



Right to Know and Pollution Prevention Requirements Added for Enhanced Reporting of PFAS Chemicals

Who is affected by this Advisory?

Facilities in New Jersey (NJ) subject to the Community Right to Know (CRTK) program and the Pollution Prevention (P2) program will be subject to additional reporting requirements for Per- and Polyfluoroalkyl Substances (PFAS) on the NJ CRTK Survey, the Release and Pollution Prevention Report (RPPR), and in their P2 Plans and P2 Plan Summaries.

Why is DEP issuing this Advisory?

On October 31, 2023, the U.S. Environmental Protection Agency (EPA) finalized a rule that improves reporting on PFAS to the Toxics Release Inventory (TRI) by eliminating the de minimis exemption that allowed facilities to avoid reporting information on PFAS when those chemicals were used in small concentrations. Often referred to as “forever chemicals,” PFAS are used at low concentrations in many products, and as a result of removing this reporting exemption, covered industry sectors such as manufacturing, metal mining, and chemical manufacturing, as well as federal facilities that make or use any of the 189 TRI-listed PFAS, will no longer be able to avoid disclosing the quantities of PFAS they manage or release into the environment.

The 189 PFAS are subject to the same reporting requirements as other chemicals of special concern. They are no longer eligible for use of the de minimis exemption or the option for facilities to use the TRI reporting Form A, and are also subject to limits on range reporting on Form R.

EPA's rule also makes the de minimis exemption unavailable for purposes of supplier notification requirements to downstream facilities for all chemicals on the list of chemicals of special concern, which also includes certain persistent, bioaccumulative and toxic chemicals like lead, mercury, and dioxins. This change helps ensure that purchasers of mixtures and trade name products containing these chemicals are informed of their presence in mixtures and products they purchase.

The rule is effective November 30, 2023, and shall apply for the reporting year (RY) beginning January 1, 2024 (CRTK Surveys are due by March 1, 2025, and RPPR and TRI reports are due by July 1, 2025).

COMPLIANCE ADVISORY

What should I do?

Track the uses of PFAS chemicals at your facility to accurately prepare for the required reports in the upcoming year(s). Facilities in NJ will be subject to reporting PFAS on the NJ CRTK Survey and the RPPR for RY 2024. The threshold for reporting on the NJ CRTK Survey by March 1, 2025, is 500 pounds on site at any one time. The annual threshold for the RPPR due by July 1, 2025, is 100 pounds for the Manufacturing, Processing or Otherwise Use of these chemicals. The de minimis level has been eliminated pursuant to this rule. It is important that reporting parameters such as facility storage, use, production, environmental releases, and waste management of these chemicals, per the requirements of the NJ CRTK Survey and the RPPR, be initiated by January 1, 2024, so that accurate data for RY 2024 may be reported.

Who should I contact with questions?

For questions on CRTK reporting, please contact the NJ Department of Environmental Protection (NJDEP) via e-mail at RTK@dep.nj.gov and include "PFAS De Minimis" in the subject line.

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:

- Community Right to Know Program: <https://www.nj.gov/dep/enforcement/crtk.html>
- Pollution Prevention Program: <https://dep.nj.gov/sustainability/pollution-prevention/>
- General NJDEP Contact Information: <https://dep.nj.gov/contact>
- Changes to TRI Reporting Requirements for Per- and Polyfluoroalkyl Substances and to Supplier Notifications for Chemicals of Special Concern: https://www.epa.gov/toxics-release-inventory-tri-program/changes-tri-reporting-requirements-and-polyfluoroalkyl?utm_medium=email&utm_source=govdelivery
- Air Pollution Program: <https://dep.nj.gov/boss/>
- Small Business Environmental Assistance Program: <https://dep.nj.gov/sustainability/sbap/>
- Addition of certain PFAS to TRI by the National Defense Authorization Act: <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.