

| JULY 2024 |

PFOA / PFOS HAZARDOUS SUBSTANCE DESIGNATION TAKES EFFECT

Monday, July 8, 2024 was the effective date of EPA's [May 2024 Ruling](#) designating PFOA and PFOS perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), and their salts and structural isomers, as hazardous substances under the Superfund law (Comprehensive Environmental Response, Compensation, and Liability Act-CERCLA).

Some important considerations and implications include:

- Releases of PFOA and PFOS that meet or exceed the reportable quantity of one pound within a 24-hour period must be reported to the National Response Center, State, Tribal, and local emergency responders.
- PFOA and PFOS are no longer considered outside the scope of ASTM E1527-21 Standard Practice for Phase I Environmental Assessments (ESAs); they are now on equal footing with other hazardous substances under CERCLA. There will be renewed scrutiny in real estate transactions over potential releases of PFOA, PFOS, and related per- and polyfluoroalkyl substances (PFAS) and strict liability for owners of affected properties, regardless of responsibility for causing contamination.
- Federal entities that transfer or sell their property must provide notice about the storage, release, or disposal of PFOA or PFOS on the property and guarantee that contamination has been or will be cleaned up.
- Under its enforcement discretion policy, EPA does not intend to pursue enforcement against certain "pass through" entities including, but not limited to, community water systems and publicly owned treatment works, municipal separate storm sewer systems, publicly owned/operated municipal solid waste landfills, publicly owned airports and local fire departments, and farms where biosolids are applied to the land. However, this enforcement discretion will not foreclose contribution claims or citizen enforcement against these entities.

To discuss this matter and how it may impact your projects, please contact your Langan Project Manager or:



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