

States Need to Keep PFAS 'Forever Chemicals' out of the Water. It Won't be Cheap.

Eleven states have set their own limits on PFAS, but now all states must meet new federal rules.

June 14, 2024 By Stateline

In recent years, Michigan has spent tens of millions of dollars to limit residents' exposure to the harmful "forever chemicals" called PFAS. And some cities there have spent millions of their own to filter contaminated drinking water or connect to new, less-polluted sources.

"We've made significant investments to get up to speed," said Abigail Hendershott, executive director of the Michigan PFAS Action Response Team, which serves as a coordinating group for the state's testing, cleanup and public education efforts. "There's still a good chunk of the country that hasn't taken on anything."

That's about to change.

The U.S. Environmental Protection Agency issued new standards last month for PFAS levels in drinking water, giving water systems three years to conduct testing, and another two years to install treatment systems if contaminants are detected. State officials and utilities say it's going to be difficult and costly to meet the requirements.

"This is going to take a lot more investment at the state level," said Alan Roberson, executive director of the Association of State Drinking Water Administrators, a group that convenes leaders in state health and environmental agencies. "It creates a big workload for everybody."

PFAS chemicals are widespread, found in a host of everyday products and industrial uses, and they don't break down naturally, meaning they stay in human bodies and the environment indefinitely. Exposure has been shown to increase the risk of cancer, decrease fertility, cause metabolic disorders and damage the immune system.

To date, 11 states have set limits for PFAS, or perfluoroalkyl and polyfluoroalkyl substances, in drinking water. Several others have pending rules or levels that require public notice. While the federal rule builds on those efforts, it also sets limits that are stricter than the state-issued rules.

“We really have looked to the states as leaders in setting standards and doing some of the foundational science,” said Zach Schafer, director of policy and special projects for the EPA’s Office of Water. “The state agencies are the ones who will be playing the point role [in implementing the national rule].”

Schafer said the agency estimates that 6% to 10% of water systems nationwide will need to take steps to reduce PFAS contamination, at a cost averaging \$1.5 billion per year over an 80-year span.

Public health advocates say the EPA’s rule is an important step to ensure all Americans have access to safe water. They say state actions show that such efforts can work.

But some state regulators and water suppliers — even in states that already have their own rules — say the strict thresholds and timelines imposed by the feds will be difficult for many utilities to achieve. While the Biden administration has dedicated billions in funding to help clean up water supplies, experts say the costs will far exceed the available money.

“It’s going to have a significant impact nationally on water rates and affordability of water,” said Chris Moody, regulatory technical manager with the American Water Works Association, a group that includes more than 4,000 utilities.

An [estimate](#), conducted on behalf of the association, pegs the national cost of cleaning up contaminated water at nearly \$4 billion each year. The report found that some households could face thousands of dollars in increased rates to cover the costs of treatment.

‘There’s a lot of concern’

New Jersey in 2018 became the first state to [issue standards](#) for PFAS in drinking water. While the state’s regulations given New Jersey a head start, officials say they still have a difficult task ahead to meet the stricter thresholds.

“When we bring in the EPA number, the number of noncompliant systems goes up dramatically,” said Shawn LaTourette, the state’s commissioner of environmental protection. “There’s a lot of concern about cost and implementation.”

LaTourette said state leaders are working to analyze which water systems may fall out of compliance when the federal thresholds take effect. And he’s calling on lawmakers to provide more money to communities that can’t afford the upgrades.

In [Washington state](#), utilities have begun testing for PFAS under state standards passed by regulators in 2021. Officials say that roughly 2% of the water systems tested so far aren’t in compliance, but that number would jump to 10% when factoring in the stricter federal limits. State leaders say they’ll be able to grandfather in the data they’ve been collecting to meet EPA’s testing requirements.

The agency may ask state lawmakers for a “substantial” increase in staffing to implement the new rules, said Mike Means, capacity development and policy manager with the Washington State Department of Health.

Michigan has had its drinking water standards for PFAS since 2020. Hendershott said state officials are well prepared to incorporate the EPA’s thresholds. But the strict new limits could quadruple the number of water systems that fall out of compliance.

Sarah Doll, national director of Safer States, an alliance of environmental health groups focused on toxic chemicals, said state efforts were key to bringing about the federal rule.

“They created the urgency for the feds to bring these standards,” she said. “States that already have regulatory standards absolutely are in a better position.”

‘It’s very expensive’

While many states have not enacted their own standards, some have conducted testing or taken other steps to address residents’ exposure.

This is going to take a lot more investment at the state level.

Missouri has been testing water systems for PFAS for more than a decade and created maps to notify residents of potential exposure. Of the 400 systems it’s sampled, 11 may have trouble complying with the EPA rule, said Eric Medlock, an environmental specialist with the state Department of Natural Resources. The agency aims to bring on a chemist and laboratory equipment to conduct more testing in-house.

Medlock expressed concern that the federal limits are so strict that they’re near the threshold of what can be detected.

“When you get down to these really low detection levels that are right at the regulatory limit, that poses a problem,” he said. “We’re going to have to enforce and regulate what EPA proposed. It is going to be an issue.”

Medlock and others noted that states will face longer-term issues with the storage of the waste products filtered from the water, which carry their own PFAS contamination risk.

The infrastructure bill passed by Congress in 2021 includes \$5 billion over five years to help communities treat PFAS and other emerging contaminants.

More funding for cleanup may come from state lawsuits filed against chemical manufacturers. Thirty attorneys general have [filed litigation](#) against polluters, and Minnesota settled its case against 3M Company for \$850 million. But leaders say such settlements aren't a predictable funding source.

In addition to the upfront cost of installing treatment systems, utilities face ongoing expenses, such as replacing filters and disposing of waste, that are less likely to benefit from federal grants and loans. Meanwhile, some water system leaders say the federal compliance timelines may not be long enough.

"It takes time to design and build a major capital project," said Erica Brown, chief policy and strategy officer for the Association of Metropolitan Water Agencies, a policy group that advocates for public water utilities. "It's not one of those things that you say, 'You have to do this, and next year,' and you can just turn it on."

And some officials fear the drinking water limits could lead to more state regulations on wastewater plants and other entities whose discharges may affect drinking water sources.

"It seems like it's going to be problematic, because [treatment] is very expensive," said Sharon Green, manager of legislative and regulatory programs with the Los Angeles County Sanitation Districts, an agency whose members operate 11 wastewater treatment plants.

Both state regulators and regulated utilities say state leaders need a broader approach to the PFAS problem than just treating the water that comes out of the tap. Officials need to stop pollution at the source, regulate industrial operations and limit products that contain the chemicals.

"If we keep it out of the river in the first place, ... [the utility] doesn't have to spend millions of dollars for treatment," said Jean Zhuang, senior attorney with the Southern Environmental Law Center, an advocacy group focused on the South.

While Southern states have not adopted drinking water standards for PFAS, Zhuang said South Carolina's requirement that polluters disclose their discharges of PFAS is a good model to begin cutting off contamination sources.

As states face down the expenses of fixing the PFAS problem, some advocates also want them to remember the public health costs of inaction.

"People will ultimately be consuming less of these chemicals and getting sick less often," said Melanie Benesh, vice president of government affairs at the Environmental Working Group, a public health advocacy nonprofit.

This feature was published by [Stateline](#) on May 21, 2024. It is republished with permission.
