
Federal Management of PFAS Continues to Build

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A flurry of recent federal legislative and regulatory action has put per- and polyfluoroalkyl substances (“PFAS”) on center stage in 2019. PFAS chemicals were once widely used in manufacturing processes, but recent research indicates these chemicals may pose potential health risks. Congress and the Environmental Protection Agency (“EPA”) have made PFAS management a cornerstone of their environmental agendas. In addition to multiple EPA initiatives, the House of Representatives and Senate have held several hearings on the issue and introduced bills aimed at managing PFAS contamination, all of which increase the focus on this evolving legal and regulatory issue.

Highlights of recent Congressional and administrative action on PFAS chemicals include:

- January 23, 2019: Congressmen Brian Fitzpatrick (R-PA-01) and Dan Kildee (D-MI-05) announced the formation of a [bipartisan Congressional PFAS Task Force](#). The Task Force aims to craft legislation addressing PFAS contamination, press for funding to clean up PFAS-contaminated areas, and educate Members of Congress and their staffs on PFAS chemicals.
- February 14, 2019: EPA released the agency's [PFAS Action Plan](#), outlining the steps the agency plans to take to address PFAS contamination.
- February 28, 2019: Senator Tom Carper (D-DE) and a bipartisan group of senators announced the introduction of the [“PFAS Action Act of 2019.”](#) The bill would designate PFAS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act, which could lead to costly “reopeners” at remediated sites. Rep. Debbie Dingell (D-MI-12) introduced similar [legislation](#) in the House of Representatives.
- March 6, 2019: The House Committee on Oversight and Reform held a [hearing](#) on “Examining PFAS Chemicals and their Risks.” Witnesses included representatives from EPA, the Department of Defense, and Members of Congress.
- March 15, 2019: Senator and Presidential candidate Kirsten Gillibrand [called for a ban](#) on “all PFAS chemicals,” signaling the expanding political profile of PFAS issues.
- March 21, 2019: Senators Lisa Murkowski (R-AK) and Jeanne Shaheen (D-NH) announced plans to introduce [bipartisan legislation](#) requiring the Department of Defense to include blood testing for PFAS as part of routine physicals for military firefighters.
- March 28, 2019: The Senate Environment and Public Works Committee will hold a [hearing](#) entitled “Examining the Federal Response to the Risks Associated with Per- and Polyfluoroalkyl Substances (PFAS).”

The rapid pace of legislative action and increasing Congressional interest in PFAS-related issues show no sign of slowing in the upcoming months. With both the Administration and Congress focusing intently on this issue, affected parties should closely monitor this changing legal and regulatory landscape and make sure to utilize opportunities to engage with the Administration and lawmakers on this issue.

Clark Hill attorneys are experienced in working with clients to develop effective legal strategies and advocacy approaches to address regulatory, legislative, and litigation concerns.

For more information, please contact a member of Clark Hill's [Environment, Energy & Natural Resources practice group](#).