

2021 POLICY BRIEF



Urge Congress and EPA to Consult with Counties on any Future Regulations on PFAS

ACTION NEEDED:

Advocate for the U.S. Environmental Protection Agency (EPA) and other federal agencies to study the health and environmental impacts of PFAS compounds and to work closely with state and local governments throughout the rule-making process.

BACKGROUND:

Per- and polyfluoroalkyl substances (PFAS) are a class of toxic chemicals that have been used for various purposes, including commercial, industrial and U.S. military applications. Some common uses include food packaging, nonstick coatings and stain-resistance fabrics, and as an ingredient in fire suppressants used at U.S. military installations, airports and by state and local fire departments.

Over the years, several studies have shown that exposure to PFAS above certain levels, particularly Perfluorooctanoic acid (PFOA) and Perfluorooctanesulfate (PFOS), is associated with various adverse health effects. This includes, but is not limited to, certain cancers, suppressed antibody response, reproductive problems and thyroid hormone disruption. PFAS chemicals are highly durable and can persist in the environment and the human body for years if exposed.

Detections of PFAS contamination in drinking water and the environment have increased in recent years. PFOA and PFOS have been detected in soil, surface water, groundwater and public water supplies in numerous locations. These detections have been associated primarily with releases from manufacturing and processing facilities, and from U.S. military installations and other facilities that use firefighting foams. As owners, users and regulators of water resources, counties play a key role in addressing the concerns with PFAS exposure.

Administrative Action

In February 2019, the U.S. Environmental Protection Agency (EPA) announced their PFAS Action Plan to address PFAS and protect the public health. The PFAS Action Plan outlines tools EPA is developing to address PFAS in drinking water, identify and clean up PFAS contamination, expand monitoring of PFAS manufacturing, increase PFAS scientific **research and promote**

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effective enforcement tools. Additionally, it outlines EPA's commitment to take a wide variety of actions to address this emerging contaminant in both a short-term and long-term timeframe. Further, EPA is currently evaluating a proposal to designate PFOA and PFOS as hazardous substances under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). EPA expects to formally propose this action in spring 2020. If finalized, this would grant EPA the ability to recover remediation costs associated with PFOA and PFOS cleanups from private entities legally responsible for the contamination.

Congressional Action

On January 10, 2020, the U.S. House of Representatives passed the PFAS Action Act of 2019 (H.R. 535), a 12-bill package to address PFAS, on a 247-159 vote. The legislation would require EPA to set a health-protective drinking water limit for PFOA and PFOS and designating those chemicals as hazardous under CERCLA for the purposes of Superfund cleanups as well as listing PFOA and PFOS as hazardous air pollutants under the Clean Air Act.

In a win for counties, the bill includes language requiring EPA to consult with local governments while the agency develops rule guidance. The bill would order EPA to establish a grant program to aid communities affected by PFAS and authorizes \$100 million in grant funding per year for two years. The package would also authorize \$100 million each year for five years from the Drinking Water State Revolving Fund to aid states in addressing emerging drinking water PFAS contaminants. The bill now heads to the Senate for action.

KEY TALKING POINTS

As owners, users and regulators of water resources, counties are directly impacted by the federal policies and funding authorized in the legislation.

Counties support efforts by EPA and other federal agencies to study the health and environmental impacts of PFAS compounds. Additionally, as the administration moves toward potential regulatory action, counties urge the administration to work closely with state and local governments throughout the rule-making process

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