Introduction

Polyfluoroalkyl substances (PFAS) are man-made chemicals used in industry and consumer products such as non-stick cookware, water-repellent clothing, stain resistant fabrics, and cosmetics. They are also used in firefighting foam across the country. During production and use, PFAS can migrate into soil, water, and air, where they do not break down.

Because they remain in the environment, PFAS are often found in the blood of people and animals and are present at low levels in many food products. Over time, some of these chemicals can build up in people and animals with repeated exposure, and there is evidence that exposure to PFAS may cause harmful health effects.

Legislative Trends

State legislation has taken a variety of approaches to address PFAS contamination, including: assessment or monitoring the presence of PFAS and health effects; setting quality standards; restricting the use, sale, or distribution of PFAS; PFAS remediation and response activities; and calls for federal support.

ASSESSMENT AND MONITORING
In 2019, states continued to adopt laws for the monitoring and assessment of PFAS in the environment. For example, a new law in California allows the state to order public water systems to monitor for PFAS, and a new Vermont law directs all water systems to monitor PFAS. New Hampshire established a commission to study the environmental and public health impacts of PFAS exposure in specified communities. The commission is instructed to report its finding and recommendations to the legislature and governor.

National Baseline

The EPA’s drinking water health advisory for PFOA and PFOS stands at a combined concentration of 70 parts per trillion. This level is considered by EPA to be adequate in providing the “most sensitive populations with a margin of protection from a lifetime of exposure to PFOA and PFOS…”

WATER QUALITY STANDARDS
As the federal government continues to consider water quality standards for PFAS, states are moving forward in developing and implementing their own standards. In 2018, New Hampshire passed legislation directing the Department of Environmental Services to evaluate and set ambient ground water quality standards for PFAS. The law sets maximum contaminant limits for public drinking water and calls for a plan to establish surface water quality standards related to PFAS. In other states, such as Michigan, New Jersey, New York, and Pennsylvania, drinking water standards for PFAS are being or have been established through executive agency rulemaking.

REMEDIATION AND RESPONSE
In 2017, Vermont enacted a law authorizing the Secretary of Natural Resources to determine whether a person that released perfluorooctanoic acid (PFOA)—a subgroup of PFAS—into the air, groundwater, surface water, or land is liable for the cost of extending an alternative water supply to an impacted property. Michigan passed appropriations that allocated funds for PFAS remediation and response activities, laboratory equipment and support, community water supply sampling, grants to local public health departments engaged in PFAS response activities, and investigations into the effect of PFAS contamination on Michigan’s wildlife and fisheries. In 2019, Pennsylvania enacted legislation establishing the Per-and Polyfluoroalkyl Substances Remediation Program to address the presence of these substances in drinking water. In addition, Michigan considered legislation to establish a response team to research, identify, recommend, and implement PFAS response actions.
PFAS RISKS:

Some chemicals prevalent in industrial and consumer goods production may:

- Affect growth, learning, or behavior of infants and older children
- Decrease a woman’s chance of getting pregnant.
- Interfere with the body’s natural hormones.
- Increase cholesterol levels.
- Affect the immune system.
- Increase the risk of certain types of cancers.

(Source: Agency for Toxic Substances and Disease Registry)

Looking Ahead

ASTHO expects additional states to adopt laws aimed at reducing the risks associated with PFAS exposure. Future state legislative action may include:

- Investigating the use of PFAS chemicals in food and product packaging.
- Requests for guidance from federal agencies to standardize assessments, conduct research, and set environmental limits for PFAS.
- The advancement of research and assessments to better understand the health effects of PFAS contamination.
- A demand for effective public communication about PFAS exposure risks and mitigation.
- The creation of partnerships between state health departments and other agencies to provide education on PFAS exposure risks and mitigation.

FIREFIGHTING RESTRICTIONS

In 2017, Washington state passed legislation restricting the use, sale, and distribution of firefighting foam that contains PFAS for training purposes. The law includes notification requirements for manufacturers or persons that sell firefighting personal protective equipment containing PFAS. Lawmakers in New York and Michigan introduced similar bills in 2018. In 2019, Colorado, Georgia, Kentucky, Minnesota, New Hampshire, and Virginia enacted legislation regulating PFAS in firefighting foam and equipment.

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