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EPA Issues Notice of Proposed Rulemaking to Designate Some PFAS as CERCLA Hazardous Substances

08.29.22

Entities nationwide grappling with per- and polyfluoroalkyl substances (“PFAS”) contamination should pay close attention EPA’s recently released pre-publication Notice of Proposed Rulemaking, which would designate PFOA and PFOS as “hazardous substances” subject to regulation under the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”). If finalized, this regulation will impose CERCLA’s release reporting provisions on those responsible for PFAS releases, allow EPA to investigate and require cleanups at properties where PFOA/PFOS have been released, and potentially make responsible entities liable for the cost to clean up the contamination. For more information about the proposed rule and its projected impacts on municipalities, airport operators, and other entities, see [LINK](#).