

# AWMA and SBM JOINT CONFERENCE

## PFAS Update

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Warner Norcross + Judd

**"Well, Jane, it just goes to show you, it's always something — if it ain't one thing, it's another." Roseanne Roseannadanna**



# It's Not Likely to Get Easier Any Time Soon....



# THE FEDERAL PERSPECTIVE

*EPA Administrator Michael Regan established the EPA Council on PFAS in April 2021 and charged it to develop a bold, strategic, **whole-of-EPA strategy** to protect public health and the environment from the impacts of PFAS.*

PFAS Strategic Roadmap: EPA's Commitments to action 2021-2024

- \*Lifecycle Approach (RCRA, TSCA, SDWA, CERCLA, CWA, CAA....)

- \*Three Central Directives: Research, Restrict, Remediate

# THE FEDERAL PERSPECTIVE

## PFOA and PFOS Proposed as Hazardous Substances (And Others Hot on Their Heels): What is in Store?

- \*Part of an “extensive, widespread response to address the dangers these chemicals pose.”
- \*NPRM Published September 6, 2022/Comment Period Ended November 7, 2022
- \*EPCRA Reportable Quantity: 1 pound/24 hours
- \*Finalize Rule for TSCA Recordkeeping PFOS and PFOA (January 1, 2011)
- \*Finalize Unregulated Contaminant Monitoring Rule 5 (Collect data on 29 PFAS Compounds in public water systems)
- \*Establish a national primary drinking water regulation for PFOS and PFOA under SDWA
- \*Publish aquatic life water quality criteria for PFOS and PFOA
- \*Finalize risk assessment for PFOS and PFOA in bio-solids (regulate?)
- \*RCRA Hazardous Waste Rulemaking Petition
- \*RCRA Corrective Action Program Rulemaking
- \*Clean Air Act-EJSCREEN and Data Collection

# THE FEDERAL PERSPECTIVE

ASTM E 1527-21 and AAI (3.2.26-hazardous substances): What to look for, and when?

EPA Contaminated Site Cleanup Tables: PFAS compounds continue to be added (5 Added May 2022).

Fifth Drinking Water Contaminant Candidate List (CCL5): Basis for SDWA Regulatory Action. SAB: EPA should revise “health effects” to “health risks”.

SDWA Health Advisories for PFOS and PFOA in parts per *quadrillion*.

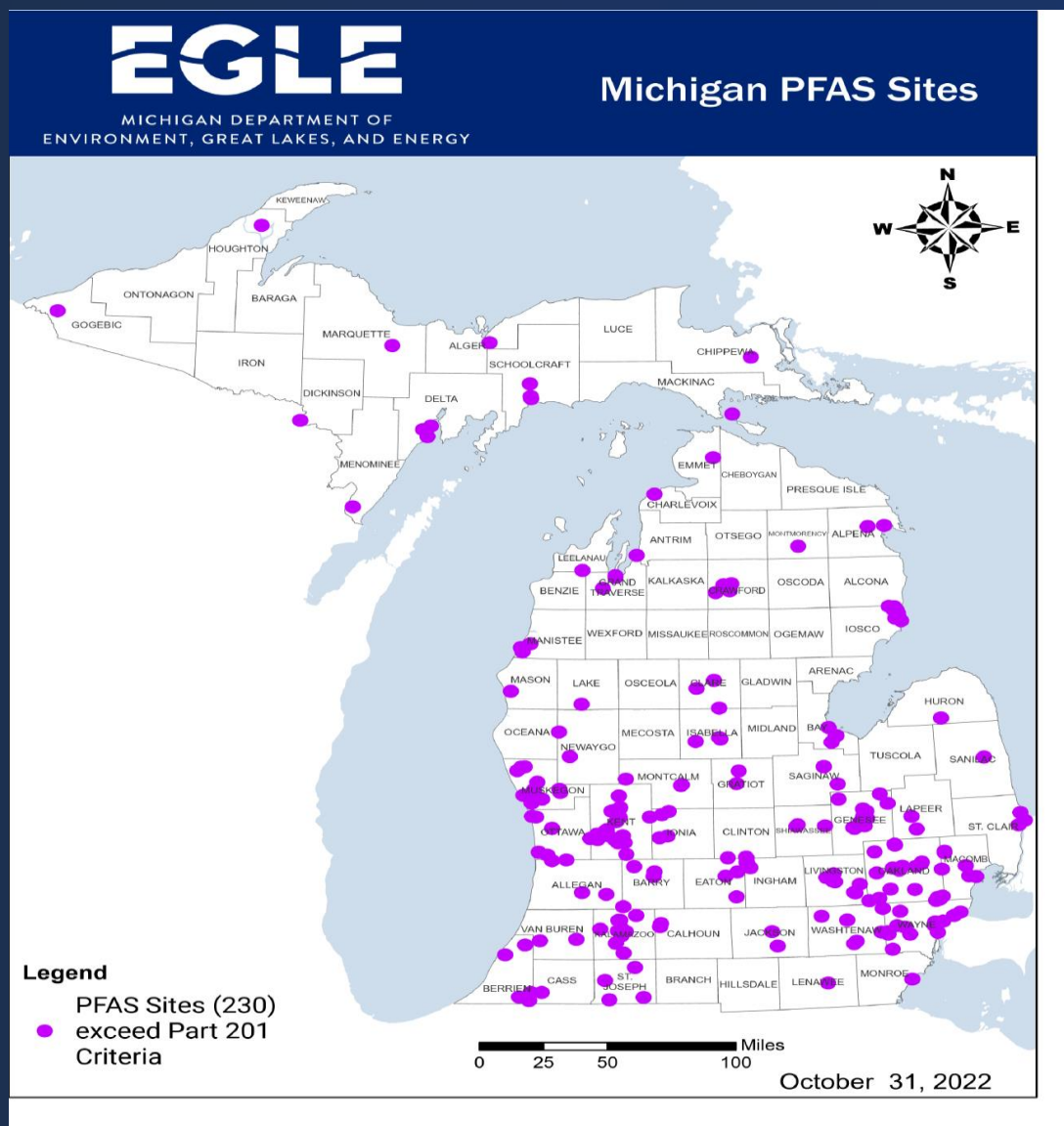
PFAS in Food, Consumer Products, Pharmaceuticals, Cosmetics.....

EPA Method 1633 (wastewater) undergoing method approval process.

Nov. 3, 2022: 3M to Implement Sampling and Treatment Plan for PFAS Cleanup (19 compounds)-Imminent and substantial endangerment under the SDWA

Infrastructure Investment and Jobs Act: \$5 Billion in Additional Funding (\$1 Billion Now)

# Meanwhile, in Michigan...



# What About Michigan?

EGLE and MPART-Evaluation on All Fronts

Bio-solids-Due Diligence, Cleanup and Land Application

Michigan PFAS Soil Survey: Waiting for EGLE results...next month?

What about areas where there is no “industry”?

Natural Resource Damages—Fish, Fur and Fowl Advisories

Site Specific Cleanup Criteria for PFAS

Cleanup Criteria: More on the Way.....



# What Does the Future Hold

Continuing Scrutiny of “Forever Chemicals”

Is there a path towards “targeted and effective” regulations at the federal and state levels?

Technological improvements, and how they will be implemented.

Is this going to be a flash in the pan like “black mold”?

Environmental Justice considerations-Federal and State (Explicit in EPA Strategic Roadmap).

# PFAS Update

Questions?

# Conclusion

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