

# Water sector makes case for PFAS cleanup liability protections

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Last week AMWA was part of a coalition of ten water sector organizations writing to congressional leaders in support of protecting drinking water and wastewater systems from being held liable for the cost of cleaning up sites contaminated with PFAS, should the chemicals be designated as hazardous substances under CERCLA.

The coalition letter (<https://www.amwa.net/letter/water-sector-letter-cercla-liability-pfas-cleanup>) noted that water systems have “played no role in producing, using, or profiting from PFAS being placed into commerce,” but could still face environmental cleanup liability if they ever disposed of water treatment byproducts containing PFAS that were filtered out of water supplies. This, the organizations said, conflicts with CERCLA’s “polluter pays” principle, and therefore urged lawmakers to “reject any policy that seeks to shift the burden for PFAS cleanups onto the public.”

The letter was sent to Capitol Hill as EPA is working to implement its PFAS Strategic Roadmap (<https://www.amwa.net/article/epa-releases-extensive-cross-office-pfas-strategic-roadmap>) which aims to designate certain PFAS as hazardous substances under CERCLA by the summer of 2023. While such a move would be intended to make the originators of PFAS responsible for the cost of cleaning up contaminated sites, under CERCLA any entity that is found to have contributed hazardous substances to a Superfund site may be held liable for cleanup costs – even water systems that had no choice but to dispose of PFAS removed from their water supplies.

The coalition letter asked lawmakers to clearly exempt drinking water and wastewater systems from CERCLA liability related to the legal disposal of water treatment byproducts containing the substances. AMWA and other water sector groups have previously sought (<https://www.amwa.net/article/house-ignores-calls-water-utility-liability-protections-pfas-action-act-passes-chamber>) such protections, but Congress has thus far failed to include them in any major legislation related to PFAS. AMWA plans to continue to pressure Congress to enact this exemption prior to EPA finalizing its hazardous substance designation for PFAS.

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