



Pennsylvania Announces Proposed New Rule On PFAS Drinking Water Standards

Client Advisories

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The Pennsylvania Department of Environmental Protection (DEP) recently announced a proposed new regulation that would set a limit for the amount of per- and poly-fluoroalkyl substances (PFAS) in the Commonwealth's drinking water. The DEP's announcement on the proposed new rule can be found [here](#). The proposed rule would set maximum contaminant levels (MCLs) for two forms of PFAS— 18 parts per trillion (ppt) for perfluorooctane sulfonic acid (PFOS) and 14 ppt for perfluorooctanoic acid (PFOA). If adopted, this would be the first time Pennsylvania has set its own drinking water standard for any substance.

The MCLs proposed by the DEP are more restrictive than the United States Environmental Protection Agency's (EPA) lifetime Health Advisory Level (HAL) of 70 ppt for PFOS and PFOA, but less restrictive than the standards in states like Michigan and New York.

This proposed rule is the outgrowth of Executive Order 2018-18 signed by Governor Wolf in September 2018, which established the PFAS Action Team. According to that executive order, the function of the PFAS Action Team was to, among other things, "ensure drinking water is safe" and "reduce risks to drinking water and the environment[.]" A copy of Executive Order 2018-18 can be found [here](#).

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.

A 60-day public comment period on the proposed new rule began on February 26, 2022, and will close on April 27, 2022.

DEP will hold a series of public hearings via Webex on the new rules throughout the month of March. The meetings can be accessed through DEP's website.

Comments can be submitted by email to RegComments@pa.gov, or through the DEP's website at <http://www.ahs.dep.pa.gov/eComment>.

For questions about the proposed new rule, or for assistance in submitting comments to the DEP, please contact **David Edelstein** at dedelstein@archerlaw.com or 856-354-3125, or **Charles Dennen** at cdennen@archerlaw.com or 856-673-3932.

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