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What the Hazardous Substance Designation of PFAS Chemicals Means for Local Governments.

On April 19, the U.S. Environmental Protection Agency (EPA) released a [final rule](#) designating perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as the Superfund law. PFOA and PFOS are two of the most widely used and widely studied PFAS chemicals.

NLC has been tracking this rulemaking [since 2022](#) and sharing local government concerns with the EPA. While the recently finalized EPA drinking water regulation for PFAS creates an unfunded mandate for local governments, this CERCLA rule is likely to have significant economic impacts, as well as unintended consequences, for local governments. As such, the NLC urges Congress to act to protect local governments and provide additional resources.

What Does a CERCLA Designation Mean?

With this final rule, PFOA and PFOS are added to the list of over 800 hazardous substances regulated by the EPA. As with all the elements, compounds, mixtures, and solutions designated as hazardous substances, any entity that releases a substance over the allowed limit (in the case of PFOA and PFOS: one pound) needs certain notification and reporting steps.

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MAY 6, 2024

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