

December 29, 2025

Megan Nelson
U.S. Environmental Protection Agency
Office of Pollution Prevention and Toxics
Chemical Information, Prioritization, and Toxics Release Inventory Division
7406M
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Submitted electronically via: <https://www.regulations.gov>

RE: U.S. Environmental Protection Agency: PFAS Data Reporting and Recordkeeping Under TSCA — Docket ID No. EPA-HQ-OPPT-2020-0549

Dear Ms. Nelson:

The Association of California Water Agencies (ACWA) respectfully submits comments regarding the U.S. Environmental Protection Agency's (EPA) proposed amendments to the Toxic Substances Control Act (TSCA) Section 8(a)(7) for reporting and recordkeeping requirements for perfluoroalkyl and polyfluoroalkyl substances (PFAS).¹ ACWA is concerned with this regulatory approach following PFAS progress made following EPA's National Primary Drinking Water Regulations (NPDWR) and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) regulations.² ACWA encourages EPA to reconsider these proposed amendments and advance efforts to safeguard water quality from PFAS contamination.

ACWA is the largest statewide coalition of public water agencies in the United States. ACWA represents approximately 470 member agencies that are responsible for delivering about 90 percent of the water to communities, farms, and businesses in California. ACWA represents water management entities in every sector of water supply, including municipal and agricultural water, water recycling, water reuse, wastewater management, and stormwater management. ACWA and its members are dedicated to providing a high-quality, reliable water supply in an environmentally sustainable and fiscally responsible manner.

Source water protection is vital to ACWA member agencies as this helps prevent pollutants like PFAS from entering our water supply. For this reason, ACWA recommends EPA take more proactive measures to identify sources of PFAS and limit their discharges, especially since prevention is more cost-effective than attempting to clean up pollution. Advancing regulatory actions that provide source

¹ *Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Data Reporting and Recordkeeping Under the Toxic Substances Control Act (TSCA); Revision to Regulation*, 90 Fed. Reg. 50923 (November 13, 2025). <https://www.govinfo.gov/content/pkg/FR-2025-11-13/pdf/2025-19882.pdf>.

² *PFAS National Primary Drinking Water Regulation*, 89 Fed. Reg. 32532 (April 26, 2024). <https://www.federalregister.gov/documents/2024/04/26/2024-07773/pfas-national-primary-drinking-water-regulation>; *Designation of Perfluorooctanoic Acid (PFOA) and Perfluorooctanesulfonic Acid (PFOS) as CERCLA Hazardous Substances*, 89 Fed. Reg. 39124 (May 8, 2024). <https://www.federalregister.gov/documents/2024/05/08/2024-08547/designation-of-perfluorooctanoic-acid-pfoa-and-perfluorooctanesulfonic-acid-pfos-as-cercla-hazardous>.

water protection will also reduce the number of systems with PFAS contamination above the enforceable drinking water standards. EPA should also collaborate with other federal agencies to address other pathways of public exposure to PFAS.

ACWA urges the agencies to consider the following as it considers amending its PFAS reporting requirements under TSCA.

I. Reducing PFAS Reporting Requirements Can Negatively Impact Water Quality

PFAS—short for per- and polyfluoroalkyl substances—are commonly used, manufactured chemicals designed to make many consumer, commercial, and industrial products waterproof, stain-resistant, or non-stick. For example, PFAS are found in textiles, cookware, food packaging, cleaning products, electronics, firefighting foam, and more. PFAS are resistant to natural degradation and have been used since the 1940s. Additionally, although certain PFAS chemicals are no longer manufactured in the United States, these chemicals are still produced internationally and imported into the country through various products. For these reasons, PFAS have contaminated soil, water, wildlife, and even humans.

PFAS are persistent, mobile, and difficult to remove once they enter drinking water sources. PFAS contamination therefore presents a current and growing challenge for water agencies across California and the nation. Effective PFAS management depends on transparency across the entire PFAS lifecycle. EPA's proposal to weaken PFAS reporting requirements impedes the ability to track their supply chain, evaluate impacts, and implement mitigation strategies. This comes at a time when water agencies across the country are investing significant resources in PFAS monitoring, treatment, and community communication.

EPA's PFAS intended actions to maintain NPDWR levels for certain PFAS like perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS), hold polluters accountable, and initiate enhanced outreach to water systems will help improve water quality.³ ACWA is deeply concerned that a rollback of PFAS reporting requirements counters EPA and national goals of reducing and preventing these contaminants. Ultimately this can negatively impact water supply.

II. PFAS Reporting Helps Understand its Impacts and Aids Reduction Efforts

TSCA reporting requirements are a critical tool to determine the presence of contaminants. TSCA Section 8(a)(7) requires manufacturers and importers of PFAS to report specific information to EPA. EPA's proposed rule would exempt reporting requirements for PFAS imported as part of an article, PFAS manufactured or imported in a mixture or article below a 0.1% *de minimis* concentration, PFAS that are impurities, byproducts, or non-isolated intermediates when not manufactured for a commercial purpose, and PFAS that are manufactured and imported in small quantities for research and development purposes.

Comprehensive PFAS reporting under TSCA has been essential in creating transparency regarding production, importation, use, and disposal of these contaminants. Exempting certain manufacturers and importers from PFAS reporting requirements will make the ability to understand the sources and scale of PFAS more difficult for EPA, states, regulators, water providers, and the public. Water agencies rely on this information to identify potential upstream contributors, support source-control strategies,

³ U.S. EPA: *EPA Announces It Will Keep Maximum Contaminant Levels for PFOA, PFOS* (May 14, 2025). <https://www.epa.gov/newsreleases/epa-announces-it-will-keep-maximum-contaminant-levels-pfoa-pfos>.

and better anticipate future treatment needs. Without robust reporting, much of the burden of investigation shifts downstream to water systems and ratepayers who did not produce or introduce these contaminants into the environment.

Rather than exempt certain PFAS reporting requirements, ACWA urges EPA to enhance reporting transparency and improve chemical data quality that help reduce PFAS from the environment. If, however, EPA moves forward with this proposal, ACWA encourages EPA to lower and/or impose volume limits regarding a proposed *de minimis* concentration threshold in any final regulation. Since PFAS contamination poses substantial challenges to drinking water providers like treatment costs and long-term liability, ACWA is strongly invested in strategies that prevent PFAS from entering waterways and drinking water sources.

III. Maintain and Strengthen PFAS Reporting for Manufacturers and Importers

Given the widespread and growing concern over PFAS impacts, ACWA urges EPA to maintain, and where feasible strengthen, its existing PFAS reporting framework under TSCA for manufacturers and importers. Reporting requirements should include all known PFAS activities regardless of volume. This will aid in effective support for source control, risk evaluation, and public health protection. Why should polluting entities of PFAS like manufacturers and importers be any less subject to PFAS reporting than the public water systems who are passive receivers required to complete PFAS monitoring?

EPA's decision to decrease PFAS reporting requirements risks will create significant data gaps at a time when federal and state agencies are working to implement drinking water standards, evaluate cleanup obligations, and identify source-reduction strategies. Any reduction in reporting obligations risk delaying mitigation and prevention measures, negatively impacting water quality, and increasing costs for communities and ratepayers. To that end, ACWA encourages EPA to ensure that data from the TSCA Inventory⁴ remains publicly accessible, updated, usable, and aligned with drinking-water regulatory needs. This inventory serves as a useful tool to align TSCA reporting with other EPA PFAS regulatory efforts under the Safe Drinking Water Act (SDWA), the Clean Water Act (CWA), and CERCLA to provide clean, reliable drinking water.

Additionally, public water agencies are already subject to various PFAS-related compliance requirements imposed by EPA like PFAS monitoring set forth in the NPDWR. ACWA urges EPA to ensure potential amended TSCA reporting requirements do not inadvertently impose additional obligations on public water agencies.

IV. Public Water Agencies Support

Public water agencies like ACWA members are utilizing their own resources to treat PFAS contaminants from the environment despite not being the polluting entities. Any potential amended TSCA regulation must not be able to be interpreted in a way that subjects public water agencies to additional, significant liability and financial burdens. For example, EPA's CERCLA regulation⁵ designated PFOA and PFOS as hazardous substances but does not shield public water agencies from

⁴ U.S. EPA: *TSCA Chemical Substance Inventory*. June 2, 2025. <https://www.epa.gov/tsca-inventory/about-tsca-chemical-substance-inventory>.

⁵ *Designation of Perfluorooctanoic Acid (PFOA) and Perfluorooctanesulfonic Acid (PFOS) as CERCLA Hazardous Substances*, 90 Fed. Reg. 39124 (May 8, 2024). <https://www.govinfo.gov/content/pkg/FR-2024-05-08/pdf/2024-08547.pdf>.



liability. Despite EPA's enforcement discretion memo⁶ and stated intentions⁷ of support for the "Polluter Pays" principle (holding polluters accountable rather than target passive receivers like water utilities), this does not stop parties like polluters from suing. ACWA therefore requests EPA to explicitly exclude public water systems from being subject to liability and financial burdens stemming from an inability of manufacturers and importers to not or improperly follow TSCA PFAS reporting requirements in any final regulation.

ACWA understands the complexity of regulating PFAS, which should occur in a manner that incorporates sound data and fully reflects realistic regulatory timelines. For this reason, ACWA encourages EPA to ensure it initiates enhanced outreach to and collaborates closely with water utilities, as well as local, state, and tribal leaders, as intended.⁸ As water utilities like ACWA member agencies are and will be impacted by EPA's PFAS regulations, their engagement in PFAS related efforts like EPA's new, planned "PFAS OUTreach Initiative" (PFAS Out) is essential. ACWA is also in the process of developing a PFAS study to assess the cost of compliance with existing and expected PFAS regulations to water suppliers. Specifically, ACWA's "PFAS Cost of Compliance and Barriers Study" will provide detailed cost data on known costs for the operation, maintenance, treatment, and waste stream disposal for California public agencies that are currently addressing PFAS contamination in compliance with MCLs established in EPA's PFAS NPDWR. Once published, ACWA can share the report and engage with EPA to convey specific examples to help inform the agency on PFAS objectives that do not overburden public water systems.

V. Conclusion

ACWA appreciates the opportunity to comment and looks forward to continued partnership with EPA to prevent PFAS pollution at its source, enhance transparency, and protect the nation's water supply. Please let us know if there are further opportunities for ACWA to collaborate on PFAS efforts or if we can provide additional information and resources. If you have any questions or would like to follow up on this matter, please contact ACWA Federal Relations Representative, Caleb Raspler, at calebr@acwa.com or (202) 434-4762.

Respectfully,

A handwritten signature in black ink, appearing to read "Caleb Raspler". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Caleb Raspler
Federal Relations Representative
Association of California Water Agencies

⁶ U.S. EPA Memorandum: *PFAS Enforcement Discretion and Settlement Policy Under CERCLA* (April 19, 2024). <https://www.epa.gov/system/files/documents/2024-04/pfas-enforcement-discretion-settlement-policy-cercla.pdf>.

⁷ U.S. EPA: *EPA Announces It Will Keep Maximum Contaminant Levels for PFOA, PFOS* (May 14, 2025).

<https://www.epa.gov/newsreleases/epa-announces-it-will-keep-maximum-contaminant-levels-pfoa-pfos>.

⁸ U.S. EPA: *EPA Announces It Will Keep Maximum Contaminant Levels for PFOA, PFOS* (May 14, 2025). <https://www.epa.gov/newsreleases/epa-announces-it-will-keep-maximum-contaminant-levels-pfoa-pfos>.