

FIRST-EVER NATIONAL LIMITS ON PFAS IN DRINKING WATER

Insights into the National Primary Drinking Water Regulation (NPDWR) rule established by the Environmental Protection Agency (EPA) on April 10, 2024.

INTRODUCTION

Many of the federal government's recent environmental actions have been centered around curbing the impact of per- and polyfluoroalkyl substances (PFAS). A short history of these actions, mostly conducted by the Environmental Protection Agency (EPA), can be found [here](#). On the morning of April 10th, 2024, the EPA announced its most significant update yet in this ongoing matter by finalizing the country's "first-ever national, legally enforceable drinking water standard".¹ In this Trexin Insight Paper, we will examine what the rule is, its intended impacts, and how it connects to other previously approved rules.

WHAT IS THE NPDWR?

The new rule established by the EPA, formally titled the National Primary Drinking Water Regulation (NPDWR), focuses largely on the concentration of five kinds of PFAS in Public Water Systems (PWS'): PFOA, PFOS, PFNA, PFHxS, HFPO-DA. PWS' will also be required to monitor Mixtures containing two or more of PFHxS, PFNA, HFPO-DA, and PFBS.² For PFOA and PFOS chemicals, the Maximum Contaminant Level (MCL) will be four parts per trillion (ppt) and ten ppt for the other PFAS not in a mixture. PWS' will have three years to establish methods of monitoring PFAS levels after which monitoring must be ongoing. PWS' found to have PFAS levels exceeding the EPA's new limits will have an additional two years to develop and implement means of reducing the concentration of PFAS.³ This information is also required to be made available to the public. Failure to comply with EPA regulation is subject to "civil or criminal enforcement action".⁴

Given the size of this undertaking, the EPA has also announced an additional \$1 billion in funding as provided by the Bipartisan Infrastructure Law. This amounts to a total of \$21 billion that can be dedicated to the effort of clearing PWS' of PFAS.⁵ This spending will be dedicated to such actions as "water system monitoring, communicating with customers... obtaining new or additional sources of water or installing and maintaining treatment technologies".⁶

WHAT ARE THE INTENDED IMPACTS OF THE NPDWR?

Citing environmental and health concerns, the EPA seeks to reduce PFAS exposure to 100 million people - nearly one third of the country – with this new rule.⁷ The extent of necessary action will differ based on several factors in each state and territory. According to a recent study by the United States Geological Survey, approximately "45% of the nation's tap water is estimated to have one or more types of" PFAS.⁸ Minnesota, the 22nd most populous state in the nation, is

¹ <https://www.epa.gov/newsreleases/biden-harris-administration-finalizes-first-ever-national-drinking-water-standard#:~:text=EPA%20is%20setting%20enforceable%20Maximum,are%20feasible%20for%20effective%20implementation>

² https://www.epa.gov/system/files/documents/2024-04/pfas-ncdwr_qa_general_4.9.24v1.pdf

³ <https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas>

⁴ <https://www.epa.gov/enforcement/basic-information-enforcement#:~:text=EPA%20works%20to%20ensure%20compliance,against%20violators%20of%20environmental%20laws>

⁵ <https://www.whitehouse.gov/briefing-room/statements-releases/2024/04/10/fact-sheet-biden-harris-administration-takes-critical-action-to-protect-communities-from-pfas-pollution-in-drinking-water/>

⁶ https://www.epa.gov/system/files/documents/2024-04/pfas-ncdwr-presentation_4.9.24_overview.pdf

⁷ <https://apnews.com/article/forever-chemicals-pfas-pollution-epa-drinking-water-1c8804288413a73bb7b99fc866c8fa51>

⁸ <https://www.usgs.gov/news/national-news-release/tap-water-study-detects-pfas-forever-chemicals-across-us>

presently estimating that 309,000 people across 22 PWS' are exposed to PFAS concentrations that exceed the maximum limit established by the EPA.^{9,10} Minnesota's disproportionately low PFAS exposure is likely due in part to the fact that it is among the few states that implemented PFAS regulations ahead of the NDPWR.¹¹ States without regulations like those in Minnesota may find themselves needing to take increased action to ensure their federal compliance.

HOW DOES THE NDPWR RELATE TO OTHER FEDERAL PFAS REGULATIONS?

While this new rule places limitations exclusively on PFAS concentrations in PWS', it exists within a wider ecosystem of federal PFAS regulations aimed at controlling and reducing exposure to the chemical subclass. For instance, manufacturers and importers of PFAS will have until May of 2025 (November of 2025 for small entities) to report "uses, production volumes, disposal, exposures, and hazards."¹² These two rules may initially seem disconnected, but each could be used to determine violations of the other. Given that "PFAS can enter drinking water through industrial release to water, air, or soil...", a noncompliant PWS utilizing methods that should be effective in reducing PFAS levels may reveal nearby noncompliant manufacturers.¹³ Furthermore, the EPA is seeking to formally classify two PFAS as hazardous substances which would allow additional funding to this endeavor along with the resources to ensure cooperation.¹⁴

CONCLUSION

The NDPWR represents the federal government's growing concern over PFAS chemicals, a concern that it shares with other national governments, state governments, and the public.^{15,16,17} As new laws and regulations are enacted to limit the use and exposure of PFAS chemicals, the expectations for public resources, like PWS', and private institutions will continue to mount.

To learn more about how Trexin can help ensure your regulatory compliance, click [here](#).

Click [here](#) to connect with one of Trexin's PFAS Advisors.



This TIP was written by Kenneth Beymer. Kenneth welcomes comments and discussion on this topic and can be reached at kenneth.beymer@trexin.com.

⁹ <https://www.britannica.com/topic/largest-U-S-state-by-population>

¹⁰ <https://www.startribune.com/five-water-systems-in-the-east-metro-have-unsafe-levels-of-pfas-under-new-epa-rule/600357775/>

¹¹ <https://www.ncsl.org/environment-and-natural-resources/per-and-polyfluoroalkyl-substances>

¹² <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/tsca-section-8a7-reporting-and-recordkeeping>

¹³ https://www.nj.gov/health/ceohs/documents/pfas_drinking%20water.pdf

¹⁴ <https://www.epa.gov/laws-regulations/summary-comprehensive-environmental-response-compensation-and-liability-act#:~:text=The%20Comprehensive%20Environmental%20Response%2C%20Compensation%2C%20and%20Liability%20Act%20%2D%20otherwise,and%20contaminants%20into%20the%20environment>

¹⁵ <https://www.medicaldevice-network.com/sponsored/europes-proposed-pfas-ban-the-next-big-thing-in-medical-device-design-and-supply/#:~:text=Why%20is%20there%20a%20proposed,combined%20with%20potential%20health%20concerns>

¹⁶ <https://www.ncsl.org/environment-and-natural-resources/per-and-polyfluoroalkyl-substances>

¹⁷ <https://www.sciencedirect.com/science/article/pii/S0959652624003135>