EPA Announces Proposed Decision to Regulate PFOA and PFOS in Drinking Water

On February 20, 2020, the U.S. Environmental Protection Agency (EPA) took another important step in implementing the Agency's PFAS Action Plan by proposing regulatory determinations for perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) in drinking water. Today's preliminary determinations mark a key milestone in EPA's extensive efforts under the PFAS Action Plan to help communities address per- and polyfluoroalkyl substances (PFAS) nationwide.

"The U.S. leads the world in providing access to safe drinking water for its citizens, thanks in part to EPA's implementation of the Safe Drinking Water Act," said EPA Administrator Andrew Wheeler. "Under President Trump's leadership, EPA is following through on its commitment in the Action Plan to evaluate PFOA and PFOS under this Act."

Aggressively addressing Per and Polyfluoroalkyl (PFAS) is an ongoing and high priority effort for EPA. EPA's PFAS Action Plan commits the agency to take important steps that will enhance how the agency researches, monitors, detects and addresses PFAS. Over the past year, EPA has made significant progress under the Action Plan to help states and local communities address PFAS.

Through today's action, EPA is seeking public comment on its proposed regulatory determinations for eight contaminants listed on the fourth Contaminant Candidate List. The Agency is proposing to regulate two contaminants, PFOS and PFOA. EPA is also asking for information and data on other PFAS substances, as well as seeking comment on potential monitoring requirements and regulatory approaches EPA is considering for PFAS chemicals. The Agency is proposing to not regulate six contaminants: 1,1-dichloroethane, acetochlor, methyl bromide, metolachlor, nitrobenzene, and RDX.

EPA will seek comment on these preliminary determinations for 60 days after the notice is published in the Federal Register. For additional information on EPA's efforts to address PFAS, visit https://www.epa.gov/newsreleases/aggressively-addressing-pfas-epa. For additional information on this action, visit www.epa.gov/safewater.

Background

The Safe Drinking Water Act establishes a robust scientific and public participation process that guide EPA's development of regulations for unregulated contaminants that may present a risk to public health. Every five years, EPA must publish a list of contaminants, known as the Contaminant Candidate List or CCL, that are known or anticipated to occur in public water systems and are not currently subject to EPA drinking water regulations. The EPA publishes draft CCLs for public comment and considers those comments prior to issuing final lists.

After issuing the final CCL, the EPA determines whether or not to regulate no fewer than five contaminants on the CCL through a process known as a Regulatory Determination. The EPA publishes preliminary regulatory determinations for public comment and considers those comments prior to making final regulatory determinations. If the EPA makes a positive regulatory determination for any contaminant, it will begin the process to establish a national primary drinking water regulation for that contaminant.

Background on the PFAS Action Plan

PFAS are a large group of man-made chemicals used in consumer products and industrial processes. In use since the 1940s, PFAS are resistant to heat, oils, stains, grease, and water—properties which contribute to their persistence in the environment.

The Agency's PFAS Action Plan is the first multi-media, multi-program, national research, management, and risk communication plan to address a challenge like PFAS. The plan responds to the extensive public input the agency received during the PFAS National Leadership Summit, multiple community engagements and through the public docket. The PFAS Action Plan outlines the tools EPA is developing to assist states, tribes and communities in addressing PFAS.

EPA is taking the following highlighted actions:

Highlighted Action: Drinking Water

- EPA is committed to following the national primary drinking water regulation rulemaking process as established by the Safe Drinking Water Act (SDWA).
- On February 20, 2020, EPA issued preliminary determinations to regulate PFOA and PFOS.
- The agency is also gathering and evaluating information to determine if regulation is appropriate for other chemicals in the PFAS family.

Highlighted Action: Cleanup

- On December 19, 2019, EPA issued Interim Recommendations for Addressing Groundwater Contaminated with PFOA and PFOS , which provides cleanup guidance for federal cleanup programs that will be helpful to states and tribes.
- EPA has initiated the regulatory development process for listing perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) as hazardous substances under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Highlighted Action: Monitoring

- EPA will propose nationwide drinking water monitoring for PFAS under the next UCMR monitoring cycle.

Highlighted Action: Toxics

- On September 25, 2019, EPA issued an advanced notice of proposed rulemaking that would allow the public to provide input on adding PFAS to the Toxics Release Inventory toxic chemical list.
- On February 20, 2020, EPA issued a supplemental proposal to ensure that new uses of certain persistent long-chain PFAS chemicals in surface coatings cannot be manufactured or imported into the United States without notification and review under TSCA.
- On February 20, 2020, EPA released an updated list of 172 PFAS chemicals subject to Toxics Release Inventory reporting as required by the National Defense Authorization Act for Fiscal Year 2020.

Highlighted Action: Surface Water Protection

- EPA is exploring data availability and research to support the development of Clean Water Act human health and aquatic life criteria for certain PFAS, as data allows.
- EPA is examining available information about PFAS released into surface waters by industrial sources to determine if additional study is needed for potential regulation.

Highlighted Action: Biosolids

- EPA is in the early scoping stages of risk assessments for PFOA and PFOS in biosolids to understand any potential health impacts.

Highlighted Action: Research

- On November 22, 2019, EPA announced availability of $4.8 million in funding for new research on managing PFAS in agriculture funding for new research on managing PFAS in agriculture.
- EPA continues to compile and assess human and ecological toxicity information on PFAS to support risk management decisions.
- EPA continues to develop new methods to test for additional PFAS in drinking water.
- The agency is also validating analytical methods for surface water, ground water, wastewater, soils, sediments and biosolids; developing new methods to test for PFAS in air and emissions; and improving laboratory methods to discover unknown PFAS.
- EPA is developing exposure models to understand how PFAS moves through the environment to impact people and ecosystems.
- EPA continues to assess and review treatment methods for removing PFAS in drinking water.
- EPA is working to develop tools to assist officials with the cleanup of contaminated sites.

Highlighted Action: Enforcement

- EPA uses enforcement tools, when appropriate, to address PFAS exposure in the environment and assists states in enforcement activities.

- EPA has already taken actions to address PFAS, including issuing Safe Drinking Water Act orders and providing support to states. See examples in the PFAS Action Plan.

Highlighted Action: Risk Communications

- EPA is working collaboratively to develop a risk communication toolbox that includes multi-media materials and messaging for federal, state, tribal, and local partners to use with the public.

Source: EPA Press Release, 2/20/2020