

EPA Unveils PFAS Action Plan

Friday, February 15, 2019

On Valentine's Day, EPA showed a little love for per- and polyfluoroalkyl substances (PFAS), announcing a sweeping plan to address PFAS contamination and protect public health. PFAS are a group of man-made chemicals that have been gaining a lot of attention, as described in our 2019 outlook. EPA Acting Administrator Andrew Wheeler announced the [PFAS Action Plan](#) in a [press conference](#) yesterday, calling it "the most comprehensive, cross-agency action plan for a chemical of concern ever undertaken by the Agency." The Action Plan is 72 pages, but Acting Administrator Wheeler focused on five key elements, described below:

1. **Work Towards the Development of MCLs for PFOA and PFOS**

EPA will propose regulatory determinations for PFOA and PFOS—two of the most common PFAS compounds—by the end of 2019. These regulatory determinations are the first step under the Safe Drinking Water Act (SDWA) towards the development of Maximum Contaminant Levels (MCLs). EPA has not set a time frame for the actual development of the MCLs, instead citing to the timing and procedures required by the regulatory process (including public comment). While EPA committed to issuing regulatory determinations for these two specific compounds, it will continue to evaluate the need to follow this same process for other PFAS compounds.

2. **Continue PFAS Enforcement Efforts**

Despite the fact that EPA has not established an MCL for any of the PFAS compounds, it intends to continue enforcement efforts based on the current drinking water advisory of 70 parts per trillion. EPA has already brought eight enforcement actions based on this advisory, and it is assisting state agencies in dozens of other enforcement actions based on state PFAS standards. EPA has also started the regulatory process towards classifying PFOA and PFOS as "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), a listing that will allow EPA (and private parties) broader enforcement authority.

3. **Expand PFAS Monitoring Efforts**

More data means better understanding, and EPA plans to make use of its authority to expand PFAS monitoring to help guide its decision-making process. EPA plans to propose that PFAS be included in the next round of monitoring under the Unregulated Contaminant Monitoring Program in the SDWA. EPA may also use the Toxic Substances Control Act to require reporting of certain PFAS releases and potentially prohibit the use of certain PFAS compounds.

4. **Expand Scientific Research into PFAS Compounds**

EPA plans to use research efforts to "close the gap" on a number of PFAS issues, including:

- What are the human health and environmental effects?
- What are significant sources of PFAS in the environment?
- How do PFAS compounds move through the environment?
- How can we effectively remediate PFAS?
- What are the costs of PFAS remediation?

EPA plans to evaluate these issues not only for more common PFAS compounds like PFOA and PFOS, but also for

Robinson+Cole

Article By [Robinson & Cole LLP](#)
[Megan Baroni](#) [Manufacturing Law Blog](#)

[Environmental, Energy & Resources](#)
[Administrative & Regulatory](#)
[All Federal](#)

emerging PFAS risks, such as GenX.

5. Develop PFAS Risk Communication Toolbox

EPA will work with federal, state, tribal, and local partners to develop a comprehensive risk communication toolbox to ensure that PFAS messaging to the public is clear and consistent.

Because the Action Plan is just that—a plan—we will continue to track EPA’s progress. States continue to take a leading role in regulating PFAS, but the new EPA Action Plan now provides a road map for federal action.

Copyright © 2019 Robinson & Cole LLP. All rights reserved.

Source URL: <https://www.natlawreview.com/article/epa-unveils-pfas-action-plan>