

Insights

PFAS UPDATE: EPA EXPANDS SCREENING LEVELS FOR PFAS

Jun 10, 2022

The United States Environmental Protection Agency (“EPA”) recently added the following five PFAS substances to the list of risk-based Regional Screening Levels (“RSL”) for Chemical Contaminants at Superfund Sites:

- Hexafluoropropylene oxide dimer acid (HFPO-DA; also referred to as GenX chemicals);
- Perfluorooctanesulfonic acid (PFOS);
- Perfluorooctanoic acid (PFOA);
- Perfluorononanoic acid (PFNA), and
- Perfluorohexanesulfonic acid (PFHxS).

EPA previously added Perfluorobutanesulfonic acid (PFBS) to the RSL list in 2014 and updated the value in 2021.

As described in more detail in the [Press Release](#), RSLs are used to identify contaminated media at a site that may need further investigation and “are used to support EPA’s decisions to undertake a removal action under CERCLA.”

I. The Importance of a Regional Screening Level

RSLs are risk-based values that EPA uses to determine whether a removal action or further investigation is needed to protect the environment, human health, and communities near the impacted site.

Usually, if a contaminant concentration is below the RSL, no further action is needed. If the concentration is above the screening level, further action is probably required, including investigation of the impacted media, providing alternate drinking water if drinking water sources are impacted, and remediation of the environmental and human health impacts.

II. How Does This Impact Businesses?

Until this time, screening levels for PFAS only existed in certain states, so businesses did not have objective standards to use to evaluate PFAS concentrations discovered on their property. Businesses now have benchmark screening values to use to evaluate the significance of any PFAS substances that they detect on their property.

However, it is important to note that state and federal agencies have established screening levels to rely on as well, meaning that there is a clear process for the investigation and evaluation of PFAS contamination at sites across the country.

III. Conclusion

Businesses that own or operate properties where PFAS contamination may exist should familiarize themselves with the new RSLs, and recognize that any future site investigation may rely on the RSLs to evaluate whether further PFAS investigation or action is warranted. But perhaps more importantly, this action by EPA underscores that PFAS regulation is no longer a state-by-state issue; rather, it is an issue that will be addressed across the country under federal regulations and guidance.

For more information on PFAS chemicals, and the regulatory and litigation risks that they pose, please visit our [PFAS webpage](#). If you have a question about how to manage PFAS risk in any jurisdiction, contact Tom Lee, John Kindschuh, Emma Cormier, or any other member of our PFAS team at Bryan Cave Leighton Paisner LLP.

RELATED CAPABILITIES

- Environment
- PFAS

MEET THE TEAM



John R. Kindschuh

St. Louis

john.kindschuh@bcplaw.com

[+1 314 259 2313](tel:+13142592313)



Thomas S. Lee

San Francisco

tom.lee@bcplaw.com

[+1 415 675 3447](tel:+14156753447)



Emma R. Cormier

St. Louis

emma.cormier@bcplaw.com

[+1 314 259 2160](tel:+13142592160)

This material is not comprehensive, is for informational purposes only, and is not legal advice. Your use or receipt of this material does not create an attorney-client relationship between us. If you require legal advice, you should consult an attorney regarding your particular circumstances. The choice of a lawyer is an important decision and should not be based solely upon advertisements. This material may be “Attorney Advertising” under the ethics and professional rules of certain jurisdictions. For advertising purposes, St. Louis, Missouri, is designated BCLP’s principal office and Kathrine Dixon (kathrine.dixon@bclplaw.com) as the responsible attorney.