

EPA Announces New Drinking Water Advisories

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On June 15th, the Environmental Protection Agency (EPA) [issued four drinking water health advisories](#) for per- and polyfluoroalkyl substances (PFAS) including PFOA, PFOS, GenX and PFBS. PFAS are widely used, long lasting chemicals, typically resistant to water, oil and heat and commonly used in many consumer, commercial and industrial products, including plastics, rubber and wire insulation. The EPA has discovered the presence of PFAS in water, air, fish, and soil and in some regions, drinking water. Scientific studies have shown that exposure to some PFAS in the environment can be linked to serious health problems.

The nonbinding health advisory set health risk thresholds for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) to almost zero, meaning any detectable level would exceed the levels set by the EPA. These new recommendations replace the 2016 guidelines that had set levels at 70 parts per trillion. The EPA has indicated that the PFAS levels allowed under the 2016 guidelines may still have adverse health impacts. A final rule for national drinking water regulations for PFOA and PFOS is expected to be proposed later this year, and going into effect in 2023.

The EPA also issued health advisories for perfluorobutane sulfonic acid and its potassium salt (PFBS) and for hexafluoropropylene oxide (HFPO) dimer acid and its ammonium salt (“GenX” chemicals) for the first time. These two chemicals are commonly considered replacements for PFOA and PFOS.

The EPA also announced that it is inviting states and territories to apply for \$1 billion – the first of \$5 billion in Bipartisan Infrastructure Law grant funding – to address PFAS and other emerging contaminants in drinking water, specifically in small or disadvantaged communities.

New Jersey has some of the most stringent PFAS drinking water requirements in the United States. In 2020, the New Jersey Department of Environmental Protection adopted comprehensive regulations that established strict standards for PFOA and PFAS in drinking water and included those chemicals on the list of hazardous substances, included the constituents in groundwater quality standards for site remediation and added them to the list of testing requirements under the Private Well Testing Act. Further, as of 2021, New Jersey required all public water systems to be monitored for PFOA and PFOS.

For more information on the EPA’s announcement or DEP regulations, please contact Randi Schillinger or Geri Albin of Saiber LLC's Environmental Law practice group.