

October 23, 2024

The Honorable Michal Freedhoff
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460-0001

Re: Proposed Rule, Environmental Protection Agency: Addition of Certain Per-and Polyfluoroalkyl Substances to the Toxics Release Inventory; Community Right-to-Know Toxic Chemical Release Reporting, 40 CFR Part 372; [EPA-HQ-OPPT-2023-0538; FRL-9313-01-OCSP] (October 8, 2024)

Dear Dr. Freedhoff:

The undersigned organizations respectfully request a 90-day minimum extension of the comment period on the proposed Addition of Per-and Polyfluoroalkyl Substances (PFAS) to the Toxics Release Inventory (TRI); Community Right-to-Know Toxic Chemical Release Reporting.

This highly technical and complex proposal calls for adding 16 individual PFAS and 15 categories of PFAS, encompassing more than 100 individual chemistries, to the TRI. EPA is also seeking comment on changes to the approach by which PFAS are added to the TRI, and on changing the reporting threshold for all PFAS that are currently TRI reportable chemistries. There are several important considerations that will require substantially more time for meaningful evaluation. We outlined many of these issues in our coalition letter of February 2023.¹ Considerations that will require significantly more time include:

- Analyzing each of the additional 16 individual chemistries and the 15 categories of PFAS.
- Analyzing the associated science and data included in the docket to inform EPA's listing determinations and to evaluate whether the listings meet the "sufficient evidence" requirements of EPCRA section 313(d)(2). EPA has added over 480 documents, consisting mostly of technical scientific research and evaluations, including technical listing support documents, to inform its technical evaluations of toxicity for each of the individual PFAS and categories of PFAS in the proposed rulemaking.
- Determining the impact of lowering the reporting threshold to 100 pounds.
- Understanding the record indicating that all PFAS listed pursuant to the NDAA should be treated as Chemicals of Special Concern and thereby losing the de minimis exemption.
- Identifying the burdens and cost of compliance that the Proposed Rule, including the lower reporting threshold, would place on the regulated community, especially on small businesses. The supplier notification provisions underscore that EPA should engage with industry to

¹ [EPA-HQ-TRI-2022-0270-0064 attachment_1\(1\).pdf](#)

address these challenges prior to moving forward with this proposal. Consideration of these impacts warrant allowing ample time for comment to inform the agency's decision-making process.

Considering the highly technical nature of this proposal, and the large number of PFAS chemistries that EPA has evaluated, it is not surprising that the OMB coordinated interagency review required more than nine months. The technical nature of this proposal and the broad impacts it will have on our members requires at least an additional 90-days in which to comment. Thank you for your consideration.

Sincerely,

Alliance for Chemical Distribution
American Coatings Association
American Fuel & Petrochemical Manufacturers
American Petroleum Institute
National Association of Manufacturers
National Association for Surface Finishing
National Asphalt Pavement Association
National Council of Textile Organizations
National Mining Association
PRINTING United Alliance
The Meat Institute
TRSA – The Linen, Uniform and Facility Services Association
U.S. Chamber of Commerce