

# Enserva Member Brief

## Canada's PFAS Reporting Requirement

October 15, 2024

### Overview

- **Status:** In effect as of July 27, 2024
- **Sponsor:** Environment and Climate Change Canada (ECCC)
- **Background:** A Notice in the Canada Gazette, titled [Notice with respect to certain per- and polyfluoroalkyl substances \(PFAS\)](#), requires Canadian businesses to provide specific data regarding the manufacture, import, and use of PFAS listed in [Schedule 1](#) of the Notice during the 2023 calendar year. More information is available in the government-provided [guidance manual](#).

### What You Need to Know: Key Changes for the Industry

#### 1. New Reporting Requirements for PFAS

Canadian businesses dealing with PFAS must provide data by **January 29, 2025**, focusing on their commercial quantities, mixtures, and use patterns. The following thresholds apply:

- **Manufacturing:** Over 1,000 grams of any Schedule 1 substance.
- **Importing:** Over 10 grams of substances in Part 1 of Schedule 1, or over 100 kg of substances in Parts 2 and 3.

This reporting is intended to help Canada establish a baseline for potential risk assessments on whether these substances should be classified as toxic under the Canadian Environmental Protection Act (CEPA). **Instructions to request a submission extension can be found [here](#).**

#### 2. Scope and Focus

Unlike the U.S., which requires a comprehensive historical report on PFAS usage dating back to 2011, Canada's approach focuses on more recent activity. The goal is not retroactive but to establish a precedent on PFAS use within the Canadian market for future regulatory decisions.

### Potential Impact on Enserva Members

1. **Manufacturers and Importers:** Members who manufacture or import PFAS-containing products in commercial quantities will likely need to comply with this reporting requirement.
2. **Downstream Users:** Members who utilize PFAS in operations (e.g., in coatings for drilling equipment, fracking fluids, or corrosion prevention chemicals) could be indirectly impacted, particularly if sourcing from U.S. suppliers subject to stricter EPA rules.
3. **Cross-border Trade:** Canadian businesses that import or export PFAS-containing products from the U.S. will need to be aware of both the Canadian baseline reporting and the more extensive U.S. requirements, potentially leading to alignment challenges between the two regulatory regimes.

## Global Trend in PFAS Reporting

PFAS regulations are not limited to Canada. There is a global push to regulate and better understand these substances, due to their persistence in the environment and potential health risks.

- **United States:** The EPA has introduced similar but more extensive reporting requirements under the [Toxic Substances Control Act](#) (TSCA), demanding historical data on PFAS production and use dating back to 2011.
- **European Union:** The EU has enacted its own regulations on PFAS under the REACH (Registration, Evaluation, Authorization, and Restriction of Chemicals) regulation, requiring stringent reporting and usage controls.

These international measures reflect a growing recognition of PFAS as a significant environmental and health concern. For Canadian businesses, it is important to understand that similar regulations may arise across other markets, especially in regions like the U.S. and EU.