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PFAS Updates
Publications

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Congress Following States' Lead to Phase Out PFAS

On April 18, 2024, Congresswoman Betty McCollum (MN) and Senator Dick Durbin (IL) introduced the Forever Chemical Regulation and Accountability Act of 2024. This bill proposes the first federal law that would require the phaseout of PFAS within certain product categories, prohibiting the sale or distribution of these products within the U.S. as early as one year after the enactment date. The bill proposes a full phaseout of nonessential uses of PFAS within ten years of the enactment date.

This proposed federal legislation comes on the heels of many states proposing and in some cases enacting similar phaseout legislation for some or all product categories, as well as notification or reporting requirements. Such states include Maine, Minnesota, California, Massachusetts, New York, Rhode Island, and Wisconsin, among others.

While this federal bill may never be signed into law, or may be significantly amended prior to being passed, even its mere introduction is an important insight to how PFAS are being approached at a federal level. This bill is the first federal effort to bring a more uniform and comprehensive regulation and enforcement framework for PFAS manufacturing and use.

As proposed, the bill would establish annual reporting requirements for manufacturers and users of PFAS, as well as a requirement for manufacturers and users to submit a publicly available 10-year phase-out plan of "nonessential uses" of PFAS to U.S. EPA. Releases and disposal of PFAS in a manner that permits PFAS to enter the environment would also be prohibited within 10 years of enactment.

Importantly, the bill also contains a citizen suit provision, which would allow any person to bring a civil action against (1) any manufacturer or user of PFAS alleged to be in violation of the Act, (2) any manufacturer or user that is using PFAS that may present an imminent and substantial endangerment to human health or the environment, or (3) U.S. EPA, if alleged to have failed to perform any duties required under the proposed bill.

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Rules and regulations surrounding PFAS are being introduced, enacted, and amended rapidly at the federal, state, and local level. This can make it difficult for regulated entities to stay up to date and remain in compliance. If you have questions on these ever-changing laws or if you would like to discuss how these recent actions may impact your business or local government, please contact the authors or any member of the Firm's Environmental Practice Group.

Want more PFAS coverage?

Explore the articles below tracing the EPA's evolving position and enforcement agenda for these "forever chemicals."

- ***Seven More PFAS Added to Toxic Release Inventory (TRI) Reporting by U.S. EPA***
- ***PFOA and PFOS Are "Hazardous Substances" Under CERCLA: Key Takeaways and Questions for Real Estate Transactions***
- ***Local Sewer Authorities and Biosolids Management Companies Need to Work Together***
- ***U.S. EPA's Upcoming Information "Request" for PFAS Information and Potential Sampling Warrants Careful Review and Consultation with Legal Counsel***
- ***U.S. EPA Surges Forward with Its "PFAS Strategic Roadmap" in the First Quarter, Changing the Scope of PFAS Regulation in Several Ways***
- ***U.S. EPA Issues "Game Changing" Listing of PFOA and PFOS Under CERCLA***
- ***U.S. EPA Finalizes Drinking Water Limits for PFAS***

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