



Federal PFAS Reporting Imported Articles

Introduction to AHFA Short Form Reporting Tool

AHFA Regulatory Summit

August 21, 2025



Today's presentation



- This presentation is not legal advice.
- Use of the AHFA Punch List is voluntary
- Companies should consult counsel directly on specific questions pertaining to their reporting obligations.

What we will cover

Toxic Substances Control Act (TSCA)

Reporting and Recordkeeping Requirements for Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS)

88 Fed. Reg. 70516 (October 11, 2023); 40 C.F.R. Part 705

1. Rule overview
2. AHFA “Punch List” for Short Form Reporting
3. Expected changes to TSCA 8(a)(7)

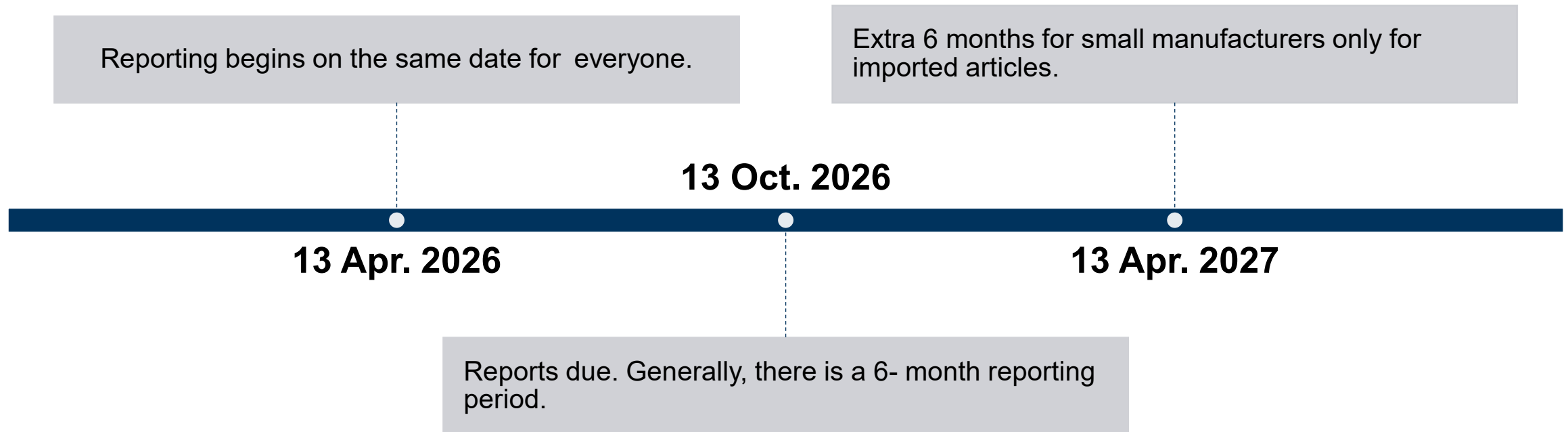
TSCA 8(a)(7) – Federal PFAS Reporting Rule Overview

Federal PFAS Reporting – The Basics

- **WHO**: The TSCA Section 8(a)(7) PFAS reporting requirement applies to **manufacturers (including importers)** that have manufactured PFAS in any year **from Jan. 1, 2011 – Dec. 31, 2022**. 40 C.F.R. § 705.10.
- **WHAT**: A **list of reportable PFAS** with Chemical Abstracts Service Registry Numbers (CASRN) **plus** reporting is required for PFAS with no CASRN that meet the rule's definition.
 - No exemptions for **articles**, impurities, or byproducts and no de minimis threshold for reporting.



WHEN:



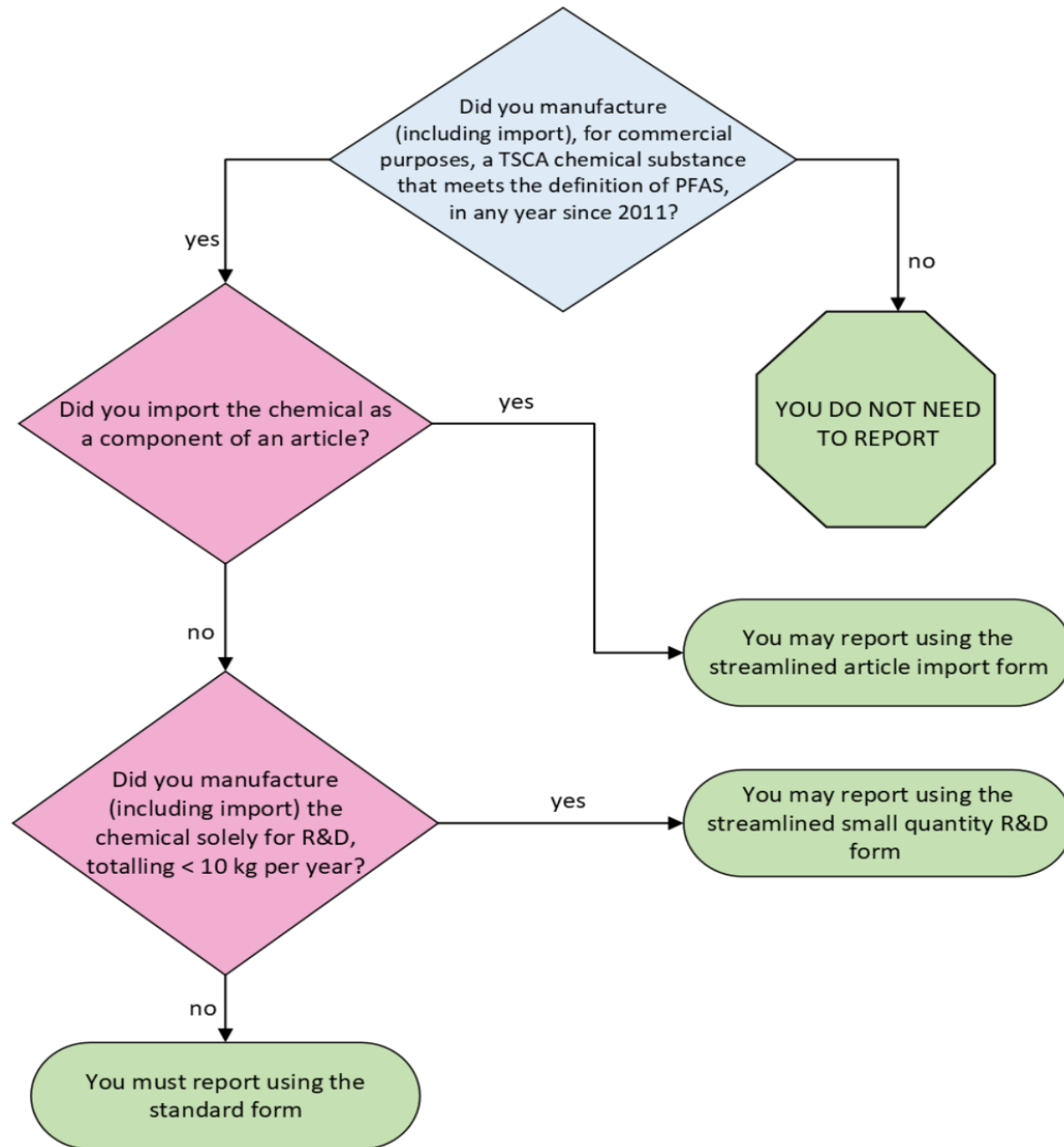
HOW:

- Companies must register on CDX and report electronically in the CSPP system under Section 8 programs.
- Small businesses are not exempt from this rule.
- Small businesses that import articles have an additional 6 months to report.
- Aside from the **regular reporting format**, EPA provides a shorter, **streamlined reporting format** for article importers and for manufacturers of R&D substances in quantities below 10 kilograms annually.



Decision Tree

SOURCE: EPA PFAS
REPORTING INSTRUCTIONS



Did you import an article containing PFAS?

- Need to consider any year between 2011-2022.
- Manufacture/import of reportable PFAS may be either intentional OR inadvertent.
- Reporting is required for products that have been discontinued.
- No de minimis threshold.
- The standard for reporting individual PFAS is limited to information that is “*known or reasonably ascertainable*”.



Identifying “*known or reasonably ascertainable*” information

“*Known or reasonably ascertainable*” Information includes:

- Data in the control of a parent company or an affiliated subsidiary outside the U.S.
- Information in other corporate departments – research and development, etc.
- Marketing studies, sales reports, customer surveys, safety data sheets, supplier notifications, information from CAS or Dunn & Bradstreet numbers
- Documentation from discussions, conferences, technical publications about the presence of PFAS in an imported article

Outreach to suppliers

- EPA expects companies to reach out to suppliers to request information that an importer is required to report but did not identify during an internal due diligence exercise
- A sample supplier letter is included with the Punch List
- No requirement to secure a reply from each and every supplier
- Internal protocols should be established to document your due diligence process and information that was identified as “*known or reasonably ascertainable*”
- Article importers are not required to test.



TSCA 8(a)(7) Imported Article Reporting

**AHFA Punch List for Reporting Imported Finished
Furnishings, Textiles, and Furnishing Components**

Preparing to report – CDX registration

- Companies must register on CDX and report electronically in the CSPP system under Section 8 programs.
 - <https://cdx.epa.gov/Registration/Terms>
- Each year that an article that contains PFAS was imported between 2011 and 2022 requires a separate CDX form
 - For years where there is no data to report – select “NA”



Preparing to report – Identify imported articles that may contain a reportable PFAS

Identify imported products that may contain PFAS. Products may include:

- Textiles, residential furnishings, furnishings components, electronics and wiring
- Other products such as - antifreeze, printer toner, degreasers, adhesives, and batteries
- Discontinued articles imported between 2011 and 2022 are also required to be reported

- Identify reportable PFAS in imported articles:
 - Review [EPA's nonexhaustive list of reportable PFAS](#).
 - Review structural definition of reportable PFAS.
 - Similar products that contain the same reportable PFAS may be grouped for reporting.



Company and site identification information - (40 C.F.R. § 705.15(a))

- First determine the reporting entity
 - Reporting entity = Site that is the operating unit within your organization and is directly responsible for importing the article that contains a reportable PFAS.
 - U.S. headquarters OR
 - Address of agent acting on behalf of importer authorized to accept service of process (if no U.S. headquarters)
 - Determine the highest-level company of your site's ownership hierarchy as of the start of the submission period to identify the U.S. parent company

Company and site identification information - (40 C.F.R. § 705.15(a)(1))

Parent Company Information

- U.S. Parent Company Name(s) (Note that a foreign parent company is not required to be reported. If the parent company is a foreign company, then the site is its own U.S. parent company).
- Parent Company Dun & Bradstreet D-U-N-S Number
- Parent Company Address
- NAICS Code

Site Information

- Site Name
- Site Dun & Bradstreet D-U-N-S Number
- Site Address
- NAICS Code

Technical Contact Information

- Technical Contact Name, Telephone Number and Email Address

Company and site identification information - (40 C.F.R. § 705.15(a)(1)) Confidentiality



Confidentiality can be claimed for the following to protect the link between the chemical substance, site identity and technical contact identity

Parent Company and Site Name
Dun & Bradstreet D-U-N-S Number
Corporate Addresses
NAICS Code
Technical Contact Name, Telephone Number and Email Address



Be sure to check the CBI box is claiming confidentiality.

If the CBI box is not checked, the information may be made publicly available without notice.



Checking CBI box auto triggers the substantiation questions.

Additional information regarding CBI substantiation is provided in Attachment C of the Punch List.



Chemical-specific information (40 C.F.R. § 705.18(a)(2))

Data Element for Each PFAS for Each Year	Valid Answers/Reporting Codes (if applicable)
Chemical Name	[name(s), validate against list in SRS, or free text field if not in SRS list]; NKRA
Generic Name(s) or Description, if Chemical Name is CBI, or when a manufacturer knows they have a PFAS but unaware of specific identity	[name(s), validate against list in SRS, or free text field not in SRS list; or NA]
Chemical ID(s) (CASRN and/or LVE Number)	[CASRN or LVE number; or NKRA]
Trade name or common name	[name(s); or NA, or NKRA]
Molecular Structure (attachment) -- <i>not required for any Class 1 substance on the Inventory</i>	attachment, or NKRA
Optional free text box to clarify information to EPA regarding chemical identity and structure	[free text]

- When specific chemical identity is **unknown**
 - No due diligence is required to obtain the information.
 - Provide a generic name or description.
 - The generic name or description entered in this field must include the term “fluor”.



Chemical substance identification (40 C.F.R. § 705.18(a)(2))

Trade name or common name

- Report the supplier product trade name for the specific PFAS component.
- If unknown, select NKRA.

Chemical Name

- If the chemical identity is known or identified after reviewing known or reasonable ascertainable information, the identified PFAS in the imported article must be reported.
- If the chemical name is unknown, either enter:
 - “PFAS - unspecified” or
 - “NKRA” which stands for “not known or reasonably ascertainable.”
- Also if the chemical name is CBI, a generic name that includes the term “fluor” must be provided.



Chemical substance identification (40 C.F.R. § 705.18(a)(2))

Chemical ID(s) (CASRN and/or LVE Number)

- If the CBI Accession Number, public CASRN or public LVE Number is known or identified after reviewing known or reasonable ascertainable information, it must be reported.
- If unknown, specify NKRA.

Molecular structure

- Most PFAS will be class 2 chemicals.
- If the molecular structure of a class 2 chemical is known, it must be reported, uploaded, and attached to the short form.
- If unknown, select NKRA.

Optional text box to clarify information to EPA regarding chemical identity and structure.

- This field is not necessary to complete.



Chemical substance identification (40 C.F.R. § 705.18(a)(2)) - Confidentiality



Article importers may, but are not required to assert or substantiate claims for:

Chemical name
Identifiers
Molecular structure



Trade names

CBI can be asserted to maintain the confidential status of any chemical(s) associated with the trade name



PFAS on the public TSCA inventory can not be claimed CBI



If claiming CBI – Be sure to check the CBI box and be prepared to substantiate the claim

Processing and use (40 C.F.R. § 705.18(a)(3))

Data Element for Each PFAS for Each Year	Valid Answers/Reporting Codes (if applicable)
Industrial Processing and Use - Type of Process or Use	PC- processing as reactant PF- processing--incorporation into formulation, mixture, or reaction product PA- processing--incorporation into article PK- processing--repackaging U- use--non-incorporative activities NKRA
Industrial Processing and Use - Sector(s)	IS44 Furniture and related product manufacturing NKRA
Industrial Processing and Use - Function Category	[list of 117 industrial function codes can be found at https://www.epa.gov/sites/production/files/2020-09/documents/instructions_for_reporting_2020_tscdr_finalrule_2020-09-08.pdf#page=74 ; column A]; NKRA.
Consumer and Commercial Use - Product Category	[list of 97 product codes can be found at https://www.epa.gov/sites/production/files/2020-09/documents/instructions_for_reporting_2020_tscdr_finalrule_2020-09-08.pdf#page=80 ; column A]; NKRA.
Consumer and Commercial Use - Function Category	[same as codes in Industrial Processing and Use - function category]; NKRA.
Consumer and Commercial Use - Consumer or Commercial	Consumer; Commercial; Both; NKRA.
Consumer and Commercial Use - Used in Products Intended for Children	Yes; Some; No; NKRA
Consumer and Commercial Use - Maximum Concentration in any Product	AM 1 < 0.1% by weight AM 2 At least 0.1% but less than 1% by weight AM 3 At least 1% but less than 10% by weight AM 4 At least 10% but less than 30% by weight AM 5 At least 30% by weight NKRA
Import Production Volume of imported article (in unit of measurement of imported article, see below)	[number, to at least 2 significant figures; or NA]
Unit of measurement of Import Production Volume (e.g., quantity of imported articles, lbs, tons)	[pick-list of units of measurement: quantity of imported articles, lbs, tons, or other]; [free text box for "other"]
Imported but Never Physically at Site	Yes; No; NKRA
Optional information	[free text]; Attachment



Processing and use (40 C.F.R. § 705.18(a)(3))

Imported finished furnishings that contain PFAS will select “NA”

- This selection will disable the rest of the data fields for this section

Imported textiles and finished components will select the following:

- **Industrial Type of Process or Use Operation (TPU)** – select “PA”
“Processing – incorporation into an article”
- **Industrial Activity Sector (IS)** – select IS44 Furniture and Related Product Manufacture for sites affiliated with NAICS code 337 (that make furniture and related articles, such as mattresses, window blinds, cabinets, fixtures, etc.)
- **Function Category (FC)**
 - If PFAS has multiple functions in the same product, two options:
 - If a function is predominant, report primary function
 - If all functions represent a “substantial” portion of the imported article, report each function on a separate line.
 - Select the FC code that corresponds to the TPU and IS codes selected, and which best represents how PFAS is used in the imported article (example – F027 Waterproofing, F028 Wrinkle resisting agent, F029 Flame retardant, F090 Anti-stain agent)



Processing and use (40 C.F.R. § 705.18(a)(3))

Imported textiles and finished components will select the following (continued):

- **Consumer and Commercial Product Categories** – select the code that best represents the imported product such as:
 - CC102 Furniture & furnishings including plastic articles (soft); leather articles.
 - CC103 Furniture & furnishings including stone, plaster, cement, glass, and ceramic articles; metal articles; or rubber articles.
 - CC107 Textile finishing and impregnating/surface treatment products.
 - CC120 Fabric enhancers.
- **Consumer/ Commercial Product Specific FCs** – should be the same as the industrial FC code selected earlier in majority of cases
 - “F027 Waterproofing”
 - “F028 Wrinkle resisting agent”
 - “F029 Flame retardant”
 - “F090 anti-stain agent”



Processing and use (40 C.F.R. § 705.18(a)(3))

For imported textiles and finished components select the following (continued):

- **Consumer or Commercial Use** – identify whether the imported finished furnishing or textile and finished components for further processing is for consumer use, commercial use, or both
- **Used in products intended for children or not**
 - Products intended for use by children =
 - Products used by children aged 14 or younger;
 - Products specified by the manufacturer on the label or written material that the product is intended or will be used by children aged 14 or younger; or
 - Products that have advertising, promotion, or marketing of the product that is aimed at children 14 or younger
 - Select the option that best describes the product:
 - (1) The chemical substance is used in or on any consumer products intended for use by children;
 - (2) the chemical substance is not used in or on any consumer products intended for use by children; or
 - (3) information as to whether the chemical substance is used in or on any consumer products intended for use by children is not known to or reasonably ascertainable.



Processing and use (40 C.F.R. § 705.18(a)(3))

For imported textiles and finished components select the following (continued):

- **Estimated Maximum Concentration**

- For each consumer or commercial use category selected, select the code that corresponds to the “estimated typical maximum concentration, measured by weight” of the reportable PFAS in the article
- If this information is unknown, send supplier inquiry letter to request information. (no obligation to follow-up with suppliers if they do not respond)
- If this information remains unknown:
 - document that supplier inquiry was made and select “NKRA,” or
 - consider including an estimate of the maximum concentration

AM1	Less than 0.1% by weight.
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AM2	At least 0.1% but less than 1% by weight.
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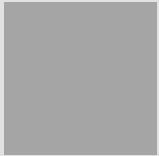
AM3	At least 1% but less than 10% by weight.
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AM4	At least 10% but less than 30% by weight.
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AM5	At least 30% by weight.
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Processing and use (40 C.F.R. § 705.18(a)(3)) - Confidentiality



For imported textiles and finished components - the following can not be claimed as confidential:

Codes selections for TPU, IS, and FC
Commercial or consumer use of the reportable PFAS
The response on whether the imported article is intended for use by children



The maximum concentration of a reportable PFAS contained in imported finished furniture or textiles can be claimed as CBI but it must be substantiated.

To claim confidentiality, check the CBI box on the short form.
If the CBI box is not checked, the information may be made publicly available without notice.
Additional information regarding CBI substantiation is provided in Attachment C and D.

Imported article production volume (40 C.F.R. § 705.18(a)(4))

Importers can choose:

- (i) the total weight of the finished furniture or textiles imported in lbs. or tons, or
- (ii) the total quantity of imported articles (e.g. number of chairs).
 - Select the appropriate code for the unit of measurement that is used.
 - Report the weight or quantity to at least two significant figures.

Select “other” when:

- Your article is complex and you wish to clarify whether the production volume you are reporting is for the article or a specific component within the article that contains the PFAS chemical.

Confidentiality

- The product volume for the imported article can be claimed as confidential.
- Confidentiality claims for the production volume of reportable PFAS imported articles are exempt from substantiation requirements.



Imported but Never Physically at Site (40 C.F.R. § 705.18(a)(4))

Site location

- For importers, the site location = the operating unit directly responsible for importing the article that contains a reportable PFAS.

Options:

- Select “yes,” the imported PFAS is never physically at the reporting site if the imported furnishing or textile is shipped from a foreign country directly to a location other than the reporting site, such as a warehouse or retail showroom
- Select “no” if the imported PFAS is physically present at the reporting site
- Select NKRA, if it is not known or reasonably ascertainable as to whether the imported PFAS is physically present at the reporting site

Confidentiality

- CBI can be claimed for information regarding the import of a reportable PFAS in an article and whether the article was physically present at the site
- To claim confidentiality, check the CBI box on the short form.
- If the CBI box is not checked, the information may be made publicly available without notice.
- Additional information regarding CBI substantiation is provided in Attachment C and D of the Punch List.



Optional information 40 C.F.R. § 705.18(a)(5))

Optional text field

- Can be used to submit additional information and attachments to upload.
- Do not include any confidential information in this optional field, including in any attachments.

CBI substantiation and final review

CBI substantiation

- Prepare CBI substantiation where required
 - Voluntary template provided as Attachment C and D in Punch List
- Voluntary template substantiation language may be used and adapted to meet the specific needs of the reporting company

Final review

- Conduct a final review of the entire submission for completeness and accuracy before submitting
- The form can be worked on and saved over a period of time as work progresses prior to final submission
- Contact CDX helpline for issues with the reporting platform:
 - **By Telephone:**
Person-to-person telephone support is available from 8:00 am to 6:00 pm (ET). Call our toll-free line at 888-890-1995. (970) 494-5500 for international callers.
 - **By E-mail:**
Send e-mail to Technical Support at helpdesk@epacdx.net.
 - **By Chat:**
[Chat with the CDX Help Desk](#)

Expected changes to TSCA 8(a)(7)

Recent announcements regarding TSCA 8(a)(7)

EPA announcements

- [EPA Major actions to address PFAS](#) – “Implement section 8(a)(7) to smartly collect necessary information, as Congress envisioned and consistent with TSCA, without overburdening small businesses and article importers.”

House Appropriations Committee markup of EPA’s budget

- “Information Exchange/Outreach.—Section 7351 of Public Law 116–92 (National Defense Authorization Act for Fiscal Year 2020) requires the Agency to develop reporting requirements under Section 8(a)(7) of the Toxic Substances Control Act (TSCA).
- **The Committee expects the Agency will adhere to the specific chemicals authorized under Section 7352.**
- **The Committee also encourages the Agency to consider appropriate reporting periods** given the resource and system needs for regulated entities to comply with such reporting.”



Thank you!

Sarah Amick

Special Counsel

202.719.3465

samick@wiley.law

