NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

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| **1.** | **Notifying Member:** UNITED STATES OF AMERICA  **If applicable, name of local government involved (Article 3.2 and 7.2):** |
| **2.** | **Agency responsible:**  Environmental Protection Agency (EPA) [1981]  **Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:**  Please submit comments to: USA WTO TBT Enquiry Point, Email: [usatbtep@nist.gov](mailto:usatbtep@nist.gov) |
| **3.** | **Notified under Article 2.9.2 [****X],** **2.10.1 [****],** **5.6.2 [****],** **5.7.1 [****], 3.2 [****], 7.2 [****],** **other****:** |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Per- and polyfluoroalkyl substances (PFAS); Environmental protection (ICS code(s): 13.020); Production in the chemical industry (ICS code(s): 71.020); Products of the chemical industry (ICS code(s): 71.100) |
| **5.** | **Title, number of pages and language(s) of the notified document:** Changes to Reporting Requirements for Per- and Polyfluoroalkyl Substances and to Supplier Notifications for Chemicals of Special Concern; Community Right-to-Know Toxic Chemical Release Reporting; (9 page(s), in English) |
| **6.** | **Description of content:** Proposed rule - The Environmental Protection Agency (EPA) is proposing to add per- and polyfluoroalkyl substances (PFAS) subject to reporting under the [Emergency Planning and Community Right-to-Know Act (EPCRA)](https://www.epa.gov/epcra) and the [Pollution Prevention Act (PPA)](https://www.epa.gov/laws-regulations/summary-pollution-prevention-act) pursuant to the National Defense Authorization Act for Fiscal Year 2020 (NDAA) to the list of Lower Thresholds for Chemicals of Special Concern (chemicals of special concern). These PFAS already have a lower reporting threshold of 100 pounds. The addition of these PFAS to the list of chemicals of special concern will cause such PFAS to be subject to the same reporting requirements as other chemicals of special concern (i.e., it would eliminate the use of the de minimis exemption and the option to use Form A and would limit the use of range reporting for PFAS). Removing the availability of these burden-reduction reporting options will result in a more complete picture of the releases and waste management quantities for these PFAS. In addition, EPA is proposing to remove the availability of the de minimis exemption for purposes of the Supplier Notification Requirements for all chemicals on the list of chemicals of special concern. This change will help ensure that purchasers of mixtures and trade name products containing such chemicals are informed of their presence in mixtures and products they purchase. |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** Protection of human health or safety; Protection of animal or plant life or health; Protection of the environment |
| **8.** | **Relevant documents:**  87 Federal Register (FR) 74379, 5 December 2022; Title 40 Code of Federal Regulations (CFR) Part 372:  <https://www.govinfo.gov/content/pkg/FR-2022-12-05/html/2022-26022.htm>  <https://www.govinfo.gov/content/pkg/FR-2022-12-05/pdf/2022-26022.pdf>  This proposed rule is identified by Docket Number EPA-HQ-TRI-2022-0270. The Docket Folder is available on Regulations.gov at <https://www.regulations.gov/docket/EPA-HQ-TRI-2022-0270/document> and provides access to primary and supporting documents as well as comments received. Documents are also accessible from [Regulations.gov](http://www.regulations.gov/) by searching the Docket Number. WTO Members and their stakeholders are asked to submit comments to the [USA TBT Enquiry Point](mailto:usatbtep@nist.gov). Comments received by the USA TBT Enquiry Point from WTO Members and their stakeholders by [4pm](http://time-time.net/times/time-zones/usa-canada/current-eastern-time-est.php) [Eastern Time](https://24timezones.com/time-zone/et) on 3 February 2023 will be shared with the regulator and will also be submitted to the [Docket](https://www.regulations.gov/docket/EPA-HQ-TRI-2022-0270/document) on Regulations.gov if received within the comment period.  [G/TBT/N/USA/1742 and subsequent addenda](https://epingalert.org/en/Search?domainIds=1&countryIds=C840&documentSymbol=1742) - TSCA Section 8(a)(7) Reporting and Recordkeeping Requirements for Perfluoroalkyl and Polyfluoroalkyl Substances, identified by Docket Number [EPA-HQ-OPPT-2020-0549](https://www.regulations.gov/docket/EPA-HQ-OPPT-2020-0549/document). |
| **9.** | **Proposed date of adoption:** To be determined  **Proposed date of entry into force:** To be determined |
| **10.** | **Final date for comments:** 3 February 2023 |
| **11.** | **Texts available from: National enquiry point [****]** **or address, telephone and fax numbers and email and website addresses, if available, of other body:**  <https://members.wto.org/crnattachments/2022/TBT/USA/22_8290_00_e.pdf> |