

## Canada's Mandatory PFAS Reporting: What You Need to Know as the Reporting Deadline Approaches

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In July 2024, the Government of Canada published a notice (the Notice) under Section 71 of the *Canadian Environmental Protection Act, 1999* (CEPA) requiring companies to report on their manufacturing, importing and use of 312 per- and polyfluoroalkyl substances (PFAS) by January 29, 2025. PFAS are found in a wide variety of products, including building and construction materials, food packaging and processing equipment, cookware, cleaning products, personal care products, carpets, furniture, clothing, and more.

The purpose of the Notice is to gather information on PFAS in Canada, either alone, in mixtures, products, or manufactured items for the 2023 calendar year, to inform the potential future regulation of PFAS.

Compliance with the Notice is mandatory. A failure to comply with the Notice is an offence under CEPA and may result in significant fines. If additional time to comply is required, companies must request and obtain an extension under Section 71(4) of CEPA by **January 29, 2025**.

### Who Must Report?

The Notice applies broadly to any person that manufactured, imported or used the 312 PFAS listed in [Schedule 1](#) of the Notice in the prescribed quantities, including PFAS contained in a mixture, manufactured item, or product.

The Notice applies if, during the calendar year, a person:

- manufactured more than 1000 g of a PFAS;
- imported into Canada more than 10g of certain PFAS (as set out in [Schedule 1, Part 1](#));
- imported into Canada more than 100 kg of other certain PFAS listed in [Part 2](#) or [Part 3](#) of Schedule 1, whether alone or present in quantities equal to or exceeding 1 part per million (ppm) in a mixture or product, or in specified manufactured items that are listed at Section 2(2)(c) of the Notice, including various manufactured items intended to come into contact with humans and food products;<sup>1</sup>
- imported more than 100kg of any PFAS containing more than 1 ppm in a Manufactured Item, other than those listed at Section 2(2)(c) of the Notice; or
- used a total quantity greater than 10 g of any PFAS, whether the substance was alone or at a

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concentration at or above 1 ppm in a mixture or in a product, or in the manufacture of a mixture, product, or manufactured item.

## What Are the Exemptions?

The Notice also does not apply to a PFAS, whether alone, in a mixture, product, or manufactured Item that:

- is only in transit through Canada;
- is for personal use (for example, used by an individual for non-commercial purposes);
- is intended for use in a laboratory for analysis, in scientific research or as a laboratory standard;
- is, or is contained in, a hazardous waste or hazardous recyclable material and was exported or imported pursuant to a permit under the *Cross-border Movement of Hazardous Waste and Hazardous Recyclable Material Regulations*;
- is, or is contained in, a pest control product registered under the *Pest Control Products Act*;
- is, or is contained in a fertilizer or supplement registered under the *Fertilizers Act*;
- is or is contained in a feed registered under the *Feeds Act*, or
- is mixed with or attached to, a seed registered under the *Seeds Act*.

Micro-businesses, (being businesses with fewer than five employees or less than \$30,000 in annual revenue) are exempt from the reporting requirements of the Notice.

Entities that only exported PFAS or mixtures, products or manufactured items containing PFAS in 2023 are also exempt. In addition, foreign suppliers that export PFAS to Canada are not subject to the Notice. Rather, the receiver (who imports to Canada) must respond to the Notice if the criteria is met.

## What Information Must Be Reported?

Any person to whom the Notice applies must include in their report:

- identifying information, including the reporting entity's name, address, business number, and the contact information of an authorized representative;
- the name and address of each facility that manufactures or uses a PFAS and information about any "releases" from the facility of a PFAS, and a description of any policy or procedure to manage, mitigate or minimize releases from the facility;
- for each PFAS, a description and the common generic name of each manufactured item, and information about the total quantity of the PFAS that was imported, manufactured, used, or exported; and
- additional technical information for certain prescribed PFAS, such as the molecular weight

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distribution, and structural formulas, etc.

## What is the Format for Reporting?

Reporting entities must report the required information in a [prescribed Excel reporting file](#) and submit same through ECCC's [Single Window](#) reporting system by January 29, 2025.

If you have any questions about the Notice or how it may apply to you, please contact the authors of this article or any member of our [Municipal, Planning & Environmental Group](#).

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<sup>1</sup> Please consult the Notice for a comprehensive list of manufactured items.

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*This publication is a general summary of the law. It does not replace legal advice tailored to your specific circumstances.*