

Macy's Inc. Vendor Communication
MBVC0003
EPA TSCA PFOA/PFOS

February 19, 2024

Dear Valued Macy's Inc. Vendor,

Regulations and proposed regulations for per-and/or polyfluoroalkyl substances are growing in the United States. These chemicals contain fluorine and are most often referred to by their acronyms: PFCs, PFOAs or PFAS. This class of "forever chemicals" accumulates in air, water, food and even our bodies, and they raise serious health concerns according to the U.S. Environmental Protection Agency ("EPA").

On October 11, 2023, the EPA published a final rule, Toxic Substances Control Act Reporting and Recordkeeping Requirements for Perfluoroalkyl and Polyfluoroalkyl Substances, at 88 Fed. Reg. 70516 (October 11, 2023). The final rule requires any person that manufactures (including import) or has manufactured (including imported) PFAS or PFAS-containing **articles** in any year since January 1, 2011, to electronically report information regarding PFAS uses, production volumes, disposal, exposures, and hazards.

Vendors subject to this rule must submit all relevant information to EPA within 18 months (or 24 months if classified as a small manufacturer) after the rule's effective date, which is November 13, 2023. Therefore, the two relevant dates to track for reporting purposes are May 8, 2025, and November 10, 2025 (for small manufacturers under the rule). The rule's breadth, coupled with its retrospectivity, will likely create new recordkeeping and reporting questions, especially because it does not include de minimis exemptions, which means there is no minimum threshold below which reporting can be waived. As a result, any amount of PFAS that is manufactured (or imported) must be reported to EPA.

We are writing to communicate our expectation that vendors are monitoring the legislative landscape and reporting as applicable.

Information on the rule can be found on here:

<https://www.federalregister.gov/documents/2023/10/11/2023-22094/toxic-substances-control-act-reporting-and-recordkeeping-requirements-for-perfluoroalkyl-and>

Should you have any questions on the regulation and your obligation we suggest consulting with outside counsel.

Thank you for your partnership.

Sincerely,

Macy's Inc.