

# EPA Again Delays TSCA PFAS Reporting with New Exemptions and Revised Deadlines

Joseph J. Green, Dennis Mema

April 13, 2026

The Environmental Protection Agency (EPA or Agency) has announced, via a [pre-publication Federal Register Notice](#), that it intends to delay the submission period for manufacturers to report on their per- and polyfluoroalkyl (PFAS) uses, extending the start date of the six-month reporting period from April 13, 2026, to either (1) 60 days after the effective date of the upcoming rule aimed at revising the program, or (2) January 31, 2027—whichever is earlier.

By way of a refresher, the 2023 PFAS reporting rule, mandated by 2020 defense legislation, requires any entity that manufactured or imported PFAS between 2011 and 2022 to report extensive information under Section 8(a) of the Toxic Substances Control Act (TSCA). Covered entities initially included all manufacturers and importers of products for commercial purposes if those entities knew, or could reasonably ascertain information, that their products contain PFAS *in any amount*. The rule's original scope included no threshold for reporting, and included entities engaged in the coincidental manufacture of PFAS as byproducts or impurities.

Those subject to the rule must provide a comprehensive list of information, including company and plant site information, use information (including use by children), information regarding PFAS source, form, quantity, and concentration, byproduct and disposal information, exposure and release data, as well as information about environmental and health effects.

In November 2025, EPA proposed new exemptions and other clarifications to the 2023 Biden-era rule in an effort to minimize compliance costs and duplicative burdens. The newly created exemptions to the recordkeeping and reporting rule aim to relieve burdens for companies and industries that did not purposefully manufacture or import PFAS for commercial purposes, and are as follows: are as follows:

- **Imported Articles:** PFAS incorporated into articles—such as coated steel products, cookware, or textiles—would be exempt from reporting. EPA concluded that importers typically lack knowledge of PFAS content in these products.
- **De Minimis Threshold:** PFAS present at concentrations below 0.1% in mixtures or articles would be exempt, reducing the need for detailed analysis of trace PFAS levels.
- **Byproducts and Impurities:** PFAS unintentionally produced as byproducts, impurities, or non-isolated intermediates with no separate commercial purpose would also be exempt.

The 2011–2022 lookback period remains unchanged, but the changes from the November proposal

would shorten the existing six-month submission period to three months. The EPA plans to release the finalized version of the November 2025 revisions later this year. In its press release announcing the delay, the Agency noted that it anticipates the compliance start-date for PFAS reporting to begin sooner than the backstop date of January 2027.

If you have questions about the PFAS reporting rule's implications for your company's processes, feel free to reach out to us directly. Also, feel free to learn more about Kelley Drye's PFAS practice [here](#).