



Alerts

EPA Issues Final Rule Under TSCA Requires Reporting of PFAS (1,462 CHEMICALS) Within 18 Months

October 16, 2023

Insights for Insurers

On October 11, 2023, the U.S. Environmental Protection Agency (EPA) issued its final rule under the Toxic Substances Control Act (TSCA). [The rule](#) requires every company that manufactured or imported PFAS for a commercial purpose in 2011 or after to report PFAS data to the EPA within 18 months of the effective date of November 13, 2023.

The reporting requirements, among other things, call for the chemical identity and molecular structure, quantities, how the reporting entity and consumers used it, health and environmental effects, disposal, and more. The rule encompasses more than 1,462 chemicals. The EPA notes that inquiry may be required from “the full scope of [the reporting entities’] organization[,]” not merely management and supervisory personnel. It may also require inquiries outside the organization. Understandably, many companies and their professional advisors are raising concerns about the costs of reporting, questioning the ability to comply with these onerous reporting requirements for these ubiquitous substances, and remaining skeptical about the utility and benefits of the reporting requirements. The reporting scheme will likely accrue to the benefit of the plaintiffs’ bar.

Attorneys

Scott M. Seaman