

Insights

UPDATED PFAS STATE SNAPSHOT: CALIFORNIA PFAS REGULATION

Feb 07, 2020

California is one of several states that has started regulating per- and polyfluoroalkyl substances (“PFAS”) in drinking water and consumer products. This updated client alert reflects the status of PFAS regulations in California as of February 7, 2020.



DRINKING WATER

[California's Division of Drinking Water established reporting levels for PFOA and PFOS](#)

All public water systems, community water systems, and nontransient noncommunity water systems must monitor for PFOA and PFOS. Water systems that exceed Notification Levels of these PFAS substances must notify the public and issue a statement in their annual reports.

Update: Under AB 756, if the Response Level is exceeded the source should be removed from service or treated, if possible, or the server's customers must be notified. This advisory level triggers quarterly monitoring and public notification requirements.

CONSUMER PRODUCTS

Proposition 65 – Businesses with 10 or more employees are required to provide a clear and reasonable warning if California consumers can be exposed to PFOA or PFOS from a product. The statute allows private enforcement groups to collect attorneys' fees, and includes a maximum penalty of \$2,500 for each unlabeled product sold.

Cosmetics – PFAS substances cannot be added to cosmetics. This law prohibits the manufacture, sale, delivery, or holding of PFAS substances in cosmetics.

ENFORCEMENT/INVESTIGATION

The California Water Board announced a "PFAS Phased Investigation Plan." The Board is issuing investigation orders to different users of PFAS, focused on identifying releases and impacts to drinking water and groundwater.

Importantly, the Fact Sheet describing the new regulations from February 6, 2020 (including all notification provisions) appears at:

https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/pfos_and_pfoa/pfas_ab756_factsheet.pdf

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 California, or any other jurisdiction, please contact Tom Lee, Susan Brice, John Kindschuh, or any other member of our PFAS team at Bryan Cave Leighton Paisner LLP.

RELATED PRACTICE AREAS

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MEET THE TEAM



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