

ARTICLE

Beware of the Looming Supply Chain Challenges for PFAS Reporting Under TSCA

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Welcome back to The WELL. Let's begin with an adaptation of the "The Ant and the Grasshopper," when they met this summer on a field. The Grasshopper was relaxing because the final Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) rule was still under review at the Office of Management and Budget (OMB). When Ant rushed by, the Grasshopper asked him to stop for a visit. Ant replied that he had to work on finding PFAS in his supply chain. The Grasshopper was surprised at Ant's reply. How could Ant know what information the U.S. Environmental Protection Agency (EPA) had identified in the proposed rule would be required to be reported by the final rule? PFAS reporting seemed far away that day. The Grasshopper continued to play all summer and into the fall. On September 28, EPA released a prepublication copy of the final rule. The Grasshopper was non-plussed – the government was about to shut down (but did not) and the final rule would not appear in the Federal Register for some time yet. Ant and his friends are continuing to gather information from their supply chain. What will happen if the Grasshopper plays all next summer, too? Come winter, she will not know if PFAS is in her supply chain, where, or how much. She will have many places to look for information that is reasonably known or ascertainable to her. She may have to go to the Ant and ask him to share his insights on how to get started.

PFAS reports will be due in 2025. Wiley has explained the very complicated final rule in a client alert. Check out our alert here for the details.

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Practice Areas

Environment & Product Regulation