



Takeaways from ACI's 3rd Annual Summit on PFAS Regulation, Compliance and Litigation

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Reading Time : **2 min**

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I was honored to present once again at the American Conference Institute's (ACI) Annual Summit on PFAS Regulation, Compliance and Litigation, this year as part of a great state regulatory panel. Below are some thoughts from the conference:

- We now have a (slightly) greater sense of the per- and polyfluoroalkyl substances (PFAS) TSCA Reporting requirement deadline. U.S. Environmental Protection Agency (EPA) Deputy Administrator David Fotouhi anticipates the underlying rulemaking will go final just before the end of the year, which lines up well with the proposed January 31 reporting timeline (at most 60 days after the rule goes final). Fotouhi also noted that the Agency intends to make reporting more practicable and less duplicative, reducing requirements in the final rule.
- Speaking of reporting, Minnesota Pollution Control Agency head Katrina Kessler stated that the State remains on track to implement a September deadline for its own reporting rule. To date, approximately 40 entities have filed close to 700 reports, which Kessler takes as evidence that no further delay is necessary. Kessler stated the Agency has "no idea" how many reports they will receive in total.
- Two other items of note from Minnesota. First and foremost, Kessler indicated in a private conversation that she does not expect to stay on past 2026. Second, Kessler stated that the Agency will spot-check products at online and physical retailers for

PFAS content to ensure compliance as she does not expect many companies to test on their own. That said, she does expect companies seeking a currently unavoidable use (CUU) determination to test their products and report on PFAS content in their applications.

- While on testing, New Mexico's PFAS-only attorney at the state attorney general's office, Greg Smithkier, stated that until New Mexico's Environment Department has its own testing team (in progress), they will rely upon nongovernmental organizations (NGOs) and environmental groups to conduct spot checking. He also stated that in response to a legislative directive, New Mexico will re-evaluate its exemptions for fluoropolymers in a preliminary report this year, to be followed by a final document, August 2027. With respect to reporting, Smithkier noted that New Mexico will employ the same system as Minnesota, and that publicly available reporting in other jurisdictions may allow for a waiver from the requirements.

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