



Right to Know and Pollution Prevention Requirements added for Newly Reportable Chemicals

Who is affected by this Advisory?

Facilities in New Jersey subject to the Community Right to Know (CRTK) and Pollution Prevention (P2) programs will be subject to reporting new and additional Per- and Polyfluoroalkyl Substances (PFAS) on the CRTK Survey and the Release and Pollution Prevention Report (RPPR) for 2021. There are now 175 unique PFAS chemicals to be reported for reporting year (RY) 2021 (including the 172 chemicals added for RY 2020). Additionally, there are four new chemicals to be reported in 2023 for RY 2022, bringing the list to 179 unique PFAS.

Why is DEP issuing this Advisory?

Section 7321 of the National Defense Authorization Act (NDAA) for Fiscal Year 2020 immediately added certain per- and polyfluoroalkyl substances (PFAS) to the list of chemicals covered by the Toxics Release Inventory (TRI) under Section 313 of the federal Emergency Planning and Community Right-to-Know Act (EPCRA) and provided a framework for additional PFAS to be added to TRI on an annual basis.

Updates on Implementation

- For RY 2021 (RTK Surveys due by March 1, 2022, and RPPR forms due by July 1, 2022), three new PFAS are reportable.
 - 172 PFAS were initially added by the NDAA, beginning with RY 2020
 - Three PFAS automatically added by the NDAA beginning with RY 2021:
 - Perfluorooctyl iodide (507-63-1)
 - Potassium perfluorooctanoate (2395-00-8)
 - Silver(I) perfluorooctanoate (335-93-3)
- For RY 2022 (RTK Surveys due by March 1, 2023, and RPPR forms due by July 1, 2023), the NDAA automatically added four additional PFAS to the TRI list. Facilities in CRTK- and RPPR-covered industry sectors should begin tracking and collecting data on these chemicals during 2022.
 - Perfluorobutane sulfonic acid (375-73-5)
 - Potassium perfluorobutane sulfonate (29420-49-3)

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- 2-Propenoic acid, 2-methyl-, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,12-heneicosafuorododecyl ester, polymer with 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluorodecyl 2-methyl-2-propenoate, methyl 2-methyl-2-propenoate, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,14-pentacosafuorotetradecyl 2-methyl-2-propenoate and 3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluorooctyl 2-methyl-2-propenoate (65104-45-2)
- 2-Propenoic acid, 2-methyl-, hexadecyl ester, polymers with 2-hydroxyethyl methacrylate, γ - ω -perfluoro-C10-16-alkyl acrylate and stearyl methacrylate (203743-03-7)

What should I do?

Track the uses of these chemicals at your facility to accurately prepare for the required reports in the upcoming year(s). Facilities in New Jersey will be subject to reporting PFAS on the CRTK Survey and the RPPR for RY 2021 and RY 2022, as appropriate. The threshold for reporting on the CRTK Survey by March 1, 2022 is 500 pounds at any one time. The annual threshold for the RPPR due by July 1, 2022 is 100 pounds of Manufacture, Process or Otherwise Use. The de minimis level for Perfluorooctanoic acid (PFOA) (CASRN: 335-67-1) added for RY 2020 is 0.1%. All other PFAS additions (RY 2020 – RY 2022) have a de minimis level of 1%.

If you have already submitted your 2021 CRTK Survey and need to report any of the three new PFAS chemicals, simply amend your Survey at www.njdeponline.com.

Who should I contact with questions?

For questions on CRTK reporting please contact the Department via e-mail at RTK@dep.nj.gov. For questions on the RPPR, please contact the Bureau of Sustainability at 609-777-0518.

Where can I get more information?

The following web sites can be accessed for additional information regarding this advisory:

- The Community Right to Know site: <http://www.nj.gov/dep/enforcement/crtk.html>
- The Pollution Prevention program: <http://www.nj.gov/dep/enforcement/pp.html>
- For general NJDEP information (Contact NJDEP): <http://www.nj.gov/cgi-bin/dep/contactdep.pl>
- Implementing Statutory Addition of Certain Per- and Polyfluoroalkyl Substances to the TRI Chemical List: <https://www.epa.gov/toxics-release-inventory-tri-program/implementing-statutory-addition-certain-and-polyfluoroalkyl>
- To comment on this advisory: <http://www.nj.gov/dep/enforcement/survey.html>
- The Air Pollution site: www.state.nj.us/dep/aqpp/
- The Small Business Environmental Assistance Program: <http://www.nj.gov/dep/ages/sbap/index.html>
- Addition of certain PFAS to TRI: <https://www.epa.gov/toxics-release-inventory-tri-program/addition-certain-pfas-tri-national-defense-authorization-act>

This advisory is intended to be a summary explanation. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the programs listed above.