



October 7, 2024

Submitted through: <https://www.regulations.gov>.

Ms. Stephanie Griffin
Data Gathering, Management, and Policy Division (7406M)
Office of Pollution Prevention and Toxics
Environmental Protection Agency
1200 Pennsylvania Ave. NW, Washington, DC 20460-0001

RE: Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Data Reporting and Recordkeeping Under the Toxic Substances Control Act (TSCA); Change to Submission Period and Technical Correction, EPA-HQ-OPPT-2020-0549

Dear Ms. Griffin:

The Alliance for Automotive Innovation (Auto Innovators)¹ appreciates the opportunity to provide comments in support of EPA's direct final rule: "Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Data Reporting and Recordkeeping Under the Toxic Substances Control Act (TSCA); Change to Submission Period and Technical Correction."²

Our understanding is that EPA is issuing this direct final rule to change the data submission period for the TSCA section 8(a)(7) PFAS reporting rule. Per this amendment, the submission period will begin on July 11, 2025, and last for six months, through January 11, 2026. The reporting period for those reporting exclusively pursuant to section 705.18(a) (article importers) and that are considered small manufacturers under the definition at section 704.3 would begin on July 11, 2025, and last for 12 months, through July 11, 2026.

Auto Innovators offers our strong support for this necessary action and appreciates that EPA recognizes the importance of having a beta-tested and functionally sound reporting system in place for the submission of data required by the TSCA 8(a)(7) reporting rule.³ Auto Innovators concurs with EPA's conclusion that:

This action will result in additional time for the Agency's reporting application to be completed and sufficiently tested to ensure that reporting entities do not experience issues that prevent their submission of data as required under TSCA section 8(a)(7) during the regulatory submission period. Further, without modifying the reporting period, EPA would need to continue to develop the application while reporting is occurring. Forms that were submitted prior to the completion of such continued development could require resubmission due to the effects of such ongoing application

¹ Auto Innovators represents the full auto industry, including the manufacturers producing most vehicles sold in the U.S., equipment suppliers, battery producers, semiconductor makers, technology companies, and autonomous vehicle developers. Our mission is to work with policymakers to realize a cleaner, safer, and smarter transportation future and to maintain U.S. competitiveness in cutting-edge automotive technology. Representing approximately 5 percent of the country's GDP, responsible for supporting nearly 10 million jobs, and driving \$1 trillion in annual economic activity, the automotive industry is the nation's largest manufacturing sector. www.autosinnovate.org.

² 89 Fed. Reg. 72,336 (Sept. 5, 2024).

³ 88 Fed. Reg. 70,516 (Oct. 11, 2023).

development. Similarly, forms that were started but not yet submitted could need to be restarted due to the effects of ongoing application development.⁴

Additionally:

...the amount of data that is expected to be submitted under this rule is unprecedented due to the number of chemicals and years of data for which this reporting requirement applies, underscoring the critical need to ensure the fidelity of the process and the data, which can only be achieved by delaying the start of the reporting period. To fully ensure the Agency's reporting platform can manage this volume of materials, an industry testing period will be required. This is built into the new timeline with a sufficient window to allow for software updates and modifications based upon this testing.⁵

Auto Innovators agrees with this expectation, as the auto industry itself sees the potential for a sizeable amount of data reported just from the automotive sector and our complex products.

We also support EPA's commitment to "an industry testing period,"⁶ and Auto Innovators here reiterates our request to participate in that testing period. As an industry sector that will potentially be required to submit hundreds of thousands of reports, we view our experience in collecting the PFAS data required by the TSCA 8(a)(7) final rule to be highly valuable for EPA's development of a Central Data Exchange (CDX) reporting mechanism that is workable for EPA and the regulated community.

As EPA moves forward, we would like to reiterate our request to the Agency to explore reporting options that ensure EPA has access to the data required by the rule but that do not overwhelm or unnecessarily increase reporting costs for industries, such as automotive, with complex products. We continue to develop effective options to address our concerns and first presented options to EPA in March 2024, and would be happy to meet with EPA to further review them. The reporting concepts we have developed offer a number of effective options to ensure that EPA has access to the data required by the rule.

If you have any questions, please feel free to contact me at 202-326-5511 or cpalin@autosinnovate.org.

Sincerely,



Catherine Palin
Senior Attorney & Director of Environmental Policy
Alliance for Automotive Innovation

⁴ 89 Fed. Reg. at 72,337.

⁵ 89 Fed. Reg. at 72,338.

⁶ *Id.*