

PFAS Restrictions Taking Hold in the U.S. and Globally: What Should You Be Doing?

Top Ten Takeaways

1. **Drinking Water Standards for PFAS**

U.S. Environmental Protection Agency (EPA) has announced its intention to issue drinking water standards for per- and polyfluoroalkyl substances (PFAS) chemicals, starting with PFOS and PFOA.

2. **TSCA Reporting and Recordkeeping Requirements**

U.S. EPA is also proposing reporting and recordkeeping requirements under the Toxic Substances Control Act (TSCA) related to PFAS uses, production volumes, disposal, exposures, and hazards since 2011.

3. **TRI List for Reporting**

Companies already are required to submit Toxic Release Inventory (TRI) reports on 172 PFAS chemicals under the Emergency Planning and Community Right-to-Know Act (EPCRA), and more PFAS are proposed to be added.

4. **PFAS Amendments to the NDAA**

The National Defense Authorization Act (NDAA) has been a successful vehicle for passing PFAS legislation, and Congress is considering additional amendments to regulate PFAS.

5. **EPA Public Comment Opportunity**

Affected industries should consider submitting comments on EPA's recently released Effluent Guidelines Program Plan 15 under the Clean Water Act.

6. **State and Local Activity**

Industry must also monitor state-specific, and even local, requirements and PFAS standards, with some states already banning certain PFAS-containing products

7. **International Activity**

Organizations with global operations, customers, or supply chains need to understand how they are regulated by the different jurisdictions that apply to them.

8. **Increased Emphasis on "Grouping" Approach**

There is an ongoing debate over whether PFAS regulatory frameworks should treat PFAS as a single class of chemicals or if they should take a chemical-by-chemical approach.

9. **PFAS Litigation Around the World**

There already have been personal injury, product liability, loss in property value, and even cultural loss cases, seeking damages for the effects of PFAS chemicals, and that litigation is expected to increase.

10. What Should Affected Businesses Be Doing Now?

Industry should consider taking a three-phased approach of identifying PFAS risks, followed by investigating PFAS liability under the relevant statutes and regulations, and then preparing and implementing PFAS policies and procedures to address those risks and liabilities.

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