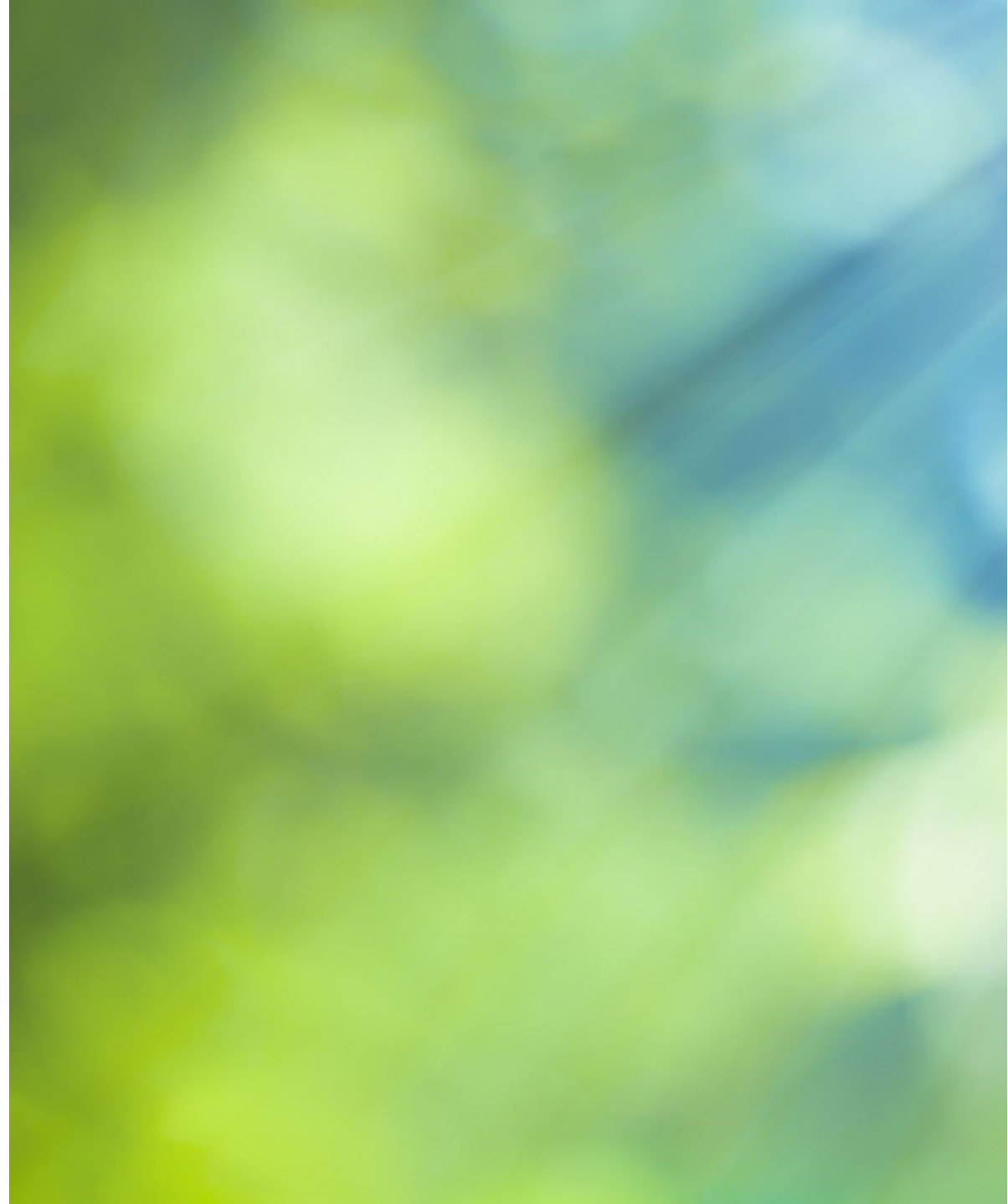

FEDERAL AND STATE PFAS UPDATE

JUNE 23, 2023



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PFAS TIMELINE 1940 - 2003

- **1940** 3M begins production of PFOA/PFOS
 - **1951** Dupont begins using PFOA to make Teflon
 - **1961** Dupont research suggests negative affects on mice fed PFOA
 - **1990** Detection and analytical capabilities improve; widespread presence of PFOA/PFOS in blood of general population
 - **1998** First lawsuits filed against DuPont related to injuries linked to PFOA pollution at Parkersburg, WV plant.
 - **2001** 3M ceased production of PFOS and related compounds
 - **2002** EPA begins using its authority primarily under the Safe Drinking Water Act to require responses to PFAS contaminated water supplies
 - **2003** China and Brazil increase production
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PFAS TIMELINE 2006 - 2017

- **2006** McDonalds phases out PFAS compounds in its packaging
 - **2009** EPA issues Provisional Drinking Water Health Advisory for PFOA/PFOS; lists certain compounds for formal evaluation under SDWA to determine if regulation is warranted
 - **2014-2016** Sampling completed for EPA's third Unregulated Contaminant Monitoring Rule (UCMR3)
 - PFOA and PFOS among the list of 30 Contaminants of Emerging Concern
 - Three Florida public water systems identified exceedances of the HAL
 - **2016** EPA issues Interim Updated Drinking Water Health Advisory for PFOA/PFOS
 - **2017** Dupont settlements reach \$1 billion
-

PFAS TIMELINE 2018 - 2021

- **2018** EPA issues draft toxicity criteria for GenX PFAS compounds.
 - **2018** FDEP Site Investigation Section begins investigations to determine the sources of PFAS to the three public well systems identified under UCMR3; the source areas were related to the use of AFFF.
 - **2018** FDEP issues provisional soil and groundwater Cleanup Target Levels (P-CTLs) and screening levels for surface water, consistent with EPA's levels.
 - **2019** EPA releases PFAS Action Plan.
 - **January 2019 – January 2020:** Cleanup work begins on Firefighting Training Facilities and FDEP issues 62-780 F.A.C. letters to local governments on remaining Facilities to begin site assessment work.
 - **2020** EPA releases update to PFAS Action Plan.
 - **2021** EPA issues near monthly updates including advanced notice of proposed rulemaking and PFAS Strategic Roadmap.
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JUNE 15, 2022

- EPA released **Four Drinking Water Health Advisories** for PFAS compounds.
- These updated health advisory levels will remain in place until EPA establishes a National Primary Drinking Water Regulation.

Compound	Health Advisories -2016 (ppt)	Health Advisories -2022 (ppt)
PFOA	70	0.004
PFOS	70	0.02
PFBS	--	2,000
GenX Chemicals	--	10



JUNE 15, 2022

- EPA also announced the **Emerging Contaminants in Small or Disadvantaged Communities Grant**.
- \$1 Billion in grant funding is available to States and Territories to address PFAS and other emerging contaminants in drinking water, specifically in small or disadvantaged communities.
- Funding is intended to assist with scoping, planning, testing, and remediating emerging contaminants in drinking and source water.

JULY 2022

Governor signs HB 1475, codified as § 376.91, Florida Statutes

- If EPA hasn't finalized standards for PFAS in drinking water, groundwater, and soil by January 1, 2025, then FDEP must adopt statewide standards.
- Until ratified by Legislature, a governmental entity or private water supplier may not be subject to any administrative or judicial action to compel site rehabilitation.
- Tolls statute of limitations on pursuing relief in accordance with existing authority.





JANUARY 6, 2023

- **U.S. Department of Defense released** release fluorine-free firefighting foam performance specifications, ahead of the January 31, 2023 deadline. See MIL-PRF-32725.
- FAA immediately adopted the new standards on January 12, 2023 via FAA National Part 139 CertAlert 23-01.



JANUARY 2023 - 2025

- UCMR 5 sampling is underway, including 29 PFAS compounds and Lithium.

UCMR 5 Contaminants: 29 PFAS + Lithium			
EPA Method 533 (PFAS monitored under UCMR 3 are in bold)			
1H, 1H, 2H, 2H-perfluorodecane sulfonic acid (8:2 FTS)	9-chlorohexadecafluoro-3-oxanone-1-sulfonic acid (9Cl-PF3ONS)	4,8-dioxa-3H-perfluorononanoic acid (ADONA)	Perfluorohexanoic acid (PFHxA)
1H, 1H, 2H, 2H-perfluorohexane sulfonic acid (4:2 FTS)	Perfluorobutanoic acid (PFBA)	Hexafluoropropylene oxide dimer acid (HFPO-DA) ("GenX chemical")	Perfluorohexanesulfonic acid (PFHxS)
1H, 1H, 2H, 2H-perfluorooctane sulfonic acid (6:2 FTS)	Perfluoroheptanesulfonic acid (PFHpS)	Perfluorobutanesulfonic acid (PFBS)	Perfluorononanoic acid (PFNA)
Nonafluoro-3,6-dioxaheptanoic acid (NFDHA)	Perfluoropentanesulfonic acid (PFPeS)	Perfluorodecanoic acid (PFDA)	Perfluorooctanesulfonic acid (PFOS)
Perfluoro (2-ethoxyethane) sulfonic acid (PFEESA)	Perfluoropentanoic acid (PFPeA)	Perfluorododecanoic acid (PFDoA)	Perfluorooctanoic acid (PFOA)
Perfluoro-3-methoxypropanoic acid (PFMPA)	11-chloroeicosafluoro-3-oxaundecane-1-sulfonic acid (11Cl-PF3OUdS)	Perfluoroheptanoic acid (PFHpA)	Perfluoroundecanoic acid (PFUnA)
Perfluoro-4-methoxybutanoic acid (PFMBA)			
PFAS Analytes Unique to EPA Method 537.1			
N-ethyl perfluorooctanesulfonamidoacetic acid (NEtFOSAA)	N-methyl perfluorooctanesulfonamidoacetic acid (NMeFOSAA)	Perfluorotetradecanoic acid (PFTA)	Perfluorotridecanoic acid (PFTrDA)
EPA Method 200.7 or Alternate SM 3120 B or ASTM D1976 20			
Lithium			

MARCH 14, 2023

- EPA proposed a **National Primary Drinking Water Regulation (NPDWR)** for PFOA and PFOS (proposed Maximum Contaminant Level), as well as for four additional PFAS and their mixtures.
- Public comment period ended on May 30, 2023.

Compound	Health Advisories -2022 (ppt)	Proposed MCL (Enforceable) (ppt)
PFOA	0.004	4
PFOS	0.02	4
GenX Chemicals (including PFBS)	10	1

AFFF PRODUCTS LIABILITY LITIGATION, MDL NO. 2873

DISTRICT OF SOUTH CAROLINA

- **City of Stuart, filed 10/18/2018**
 - Sanford Airport Authority, filed 12/16/2019
 - City of Lauderhill, filed 2/19/2020
 - City of Pensacola, filed 4/17/2020
 - City of Tampa, filed 5/15/2020
 - Hillsborough County Aviation Authority, filed 7/17/2020
 - City of Melbourne, filed 7/31/2020
 - City of Zephyrhills, filed 8/13/2020
 - City of Ocala, filed 12/28/2020
 - City of Stuart (II), filed 5/17/2021
 - Florida Keys Aqueduct Authority, filed 6/4/2021
 - New York, New Mexico, North Carolina, Alaska, Vermont, Colorado, Ohio
 - Approx. 2000 plaintiffs and still counting...
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THAT'S IT FOR NOW!

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