



States' Responses to PFAS

Is Your State Moving Ahead of the Federal Government?

Individual states are looking closely at PFAS levels in water, and proposing and passing new regulations and legislation in response to growing health concerns. Here's a look at 10 states that are moving more aggressively than the EPA to establish new standards and requirements.

California

In November 2017, California added PFOS and PFOA to its list of chemicals subject to the Proposition 65 requirements for substances known to cause reproductive toxicity. Starting in November 2018, businesses were required to provide warnings before knowingly and intentionally exposing persons to PFOS or PFOA, and in July 2019 businesses were prohibited from knowingly discharging or releasing them into a drinking water source or land that can contaminate a drinking water source.

In July 2018, the California State Water Resources Control Board's Division of Drinking Water established Notification Levels at a concentration of 13 parts per trillion for PFOS and 14 parts per trillion for PFOA. Notification Levels are non-regulatory, health-based advisory levels for contaminants. They are precautionary measures that are issued before a maximum contaminant level. A Notification Level's establishment only requires public water systems to monitor the contaminant if the water system is subject to recycled water regulations. However, if a water system voluntarily tests for a substance in addition to required pollutant testing, the water system must adhere to statutory notice requirements. The Division also established a 70 parts per trillion Response Level, above which they recommend removing the source from service.

In April, the Board began ordering water systems to sample sources and nearby drinking water wells. The first phase of orders focused on 660 source wells in 209 water systems that either previously detected high PFAS levels or are located near airports or landfills. This summer and fall, the Board plans to issue two more phases of monitoring orders that will focus on wells near refineries, bulk terminals, non-airport fire training areas, recent urban wildfire areas, manufacturing sites that used PFAS and wastewater treatment and pre-treatment plants. By the end of this summer, the Board plans to release a map of the sampling results completed to date.

In July, Gov. Gavin Newsom signed AB 756 into law. It gives the Board the authority to issue testing orders for multiple or all water districts, requires water systems to report *any* detected level of PFAS in their consumer confidence reports and, where detected PFAS levels exceed the Board's response level, requires either removal of a water source from use or extensive public notifications.

Connecticut

In 2016, the Connecticut Department of Public Health set a drinking water Action Level for PFAS at 70 parts per trillion for the sum of PFOA, PFOS, PFNA, PFHxS and PFHpA.

Maine

In 2016, Maine adopted maximum exposure guidelines for PFOA and PFOS of 70 parts per trillion. In March 2019, Maine notified sludge and biosolids program licensees that they were required to test for PFOA, PFOS and PFBS by May 2019. At the same time, Maine's governor created a task force that is working on a report with recommendations for additional steps to address PFAS exposure and contamination.



Massachusetts

In June 2018, the Massachusetts Department of Environmental Protection established guidelines that recommend public water agencies quickly take steps to lower PFAS levels when the sum level exceeds 70 parts per trillion for five PFAS substances: PFOA, PFOS, PFNA, PFxS and PFHpA. In April 2019 the Department proposed groundwater cleanup standards of 20 parts per trillion for any combination of six PFAS compounds: PFOA, PFOS, PFNA, PFHxS, PFHpA and PFDA. It also began the process of developing MCLs for drinking water and, in June, the Department said it was planning to propose an MCL that was also 20 parts per trillion for the sum of those six PFAS substances.

Michigan

In March, Michigan's governor committed to adopting final MCLs for PFAS by April 2020. In June 2019, a state Science Advisory Work Group recommended that the Department of Environment, Great Lakes, and Energy use the following "health based values" to develop its MCLs for seven PFAS substances: 8 parts per trillion for PFOA, 16 parts per trillion for PFOS, 6 parts per trillion for PFNA, 400,000 parts per trillion for PFHxA, 51 parts per trillion for PFHxS, 420 parts per trillion for PFBS and 370 parts per trillion for GenX.

Minnesota

In April, the Minnesota Department of Health issued new health-based drinking water guidance values of 15 parts per trillion for PFOS and 47 parts per trillion for PFHxS. Previously it had issued a health-based guidance value of 35 parts per trillion for PFOA.

New Hampshire

On July 18, New Hampshire approved MCLs for PFAS of 12 parts per trillion for PFOA, 15 parts per trillion for PFOS, 18 parts per trillion for PFHxS and 11 parts per trillion for PFNA. The MCLs go into effect on Oct.1.

New Jersey

In April, New Jersey's Department of Environmental Protection proposed MCLs and groundwater quality criteria standards of 14 parts per trillion for PFOA, 13 parts per trillion for PFOS and 13 parts per trillion for PFNA. Those were the first proposed MCLs for PFAS in the nation.

New York

On July 24, New York's Department of Health proposed MCLs of 10 parts per trillion for PFOS and PFOA. The proposal has a public comment period that runs through Sept. 23.

Vermont

In 2016, Vermont issued a health advisory for drinking water of 20 parts per trillion for PFOA and PFOS combined. In July 2018, it updated the health advisory to 20 parts per trillion for any combination of PFOA, PFOS, PFHxS, PFHpA and PFNA. Legislation enacted in May requires water systems to monitor for these five PFAS substances by Dec. 1, and to issue "do not drink" advisories and implement treatment where any samples exceed the health advisory standard. The legislation also requires the Agency of Natural Resources to adopt MCLs for PFAS by Feb. 1, 2020.

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Lowry Crook
Partner
lowry.crook@bbklaw.com
(202) 370-5328



Shawn Hagerty
Partner
shawn.hagerty@bbklaw.com
(619) 525-1327



Andre Monette
Partner
andre.monette@bbklaw.com
(202) 370-5303



Rebecca Andrews
Partner
rebecca.andrews@bbklaw.com
(713) 834-1109



Benjamin Bodell
Associate
benjamin.bodell@bbklaw.com
(925) 977-3337