

The Long, Winding Road(Map) to PFAS Regulation

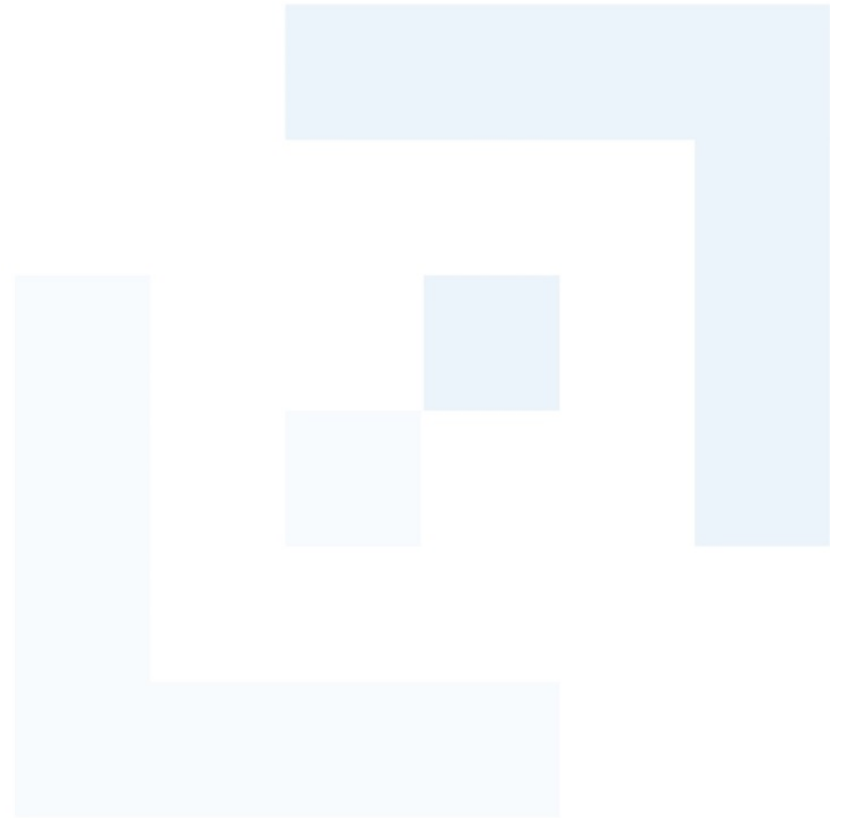
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Where Are We?



Evolving PFAS Regulation

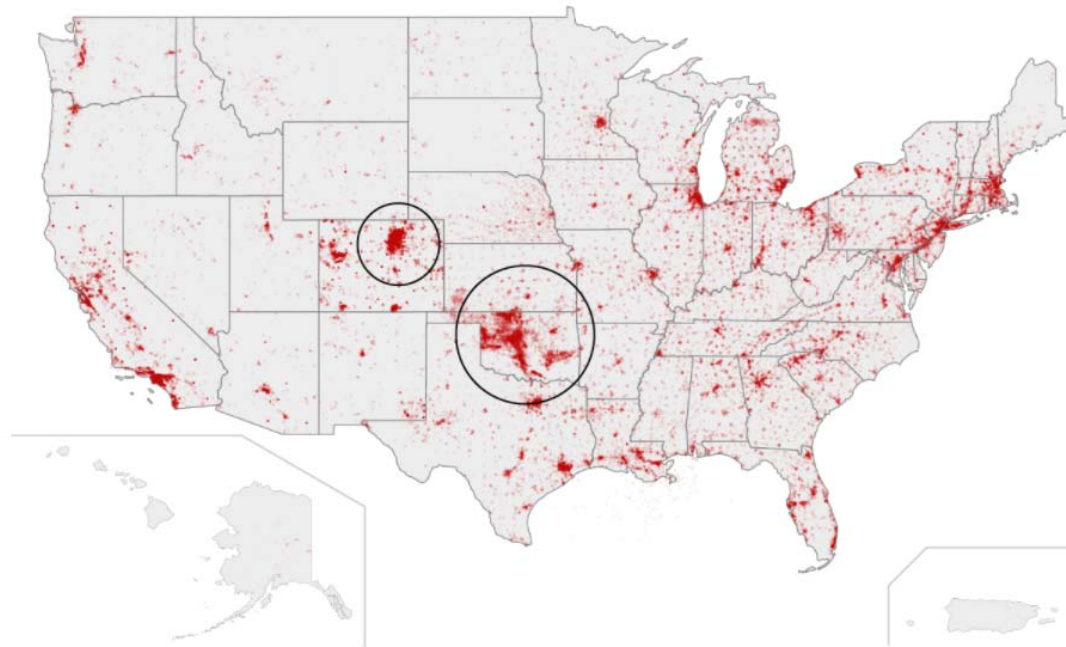
- An ever-emerging contaminant
 - PFOA and PFOS have been under review and restriction for nearly 20 years
 - But the scope of PFAS is still growing
 - Broad class of constituents of concern now includes replacement products for first generation PFAS
- Broadly changing regulatory scheme
 - State Patchwork to fill in for federal gap
 - Large range of testing requirements
 - By January 2021 nearly 20 states had state specific drinking water rules for PFAS

Expanding Federal Role

- EPA action of PFAS dates back to 2002 TSCA actions on PFOS followed by PFOA
- EPA issued its first provisional health advisory for PFOA and PFOS in 2009, which was updated in 2016 to 70 ppt for combined PFOA and PFOS
- These limits have not yet been incorporated into a MCL
- EPA has repeatedly its intent to expand the science and regulation of PFAS
- PFAS data incorporated into TRI filing beginning with 2020 – available data is growing

The EPA identified more than 120,000 facilities that may expose people to PFAS

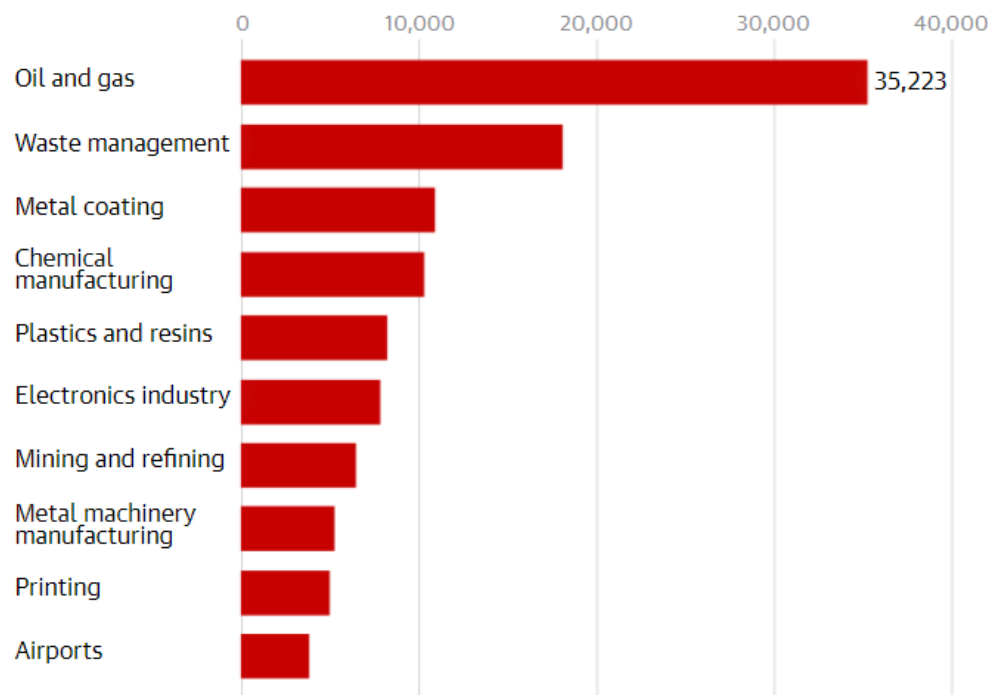
The biggest clusters of facilities are in Oklahoma and Colorado



Guardian graphic. Source: US Environmental Protection Agency

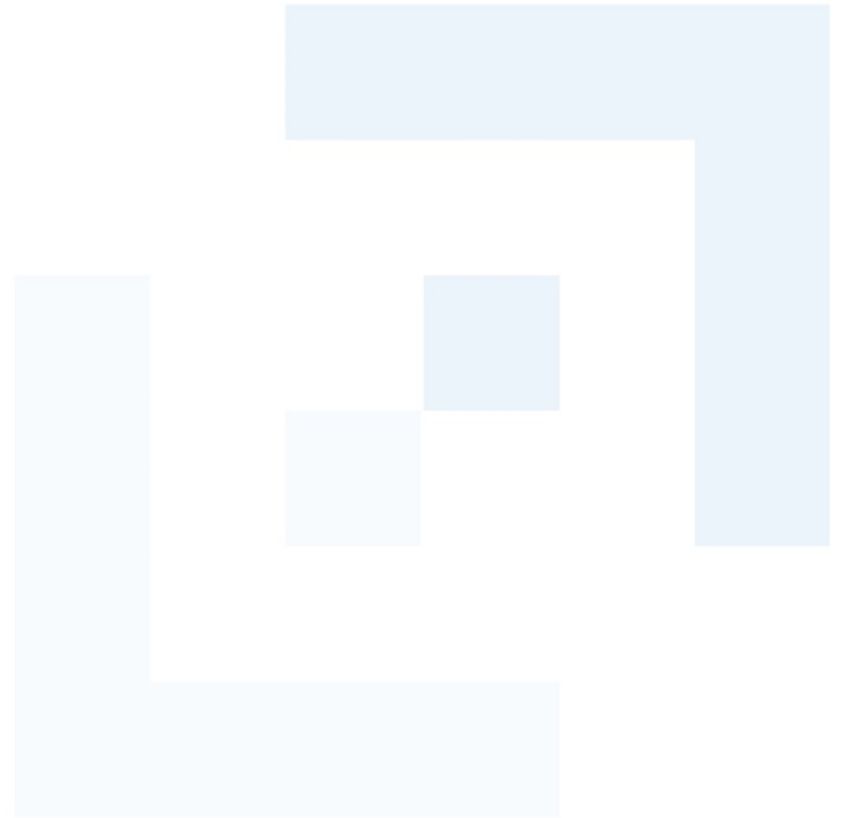
Facilities potentially handling PFAS - top 10 industries

Facilities may be counted twice if they belong to multiple industries



Guardian graphic. Source: US Environmental Protection Agency

So What Now?



So What Now?

- Don't forget about the state requirements – federal requirements are a floor, not a ceiling, and existing state rules will continue (many will expand)
 - Note that neither KS nor MO have implemented state specific restrictions
- Time to start tracking the rapidly changing federal program.



PFAS Strategic Roadmap: EPA's Commitments to Action 2021–2024



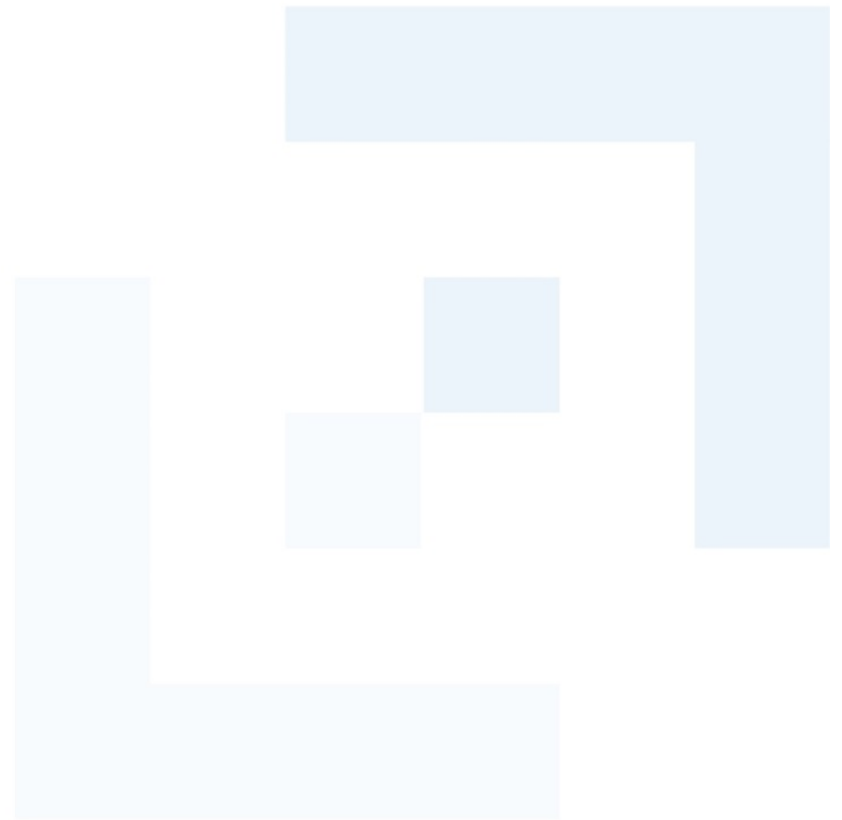
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EPA Strategic Roadmap

- In October 2021 EPA released its 3-year strategic roadmap
- EPA plans to use its authority under CWA, RCRA, CERCLA, TSCA to collect data, prepare risk evaluations and issue restrictions
- EPA Describes the Roadmap central directives as:
 - Research
 - Restrict
 - Remediate

Research



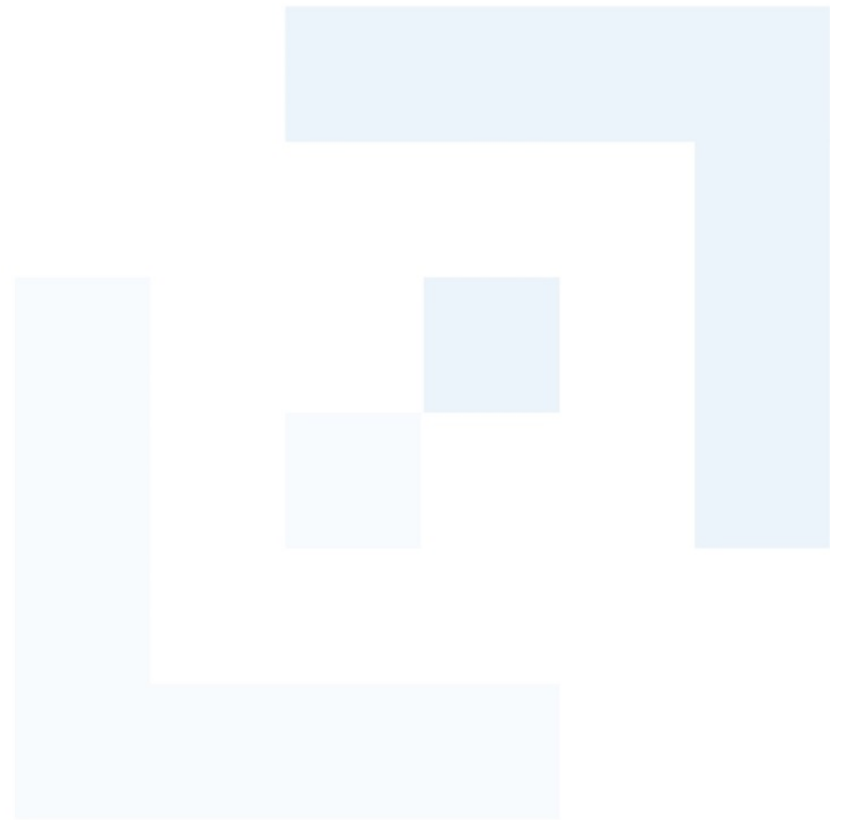
Research – Collect Data

- National PFAS Testing Strategy {**October 2021**}
- Expanded TRI Reporting {*Planned Proposed 2022*}
- TSCA Section 8 Reporting {**Proposed rule June 2021**, *expected final 2022*}
- Nationwide Drinking Water Monitoring {**UCMR 5 final 12/21**}
- Multi-laboratory Validated Analytical Method for 40 PFAS {**single-lab validated method as of 2021**, *multi-lab expected by fall 2022*}
- Update PFAS Analytical Methods for Drinking Water {Planned Fall 2024}
- Monitor Fish Tissue for PFAS

Research – Assess Data

- Review prior TSCA assessments and assess new SNUR
- Toxicity Assessment for GenX and five additional PFAS {**October 2021**}
- Monitor Fish tissue and evaluate human biomarkers {*Planned Summer 2022*}
- Finalize list of PFAS for use in fish advisory programs {*Planned Spring 2023*}
- Finalize risk assessment for PFOA and PFOS in biosolids {*Planned Spring 2024*}

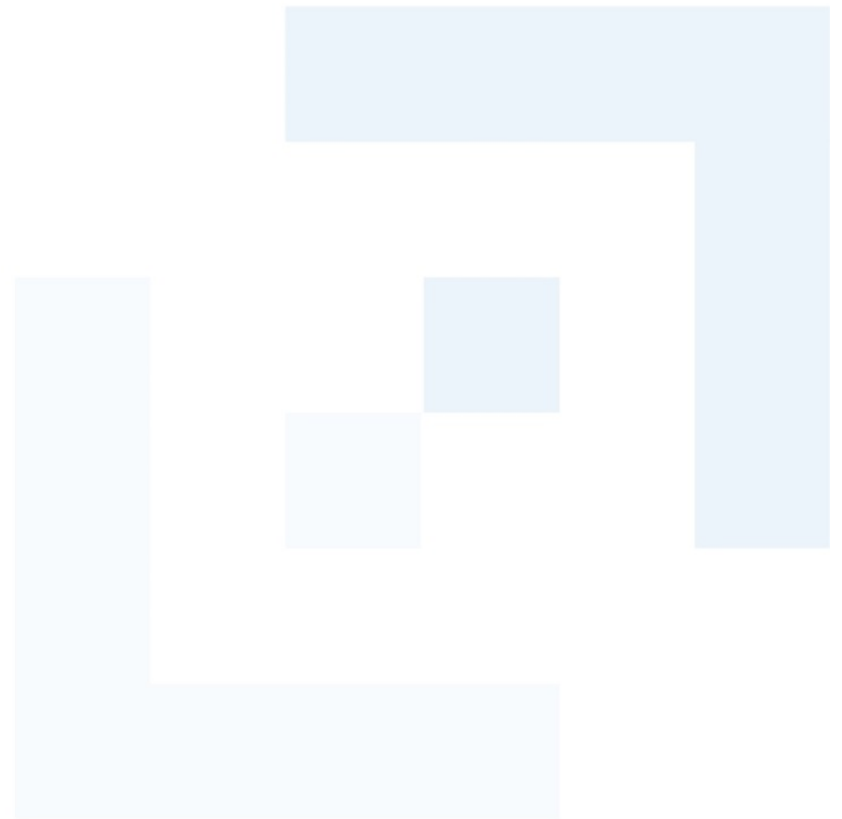
Restrict



Restrict: Prevent PFAS from Entering Environment

- Restrict abandoned PFAS under TSCA {*Planned Summer 2022*}
- Establish National Primary Drinking Water Regulations for PFOA and PFOS {Proposed rule planned 2022, final planned 2023}
- Publish health advisories for GenX and PFBS {Planned 2023}
- Restrict PFAS discharge through Effluent Limitation Guidelines Program {*Proposed 2022 and ongoing*}
- Develop ambient water criteria {*Proposed Winter 2022 and Fall 2024*}

Remediate



Remediate: Cleanup PFAS Contamination

- Evaluate of RCRA Options {Began October 2021}
- Certain PFAS as CERCLA Hazardous Substances {*Planned Proposed Spring 2022, Final Summer 2023*}
 - EPA submitted proposal to OMB on January 10, 2022, to identify PFOA and PFOS as hazardous substances
- Consideration of Precursors as Hazardous Substances {*Planned ANPR Spring 2022*}
- Guidance on Destruction and Disposal {*Planned Fall 2023*}
- Evaluate PFAS testing in environment {Ongoing}
- Evaluate PFAS reduction in environment {Ongoing}

QUESTIONS?

