

March 2023

Client Advisory

## USEPA Announces Proposed National Primary Drinking Water Regulations for PFAS Compounds

On March 14, 2023, the United States Environmental Protection Agency (USEPA) announced a proposed National Primary Drinking Water Regulation (NPDWR) to establish legally-enforceable Maximum Contaminant Levels (MCLs) for six per- and polyfluoroalkyl substances (PFAS) in drinking water. The six compounds covered by the proposed regulation are: perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorononanoic acid (PFNA), hexafluoropropylene oxide dimer acid (HFPO-DA, sometimes referred to as “GenX” compounds), perfluorohexane sulfonic acid (PFHxS), and perfluorobutane sulfonic acid (PFBS). USEPA’s announcement on the proposed NPDWR can be found [here](#).

The proposed MCLs are as follows:

PFAS Compound	Proposed MCL
PFOA	4 parts per trillion (ppt)
PFOS	4 ppt
PFNA	1.0 (unitless) Hazard Index
HFPO-DA (sometimes referred to as “GenX” compounds)	
PFHxS	
PFBS	

The proposed NPDWR comes almost nine-months-to-the-day after USEPA first announced new health advisories for PFOS (0.02 ppt), PFOA (0.004 ppt), PFBS (2,000 ppt), and GenX compounds (10 ppt). Archer’s prior alert on USEPA’s proposed health advisory for drinking water can be found [here](#).

In addition to proposing MCLs for the various PFAS compounds, the proposed rule would also require public water systems to: (1) monitor for these PFAS compounds; (2) notify the public of the levels of these PFAS compounds; and (3) reduce the levels of these PFAS compounds in drinking water if the levels exceed the proposed standards.

EPA is requesting public comment on the proposed regulation. The public comment period will open following publication of the proposed rule in the Federal Register, and will remain open for sixty (60) days.

Additionally, USEPA will be holding two informational webinars about the proposed NDPWR on March 16, 2023, and March 29, 2023. Registration is required to attend the webinars. USEPA will also be holding a public hearing on May 4, 2023, where members of the public can register to attend and provide verbal comments to USEPA on the rule proposal. Registration is required to attend and the last day to register to speak at the hearing is April 28, 2023.

PFAS are a class of synthetic, man-made chemicals that have been used since the 1940s to make products that are resistant to water, heat, and oil. These products include cookware, carpets, clothing, fabrics for furniture, paper packaging for food, and other materials that are resistant to water, grease, or stains. They are also used in firefighting foams and in a number of industrial processes.

For questions about the proposed regulation, or for assistance with submitting comments regarding the proposed regulation, please contact [David Edelstein](#) at [dedelstein@archerlaw.com](mailto:dedelstein@archerlaw.com) or 856-354-3125, or [Charles Dennen](#) at [cdennen@archerlaw.com](mailto:cdennen@archerlaw.com) or 856-673-3932.

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