

# PFAS NATIONAL PRIMARY DRINKING WATER REGULATION LITIGATION

Internal deliberative pre-decisional - FOR USE BY 2024 PRESIDENT-ELECT TRANSITION TEAM MEMBERS ONLY

## ISSUE SUMMARY:

- On April 10, 2024, EPA finalized a National Primary Drinking Water Regulation (NPDWR) establishing legally enforceable levels, called Maximum Contaminant Levels (MCLs), for six PFAS in drinking water. The rule regulates PFOA, PFOS, PFHxS, PFNA, and HFPO-DA as contaminants with individual MCLs, and PFAS mixtures containing at least two or more of PFHxS, PFNA, HFPO-DA, and PFBS using a Hazard Index MCL to account for the combined and co-occurring levels of these PFAS in drinking water. EPA also finalized health-based, non-enforceable Maximum Contaminant Level Goals (MCLGs) for these PFAS.

## KEY POINTS:

- Three petitions for review were filed in the D.C. Circuit challenging EPA's final rule and were consolidated.
  - Am. Water Works Ass'n v. U.S. EPA*, No. 24-1188 (D.C. Cir.)
  - Nat'l Ass'n of Mfrs v. U.S. EPA*, No. 24-1191 (D.C. Cir.)
  - Chemours Co. FC, LLC v. U.S. EPA*, No. 24-1192 (D.C. Cir.)

## ONGOING/UPCOMING REVIEWS FOR FY2024:

- EPA's response brief due December 23, 2024

## KEY EXTERNAL STAKEHOLDERS:

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|---|--|--|---------------------------------|--------------------------------|---|
| <input type="checkbox"/> Congress       | <input checked="" type="checkbox"/> Industry | <input checked="" type="checkbox"/> States | <input type="checkbox"/> Tribes | <input type="checkbox"/> Media | <input type="checkbox"/> Other Federal Agency |
| <input checked="" type="checkbox"/> NGO | <input type="checkbox"/> Local Governments   | <input type="checkbox"/> Public            |                                 |                                |   |

## MOVING FORWARD: