



D.C. Circuit Applies 'Loper Bright' and Uses Textual Interpretation to Uphold Designation of 2 PFAS Compounds as Hazardous Under CERCLA

Articles

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In a recent article published by *The Legal Intelligencer*, partner [Charlie Dennen](#) examines the D.C. Circuit's decision upholding the U.S. Environmental Protection Agency's designation of PFOA and PFOS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

The decision is significant not only for the regulated community facing potential reporting and cleanup obligations associated with these PFAS compounds, but also for its broader implications for challenges to future EPA actions. As Charlie explains, the court applied the Supreme Court's decision in *Loper Bright* and independently interpreted CERCLA's text rather than deferring to EPA's interpretation of the statute.

The article explores the court's reliance on the ordinary meaning, statutory context, and contemporaneous dictionary definitions of CERCLA, as well as its treatment of EPA's scientific and technical analyses supporting the hazardous-substance designation. Charlie also considers what the decision may mean for future challenges to EPA's PFAS-related actions and other regulatory designations, particularly in a post-*Loper Bright* landscape where courts are expected to exercise independent judgment in interpreting ambiguous statutes.

Click [here](#) to read the complete article.

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