-and-polyfluoroalkyl-substances-pfas-data-reporting-and-recordkeeping-under-the-toxic>