

**FOR IMMEDIATE RELEASE – APRIL 10, 2024**

**EPA Finalizes PFAS National Primary Drinking Water Regulation**

On April 10, 2024, the Environmental Protection Agency (EPA) formally announced its final National Primary Drinking Water Regulation (NPDWR) for six PFAS, including perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorononanoic acid (PFNA), hexafluoropropylene oxide dimer acid (HFPO-DA, also known as Gen-X), perfluorohexane sulfonic acid (PFHxS), and perfluorobutane sulfonic acid (PFBS).

The NPDWR establishes legally enforceable limits, called Maximum Contaminant Levels (MCLs), for six PFAS in drinking water. PFOA, PFOS, PFHxS, PFNA, and HFPO-DA (Gen-X) will be regulated as individual contaminants. PFHxS, PFNA, PFBS, and HFPO-DA will also be regulated as a PFAS mixture. The NPDWR also establishes health-based, non-enforceable Maximum Contaminant Level Goals (MCLGs) for these six PFAS.

<b>Compound</b>	<b>MCLG (health-based goal)</b>	<b>MCL (enforceable levels)</b>
PFOA	Zero	4.0 parts per trillion (ppt) (also expressed as ng/L)
PFOS	Zero	4.0 ppt
PFHxS	10.0 ppt	10.0 ppt
PFNA	10.0 ppt	10.0 ppt
HFPO-DA (commonly known as Gen-X Chemicals)	10.0 ppt	10.0 ppt
Mixtures containing two or more of PFHxS, PFNA, HFPO-DA, and PFBS	1.0 (unitless) Hazard Index	1.0 (unitless) Hazard Index

An MCL is an enforceable water quality standard that protects public health by setting the maximum level that a contaminant may be present in drinking water delivered to users of a public water system. An MCLG, although not enforceable, is the maximum level of a contaminant in drinking water where there is no known or anticipated negative effect on an individual’s health, allowing for a margin of safety.

The EPA's finalized NPDWR for PFAS will require public water systems, like Muscle Shoals Utilities Board, to:

- Monitor for these PFAS;
- Notify the public of the levels of these PFAS in drinking water; and
- Reduce the levels of these PFAS in drinking water if they exceed the MCL or Hazard Index.

Public water systems with PFAS levels exceeding the MCL or Hazard Index will have up to five years to reduce the levels to below the required limit.

### **What are PFAS?**

Per- and poly-fluoroalkyl substances (PFAS) are a large and diverse group of chemicals used in many commercial applications due to their unique properties, such as resistance to high and low temperatures, resistance to degradation, and nonstick characteristics. Although PFAS have been manufactured and used broadly in commerce since the 1940s, concern over potential adverse effects on human health grew in the early 2000s with the detection of PFOA and PFOS in human blood. Since that time, hundreds of different PFAS have been found in water, soil, and air.

Many PFAS, including PFOA and PFOS, are environmentally persistent, bio-accumulative, and remain in human bodies for a long time. It is for this reason that PFAS are commonly referred to as “forever chemicals.” According to the EPA, exposure to PFAS over a long period of time may lead to negative health effects, including an increased risk of cancer. Most uses of PFOA and PFOS were voluntarily phased out by U.S. manufacturers in the mid-2000s, although these chemicals remain in the environment due to their persistence and lack of degradation. In addition, some newer PFAS in use break down into PFOA and PFOS.

### **What is the EPA Doing About EPA?**

In 2005, the EPA levied its largest-ever civil administrative penalty against DuPont to settle claims that the company failed to disclose information about the risks associated with PFOA. In 2006, the 3M Company paid \$1.5 million to settle similar claims that the company had withheld information relating to PFOS and PFOA.

Based upon this new information, EPA announced the first-ever Health Advisory for PFOS and PFOA in drinking water in 2009. This Health Advisory recommended no more than 400 ppt PFOA and 200 ppt PFOS in drinking water. In 2016, after further research, the EPA announced new Lifetime Health Advisories for PFOS and PFOA, setting a recommended combined limit of 70 ppt for PFOS and PFOA. In 2022, EPA issued updated

Lifetime Health Advisories for four PFAS, including PFOA and PFOS. The updated advisory levels were well below what were previously nondetectable levels.

On March 14, 2023, EPA announced the proposed NPDWR to establish legally enforceable levels for six PFAS in drinking water. On April 10, 2024, the EPA finalized its proposed NPDWR, and announced its expectation that “over many years the final rule will prevent PFAS exposure in drinking water for approximately 100 million people, prevent thousands of deaths, and reduce tens of thousands of serious PFAS-attributable illnesses.”

**What Levels are in My Water?**

MSUB’s most current test results from samples taken on March 17, 2024 for the six PFAS referenced in the EPA’s Health Advisories and the new NPDWR are as follows:

<b>PFAS</b>	<b>2016 HA</b>	<b>2022 HA</b>	<b>MCL</b>	<b>MCLG</b>	<b>YOUR WATER</b>
<b>PFOA</b>	70 ppt	.004 ppt	4.0 ppt	Zero	<b>8.4 ppt</b>
<b>PFOS</b>	70 ppt	.02 ppt	4.0 ppt	Zero	<b>14.0 ppt</b>
<b>PFNA</b>	N/A	N/A	10.0 ppt	10.0 ppt	ND
<b>PFHxS</b>	N/A	N/A	10.0 ppt	10.0 ppt	ND
<b>HFPO-DA (GEN-X)</b>	N/A	10 ppt	10.0 ppt	10.0 ppt	ND
<b>PFBS</b>	N/A	2000 ppt			3.7. ppt

**What is MSUB Doing About PFAS?**

Although the EPA’s new regulation provides a window of up to five years for public water systems to reach full compliance, MSUB has already taken action to remove these contaminants from your water. MSUB has been monitoring for PFAS, notifying the public of the levels of these PFAS, and undertaking efforts to evaluate how best to reduce the levels of these PFAS in drinking water. Due to the unique chemical properties of PFAS, conventional water treatment plants are incapable of fully removing PFAS from drinking water.

As a result, MSUB is evaluating state-of-the-art water filtration systems to reduce PFAS to non-detectable levels. MSUB is in the process of completing a pilot program study of various PFAS treatment technologies and will work with our engineers to select the best method of removing PFAS from our water supply. In the interim, MSUB has ordered Granular Activated Carbon (GAC) to be installed in existing filters at our water plant as a

temporary and emergency measure to reduce PFAS from the drinking water supply while permanent and long-term PFAS filtration improvements are pilot tested.

MSUB does not believe that the past, present and future capital costs and increased operational expenses associated with removing PFAS from our water supply should be the responsibility of our ratepayers. For that reason, we engaged and retained outside legal counsel with extensive experience in PFAS litigation to evaluate and litigate claims against those responsible for the PFAS chemicals in our water supply. MSUB filed suit in the Circuit Court of Colbert County, Alabama in February of 2023 and while we cannot comment on pending litigation, our lawsuit against PFAS chemical manufacturers and others responsible for the PFAS contamination is moving forward in the Circuit Court of Colbert County, Alabama. It remains our goal to hold those that contaminated our water supply with PFAS responsible for all past, present, and future costs associated with removing their PFAS contamination from our drinking water.

### **Where Can I Learn More About PFAS and EPA's New Regulation?**

For more information about how EPA is regulating PFAS in drinking water, please click [here](#) .