

PFAS Reporting Under TRI



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FOR MORE INFORMATION

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Background

Established under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA), the Toxics Release Inventory (TRI) tracks the releases and waste management of toxic chemicals that may pose a threat to human health and the environment. Facilities in covered industry sectors must evaluate thresholds and, if reporting is triggered, report annually how much of each TRI-listed chemical is released to the environment and/or managed through treatment, disposal, recycling, or energy recovery. TRI reporting is due July 1 of every year for the prior calendar year.

PFAS and TRI

On June 22, 2020 (85 FR 37354), Environmental Protection Agency (EPA) published a final rule adding 172 per- and polyfluoroalkyl substances (PFAS) to the list of chemicals covered by TRI. In subsequent years, additional PFAS have been added, for a total of 205 PFAS reportable for Reporting Year 2025. For Reporting Year 2025, there are 205 PFAS applicable to reporting. On October 31, 2023 (88 FR 74360), EPA published a final rule designating PFAS as chemicals of special concern. As such, the de minimis exemption is revoked, a Form A cannot be used to report, and range codes for releases cannot be used on the Form R are still possibilities. In addition, on October 31, 2023 (88 FR 74360), EPA published a final rule designating PFAS as chemicals of special concern. As such, the de minimis exemption is revoked, a Form A cannot be used to report, and range codes for releases cannot be used on the Form R. Note that TRI reporting requirements state that a facility should use readily available data collected pursuant to other provisions of law or, where such data are not readily available, reasonable estimates of the amounts involved.

- List of Added PFAS: <https://www.epa.gov/toxics-release-inventory-tri-program/list-pfas-added-tri-ndaa>
- The addition of PFAS by the National Defense Authorization Act and EPA do not change the core of TRI. EPA has simply added chemicals to the TRI list.
- A 100 lb/yr threshold still must be exceeded before the Form R/ release reporting is required.

MANUFACTURE. Most facilities don't manufacture PFAS intentionally as a product. The majority of facilities need to examine activities at the facility to determine if PFAS are coincidentally manufactured (e.g., as a byproduct from combustion, treatment etc.). Calculations will be based on the best available information for both threshold and release calculations. There are no published emissions factors for air releases (e.g., in AP-42). A facility may have sampling data that should be examined for use under TRI, but sampling is not required.

PROCESS AND OTHERWISE USE. Facilities are required to utilize safety data sheets (SDS) to know components in the materials purchased and used. If PFAS are included in Section 3: Composition or in Section 15: Regulatory Information of the SDS, then the compounds must be included in the threshold determination. If PFAS are not on the SDS, then no further effort is required (e.g., no sampling, no requests for more extensive SDSs, etc.). The Supplier Notification requirements of Section 313 require manufacturers to include toxic chemical information in the SDS. Updated SDSs may be received by the facility as they are updated to add PFAS information. Older aqueous film-forming foams (AFFF), used to control petroleum pool fires, commonly contained one or more PFAS. Charging the system and using the AFFF to fight a fire are both threshold activities.



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EXEMPTIONS. All exemptions other than the de minimis exemption can still be applied. Materials used for structural maintenance, motor vehicle maintenance, personal use etc. are all still exempt even if they contain PFAS. As noted above, the de minimis exemption was revoked for PFAS.

REMEDIATION/CLEAN-UP ACTIVITIES. Remediating (treating) a toxic chemical is not a threshold activity. As a result, if PFAS are being treated, the amount does not factor into thresholds. Toxic chemicals used to perform the treatment are potentially subject to TRI reporting as those chemicals meet the criteria of otherwise use. If reporting for PFAS is triggered based on other activities, then the remediation activity is included on the Form R in the appropriate sections (sent off site in Section 6.2, on-site treatment in Section 7A, and the corresponding data elements in Section 8). Facilities must also check the remediation/treatment activity to determine if a new PFAS is created (coincidentally manufactured) as a byproduct of the treatment. That amount would apply to the manufacture threshold.

- The amount present on site is simply a data element on the Form R. It does not factor into threshold calculations.
- The amount that is already in the environment, such as a contamination plume, is also not included in thresholds or Form R release calculations. The releases reported on the Form R are limited to releases that occurred in the calendar year being reported.

Action Items for Facilities

- Examine SDSs for existing/currently used materials for the presence of PFAS as a component of the materials. If the facility has a material tracking system that includes complete compositions, this is a relatively easy effort. If not, then materials can be reviewed in priority order based on amount of materials used or if that type of material is expected to include PFAS.
- SDSs received should be examined to determine if they are new or updated. Now that PFAS are TRI chemicals, they should be part of supplier notification in Section 15 of the SDS. If so, then the regulatory information needs to be examined for new PFAS information. An updated SDS could be researched online, but technically this step is not required for any material under TRI. Realistically, common materials (such as paints, degreasers, fuels, and others) rarely contain PFAS; however, in certain industries and in certain products they are a key ingredient. In addition, PFAS were assigned a lower reporting threshold, 100 lb/yr, and a careful threshold calculation is warranted.



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