PFAs In The Pacific Northwest – A Lawyer's Perspective

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Where Are We Right Now?

Basically In “No Man’s Land”

PFAs Regulation Is Just Starting

As A Result, Right Now Uncertainty Abounds

From A Legal Perspective, “Uncertainty” Is A Problem

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Why Is This A Problem?

Uniformity/Consistency In Regulation Is Key

Right Now Regulation Has Been Run By The States

That Has Resulted In Inconsistency, Different States Have Different Standards

Open Question Whether EPA's Recent Addition Of PFOs and PFAs To Hazardous Substance List Will Be Helpful

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Why As A Lawyer Am I Concerned?

Questions Still Abound

Science Is Still Trying To Determine How PFAs Move

Is The Current Technology Able To Remediate To Proposed Cleanup Standards?

Is The New Listing A Basis To "Reopen" Past Settlements?

Will This Serve As A Basis To Compel Additional Work Post-ROD?

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How Can This Impact My Clients?

PFAs Are Ubiquitous; They Are In Almost Every Product Sold

They Are Likely At Every Property; What Due Diligence Is Needed?

Cleanup Levels Are Very, Very Low

Cost Of Cleanups Could Be "Challenging" To Come Up With

May End Up Requiring "Carve Outs" For PFAs In CERCLA Settlements

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Questions

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