

**TSCA Reform -- Seven Years Later
Panel 4: Per- and Polyfluoroalkyl Substances (PFAS)**

Perfluoroalkyl and polyfluoroalkyl substances (PFAS) are attracting global legal, regulatory, commercial, and litigation attention as no other “emerging contaminant” has. This panel discussion covers broadly the role of the Toxic Substances Control Act (TSCA) in addressing PFAS issues and related PFAS science and regulatory topics.

Background

PFAS are a group of synthetic chemicals that have been in use since the 1940s and are found in a wide array of consumer and industrial products. They have been used in the production of nonstick cookware, water-repellent clothing, stain-resistant fabrics and carpets, cosmetics, firefighting foams, and products that resist grease, water, and oil, among other things.

During production, processing, and use, PFAS can migrate into the soil, water, and air. Because of their widespread use, persistence in the environment, and potential to bioaccumulate, certain PFAS are found in the blood of people and animals all over the world and are present at low levels in a variety of food products and in the environment. There are thousands of different PFAS, some of which have been more widely used and studied than others. Certain PFAS, including perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS), have been phased out and replaced in the United States with other PFAS.

Because of concerns to human health and the environment, the U.S. Environmental Protection Agency (EPA) has taken and is moving to take a broad range of actions on PFAS involving research, restrictions, and remediation. Actions under TSCA include:

- TSCA Section 4 testing requirements to obtain from manufacturers of certain PFAS information to support PFAS assessment;
- TSCA Section 5 Significant New Use Rules (SNUR) to restrict new uses of PFAS pending review and possible restriction by EPA;
- TSCA Section 5 SNURs for PFAS designated as inactive on the TSCA Inventory and not subject to an existing SNUR to prevent resumed production of legacy PFAS;
- The elimination of certain TSCA Section 5 premanufacture notification exemptions to facilitate more robust new PFAS review; and

- TSCA Section 8 information reporting and recordkeeping regulations to inform chemical assessment and potential future regulation under TSCA and other authorities.

The expert panel will cover topics including, among others, the unique role of TSCA as compared to other EPA programs in addressing PFAS; the effectiveness of TSCA implementation in addressing PFAS; whether PFAS should be regulated on a category- or chemical-specific basis; whether the definition of PFAS currently used in the TSCA program is appropriate; how the TSCA Section 5 New Chemicals Program should address PFAS; and the important roles states play in PFAS regulation.

The panelists are:

[Robert M. Sussman](#), Principal, Sussman & Associates, *Moderator*

[Emily Donovan](#), Co-Founder, Clean Cape Fear

[Ben Grumbles](#), Executive Director, Environmental Council of the States

Matt Klasen, PFAS Council Manager, EPA

[Pamela Miller](#), Executive Director, Alaska Community Action on Toxics

[Steve Risotto](#), Senior Director, Chemical Products & Technology, American Chemistry Council

More information on PFAS and TSCA is found in the materials made available to registrants. These include:

- EPA, “[PFAS Strategic Roadmap: EPA’s Commitments to Action 2021-2024](#),” October 2021.
- EPA, “[National PFAS Testing Strategy](#),” October 2021.
- EPA, “[EPA’s PFAS Strategic Roadmap: A Year of Progress](#),” November 2022.
- Bergeson & Campbell, P.C., “[PFAS Bans, Restrictions, Reporting, and Minimizing Liability](#),” June 2023.
- Lynn L. Bergeson, “[Expanding PFAS liability in the US](#),” *Financier Worldwide*, July 2023.