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Statement on EPA’s Proposed Action for PFAS Regulation – Updated 5/30/2023

On March 14, 2023, the U.S. Environmental Protection Agency proposed new drinking water regulations for a group of “forever chemicals” known as PFAS (per- and polyfluoroalkyl substances). This group of compounds has been widely used in manufacturing of commercial and household products for many decades, and do not break down easily in the environment. The very properties of the substances, which are used to make products stain-resistant, non-stick, or water repellent, cause them to be extremely slow to break down. There are thousands of PFAS substances, and while some of them have been phased out, others continue to be used.

Lehigh County Authority (LCA) is reviewing the proposed rule issued by EPA to determine the impact on its water systems, which supply safe drinking water to more than 200,000 people in the Allentown and surrounding communities.

EPA is proposing a National Primary Drinking Water Regulation to establish legally enforceable limits for six PFAS compounds in drinking water. The federal regulation is not finalized and is subject to a public comment period and additional analysis. According to EPA’s press release, a final rule is expected to be published by end of this year. After that, water utilities like LCA would have three years to address any issues they find with PFAS in the water.

This newly proposed rule by EPA is just the latest of several proposed regulations and guidelines that have been published over the years regarding PFAS in drinking water. In 2016, EPA issued a “health advisory” for certain PFAS compounds, offering a guideline of 70 parts per trillion (ppt) as being protective of public health. In June 2022, EPA proposed new health advisory levels that were far lower, establishing guidelines for PFAS that were so low that standard laboratory methods could not reliably test for the chemicals. In January 2023, the PA Department of Environmental Protection established drinking water limits for water systems in Pennsylvania of 14 ppt for PFOA and 18 ppt for PFOS, two of the most-studied PFAS compounds. EPA’s action today would move the target for all utilities in the U.S. down to 4 ppt for PFOA and PFOS and would include four other chemicals to the mix of PFAS compounds that would be regulated.

As described above, the regulatory landscape for PFAS in drinking water has been evolving over several years. LCA stays on top of the changing regulations and science behind the regulations through its active participation in industry associations such as the American Water Works Association, the Water Research Foundation, and the Pennsylvania Municipal Authorities Association.

LCA regularly tests our water sources to ensure our water quality meets or exceeds all EPA regulations and guidelines. We will conduct additional water testing to understand how the proposed regulation may impact LCA systems. This will help us determine any additional actions that will be necessary if the rule is finalized later this year. As more information is generated from LCA's water quality monitoring or regulatory reviews, it will be posted on our website at www.lehighcountyauthority.org.

We remain dedicated to protecting public health and the environment through our high-quality water and wastewater services. LCA supports the establishment of drinking water standards for PFAS and other emerging contaminants using a science-based regulatory approach.

LCA has retained legal counsel related to PFAS contamination, protecting its right to recover damages that may be determined as water and wastewater regulations related to PFAS continue to evolve.