



Webinar Q&A

**PFAS Regulatory Updates
for Key Global Markets:
EU, US, & UK**

Thank you for your interest in our recent webinar on " PFAS Regulatory Updates for Key Global Markets: EU, US, & UK". We appreciate your active participation and the engaging questions posed during the session.

As promised, we have compiled a comprehensive Q&A summary based on the queries and discussions from the webinar. This document aims to provide clarity on the complex regulatory landscapes concerning PFAS and offer insights into best practices for compliance across different regions.

For any further questions or additional support, feel free to reach out to our team via email at cdx-info@dxccom.com.

Best regards,

Your CDX Team

Q: What is the threshold for reporting any PFAS?

A: Depending on the regulation.

- EU REACH (Article 33) & UK REACH: Any PFAS substance on the Candidate List must be disclosed in articles if present above 0.1% w/w.
- Stockholm POP Regulation: PFAS listed as POPs are subject to a maximum concentration limit of 50 mg/kg (0.005% w/w) in articles.
- TSCA Section 8(a)(7): There is no concentration threshold—all intentionally added PFAS, regardless of level, must be reported.
- Maine PFAS in Products Law: No de minimis threshold—any intentionally added PFAS in a product must be reported.
- New Mexico PFAS Protection Act: No concentration threshold—reporting is required for all intentionally added PFAS.
- California AB 1200/AB 652: PFAS in food packaging and juvenile products are banned if total organic fluorine $\geq$ 100 ppm (0.01% w/w).
- Minnesota PFAS Reporting Rule (proposed): Reporting covers all intentionally added PFAS, regardless of concentration—no de minimis exemption in the statutory requirement.

Q: Do you know how many states have reporting requirements?

A: At least in 8 States.

- Maine - Reporting required for products with "currently unavoidable uses" by January 1, 2032
- Minnesota - Reporting required for products with intentionally added PFAS by July 1, 2026 (extended from January 1, 2026)
- New Mexico - Reporting required for products with intentionally added PFAS starting January 1, 2027

There are also some reporting obligations for specific groups of products in California, Washington (Safer Products law), Colorado, Rhode Island, Illinois.

Q: As we know the reporting years are from 2011 to 2022, but we do not have any data records for the years 2011 to 2016. How should we address this in the report?

A: If a reporter does not have data for 2011 to 2016, the report must still include these years with an indication that the information is "not known or reasonably ascertainable" for those years.

Q: Who pays the fee?

A: Under Minnesota's proposed PFAS reporting rule, the manufacturer or importer submits the report and pays the fee. The draft fee structure (currently under review) set a \$1,000 initial reporting fee and a \$500 annual recertification fee per reporting entity.

Q: Who is usually responsible to submit a report when PFAS is included in a product?

A: Under TSCA Section 8(a)(7), the responsibility to submit PFAS reports lies primarily with the

manufacturer, including importers. This includes manufacturers who produce PFAS substances or import them into the United States, whether as bulk chemicals or in articles/products.

Q: Where do we have to submit the PFAS report?

A: For TSCA Section 8(a)(7) PFAS reporting, reports must be submitted electronically through the EPA's Central Data Exchange (CDX) system.

Q: Electronic/electrical equipment... does it need a PFAS report from 2032?

A: No—in Maine, the January 1, 2032 deadline applies only to products granted a “currently unavoidable use” (CUU) exemption.

Q: Our company is outside the US. We plan to export some parts that contain PFAS. What should we do and what documents need to be provided to the importer?

A: To ensure compliance with US federal and state PFAS reporting requirements, you should supply your US importer with a comprehensive PFAS compliance package ahead of export. This package must include:

- A list of all intentionally added PFAS substances in each part, including CAS and EC numbers.
- Weight-percent or concentration ranges for each PFAS in the material.
- The purpose of each PFAS (e.g., “PTFE coating for chemical resistance,” “PVDF binder in electrode assembly”).
- Current SDSs for any PFAS substances or mixtures used.
- A signed statement from your raw material or chemical supplier confirming PFAS identities and concentrations.
- The official EPA Excel template listing all required data fields (chemical identity, use categories, volume ranges, disposal practices) to streamline CDX submission.
- A brief overview of relevant PFAS regulations and exemptions, such as TSCA 8(a)(7) reporting obligations and any state-specific exemptions (e.g., Maine CUU, New Mexico fluoropolymer carve-out).

Your importer will use this information to register in EPA's CDX portal, complete the TSCA Section 8(a)(7) reporting tool, and fulfill any state-level PFAS product reporting or labeling requirements. This proactive documentation ensures timely and accurate compliance under all applicable US PFAS rules.

Q: For HVAC in 2040, would it concern the complete equipment e.g. a heat pump, or also its internal components? For example, a pressure sensor in a heat pump?

A: The 2040 ban applies to both finished HVAC equipment and any component parts containing intentionally added PFAS. Maine's rule defines “product” to include all articles and their individual components if PFAS are added for a functional purpose. Therefore, a complete heat pump and internal parts—such as a pressure sensor with PFAS-based diaphragms, lubricants, or coatings—fall within the ban unless a “currently unavoidable use” exemption applies.

Q: As we are in the automotive industry manufacturing IRVM and ORVM mirrors for OEMs, could you please clarify which types of products are covered under this case?

A: Under TSCA Section 8(a)(7), any component of your IRVM (interior rearview mirrors) or ORVM (outside rearview mirrors) that contains intentionally added PFAS must be reported. In the automotive mirror context, the following product elements are most likely to fall within TSCA 8(a)(7) scope:

- Hydrophobic or anti-fog coatings applied to the glass surface that use PTFE, FEP, PFA, or other fluoropolymers.
- Durable water-repellent or anti-soiling treatments on plastic housings containing fluorosurfactants.
- Fluoroelastomer (FKM, FEP)–based adhesives, gaskets, or sealants used to bond glass to the housing or to seal housings against moisture ingress.
- Injection-molded housings or components made from fluoropolymer-modified plastics (e.g., PVDF-blends).
- Any fluoropolymer liners or vibration-damping inserts incorporated into mirror assemblies.
- PFAS-based slip or release agents used in molding operations for mirror plastic components.
- PFAS surfactants or process aids used in manufacturing resin compounds for mirror parts.
- Others

Q: Are lubricants used in the automotive industry considered as internal use and therefore the deadline for their ban will be extended?

A: Yes. Under the “currently unavoidable use (CUU) exemptions in states like Maine—and similar provisions in New Mexico automotive lubricants used exclusively for industrial or manufacturer controlled processes are treated as internal uses. These are not consumer facing products and thus qualify for extended timelines before any ultimate prohibition.

Q: Let me ask regarding li-ion battery packs, for their organic parts.

A: Yes—any organic materials in a Li-ion battery pack that contain intentionally added PFAS must be reported under PFAS-in-Products laws and TSCA Section 8(a)(7). In practice, the following organic parts are most likely to include PFAS and therefore require evaluation and, if present above regulatory thresholds, declaration or reporting:

- Separator membranes (often coated or treated with PTFE or other fluoropolymers for chemical stability and thermal resistance)
- Electrolyte additives or wetting agents containing fluorinated surfactants
- Polymeric binders or adhesives (e.g., PVDF, which is a PFAS polymer)
- Polymer-based gaskets, O-rings, or sealants using fluoroelastomers (FKM, FEP)
- Surface treatments or coatings applied to cell casings or connectors for corrosion resistance

Q: Is it possible to fulfill reporting obligations in individual federal states using CDX?

A: So far, there have been no requests from customers in CDX to create separate state-level PFAS regulations. In CDX, clients typically use PFAS substance groups that follow the OECD definition, which allows users to create custom regulatory frameworks—including at the state level if needed. This structure enables product analysis against any PFAS substance group relevant to US federal or individual state requirements.

You can use the Where Analysis tool in CDX to check whether any of your products contain PFAS listed under any custom group. If there are gaps in your supplier data, CDX lets you easily request additional information directly from your suppliers, ensuring robust compliance across federal and potential state regulations. This flexible approach in CDX supports product analysis and reporting obligations tailored to evolving state-level legal requirements, should specific state mandates arise in the future.

Q: Is CDX able to find the PFAS-affected parts → materials → substances? Can it be extracted in bulk with their path?

A: Yes, CDX is able to identify and trace PFAS-affected parts, materials, and substances within your product hierarchy. The platform's Where Analysis tool quickly pinpoints which items in your portfolio are impacted by PFAS substance groups, allowing you to trace connections from parts to the specific materials and then to the substances at risk. After using the Where Used Analysis in CDX, the system allows you to export a complete list of all materials in which any of the selected PFAS substances exist.

Q: Are recycled products included within the scope of the Minnesota rule?

A: Recycled products are exempt from Minnesota's PFAS reporting requirements under the current proposed rule.

Q: Are fluoropolymers included in the scope of the Minnesota, Maine, and New Mexico regulations?

A: Only New Mexico has a clear regulatory carve-out exempting fluoropolymers from its PFAS restrictions; Minnesota and Maine currently include fluoropolymers within their scope unless further legislative updates are enacted

Q: How do the UK PFAS obligations apply in Northern Ireland?

A: Under the post-Brexit arrangements, UK PFAS obligations apply differently in Northern Ireland compared to the rest of the United Kingdom (Great Britain). Due to the Windsor Framework (formerly the Northern Ireland Protocol), Northern Ireland remains aligned with the European Union's chemical regulations, while Great Britain (England, Scotland, and Wales) operates under its own independent system.

Q: If a company manufactured and imported PFAS between 2011 to 2012 and they are not placing any PFAS now, is the reporting requirement applicable?

A: Yes, the company must comply with the TSCA 8(a)(7) PFAS reporting requirements even if their PFAS manufacturing and importing activities were confined to 2011-2012, as the rule requires retrospective reporting for all years since 2011.

Q: Is PTFE considered a PFAS or PFOS?

A: PTFE is not a type of PFOS, but it is a PFAS substance due to CF3 and CF2 functional groups.

Q: Is it correct that the EPA is considering reducing or modifying the 10-year lookback for TSCA 8a7?

A: We've been hearing rumors, but it is important to remember that the 10-year mandate originates from the National Defense Authorization Act (NDAA), not from EPA regulations. Since the NDAA represents approved federal legislation, there is no reasonable expectation that EPA would have the authority to modify regulatory requirements that the U.S. Senate has already approved through the legislative process.

Q: Do you have an official link or more information regarding the current beta testing of the reporting tool under TSCA?

A: EPA's Central Data Exchange (CDX) team has opened a test environment for TSCA Section 8(a)(7) PFAS reporters. Solicitations were sent to organizations—including the North American Manufacturing Organization—and other industry groups inviting participants whose companies will have reporting obligations to register in the test system.

Q: FKM Elastomers: there are two types basically: with PFOS surfactants and the water-based surfactants. Considering the two cases, do I need to declare my parts made out of FKM as intentionally added? Since the main polymer (FKM) is considered a PFAS?

A: Because the fundamental FKM material is a fluoropolymer, any part made from it must be declared under regulations that govern "intentionally added PFAS," such as those in US states like Maine and Minnesota. For broader regulations like the US EPA's TSCA Section 8(a)(7), which does not use an "intentionally added" threshold, reporting is required simply because the FKM itself is a PFAS substance being imported or used

Q: For PFAS rules in MN, what does it mean for the reporting timeline now that the state administrative law judge rejected the MPCA's draft rules?

A: Given the extent of required corrections and the time needed for the rulemaking process, there is a strong possibility that MPCA will need to extend the July 1, 2026 deadline further. The agency has already used its statutory authority to extend the original January 1, 2026 deadline once.

Q: What are the fees for reporting and recertifying?

A: The Minnesota Pollution Control Agency (MPCA) proposed a following fee structure:

- Initial Report Submission: \$1,000 per manufacturer.
- Annual Update or Recertification: \$500 flat fee per manufacturer.
- Extension Request: \$300 per manufacturer.

Q: Do you have a template or standard form available that could serve as a reference for PFAS reporting?

A: There is an official Excel file available from the EPA that details all the data elements required for TSCA Section 8(a)(7) reporting.

Q: Non-consumer laboratory equipment or electronics, what does it cover? Industrial/professional ones?

A: Yes, the exemption for "non-consumer laboratory equipment or electronics" in Maine's PFAS in Products Law covers industrial and professional equipment that is not ordinarily used for personal, family, or household purposes. According to Maine's regulation (Chapter 90), this exemption specifically applies to:

Laboratory Equipment:

- Any analytical instrument or support equipment required to generate analysis results
- Tools, gear, or appliances intended for the creation of substances
- Reaction vessels, gas generators, preparatory or purifying equipment

Non-Consumer Electronics:

- Electronic equipment used in industrial, commercial, or professional settings
- Equipment not intended for personal, family, or household use
- This includes professional-grade instruments, industrial control systems, and specialized electronic devices used in manufacturing, research, or commercial operations

Q: Please discuss the requirement for labels on all PFAS products in New Mexico.

A: New Mexico's Per- and Poly-Fluoroalkyl Substances (PFAS) Protection Act includes provisions empowering the Environmental Improvement Board to adopt rules requiring labeling of products that contain intentionally added PFAS. The labeling must be in both English and Spanish. This law phases out intentionally added PFAS in many consumer products beginning January 1, 2027, with a full ban by January 1, 2032, unless an exemption for "currently unavoidable uses" applies.

Manufacturers must report products containing intentionally added PFAS starting January 1, 2027. The exact labeling rules and requirements are still being developed, and the New Mexico Environment Department will hold an informational webinar on labeling requirements on September 25, 2025, to provide guidance to manufacturers and stakeholders. To register for the webinar or obtain more information, manufacturers can contact NMED-PFAS@env.nm.gov.

Q: Where do we have to submit the PFAS report?

A: For TSCA Section 8(a)(7) PFAS reporting, the required reports must be submitted electronically through the Environmental Protection Agency's (EPA) Central Data Exchange (CDX) system.

Q: Are PFAS substances included in the Aerospace and Defense Declarable Substances List (AD-DSL)? With CAS and EC identification?

A: Yes, PFAS substances are included in the Aerospace and Defense Declarable Substances List (AD-DSL). The International Aerospace Environmental Group (IAEG) maintains a specific PFAS list called the IAEG-PL, which identifies PFAS in active use within aerospace and defense industry products. This list is often integrated or cross-referenced with the AD-DSL to support substance declarations and supply chain compliance in the aerospace and defense sector.

Q: Please advise if you can share a user job aid or manual for CDX PFAS declaration. Thanks so much.

A: You can find CDX User Manuals here: [https://public.cdssystem.com/en/web/cdx/supportive-material#bookmark User Manuals](https://public.cdssystem.com/en/web/cdx/supportive-material#bookmark_User_Manuals)

Q: Are there any limitations in where-used search or can you get all occurrences?

A: Yes, there is a limitation in the where-used search function within many compliance data platforms, including CDX. Typically, the system imposes a limit of 500 occurrences returned in a single where-used search query.

Q: If loading to IMDS, do you need to double up and load to CDX as well?

A: Yes, there is an option to transfer data directly from IMDS to CDX, which helps avoid duplicative data entry.

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