



PFAS – Regulatory Update

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Regulatory Developments Since Fall 2021

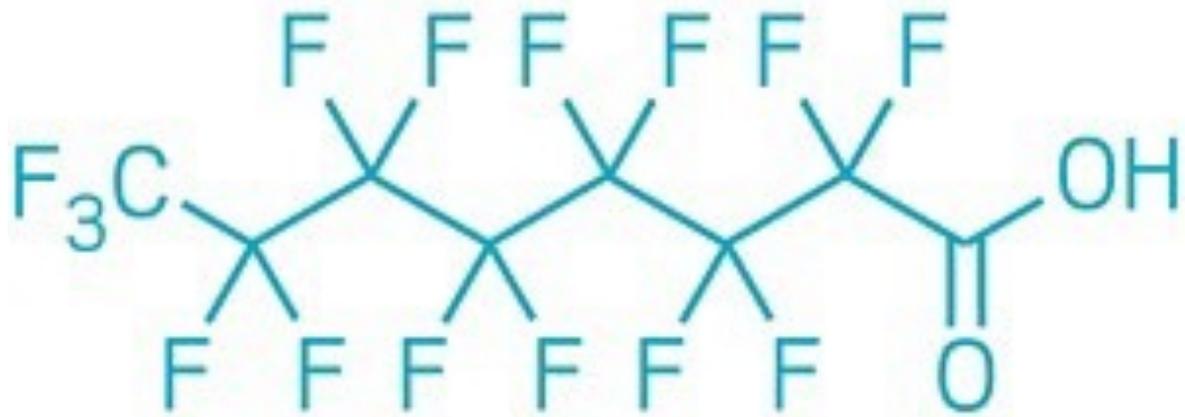
October 2021 PFAS Strategic Roadmap

- August 26 2022—EPA Announces Plan to Designate PFOA and PFOS Hazardous Substances under CERCLA
 - PFOA = perflurorooctanoic acid
 - PFOS = perfluorooctanesulfonic acid

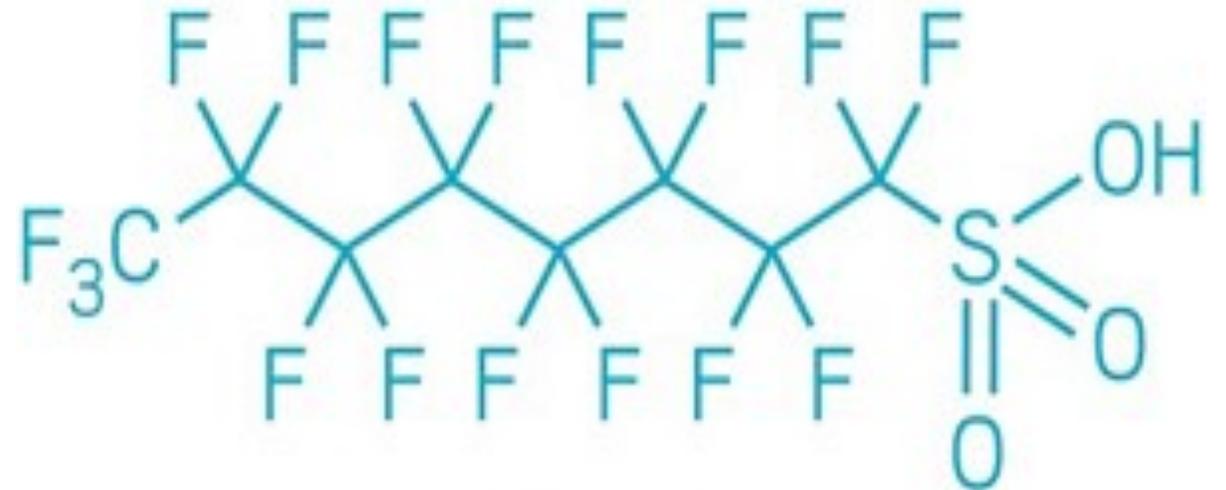




PFOA & PFOS



PFOA



PFOS





EPA's Stated Objectives in Listing PFOA & PFOS

- Reporting releases
- Enforcement of cleanup obligations
- Facilitate quicker cleanup
- Encouragement better waste management
- Minimize risk to human health and environment





EPA Drinking Water Lifetime Health Advisories (LHA)

June 15, 2022

- Interim LHAs

- PFOA (0.004 nanograms per liter [ng/L] (ppt))
- PFOS (0.02 ng/L)

- Final LHAs

- Gen-X (10 ng/L)
- PFBS (2,000 ng/L)





Other Results re 2021 Strategic Roadmap

- DW Advisories for 4 types of PFAS
- Issue 5th Unregulated Contaminant Monitoring Rule for 29 PFAS Compounds
- Anticipate proposing PFAS National DW Regulation by end of 2022
- Draft aquatic life water quality criteria for PFOA and PFOS
- Address PFAS in Clean Water Act permitting





More from EPA

- \$1BB grant funding under Infrastructure Law
- Issue 1st PFAS test order under TSCA as part of National PFAS Testing Strategy
- Adding PFAS regional screening and removal management levels





California Regulatory Developments





A Busy Year in California PFAS Regulation

- October 5, 2021: Gov. Newsom signs AB 1200
 - As of January 1, 2023: PFAS added to plant-based food packaging >100 ppm BANNED
 - As of January 1, 2024: Labeling Requirement for all cookware manufacturers for any surface in contact with food
- CalRecycle adopts regs re sustainable packaging (SB 1335)
- December 24, 2021: OEHHA adds PFOS to Proposition 65





More California Developments

February 25, 2022

OEHHA lists PFOA

April 1, 2022

DTSC amends regulations
PFAS textile treatments now
“Priority Product”





AFFF MDL—South Carolina





Important Developments

2,500 cases

Three bellweather cases in 2023
Municipalities alleging DW contamination
for which manufacturers (PFAS and AFFF)
and suppliers are liable





BIG RULING by USDC South Carolina

August 19, 2022

Hearing on Manufacturers' Partial MSJ re Government Contractor Defense

Contractor Defense: performance vs. specification standard

- Judge Gergel skeptical
 - Doubts manufacturers fully disclosed knowledge of toxicity to Government
 - Some manufacturers refused to disclose anything
- September 16, 2022: Judge Gergel DENIED partial MSJ

