



2023 EPA Proposal to Regulate PFAS in Drinking Water

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What did EPA announce?

On March 14, 2023, U.S. Environmental Protection Agency (EPA) announced a proposed rule for regulating six per- and polyfluoroalkyl substances (PFAS) in drinking water. Over the next year, the proposed rule will undergo an extensive public review and comment process. The final regulation may differ from the proposal.

EPA proposed maximum contamination levels (MCLs) of 4 parts per trillion (ppt) for perfluorooctane sulfonate (PFOS) and four parts per trillion (ppt) perfluorooctanoic acid (PFOA).

- ◆ EPA considers PFOA and PFOS likely to cause cancer, which resulted in a MCL goal of zero.
- ◆ EPA set the MCLs as close to the MCL goal as feasible—where water systems could reliably measure and remove these contaminants from drinking water.
- ◆ Four ppt is the lowest concentration of PFOA and PFOS that can be reliably measured by the lab methods required by EPA (drinking water testing methods 533 and 537.1).

EPA is proposing to regulate four other PFAS in drinking water using a hazard index MCL.

- ◆ In a hazard index approach, the water concentration of each PFAS is expressed as a ratio of observed water concentration/acceptable water concentration. If the four ratios added together exceed 1.0, then the hazard Index MCL is exceeded for the group.
- ◆ EPA will provide an online calculator to make the approach easier to implement.
- ◆ The hazard index approach is commonly used to assess the combined risk from chemical mixtures at clean-up sites. This is the first time it is proposed for regulating chemicals under the Safe Drinking Water Act.

State vs. federal numbers for PFAS in Drinking Water (ng/L or parts per trillion)

Individual Maximum Contaminant Level (MCL) for 2 PFAS	WA State Action Levels (2021)	EPA Health	
		Advisory Levels (2022)	EPA proposed MCL (2023)
PFOA (perfluorooctanoic acid)	10	0.004 *	4
PFOS (perfluorooctane sulfonic acid)	15	0.02 *	4
Hazard Index for group of 4 PFAS			HBWC used to calculate a ratio**
PFNA (perfluorononanoic acid)	9	-	10
PFHxS (perfluorohexanesulfonic acid)	65	-	9
PFBS (perfluorobutane sulfonic acid)	345	2,000	2,000
GenX (hexafluoropropylene oxide dimer acid and its ammonium salt)	-	10	10

*These are interim HALs.

**Health-based water concentration (HBWC) are the "acceptable" values used to create a ratio of observed/acceptable for each of 4 PFAS. If the ratios add up to more than 1.0, action must be taken to lower PFAS in the drinking water.

How do EPA proposed standards compare to Washington SALs?

EPA would regulate all five PFAS with Washington SALs.

The proposed EPA standards for PFOA and PFOS are lower than the Washington SALs adopted by the State Board of Health (SBOH) in 2021. EPA established stricter goals based on evidence that these PFAS contribute to cancer risk.

PFNA is comparable to our SAL, PFHxS is lower than our SAL, and PFBS is higher than our SAL. We'll read EPA's support documentation to understand why they differ.

EPA will regulate PFAS as chronic contaminants. These contaminants can cause health effects after years of exposure above federal drinking water limits. Compliance will be based on a running annual average of testing results from a sample location. All regular federal schedules for monitoring, reporting, recordkeeping, and Tier 2 public notification would apply.

Will Washington change its State Action Level (SAL) values based on the proposed federal regulation?

We don't know yet. DOH and the SBOH will review EPA's proposed rule and supporting documents and consider if state action is needed. Any change to a SAL or adopting a state MCL requires rulemaking.

In the meantime, we will continue to implement our requirements under our existing SALs.

Once adopted in final form, EPA rules will be the law of the land. They will override state SALs and any state laws that are not as protective.

What's Next?

- ◆ EPA holds a 60-day public comment session on the proposed rule.
- ◆ EPA holds webinars for water utilities—March 16 and 29.
- ◆ EPA holds a public hearing to receive oral comments—May 4.
- ◆ DOH will work with the SBOH to review the EPA's science and consider whether further state action is needed.
- ◆ EPA plans to adopt the rule by late 2023, early 2024.
- ◆ After adoption, water systems would have three years to comply.



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