States Push EPA to Classify PFAS as Hazardous Air Pollutants

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North Carolina, New Mexico and New Jersey Demand Action

Three states—North Carolina, New Mexico and New Jersey—are calling on the Environmental Protection Agency (EPA) to regulate certain per- and polyfluoroalkyl substances (PFAS) as hazardous air pollutants. The states seek to have four specific PFAS compounds—PFOS, PFOA, PFNA, and GenX—added to the Clean Air Act's list of regulated pollutants. PFAS are synthetic chemicals known for their resistance to heat, grease, oil and water. While the EPA already regulates some PFAS in drinking water, the states argue that these substances also pose risks when they are emitted into the air.

An Alleged Hidden Threat: PFAS in the Air

Rainer Lohmann, a professor of oceanography at the University of Rhode Island, highlights the need for broader regulation. “These states are pushing for recognition that PFAS can be transmitted through the air, not just through water,” Lohmann explains. A case in point is a PFAS production facility in North Carolina, where investigations revealed that the plant was emitting significantly higher levels of PFAS into the atmosphere. Lohmann points out, “We don't fully understand what's happening inside these facilities, but it's a known concern that some PFAS could be released into the air.”

Current Regulations vs. Future Possibilities

The EPA already has regulations in place for several PFAS in drinking water. Lohmann argues that the same concerns about toxicity justify extending these regulations to air pollutants. “The evidence for the harm is clear from the EPA's own research on drinking water,” he says. That being said, EPA's drinking water regulations already face legal challenges, based at least in part on the argument that the science does not justify EPA's actions. And, there are even fewer studies on which to base any action concerning air emissions.

Katherine Drabiak, a professor at the College of Public Health at the University of South Florida, acknowledges the complexities involved in regulating PFAS emissions. “There are many factors to consider when it comes to emissions from manufacturing plants and other sources,” Drabiak notes. “However, given the recent actions on drinking water, there's a possibility that similar measures could be adopted for air pollutants.”

EPA's Response Timeline

The EPA now has 18 months to respond to the petition. As the agency reviews the request, the potential impact on public health and environmental safety will be a key focus. If successful, this move could lead to more comprehensive regulations addressing PFAS air emissions.

What's Next?

For now, the push by North Carolina, New Mexico and New Jersey represents a significant step in broadening the scope of PFAS regulation. If the EPA decides to act, it could set a precedent for how the United States addresses emerging environmental contaminants across various media.

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Keep an eye on updates from EPA regarding this petition, as this could have profound impacts on business. For further details on PFAS and EPA's regulatory actions, visit EPA's PFAS page.

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