SEMICONDUCTOR INDUSTRY ASSOCIATION

Comments of the
Semiconductor Industry Association (SIA)
To the
Environmental Protection Agency (EPA)
On the
Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Data Reporting and Recordkeeping Under the Toxic Substances Control Act (TSCA); Change to Submission Period
EPA-HQ-OPPT-2020-0549; FRL-7902.2-01-OCSPP
June 12, 2025

The Semiconductor Industry Association ("SIA")[1] appreciates the opportunity to provide these comments regarding the U.S. Environmental Protection Agency's ("EPA's" and "the Agency's") interim final rule changing the submission period for perfluoroalkyl and polyfluoroalkyl substances (PFAS) data reporting and recordkeeping under the Toxic Substances Control Act (TSCA) section 8(a)(7). SIA supports EPA action to delay the reporting submission period.

Additionally, EPA states "This extension also provides the Agency an opportunity to reconsider and, if applicable, propose a separate action to modify any aspects of the TSCA section 8(a)(7) reporting rule through standard notice and comment rulemaking procedures" (90 F.R. 20237).[2] Accordingly, SIA also offers suggestions for EPA in the event it reconsiders aspects of the existing TSCA 8(a)(7) reporting rule.

1. Semiconductor PFAS Consortium

In addition to efforts described by the current PFAS reporting regulations under TSCA Section 8(a)(7), the semiconductor industry has undertaken voluntary actions to improve data and understanding of PFAS in the sector. The Semiconductor PFAS Consortium is an international group of semiconductor industry stakeholders – including semiconductor manufacturers, semiconductor manufacturing equipment manufacturers, and materials suppliers – organized under the auspices of SIA to collect the technical data needed to formulate an industry approach to PFAS based on science.

The Consortium's work is focused on efforts to improve our understanding of PFAS use in the semiconductor industry, quantify and reduce releases to the environment, assess the availability of alternatives, optimize the use of PFAS in the manufacturing process, and drive adoption of abatement and treatment technologies.

The Consortium has published numerous technical papers documenting the industry's use of PFAS in various applications, including information regarding the unique functional properties of particular PFAS in our manufacturing processes, the absence of non-PFAS alternatives in meeting performance requirements, the technical obstacles and long lead times needed to

[1] SIA is the voice of the semiconductor industry, one of America's top export industries and a key driver of America's economic strength, national security, and global competitiveness. Semiconductors – the tiny chips that enable modern technologies – power incredible products and services that have transformed our lives and our economy. The semiconductor industry directly employs over a quarter of a million workers in the United States, and U.S. semiconductor company sales totaled $318 billion in 2024. SIA represents 99 percent of the U.S. semiconductor industry by revenue and nearly two-thirds of non-U.S. chip firms. Through this coalition, SIA seeks to strengthen leadership of semiconductor manufacturing, design, and research by working with Congress, the Administration, and key industry stakeholders around the world to encourage policies that fuel innovation, propel business, and drive international competition. Additional information is available at www.semiconductors.org.

[2] Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Data Reporting and Recordkeeping Under the Toxic Substances Control Act (TSCA); Change to Submission Period, May 13, 2025. https://www.federalregister.gov/documents/2025/05/13/2025-08168/perfluoroalkyl-and-polyfluoroalkyl-substances-pfas-data-reporting-and-recordkeeping-under-the-toxic

identify and adopt potential substitute chemicals (typically 5-25 or more years), and PFAS conceptual release maps and release models.[3] These papers include hundreds of pages of technical documentation, and the papers are all publicly available for download at semiconductors.org/pfas.

This voluntary effort is distinct from the PFAS reporting rule, and provides publicly available information that supplements understanding of the industry's use of PFAS.

2. SIA Support for Delayed Start and End Date for Reporting Period

SIA endorses EPA's decision to postpone both the opening and closing dates of the TSCA Section 8(a)(7) PFAS reporting window. An extension is necessary given the scale and complexity of the reporting requirements.

Importantly, a delay will allow EPA the time necessary to launch a stable, fully functional reporting platform, while providing the Agency the opportunity to perform beta testing to ensure the platform works as intended and to debug any issues. SIA members would be pleased to partner with EPA to beta test the reporting portal and provide feedback.

Additionally, reporters, including those in the semiconductor manufacturing sector, will gain additional time to gather reliable information across their supply chains, which are complex and global, and often extend several tiers. Additional time will result in higher-quality submissions. SIA supports the Agency's goal to collect useful data on PFAS in commerce through this reporting requirement, and such a delay will help achieve these objectives.

3. Reiteration of SIA's Key Recommendations and Concerns

As SIA expressed to EPA in comments from September 2021 (Comment ID: EPA-HQ-OPPT-2020-0549-0054)[4] and December 2022 (Comment ID: EPA-HQ-OPPT-2020-0549-0151),[5] EPA should substantially modify the reporting requirements in multiple ways. Such modifications, if implemented, could satisfy the objectives of the rule while significantly reducing the impact of the rule on SIA members and other similarly situated sectors of the U.S. economy. Doing so will make compliance with the requirements more feasible and enables submission of more accurate, comprehensive, and timely information.

SIA's recommendations continue to include:

- *Reporting on articles containing PFAS should not be included in the final rule.* EPA is not required by law to include articles containing PFAS within the scope of the Section 8(a)(7) final rule. Moreover, SIA members, like other similarly situated businesses, are neither aware of nor able to readily gain access to the chemical content of complex articles they may import. EPA should recognize the complexity of semiconductor manufacturing equipment, which may comprise hundreds of thousands of components sourced from across the globe, as well as the complexity of the overall semiconductor manufacturing supply chain.

[3] Semiconductor PFAS Consortium. https://www.semiconductors.org/pfas/
[4] Semiconductor Industry Association (SIA) Comments on the Proposed TSCA §8(a)(7) Reporting Rule for PFAS, September 25, 2021. https://www.regulations.gov/comment/EPA-HQ-OPPT-2020-0549-0054
[5] Comments of the Semiconductor Industry Association (SIA) on the Initial Regulatory Flexibility Analysis and Updated Economic Analysis for the Proposed TSCA §8(a)(7) Reporting Rule for PFAS, December 27, 2022. https://www.regulations.gov/comment/EPA-HQ-OPPT-2020-0549-0151

- *EPA should significantly reduce the number of PFAS subject to the reporting rule and eliminate the use of a "structural definition" for PFAS in the rule.* The Agency should establish a finite list of specific PFAS of interest (such as those known to be active in U.S. commerce) for the final rule. Excluding fluoropolymers that are exempt from reporting for the Chemical Data Reporting (CDR) would also be an improvement to implement.

- *EPA should exclude processors from reporting obligations and clarify that only those entities that manufacture/import PFAS and PFAS-containing mixtures must report.*

- *EPA should not require reporting on PFAS and PFAS-containing mixtures (and articles) that are solely used in research and development activities.*

- *Other standard exemptions permitted for TSCA rules should be incorporated in the final reporting rule,* including exemptions for PFAS when present as a byproduct or unintended impurity in a substance, mixture, or article.

- *EPA should establish thresholds for the presence of PFAS* and exclude from reporting PFAS when present below a de minimis threshold (e.g., < 0.1%).

- *EPA should provide additional guidance and a practical standard for due diligence that will be acceptable to meet the "known or reasonably ascertainable" standard.*

- *EPA should reexamine its economic assessment* to more realistically evaluate impacts on businesses.

- *EPA should consider adjusting the "lookback period" for PFAS reporting* to stagger reporting and initially focus on a more reasonable and recent period, such as calendar years 2020, 2021 and 2022, to limit burdens on the regulated community and to ensure EPA receives high-quality data.

Such revisions would materially improve the existing regulations and reduce the economic burden of compliance. At the same time, these revisions will not diminish EPA's ability to collect important new data and information pertaining to PFAS. Seeking data that will be difficult – if not impossible – to gather (such as all PFAS content in articles) will be unnecessarily costly and time consuming and will not generate meaningful information. Further, such data could be inconsistent, unreliable, and fraught with errors and may not be meaningfully related to exposures and releases of PFAS in the United States. Imposing burdensome requirements to generate poor quality and less meaningful data does not serve the statutory intent behind TSCA's Section 8(a)(7) reporting. This is among the many reasons EPA has exempted such categories of information from other TSCA reporting rules, and EPA should do so here as well.

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SIA appreciates the opportunity to comment on this interim final rule, and we look forward to continuing to work with EPA on future rulemakings on this topic.