

Insights

PFAS UPDATE: NEW EPA DRINKING WATER HEALTH ADVISORIES FOR FOUR PFAS SUBSTANCES

Jun 21, 2022

On June 15, 2022, the United States Environmental Protection Agency (“EPA”) issued interim drinking water health advisories (“HA”) for two PFAS substances and final HAs for two other PFAS compounds. These values range from 0.004 ppt (PFOA) to 2,000 ppt (PFBS). The HAs are intended to identify the concentration of chemicals in drinking water at or below the level at which adverse health effects are not anticipated to occur.

Specifically, EPA established the following HA values:

PFAS Substance	Value	Prior Value	Status
PFOA (Perfluorooctanic acid)	0.004 ppt	70 ppt	Interim Value
PFOS (Perfluorooctane sulfonic acid)	0.02 ppt	70 ppt	Interim Value
Gen X Chemicals (HFPO-DA)	10 ppt	-	Final Value
PFBS (Perfluorobutane sulfonate)	2,000 ppt	-	Final Value

The interim HAs for PFOA and PFOS supersede and dramatically reduce EPA’s prior 70 ppt HA for PFOA and PFOS, either individually or combined, which EPA issued in 2016. These [interim health advisories for PFOA and PFOS will remain in place](#) until EPA establishes a National Primary Drinking Water Regulation for those compounds.

The HAs are non-regulatory and are not enforceable, so the new values do not signal an immediate change for public drinking water providers or businesses that discharge to public drinking water sources. However, several states adopted the 70 ppt HA level for PFOA and PFOS when drafting their state-specific drinking water regulations, so states may choose to update their regulations in response to these new values. The prior HAs were also the basis for certain regulatory listings (e.g.,

the listing of PFOA and PFOS on the California Proposition 65 list), so there may be similar impacts as a result of these HAs outside the context of drinking water.

The new HAs present a challenge to regulators, drinking water providers, and impacted industries, all of whom are already struggling to achieve compliance with various drinking water standards that are several orders of magnitude higher (e.g., less restrictive) than the new HA values. In its response to the EPA announcement the [American Chemical Council](#) noted that “[t]hese new levels cannot be achieved with existing treatment technology and, in fact, are below levels that can be reliably detected using existing EPA methods.” Whether and how these new HAs will impact drinking water sources and industry groups remains to be seen, but the action further exemplifies EPA’s commitment to implementing stringent PFAS regulations at the national level.

Additional information can be found at the [Federal Register pre-publication notice](#) as well as the interim HA documents for [PFOA](#) and [PFOS](#).

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.

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