EPA Releases New, Lower Health Advisory Levels for PFAS

The U.S. Environmental Protection Agency (EPA) has released updated health advisory levels for four per- and polyfluoroalkyl substances (PFAS). The new levels for PFOA and PFOS, the two most studied compounds, are 0.004 and 0.02 parts per trillion (ppt), respectively. Previously, the EPA's health advisory level was 70 ppt for PFOA and PFOS, combined. The EPA released these new levels as "interim updated lifetime health advisories" based on evolving science. However, these new health advisory levels are below the level of detection, meaning any detection of PFOA or PFOS would be considered exceeding the interim advisory level.

The EPA also released final lifetime health advisories for two additional PFAS compounds. For GenX chemicals, the EPA set the advisory level at 10 ppt, and for PFBS the level is 2,000 ppt.

The levels are based on lifetime exposure to drinking water at the prescribed health advisory levels and incorporate compounding conservative assumptions intended to ensure that sensitive populations are not at risk.

Notably, the new health advisory levels released by the EPA are not enforceable limits. The EPA continues to develop enforceable drinking water standards for certain PFAS compounds, with a final rule on PFOA and PFOS anticipated in late 2023. However, many state and local regulators rely on the health advisory levels released by the EPA as guidance for developing additional regulations. For example, Wisconsin's drinking water standard will be set at 70 ppt for PFOA and PFOS, combined, which reflects the EPA's previous health advisory. Additional surface water standards for PFOA and PFOS have also been approved in Wisconsin, including a standard of 8 ppt for PFOS and 20-95 ppt for PFOA, depending on whether the water body is a source of drinking water.

About PFAS

PFAS chemicals include more than 4,000 different chemical compounds and are widely used in everyday products, including stain- and water-resistant fabrics and carpeting, cleaning products, cookware, paints and fire extinguishing foams. Two of the most concerning – PFOA and PFOS – are no longer manufactured in the United States. However, the compounds are slow to break down in the

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environment, and may still be detectable in many locations.

We will keep you updated as PFAS regulations continue to change in Wisconsin and nationally. If you have questions about these new regulations, contact your Reinhart attorney.

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