



## **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 2022. There are now 180 unique PFAS chemicals to be reported for reporting year (RY) 2022 (including the 172 chemicals added for RY 2020 and four added for RY 2021).

### **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), four new PFAS were reportable.
  - 172 PFAS were initially added by the NDAA, beginning with RY 2020
  - Four PFAS automatically added by the NDAA beginning with RY 2021:
    - Perfluorooctyl iodide (CASRN: 507-63-1)
    - Potassium perfluorooctanoate (CASRN: 2395-00-8)
    - 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 (CASRN: 65104-45-2)
    - Silver(I) perfluorooctanoate (CASRN: 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.

# COMPLIANCE ADVISORY

- Perfluorobutane sulfonic acid (CASRN: 375-73-5)
- Potassium perfluorobutane sulfonate (CASRN: 29420-49-3)
- Perfluorobutanesulfonate (CASRN: 45187-15-3)
- 2-Propenoic acid, 2-methyl-, hexadecyl ester, polymers with 2-hydroxyethyl methacrylate,  $\gamma$ - $\omega$ -perfluoro-C10-16-alkyl acrylate and stearyl methacrylate (CASRN: 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 2022. The threshold for reporting on the CRTK Survey by March 1, 2023, is 500 pounds at any one time. The annual threshold for the RPPR due by July 1, 2023, 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 or RPPR and need to report any of the four new PFAS chemicals, simply amend your reports at <https://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](mailto:RTK@dep.nj.gov). For questions on the RPPR, please contact the Pollution Prevention Program 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: <https://www.nj.gov/dep/enforcement/crtk.html>  
The Pollution Prevention program: <https://www.nj.gov/dep/enforcement/pp.html>
- For general NJDEP information (Contact NJDEP): <https://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-1>
- To comment on this advisory: <https://www.nj.gov/dep/enforcement/survey.html>
- The Air Pollution site: <https://www.state.nj.us/dep/aqpp/>
- The Small Business Environmental Assistance Program: <https://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.