

# Toxics Release Inventory/Community Right-to-Know: U.S. Environmental Protection Agency Adds Five PFAS



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The United States Environmental Protection Agency (“EPA”) published a final rule in the Federal Register on July 18th adding five per- and polyfluoroalkyl substances (“PFAS”) to the Toxics Release Inventory (“TRI”). See 87 Fed. Reg. 42651.

The action was required pursuant to the National Defense Authorization Act for Fiscal Year 2020 enacted on December 20, 2019.

Because EPA’s action is being undertaken to conform regulations to a Congressional legislative mandate, notice and comment rulemaking is not being undertaken.

The TRI is a publicly available database that contains information on toxic chemical releases and other waste management activities reported annually to EPA by certain covered industry groups as well as federal facilities. It was established pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986 and subsequently expanded by the Pollution Prevention Act of 1990. Facilities and certain industries which manufacture, process, or use significant amounts of toxic chemicals are required to report on their releases of these chemicals on an annual basis.

The TRI contains information on releases of over 650 chemicals in chemical categories from industries including manufacturing, metal and coal mining, electric utilities, and commercial hazardous waste treatment (among others). Companies that manufacture, process, or otherwise use specified toxic chemicals in amounts above reporting threshold levels are required to submit reports to EPA and to designated state officials.

PFAS have been used in various industrial applications and in consumer products such as:

- Fabrics for furniture
- Paper packaging for food and other materials resistant to water, grease, or stains
- Firefighting at airfields
- Utilization in several industrial processes

PFAS have been described as persistent in the environment and resist degradation.

EPA identified five chemicals that meet the designated criteria.

A copy of the Federal Register Notice can be downloaded [here](#).