



10 October 2024

(24-7090)

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Committee on Technical Barriers to Trade

Original: English

### NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

<b>1. Notifying Member:</b> UNITED STATES OF AMERICA <b>If applicable, name of local government involved (Article 3.2 and 7.2):</b>
<b>2. Agency responsible:</b> Environmental Protection Agency (EPA) [2185] <b>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:</b> Please submit comments to: USA WTO TBT Enquiry Point, Email: <a href="mailto:usatbtep@nist.gov">usatbtep@nist.gov</a>
<b>3. Notified under Article 2.9.2 [X], 2.10.1 [ ], 5.6.2 [ ], 5.7.1 [ ], 3.2 [ ], 7.2 [ ], other:</b>
<b>4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):</b> Per- and polyfluoroalkyl substances; Environmental protection (ICS code(s): 13.020); Domestic safety (ICS code(s): 13.120); Production in the chemical industry (ICS code(s): 71.020); Products of the chemical industry (ICS code(s): 71.100)
<b>5. Title, number of pages and language(s) of the notified document:</b> Addition of Certain Per- and Polyfluoroalkyl Substances (PFAS) to the Toxics Release Inventory (TRI); (39 page(s), in English)
<b>6. Description of content:</b> Proposed rule - The Environmental Protection Agency (EPA) is proposing to add 16 individually listed per- and polyfluoroalkyl substances (PFAS) and 15 PFAS categories to the Toxics Release Inventory (TRI) list of toxic chemicals subject to reporting under the Emergency Planning and Community Right-to-Know Act (EPCRA) and the Pollution Prevention Act (PPA) to comply with the National Defense Authorization Act for Fiscal Year 2020 (NDAA). EPA also addresses how PFAS categories should be treated. Separately, EPA discusses what events may trigger the automatic addition of a PFAS to the TRI pursuant to the NDAA. This discussion does not propose to list chemicals to TRI pursuant to the NDAA, but rather describes what EPA documents and activities involving PFAS would trigger an automatic addition under the NDAA.
<b>7. Objective and rationale, including the nature of urgent problems where applicable:</b> Prevention of deceptive practices and consumer protection; Protection of human health or safety; Protection of the environment
<b>8. Relevant documents:</b> 89 Federal Register (FR) 81776, 8 October 2024; <a href="#">Title 40 Code of Federal Regulations (CFR) Part 372</a> : <a href="https://www.govinfo.gov/content/pkg/FR-2024-10-08/html/2024-22966.htm">https://www.govinfo.gov/content/pkg/FR-2024-10-08/html/2024-22966.htm</a>

<https://www.govinfo.gov/content/pkg/FR-2024-10-08/pdf/2024-22966.pdf>

This notice is identified by Docket Number EPA-HQ-OPPT-2023-0538. The Docket Folder is available on Regulations.gov at <https://www.regulations.gov/docket/EPA-HQ-OPPT-2023-0538/document> and provides access to primary and supporting documents as well as comments received. Documents are also accessible from [Regulations.gov](https://www.regulations.gov) by searching the Docket Number. WTO Members and their stakeholders are asked to submit comments to the [USA TBT Enquiry Point](#). Comments received by the USA TBT Enquiry Point from WTO Members and their stakeholders by [4pm Eastern Time](#) on 9 December 2024 will be shared with the EPA and will also be submitted to the [Docket](#) on Regulations.gov if received within the comment period.

**9. Proposed date of adoption:** To be determined

**Proposed date of entry into force:** To be determined

**10. Final date for comments:** 9 December 2024; comments on the information collection provisions submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA) are best assured of consideration by OMB if OMB receives such comments on or before 7 November 2024.

**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/2024/TBT/USA/24\\_06694\\_00\\_e.pdf](https://members.wto.org/crnattachments/2024/TBT/USA/24_06694_00_e.pdf)