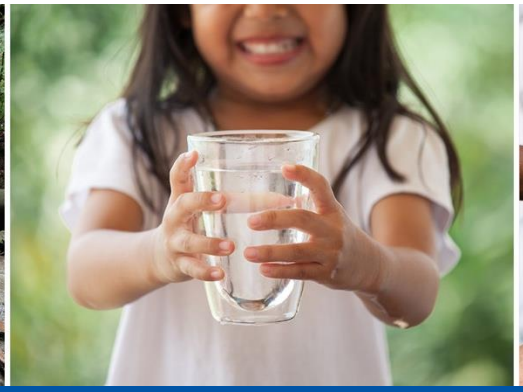
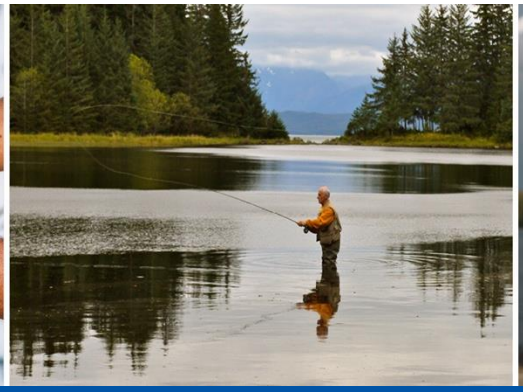






Updates and Recent Activities Related to PFAS

SFIREG – JWC EQI/POM/ESI

September 16, 2024

Ryan Schmit EPA/OCSPP & Neil Anderson EPA/OPP

EPA's PFAS Strategic Roadmap: EPA's Commitments to Action 2021-2024

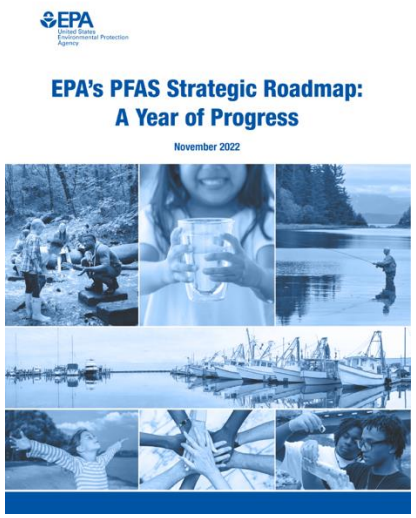
- EPA Administrator Michael Regan established the EPA Council on PFAS in April 2021.
- The Council developed the PFAS Strategic Roadmap, released in October 2021 – a bold, strategic, whole-of-EPA strategy to protect public health and the environment from PFAS.
- The Roadmap:
  - Sets timelines for concrete actions from 2021 to 2024;
  - Fills a critical gap in federal leadership;
  - Supports states' ongoing efforts; and
  - Builds on the Biden-Harris Administration's commitment to restore scientific integrity.
  - Sets forth principles and goals

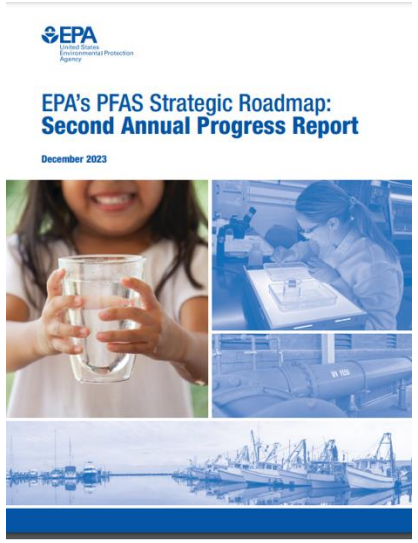
https://www.epa.gov/pfas and https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024#council

Agency Wide Accomplishments – 3 Years of Roadmap Progress

2021-2022

- Proposed to designate PFOA and PFOS as CERCLA hazardous substances
- Released drinking water health advisories for four PFAS
- Laid the foundation for enhancing PFAS chemical and drinking-water data
- Began distributing $10 billion in Bipartisan Infrastructure Law (BIL) funding to address emerging contaminants in water
- Expanded the scientific understanding of PFAS and translated the latest science into EPA's cross-agency efforts
- Proactively used enforcement tools to identify and address PFAS releases
- Engaged with federal partners and the public





2022-2023

- In final stages of developing a regulation to consider PFOA and PFOS hazardous substances under CERCLA
- Initiated monitoring for 29 PFAS at over 10,000 public water systems
- Distributed nearly $1billion in BIL monies with over half going to small or disadvantaged communities. Announced $2billion in grant funding to SLTT entities
- Issued additional test orders related to the National Testing Strategy
- Finalized rules for PFAS reporting and eliminating exemptions for new and existing PFAS
- Proposed drinking water standards for 6 PFAS

https://www.epa.gov/system/files/documents/2022-11/PFAS%20Roadmap%20Progress%20Report_final_Nov%2017.pdf

https://www.epa.gov/system/files/documents/2023-12/epas-pfas-strategic-roadmap-dec-2023508v2.pdf

https://www.epa.gov/pfas/key-epa-actions-address-pfas

Agency Wide Accomplishments - 3 Years of Roadmap Progress

2023-2024

- Finalized PFAS National Primary Drinking Water Regulation for 6 PFAS including PFOA, PFOS, GenX (April 2024) https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas
- Finalized rule designating PFOA and PFOS as hazardous substances under CERCLA completed (April 2024) https://www.epa.gov/newsreleases/biden-harris-administration-finalizes-critical-rule-clean-pfas-contamination-protect
    - Enforcement Discretion and Settlement Policy to focus enforcement on parties who significantly contribute to environmental releases (e.g., PFAS manufacturers, industrial facilities, etc.)
- Updated interim guidance on destroying/disposing of PFAS and PFAS-containing materials (April 2024) https://www.epa.gov/pfas/interim-guidance-destroying-and-disposing-certain-pfas-and-pfas-containing-materials-are-not
- Validated two new analytical methods for Clean Water Act permitting (January 2024)
    - EPA Method 1633 - tests for 40 PFAS in wastewater, surface water, groundwater, soil, biosolids, sediment, landfill leachate, and fish tissue.
    - EPA Method 1621 can broadly screen for the presence of chemical substances that contain carbon-fluorine bonds, including PFAS, in wastewater.
- Published ~30 papers on PFAS in peer-reviewed scientific journals; updated key data resources to transparently share new information like EPA's Drinking Water Treatability Database, the ECOTOX Knowledgebase, and the CompTox Chemicals Dashboard
- Identified "Addressing Exposure to PFAS" as one of six National Enforcement and Compliance Initiatives for 2024-2027 to hold polluters responsible for their actions and PFAS remediation https://www.epa.gov/enforcement/national-enforcement-and-compliance-initiative-addressing-exposure-pfas

**Third Annual Progress Update – expected early Fall 2024
https://www.epa.gov/pfas/key-epa-actions-address-pfas

PFAS - Definition

- EPA/OCSPP has consistently applied structural criteria to define the scope of various PFAS-related efforts (e.g., TSCA 8(a)(7) reporting rule, Framework for Reviewing New PFAS, Inactive PFAS SNUR, National PFAS Testing Strategy, etc.)
- Chemicals that contain at least one of these three structures:
  - R-(CF2)-CF(R′)R″, where both the CF2 and CF moieties are saturated carbons
  - R-CF2OCF2-R′, where R and R′ can either be F, O, or saturated carbons
  - CF3C(CF3)R′R″, where R′ and R″ can either be F or saturated carbons

OCSPP Rulemaking & Other Activities

- **TSCA New Chemicals and Significant New Uses**
  - **Framework for Reviewing and Managing New PFAS*+ -** Intent is to ensure effective and efficient reviews of new or significant new uses of existing PFAS https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/framework-addressing-new-pfas-and
  - **Significant New Use Rules (SNURs)**
    - **Inactive PFAS* -** Final SNURs (January 2024) that impact ~300 chemicals; requires notification at least 90 days prior to manufacturing https://www.epa.gov/system/files/documents/2024-01/9655-02_fr_doc_aa_esignature_verified.pdf
    - **PFAS Subject to Consent Orders** - SNURs for 150 PFAS previously reviewed through the TSCA New Chemicals program that would extend requirements currently applicable to the submitter to all other future manufacturers; batch process with additional efforts targeted for late 2024/2025 https://www.govinfo.gov/content/pkg/FR-2022-12-02/pdf/2022-26252.pdf
    - **Contaminants from Pyrolysis in Plastic Waste* –** Proposed SNURs (June 2023) that apply to manufacturing or processing of certain chemicals using feedstocks that contain any amount of a designated contaminant including PFAS https://www.regulations.gov/document/EPA-HQ-OPPT-2023-0245-0001
  - **Low Volume Exemptions**
    - **Updates to Procedural Regulations*** - Proposed updates to the new chemical regulations (May 2023) would make new PFAS categorically ineligible for LVE and LoREX exemptions; final rule expected soon https://www.epa.gov/chemicals-under-tsca/epa-announces-changes-prevent-unsafe-new-pfas-entering-market and https://www.federalregister.gov/documents/2023/05/26/2023-10735/updates-to-new-chemicals-regulations-under-the-toxic-substances-control-act-tsca
    - **Voluntary Stewardship Program -** 56 PFAS LVEs have been withdrawn to date

* Contains description of OCSPP PFAS definition +Accompanying webinar provides additional information

OCSPP Rulemaking & Other Activities

- **Data Gathering and Development**
  - **TSCA 8(a)(7) Reporting*+ –** Final Rule (October 2023) to require persons that manufacture (including import) or have manufactured these chemical substances in any year since January 1, 2011, to electronically report information regarding PFAS uses, production volumes, disposal, exposures, and hazards. Reporting timeframes extended via direct final rule (September 2024) due to resource constraints and IT development schedules, with reporting now set to begin July 2025. https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/tsca-section-8a7-reporting-and-recordkeeping
  - **National Testing Strategy*** - Addresses gaps by creating a strategic approach for requiring development of new information on PFAS, including the use of a category/grouping approach and leveraging test order authority under TSCA; 4 orders issued to date with more forthcoming; ORD and OCSPP published a paper regarding an updated categorization approach (August 2024) to identify PFAS for data collection efforts under the National PFAS Testing Strategy https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/national-pfas-testing-strategy https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/list-chemicals-subject-section-4-test-orders
  - **Toxics Release Inventory –** Final Rule (October 2023) added PFAS to the list of "Chemicals of Special Concern" which requires reporting at lower threshold; 6 more chemicals added to TRI reporting list in 2024; proposed rule (August 2024) that would also add 16 more individual PFAS and 15 categories of PFAS – more than 100 individual chemicals – to TRI https://www.epa.gov/toxics-release-inventory-tri-program/changes-tri-reporting-requirements-and-polyfluoroalkyl

* Contains description of OCSPP PFAS definition +Accompanying webinar provides additional information

OCSPP Rulemaking & Other Activities

- **PFAS in Plastic Containers**
  - Pesticide packaging activities include analysis under various conditions, analytical methods development, and considerations related to products/contaminated areas. https://www.epa.gov/pesticides/pfas-packaging
  - Enforcement action against fluorinated container company lead to an EPA TSCA assessment and order to restrict the production of these PFAS; court later vacated that order on the grounds that the company wasn't subject to SNUR.
  - Section 21 petition submitted by 7 NGOs (April 2024) asking EPA to prohibit the manufacturing, processing, use, distribution in commerce, and disposal of PFOA, PFNA, and PFDA https://www.epa.gov/system/files/documents/2024-04/section-21-pfas-fluorination-petition-final-exhibits.pdf
  - EPA granted the Section 21 petition (July 2024) and will promptly commence an appropriate proceeding; as part of that effort, will seek to gather additional information on number/location/uses of fluorinated containers in US; critical/essential uses; etc. https://www.epa.gov/chemicals-under-tsca/epa-grants-petition-three-pfas-found-fluorinated-plastic-containers
  - Additional litigation by CEH/PEER under TSCA Section 20, invoking TSCA Section 4(f), arguing that EPA must "initiate applicable action" under TSCA section 6
- **Inert Components in Products**
  - FR issued (December 2022) removed 12 PFAS from the current approved list of inert ingredients https://www.regulations.gov/document/EPA-HQ-OPP-2022-0542-0009
  - Similar recent action taken on Teflon which was used as a pesticide inert https://www.govinfo.gov/content/pkg/FR-2024-02-28/pdf/2024-04059.pdf
  - There is 1 additional inert that still could be used in products which meets the structural criteria/definition
- **Active Ingredients**
  - A total of 6 pesticide active ingredients meet the structural criteria/definition
  - Need to address uncertainty around PBT characteristics and how the required FIFRA 40CFR158 data can be used to address the issue including for potential degradates

OPP/BEAD/ACB METHODS

Sample Type	Method	Date Released	Method Type (Sampling, Preparation, Analysis)	ACB Validated LOQ
Pesticide products formulated in oil, petroleum distillate or mineral oil	EPA's Analytical Chemistry Branch Method for the Analysis of PFAS in Oily Matrix.	September 2021	SPE separation of PFAS from oily matrix. Instrument analysis based EPA Method 8327	0.025 ppb
HDPE containers	EPA's Analytical Chemistry Branch PFAS Testing Rinses from Selected Fluorinated and Non-Fluorinated HDPE Containers	September 2022	Container rinsing with solvent, followed by concentration of rinsate. Intrumental analysis based on EPA Method 8327	0.0004 - 0.002 ppb (semi quantitative)
Pesticide products formulated with high molecular weight non-ionic surfactants in oil or water/oil mixtures	EPA's Analytical Chemistry Branch PFAS Extraction Procedure for Pesticide Products containing Non-ionic Surfactants	May 2023	Solvent extraction of formulation sample follwed by SPE cleanup. Instrumental analysis based on EPA Method 8327	0.4 - 2 ppb
HDPE containers	EPA's Analytical Chemistry Branch Method for Container Coupon Sampling, Extraction, Preparation and SPE Clean-up	February 2024	Solvent extraction of coupons cut from containers. Concentrated aliquots of the extracts analyzed based on EPA Method 8327	0.2 ppb
Pesticide products containing ionic surfactants (SDS, Quats, etc.)	TBD - Multiple Methods may be required	TBD	TBD	TBD - Target 0.5 ppb





Thanks

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