



## **Per- and Polyfluoroalkyl Substances (PFAS) Liability Protection Position Statement**

05/16/22

### **I. Issue Overview**

Per- and Polyfluoroalkyl Substances (PFAS) chemicals have spawned litigation over the past several years. PFAS are a family of synthetic organic chemicals that have been introduced to the environment through decades of use in many industrial, military, firefighting, and consumer applications. These chemicals can be thermally and chemically stable, making them resistant to breaking down in the environment. In addition to their persistence, these compounds are also mobile and can bioaccumulate. PFAS has been detected in drinking water in communities across the country. The removal of these compounds will require the collective effort of the private sector including water treatment solution providers. There are a number of challenges that water treatment solution providers currently face in remediating PFAS contamination, however. These include:

1. The landscape for compliance is a moving target due to the patchwork of state regulations; lack of national standards; and lack of full understanding of the toxicity, persistence, bioavailability, and future treatment regulations of the thousands of PFAS chemicals now in use. As analytical methods continue to improve, the ability to detect the presence of PFAS at lower levels also improves. The current regulatory environment for PFAS varies state-to-state not only with regard to target levels of treatment but also which specific compounds are regulated. This leads to uncertainty as to which PFAS chemicals are of concern, to what concentration level they need to be treated, and whether these concentrations and target compounds may change in the future.
2. Multiple technologies to address PFAS contaminants exist. The selection of the treatment solution is based on the specific treatment goals (including which PFAS compounds are being targeted and what treatment level is to be achieved) and the background water quality. The shifting analytical and regulatory landscape means that a treatment system correctly designed to address a specific need today may not address future needs, opening the door for litigation. Lack of regulation regarding disposal of media also adds future unknowns and liabilities for those looking to remove PFAS as well as treatment system providers.

3. The water industry has the capabilities and interest to solve the PFAS contamination problem, but we cannot be successful if this comes with liability associated with removing PFAS substances from water. While we as treatment providers are entering into this area with the full commitment to provide proven solutions, we are concerned that full engagement will not be achieved without a framework to protect suppliers from future litigation.

## **II. WWEMA's Position**

Similar to the spirit of laws that have protected those working to provide a public good and benefit, WWEMA is asking for state and Federal policymakers to protect technology solution providers who are actively working to address our country's PFAS contamination crisis from future liability. In order to promote early adoption and treatment of PFAS, solution providers should be encouraged to innovate and not be penalized with mounting litigation, or the potential for such litigation, as specific PFAS treatment and disposal regulations continue to evolve.

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