

## Brownfields Law Alert – EPA Announces PFAS Action Plan

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### EPA Announces Per- and Polyfluoroalkyl Substances (PFAS) Action Plan

Today, the United States Environmental Protection Agency (EPA) announced and published its nationwide Per- and Polyfluoroalkyl Substances (PFAS) Action Plan. PFAS, a category of chemicals found in a wide range of household and industrial products, has recently become a major complicating factor in addressing groundwater contamination at sites across the United States.

The EPA Action Plan is a comprehensive document summarizing all of EPA's prior and ongoing actions with respect to research on, education about, and regulation of PFAS. Of particular interest to developers, EPA announced that it "has initiated the regulatory development process for listing PFOA and PFOS as CERCLA hazardous substances." This process is already underway, and once completed, it would give EPA additional authority "to require responsible parties to carry out and/or pay for response actions." In the meantime, EPA expects to continue using its CERCLA and other federal response authorities to investigate sites when needed, and to continue supporting state and local authorities in enforcement of cleanup and response actions under state law. Developers of sites with possible PFAS contamination should be acutely concerned with this process.

EPA also noted that it intends to publish "interim cleanup recommendations" to address contaminated groundwater, and that it is currently conducting research "to identify performance and costs associated with treatment and remediation approaches to address PFAS in the environment." Both issues are important for developers, as they will likely give some insight into EPA's expectations and cost estimates with respect to future cleanup actions. EPA expects that both this guidance and the results of the research will be published in 2019.

The Action Plan discusses a wide variety of other strategies and topics, including setting new drinking water standards for certain PFAS chemicals, conducting various research and outreach activities, and cooperating with other federal agencies.

For more information about the Action Plan or any other PFAS-related issues, please contact Polly Jessen or Tom Bloomfield.

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