

Insights

PFAS UPDATE: EPA EXPANDS SCREENING LEVELS FOR PFAS

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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
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