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The US EPA Proposes Incorporation of PFAS Compounds into Federal Superfund Law

A pre-publication proposal would designate two per- and polyfluoroalkyl substances (PFAS) as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

On August 26, 2022, the United States Environmental Protection Agency (USEPA) issued a pre-publication proposal to designate two per- and polyfluoroalkyl substances (PFAS) as hazardous substances under the federal Superfund law. The proposal, which is scheduled to be published in the Federal Register in September 2022, will designate perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Publication of the rule will initiate a 60-day public comment period. The rule is expected to be finalized in 2023.

USEPA's announcement and a link to the proposal is available here: [Proposed Designation of Perfluorooctanoic Acid \(PFOA\) and Perfluorooctanesulfonic Acid \(PFOS\) as CERCLA Hazardous Substances | US EPA.](#)

If finalized as proposed, incorporation of PFAS compounds into the Superfund law will create new release reporting requirements and will provide an additional mechanism for USEPA to require investigation and cleanup of PFAS releases. The announcement comes shortly after the USEPA published new Health Advisories for select PFAS compounds in June 2022, signaling USEPA's continued focus on PFAS regulation.

Verdantas works closely with our clients to understand and address PFAS issues. Our PFAS experts remain ahead of the rapidly evolving science and regulation of these compounds. If you have questions about state or federally regulated site assessment and remediation projects, please reach out to the Verdantas Area Manager or representative in your region. Alternately, you can [contact us](#) via our website or email us directly at communications@verdantas.com and we'll connect you with one of our PFAS experts.