



December 23, 2025

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Office of Pollution Prevention and Toxics
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460-0001

SUBMITTED ELECTRONICALLY

RE: AWWA and AMWA Comments on Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS)
Data Reporting and Recordkeeping Under the Toxic Substances Control Act (TSCA);
Revision to Regulation ([Docket ID: EPA-HQ-OPPT-2020-0549](#))

Dear Ms. Nelson,

The American Water Works Association (AWWA) and Association of Metropolitan Water Agencies (AMWA) appreciate the opportunity to provide comment on the Environmental Protection Agency's (EPA's) proposed revisions to the reporting and recordkeeping rule for perfluoroalkyl and polyfluoroalkyl substances (PFAS) under the Toxic Substances Control Act (TSCA) Section 8(a)(7). As stated in our previous comments on regulatory actions under TSCA, AWWA and AMWA maintain a continued interest in EPA leveraging its authorities under TSCA to protect sources of drinking water to further improve public health protection. Source water protection is critical to ensuring the reliable delivery of safe drinking water. AWWA and AMWA maintain that removing chemical substances after they have entered the nation's waters is more costly than setting appropriate constraints as chemicals enter commerce. More importantly, it inappropriately shifts the burden of risk management to water system customers from the producers of problematic chemicals.

TSCA is designed to evaluate and regulate nearly all chemicals in use today, including those that make their way into surface and ground water used as drinking water supplies. As such, TSCA plays a critical role in preventing problematic contamination by carefully evaluating chemicals prior to their introduction into commerce. Additionally, and specific to today's action, TSCA provides for the collection of information on the manufacture and import of chemicals, including PFAS, to support EPA in making risk management decisions. This information is also important for water systems to access when evaluating potential sources of water supply contamination in their watersheds.

EPA has maintained that PFAS chemistries pose potentially substantial risks to human health.^{1,2} Based on this premise, EPA has conducted extensive analysis and planning to manage PFAS risks.^{3,4} Use of EPA's authority under TSCA to collect and report information on PFAS manufacture and use plays an essential role in risk reduction through TSCA and other statutes. Moreover, given this administration's emphasis on ensuring a level playing field for international trade and protection of American industry, TSCA's authority to collect information on imported PFAS should also be leveraged. Over the last decade as regulatory controls for PFOA and PFOS under other statutes were discussed, imported PFAS has played an ongoing role as a source of problematic commercial products.^{5,6} To effectively advance Administrator Zeldin's revival of the regulatory controls included in EPA's PFAS Action Plan, accurate, comprehensive data reporting on PFAS manufacturing and import through TSCA will be critical to informed decision-making under TSCA and other environmental statutes.⁷

AWWA and AMWA offer the following recommendations for EPA's consideration as it finalizes and implements the revised PFAS reporting rule.

Transparency of PFAS data

As the Agency finalizes revisions to the PFAS reporting rule under TSCA section 8(a)(7), EPA should ensure that information on the locations of PFAS manufacturing, production, and use is made available to the public through a central data repository. Water systems will use publicly accessible data on the locations of PFAS sources to identify potential sources of PFAS contamination in their watersheds. Without access to such a repository water systems must conduct sampling to locate point sources of contamination within their watershed.⁸ The logistics and expense to successfully identify point sources of PFAS contamination within watersheds can be insurmountable when data to target source water assessment monitoring are not available.

Proposed exemptions

De minimis exemption of 0.1%

¹ EPA. 2025. Administrator Zeldin Announces Major EPA Actions to Combat PFAS Contamination. Accessed November 25, 2025 at <https://www.epa.gov/newsreleases/administrator-zeldin-announces-major-epa-actions-combat-pfas-contamination>.

² EPA. 2025. Trump EPA Announces Next Steps on Regulatory PFOA and PFOS Cleanup Efforts, Provides Update on Liability and Passive Receiver Issues. Accessed November 25, 2025 at <https://www.epa.gov/newsreleases/trump-epa-announces-next-steps-regulatory-pfoa-and-pfos-cleanup-efforts-provides>.

³ EPA. 2019. EPA's Per- and Polyfluoroalkyl Substances (PFAS) Action Plan. Accessed November 25, 2025 at https://www.epa.gov/sites/default/files/2019-02/documents/pfas_action_plan_021319_508compliant_1.pdf.

⁴ EPA. 2025. Administrator Zeldin Announces Major EPA Actions to Combat PFAS Contamination. Accessed November 25, 2025 at <https://www.epa.gov/newsreleases/administrator-zeldin-announces-major-epa-actions-combat-pfas-contamination>.

⁵ EPA. 2020. Administrator Wheeler. EPA Continues to Act on PFAS, Propose to Close Import Loophole and Protect American Consumers. Accessed Dec 12, 2025 at <https://www.epa.gov/newsreleases/epa-continues-act-pfas-proposes-close-import-loophole-and-protect-american-consumers>.

⁶ ITRC. 2020. History and Use of Per- and Polyfluoroalkyl Substances (PFAS) found in the Environment. Accessed Dec 12, 2025 at https://pfas-1.itrcweb.org/wp-content/uploads/2020/10/history_and_use_508_2020Aug_Final.pdf.

⁷ EPA. 2025. Administrator Zeldin Announces Major EPA Actions to Combat PFAS Contamination. Accessed November 25, 2025 at <https://www.epa.gov/newsreleases/administrator-zeldin-announces-major-epa-actions-combat-pfas-contamination>.

⁸ AWWA. 2020. Source Water Evaluation Guide for PFAS. Accessed December 2, 2025 at <https://www.awwa.org/wp-content/uploads/Source-Water-Evaluation-Guide-for-PFAS.pdf>.

As part of this action, EPA is proposing a *de minimis* concentration exemption for reportable PFAS in mixtures or articles. EPA is proposing that products with PFAS concentrations below 0.1% are exempt from reporting, regardless of the total production volume of the mixture or article.⁹

The proposed TSCA section 8(a)(7) *de minimis* exemption for reportable PFAS is inconsistent with the Agency's goal of science-based, fact-based regulation. EPA is taking action to regulate PFAS at very low levels under SDWA and anticipates taking action under other statutes. Administrator Zeldin announced that EPA would uphold its maximum contaminant levels for PFOA and PFOS under SDWA, which are both set at 4 parts per trillion (ppt).¹⁰ When expressed as a percentage, these MCLs represent PFOA and PFOS concentrations several orders of magnitude lower than the proposed 0.1% *de minimis* threshold (i.e., 0.1% is 1,000,000,000 ppt).

Part of the Agency's rationale for the 0.1% *de minimis* exemption is that "*implicit in most statutes is the authority for an implementing agency to exempt de minimis concentrations from the scope of general rules*"; in other words, "*the law cares not for trifles*".¹¹ 0.1% of a large volume still constitutes a large quantity of manufactured PFAS, potentially resulting in substantial volumes of PFAS released into the environment downstream. For example, assuming PFOA remains subject to the 4 ppt MCL under SDWA, a one-gallon solution containing 0.1% of PFOA could contaminate 250 million gallons of source water at concentrations above the 4 ppt MCL.¹² Given the Agency has upheld its position that the 4 ppt PFOA and PFOS MCLs are not concentrations low enough to be considered "trifles" under SDWA, the premise of exempting substantially higher concentrations of PFAS under this action for regulated entities with sufficient information is inappropriate.

Challenges faced by entities subject to the TSCA PFAS reporting rule can be addressed through straightforward, commonsense guidance as follows:

1. Regulated entities that produce PFAS should understand their product chemistry sufficiently to not require a *de minimis* exemption.
2. Manufacturers who utilize PFAS in their products who have available to them adequate information to determine concentrations of PFAS below 0.1% in their products should do so.
3. Manufacturers who utilize PFAS in their products and rely on Safety Data Sheets (SDSs) or European Union's Registration, Evaluation, Authorization and Restriction of Chemicals (REACH) notifications may not be able to determine if PFAS concentrations below 0.1% are present in their manufactured products. Manufacturers in this situation would need only report based on the information available to them.

Applying such a straightforward due diligence approach sets achievable and enforceable expectations for regulated parties. It also sets the stage for improving data reporting going forward. Improved data reporting on PFAS, even at low concentrations, will play an important role in understanding how to manage PFAS-related health risks without imposing undue economic harm to individual industries. Ultimately, artificially truncating data collection will mean that information used to inform regulation of

⁹ EPA. 2025. Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Data Reporting and Recordkeeping Under the Toxic Substances Control Act (TSCA); Revision to Regulation. 90 FR 50923.

¹⁰ EPA. 2025. EPA Announces It Will Keep Maximum Contaminant Levels for PFOA, PFOS. Accessed November 26, 2025 at <https://www.epa.gov/newsreleases/epa-announces-it-will-keep-maximum-contaminant-levels-pfoa-pfos>.

¹¹ EPA. 2025. Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Data Reporting and Recordkeeping Under the Toxic Substances Control Act (TSCA); Revision to Regulation. 90 FR 50923.

¹² 0.1% = 1 part/thousand = 1 billion parts/trillion; 1 gallon of PFAS/250,000,000 gallons source water * 1 billion parts/trillion = 4 parts/trillion.

PFAS under other statutes (e.g., the Clean Water Act (CWA), Resource Conservation and Recovery Act (RCRA), and Safe Drinking Water Act (SDWA)) will be unnecessarily limited.¹³ This may pose a situation where some industrial sectors could be needlessly encumbered by regulatory burdens.

Insufficient information from suppliers should not serve as a limiting factor for PFAS reporting by manufacturers in future data reporting. The above approach provides an implementable alternative in the interim and allows timely reporting under this rule and collecting detailed data when it is available.

Imported articles

As part of this action, EPA is proposing to exempt PFAS imported as part of an article from the scope of reportable activities. As its rationale for such an exemption, EPA states that *“importing PFAS in articles between 2011-2022 is an activity about which manufacturers are unlikely to have known or reasonably ascertainable information”*.¹⁴

For article importers with access to sufficient information, AWWA and AMWA maintain that per the statutory text EPA should require data collection and reporting on PFAS in articles.¹⁵ Articles containing PFAS contribute to PFAS contamination in the environment via their use, degradation, and disposal. The National Defense Authorization Act for Fiscal Year 2020 (NDAA 2020) states that EPA’s statutory responsibility applies the rule requirements to *“each person who has manufactured a chemical substance that is a perfluoroalkyl or polyfluoroalkyl substance”* with no exception. As the intention of the PFAS reporting rule under TSCA section 8(a)(7) is to best characterize sources and quantities of PFAS in commerce in the United States, exempting imported articles from reporting requirements for PFAS uses and releases would prove inconsistent with Congressional intent under the NDAA 2020.

PFAS have been a topic of discussion in the manufacturing sector for a decade or more. This reporting rule is the product of legislation signed into law five years ago. The notion that importers cannot reasonably expect their suppliers to answer questions about PFAS use in product manufacturer is implausible.

Byproducts

EPA is also proposing to implement exemptions for the manufacture of PFAS as byproducts, impurities, non-isolated intermediates, or upon incidental exposure, or end use of another substance or mixture from the scope of reportable activities for substances manufactured as per conditions specified in 40 CFR 720.30(h). Specific to byproducts, EPA states that the proposed exemption would apply to *“any byproduct not used for commercial purposes”*.¹⁶

AWWA and AMWA recommend that EPA continue to collect and report data related to PFAS byproducts. As AWWA and AMWA have described in past comments on similar TSCA actions, PFAS byproducts are expected to form during manufacturing, even in instances when manufacturers are not directly using PFAS throughout the manufacturing process. In addition, due to the potential for formation of PFAS-containing byproducts during the manufacturing process due to degradation of other PFAS contaminants, PFAS releases into drinking water sources can occur due to accumulation from various smaller scale

¹³ 15 USC §2608(b).

¹⁴ EPA. 2025. Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Data Reporting and Recordkeeping Under the Toxic Substances Control Act (TSCA); Revision to Regulation. 90 FR 50923.

¹⁵ Keller & Heckman. 2021. TSCA Regulation of Articles: A Fresh Look. Accessed December 12, 2025 at <https://www.khlaw.com/sites/default/files/2021-10/TSCA-3030-October13-%202021.pdf>.

¹⁶ EPA. 2025. Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Data Reporting and Recordkeeping Under the Toxic Substances Control Act (TSCA); Revision to Regulation. 90 FR 50923.

applications, not solely due to the deliberate addition of high volumes of PFAS during the manufacturing process.^{17,18,19,20} For instance, one study found that despite perfluorooctanoic acid (PFOA) being removed during the manufacturing process following its phase-out, small quantities of PFOA still make their way into consumer products, which are discharged to household wastewater, ultimately contributing to PFAS loading into municipal wastewater treatment influent.²¹

Thus, understanding the types of manufacturing processes that can form or transform PFAS or chemical substances that produce PFAS degradation byproducts, will provide useful insights to inform risk management practices. For instance, Hazen and Sawyer worked with the City of Burlington, North Carolina to identify which of the City's businesses served as substantial contributors to PFAS in drinking water sources. In assessing different groups of PFAS in the City's wastewater, PFAS precursors, or chemicals that can transform into measurable PFAS as they move through the environment, were quantified. Upon completing a risk assessment of these sources, identifying dischargers, and implementing local changes by negotiating with leading PFAS contributors to relocate production or reduce PFAS in wastewater, the City was able to reduce PFAS levels in the City's wastewater effluent by over 90%.²² For these reasons, AWWA and AMWA recommend against reporting exemptions for byproducts.

EPA requests for comment

Amending the scope of reportable chemicals

As part of this action, EPA is also soliciting comment on changes to the scope of reportable chemical substances under the PFAS reporting rule. AWWA and AMWA support a structural definition for PFAS be retained and believes that a discrete list of covered PFAS would inappropriately limit the scope of reporting activities covered by the rule. In comments on EPA's 2021 proposed TSCA PFAS reporting rule, AWWA and AMWA asserted that the proposed PFAS definition at the time was inappropriately narrow, excluding PFAS found in drinking water from the proposed reporting requirements (for instance, perfluoro-2-methoxyacetic acid (PFMOAA)). EPA's expanded structural PFAS definition finalized in the 2023 rule and retained in this rule proposal more appropriately covers a broader suite of PFAS of regulatory interest that can support future risk evaluation work. AWWA and AMWA support retaining the expanded structural definition in the revised TSCA section 8(a)(7) PFAS reporting rule.

EPA is also requesting comment on the benefits and/or drawbacks of providing a production-volume threshold below which reporting on PFAS would not be required (e.g., 2,500 lbs). For the reasons articulated above regarding EPA's proposed *de minimis* exemption, AWWA and AMWA believe a

¹⁷ Lin, Diana, et al. "Residential wastewater as a major source of per-and polyfluoroalkyl substances to municipal wastewater." *ACS ES&T Water* 4.11 (2024): 4847-4857.

¹⁸ Krlovic, Nikola, et al. "A source-based framework to estimate the annual load of PFAS in municipal wastewater." *Science of the Total Environment* 920 (2024): 170997.

¹⁹ Harfmann, Jennifer. 2024. "Presence of PFAS in Domestic Wastewater and Potential Sources." NHDES Drinking Water and Groundwater Bureau. Accessed May 19, 2025 at <https://www.newmoa.org/wp-content/uploads/2024/09/HarfmannSepticSystemsDec2024.pdf>.

²⁰ Water UCI. "Determining the PFAS contribution of residents to municipal wastewater – Final Report." Accessed May 19, 2025 at <https://bpb-us-e2.wpmucdn.com/sites.uci.edu/dist/2/3949/files/2024/08/Final-PFAS-report-exec.summary.pdf>.

²¹ Desgens-Martin, Violaine, et al. "Estimated influent PFAS loads to wastewater treatment plants and ambient concentrations in downstream waterbodies: case study in southern and Central California." *Acs Es&T Water* 3.8 (2023): 2219-2228.

²² Khunjar, Wendell. "Holistic Testing Helped this City Cut PFAS in Its Wastewater by More than 90%." Hazen and Sawyer. Accessed May 19, 2025 at <https://www.hazenandsawyer.com/projects/holistic-testing-helped-this-city-cut-pfas-in-its-wastewater-by-more-than-90>.

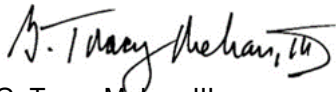
production-volume threshold is also inappropriate, assuming manufacturers have adequate data to report on PFAS for volumes below this threshold. High quality data reporting on PFAS in manufacturing, even at lower quantities, is critical in informing risk management for PFAS across environmental media. The purpose of the PFAS reporting rule under TSCA is to collect data to better understand PFAS manufactured (including imported) for commercial purposes across the United States. Given this regulatory objective, a production-volume threshold would inappropriately restrict information collection on manufactured PFAS and undermine EPA's own data collection efforts under this rule.

Conclusion

AWWA and AMWA appreciate the opportunity to provide input on this important regulatory process. As previously stated, TSCA provides opportunities to achieve source water protection through Agency action and by facilitating local exposure reduction efforts. If you have any questions regarding this correspondence or if AWWA or AMWA can be of assistance in some other way, please contact us at AWWA: Tracy Mehan (tmehan@awwa.org) or Rachel Gonsenhauser (rgonsenhauser@awwa.org); AMWA: Thomas Dobbins (dobbins@amwa.net) or Jessica Evans (evans@amwa.net).

Best Regards,

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Who is AWWA

The American Water Works Association (AWWA) is an international, nonprofit, scientific and educational society dedicated to providing total water solutions assuring the effective management of water. Founded in 1881, the Association is the largest organization of water supply professionals in the world. Our membership includes more than 4,500 utilities that supply roughly 80 percent of the nation's drinking water and treat almost half of the nation's wastewater. Our 50,000-plus total membership represents the full spectrum of the water community: public water and wastewater systems, environmental advocates, scientists, academicians, and others who hold a genuine interest in water, our most important resource. AWWA unites the diverse water community to advance public health, safety, the economy, and the environment.

Who is AMWA

The Association of Metropolitan Water Agencies (AMWA) is an organization of the largest publicly owned drinking water systems in the United States. AMWA's membership serves more than 160 million people across the United States with safe drinking water.