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U.S.EPA Announces National “PFAS Action Plan”

The United States Environmental Protection Agency (U.S.EPA) acting Administrator, Andrew Wheeler, held a press conference at EPA Region III in Horsham, Pennsylvania on Feb. 14, 2019, to announce the U.S.EPA’s [PFAS Action Plan](#). Wheeler indicated that similar announcements of and press conferences relating to the PFAS Action Plan were being held simultaneously in each of the U.S.EPA’s ten regional offices, underlying the importance of the announcement. Wheeler stated that the Agency’s plan was the most comprehensive cross agency plan introduced by the U.S.EPA.

For further information and background on PFAS, please see our [November PFAS alert](#).

Acting Administrator Wheeler highlighted five key elements of the PFAS Action Plan:

1. U.S.EPA has initiated actions to develop a Maximum Contaminant Level, or MCL, for PFAS, and specifically for two PFAS compounds, PFOS and PFOA. U.S.EPA indicated it will begin the MCL creation process by the end of 2019. Wheeler stated that this would be the first substance to have an MCL established since the Safe Drinking Water Act was amended in 1996. Wheeler added that the U.S.EPA maintains that the 70 parts per trillion (ppt) standard is a federally enforceable groundwater standard, despite misconceptions to the contrary.
2. U.S.EPA will continue to pursue enforcement actions utilizing the existing Health Advisory Level for PFAS of 70 ppt or 70 nanograms per liter.
3. U.S.EPA will expand monitoring and data gathering related to PFAS, including adding PFAS to the toxics release inventory, which should generate additional information on the extent of PFAS in industry and in the environment. Wheeler indicated that U.S.EPA is using enhanced mapping tools to identify where and in what communities PFAS is in the groundwater and in the environment.
4. U.S.EPA will expand research into the impacts of PFAS on human health and the environment, studying fate and transport issues associated with PFAS. Wheeler stated that U.S.EPA wants to “close the gap” on the science related to PFAS, including the more recently manufactured perfluorinated compound known as “GenX”.
5. U.S.EPA will develop a “risk communication toolbox” that will provide information to the public and the regulated community more clearly.

Godfrey & Kahn anticipates hosting one or more “webinars” in the coming months on updates to PFAS regulation at the federal level and in the state of Wisconsin and specifically related to laboratory protocols related to analysis of groundwater and other media for PFAS.

For further information regarding this update, the PFAS Action Plan or the upcoming webinars, please contact Art Harrington, Ned Witte or Daniel Narvey.