



WateReuse Policy Principles on Federal Legislative and Regulatory Action Related to Per- and Poly-fluoroalkyl Substances (PFAS)

PFAS compounds are contained in dozens of common household products, in the dust we breathe, and in the blood of nearly every person in America. There are over 3,000 varieties of PFAS that have been created, with about 75 of these used in commercial applications; very little is known about most of them. What is known is that PFAS compounds are ubiquitous in the environment and can now be detected in the parts per trillion range.

In recent months, Congress has been taking initial steps through proposed federal legislation to address PFAS contaminants in water and on land. The Administration has similarly been planning regulatory action. Individual states across the country have established new requirements for PFAS control, creating a patchwork of state-level laws and regulations each with different control levels. Along with traditional drinking water and wastewater treatment systems, water recycling systems will be impacted by new laws and regulations aimed at controlling the contaminants.

The WateReuse Association urges appropriate action now to address the presence of PFAS contaminants that exist at concentrations that create a risk to public welfare and the environment. WateReuse believes that legislative and regulatory decisions should be based on science, tied to public health and environmental risk, and informed by an understanding of treatment technologies.

The WateReuse Association believes that any legislative or regulatory decisions on PFAS-related issues must recognize that:

- PFAS compounds have been and are still being used in many military, industrial, and commercial products, including use in common household and food-packaging products. As a result, the compounds are already ubiquitous in the environment;
- Source control is important to lowering the amount of PFAS in our environment;
- Water and wastewater utilities provide essential public services and are not manufacturers or primary sources of PFAS;
- There are important scientific questions about PFAS that need to be resolved, including questions related to the fate, exposure, and toxicity of the compounds;
- Financial and technological feasibility, including analytical capabilities and treatment options, must be considered;
- PFAS-related legislation and regulations should aim to protect public health and the environment, and should be data-driven, risk-based, and informed by peer-reviewed science;
- Federal legislation and regulation should emphasize pollution prevention, product replacement, and source control, and should be designed to prevent or eliminate the introduction of PFAS into wastewater and drinking water;

- Water utilities and their rate payers should not bear the financial burden of removing PFAS from impaired water supplies;
- Removing PFAS from water creates treatment residuals, which will need to be managed;
- Any regulation that applies to multiple PFAS compounds as a class must be scientifically defensible and must recognize that individual PFAS compounds have unique characteristics and varying levels of human health toxicity;
- As with other water, recycled water may contain detectable levels of PFAS. The presence and potential impacts of PFAS across the multitude of reuse applications should be carefully evaluated using the best scientific information available and peer-reviewed, risk-based approaches; and
- When developing legislation and regulations, federal decision makers should evaluate and consider potential adverse consequences of new laws and rules, including implications for existing water recycling projects.

The WaterReuse Association supports federal policies that advance:

- Additional and timely research and development into PFAS characteristics and solutions, including:
 - Development of analytical methods to measure PFAS compounds in water, wastewater, and treatment residuals,
 - Evaluation of the toxicity and risks associated with individual PFAS compounds, and the efficacy of regulating PFAS compounds by class or type versus by individual compound,
 - Studies of fate and transport in various types of water recycling,
 - Studies of routes of PFAS exposure attributable to various types of water recycling, and any associated public health and environmental risks,
 - Evaluation of treatment efficacy for individual compounds,
 - Evaluation of options for safe residuals management, and
 - Evaluation and identification of safe product substitutes;
- Useful and timely information for consumers and water professionals;
- Public health and environmental standards that are based on science and a comprehensive understanding of risk;
- More federal support for extended producer responsibility, pollution prevention programs, and source control;
- A focus on the most persistent individual PFAS compounds that pose the greatest human health risk;
- A proactive approach through better evaluation of new chemicals and applications, using the Toxic Substances Control Act (TSCA) and other authorities;
- Federal financial assistance for communities that are forced to address contaminated water supplies (whether through purchase of replacement water supplies or implementation of treatment). This should include support for management of residuals; and

- Timely establishment of a federal Maximum Contaminant Level (MCL) for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) in accordance with the established regulatory process under the Safe Drinking Water Act.

The WaterReuse Association opposes:

- Designating PFAS as hazardous material under CERCLA. If PFAS is designated as hazardous under CERCLA, then wastewater and water utilities must be exempted from liability because water and wastewater utilities do not produce or create PFAS – rather, they receive PFAS in the water and wastewater they treat; and
- Adoption of any new PFAS regulatory standards or thresholds that are not based on rigorous science and an understanding of public health and environmental risks.