What Every Board Attorney Should Know About the PFAS "Forever Chemicals" Litigation

(Legal, Strategic, and Financial Implications)

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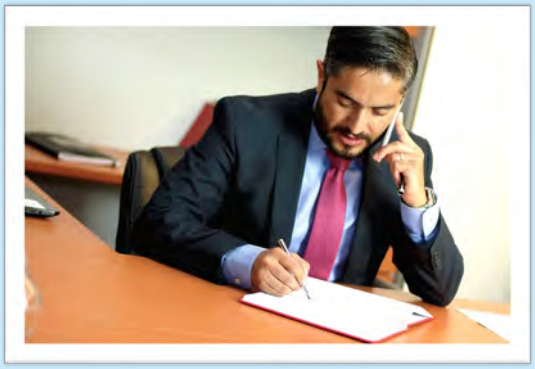
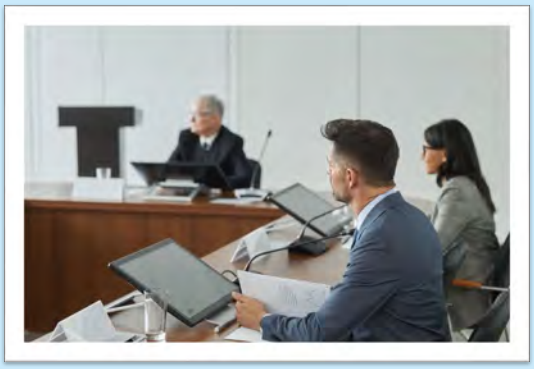
You're the one they turn to . . .





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Spot it. Refer it. Preserve it.

The Board Attorney's Three-step PFAS Checklist:

Spot it.

Board Attorney:
Flag the PFAS Issue

Refer it.

Board / Council:
Refer to Litigation Counsel

Preserve it.

Litigation Counsel:
File Before Deadlines

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Forever Chemicals: Understand the Problem

Image: flaticon.com

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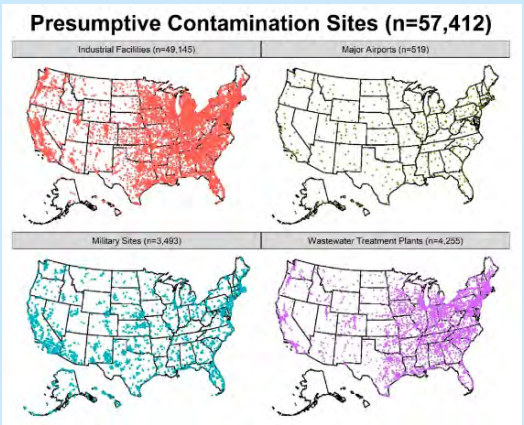
Widespread – Persistent – Presumptive Contamination.



Sources: USDA | Milliman Report | 2022 American Chemical Society

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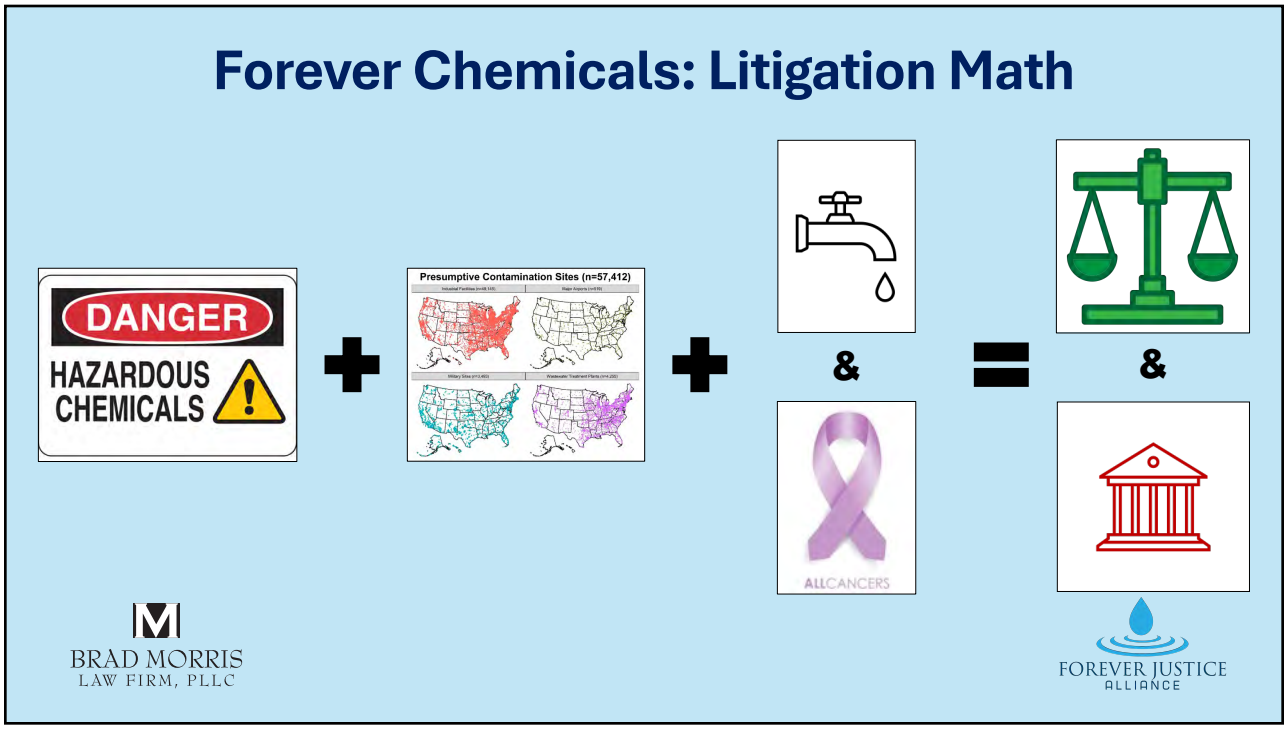
14+
Cancers & Chronic Conditions Linked to PFAS Exposure
Associations reported in peer-reviewed research and recognized by Milliman Report. Not all are established as causal.

7


Forever Chemicals: Litigation Math
DANGER
HAZARDOUS CHEMICALS
Presumptive Contamination Sites (n=57,412)
&
ALLCANCERS
&
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Multiple Municipal Assets Are Affected

Some bear the cost. Some are the source. None are the city's fault.

AFFECTED?	AFFECTED?	AFFECTED?	AFFECTED?	AFFECTED?
Water	Wastewater / Stormwater	Landfills	Airports	Fire training
	LIABILITY SOURCE?	LIABILITY SOURCE?	LIABILITY SOURCE?	LIABILITY SOURCE?

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EPA's PFAS Regulations = Expensive Compliance

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Who's going to pay for this?

~~Your Ratepayers/Taxpayers?~~

or

The Polluters.

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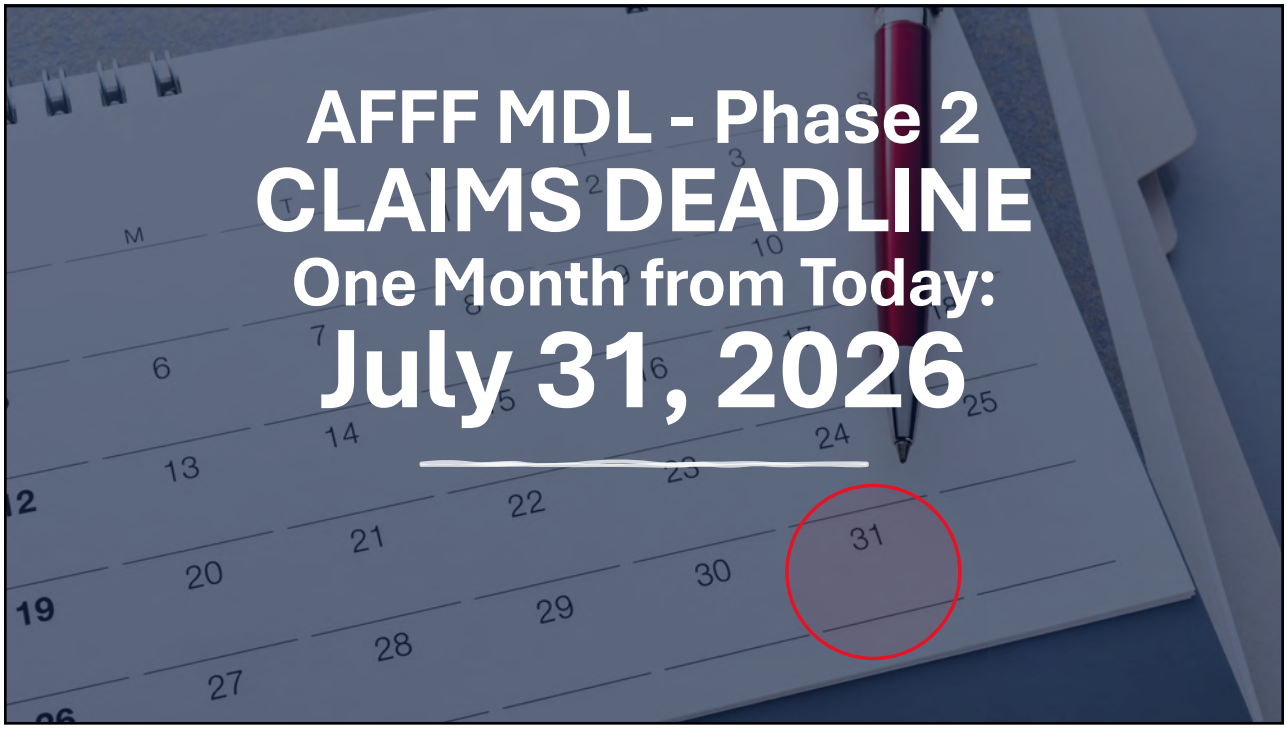

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Is Your Water System a Phase 2 Class Member?

AFFF MDL Settlement: Your Water System Is a Phase 2 Class Member if All Three Are True

Public Water System

+

Serves > 3,300 people

— or —

Required to test under UCMR-5

+

No positive PFAS test before June 22, 2023

All three true = Phase 2 Class Member

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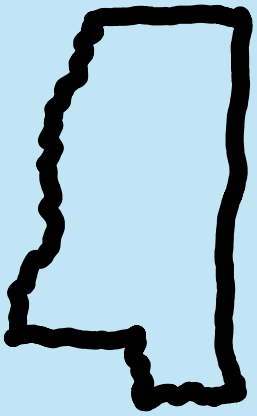
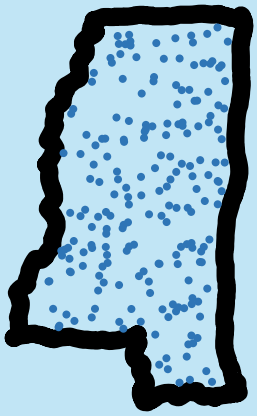
AFFF Phase 1 & 2 Class Members in Mississippi:

No Phase 1 Class Members



~198 Phase 2 Class Members

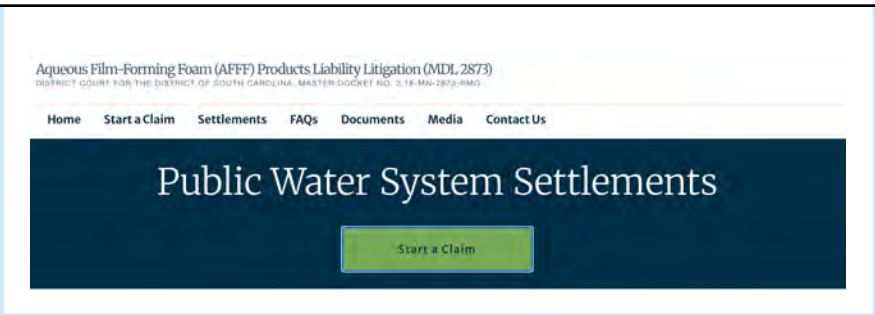


*Dots are illustrative, not exact

***See list of identified Phase 2 Class Members in your packet*

****Systems with <3,300 who did UCMR5 testing are included (ask your system if it was tested)*

14



Phase 2 Class Members: File even without a positive test result.

Argue special needs now and/or file supplemental claim form through 12/31/2030.

File by July 31, 2026, to preserve the claim.

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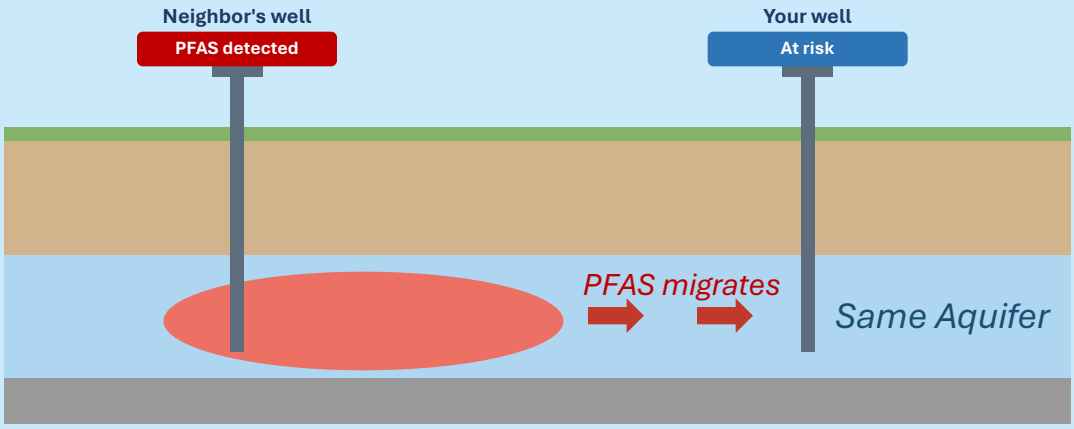
A neighbor's positive test is good faith basis for a claim.



File now, preserve your claim, and supplement with later test results.
***** WE WILL COME BACK TO THIS *****

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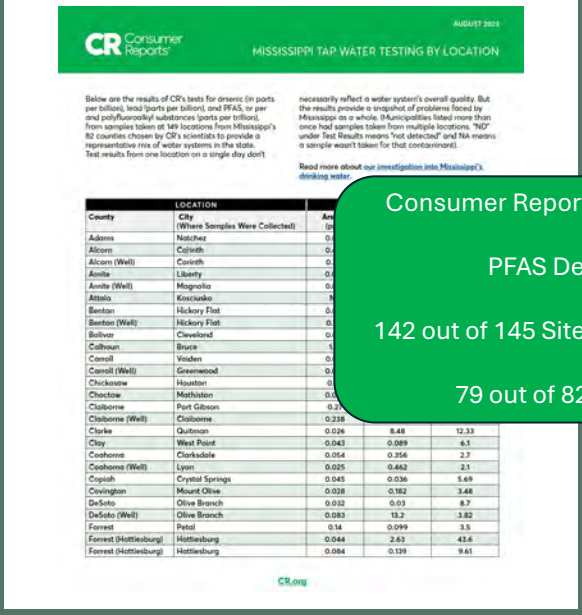

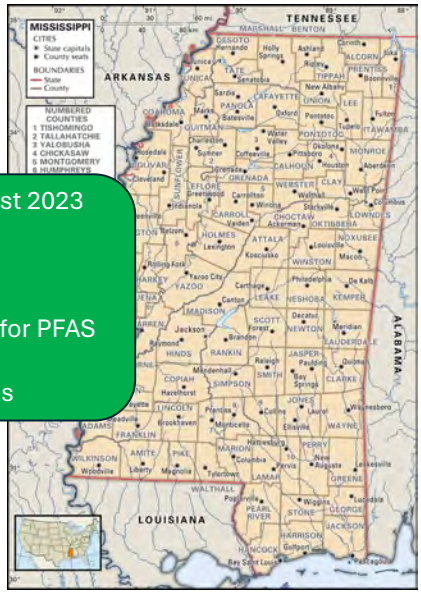

Consumer Reports | August 2023

PFAS Detected:

142 out of 145 Sites Tested for PFAS

79 out of 82 Counties

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Four AFFF Defendants Settled. The others are still in play.

Approximately $12.435 Billion

THE 4 WHO SETTLED [amounts per claim]	STILL IN PLAY
3M Company [$36,240 - $77,149,868]	**11 other AFFF defendant groups remain in litigation.**
DuPont / Chemours [$3,477 - $7,401,258]	Phase 2 Class Members can still separately sue the remaining defendants in the MDL or in local/regional litigation.
Tyco Fire Products / Chemguard Inc. [$2,911 - $2,592,666]	Not restricted by terms of the settlement as to remaining defendants.
BASF Co. [$1,213 - $ 1,080,128]	

Settling with these four does not release the others.

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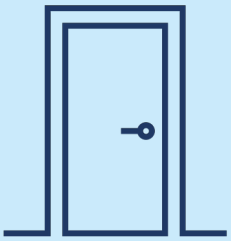
Phase 2 Systems: Your One Shot at These 4 Defendants



The 4 settling defendants

One door of opportunity.
An otherwise broad release.

Filing by the deadline is your only path to recover from the four settling defendants.

Their release is broad — it bars any later claim against them.

File by July 31, 2026, to preserve the claim.

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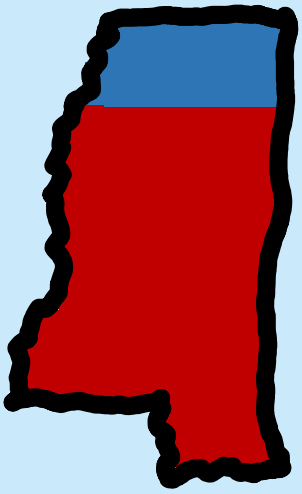
A denied claim beats a missed deadline

CLAIM DENIED		DEADLINE MISSED
$0	>	**$0**
today		**forever**
You filed in time. Your standing is preserved — other paths may remain.		No claim filed. No recovery from the four — and no second chance.

20

Over 80% of Mississippi Public Water Systems are Currently Excluded from the AFFF Settlement Class.



~18% of PWS Included

~82% of PWS Excluded

Not Included ≠ No Claim

Can still bring legal claims . . .
against *any* potential defendant . . .
in the MDL or in local/regional litigation.

Now is the time to Investigate and pursue on aquifer-level proof.

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PWS excluded from the AFFF settlement are also not *bound* by its release, so all defendants are fair game.

Not Bound by the Release

A right to pursue every responsible party. A choice of how to pursue.

Manufacturers	Distributors	Other Polluters

Join in the AFFF MDL.

Pursue local/regional litigation.

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The AFFF Settlement is a starting point, not the finish line.

Even Phase 2 filers must pursue other defendants to be made whole.

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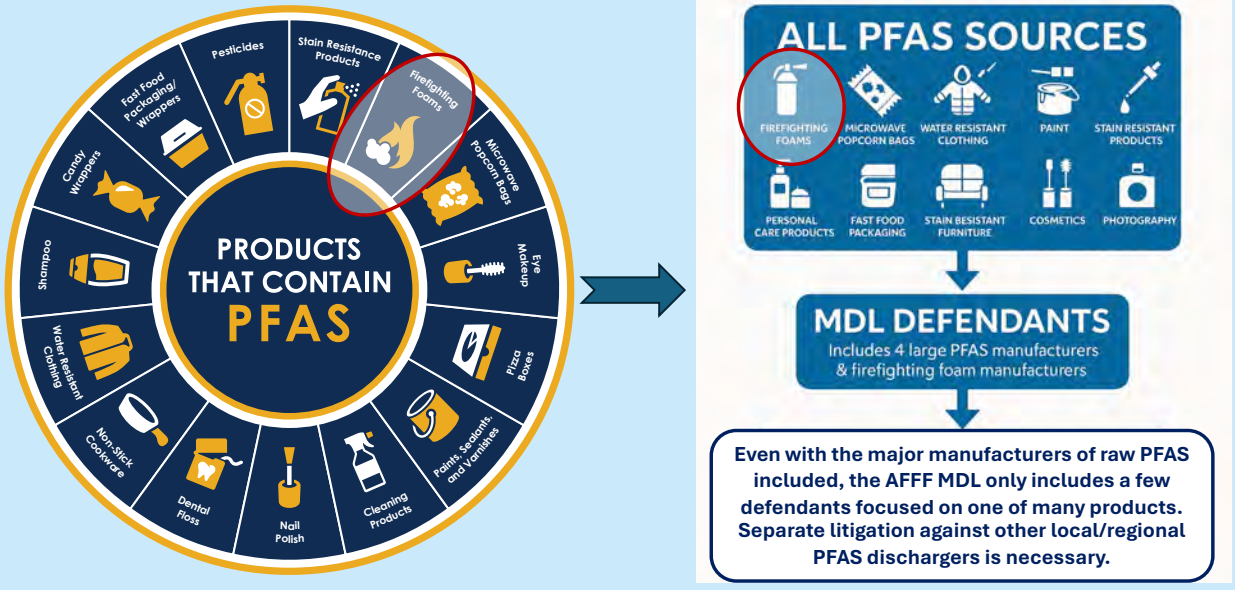
Firefighting Foam is only one of many PFAS products.



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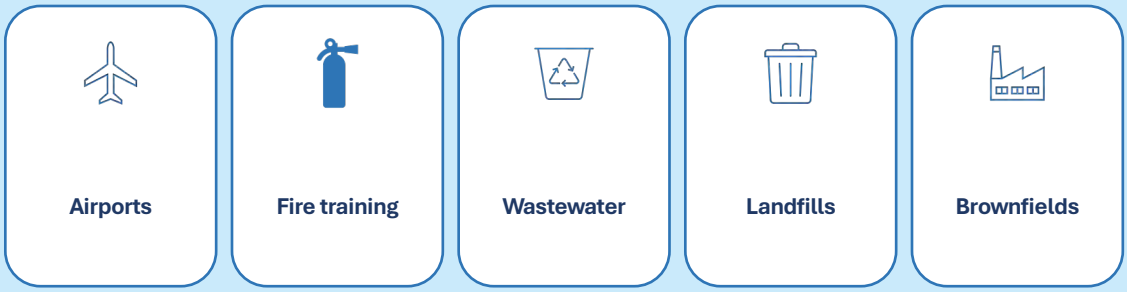
It's also about more than just drinking water.

PFAS reaches well beyond the tap — across your municipal footprint.



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Municipal Claimant and Target: Sword and Shield

SWORD · CLAIMANT

Recover from polluters

Pursue every responsible party for your costs.

SHIELD · TARGET

Defend against liability

Seek indemnity & defense in future settlements.

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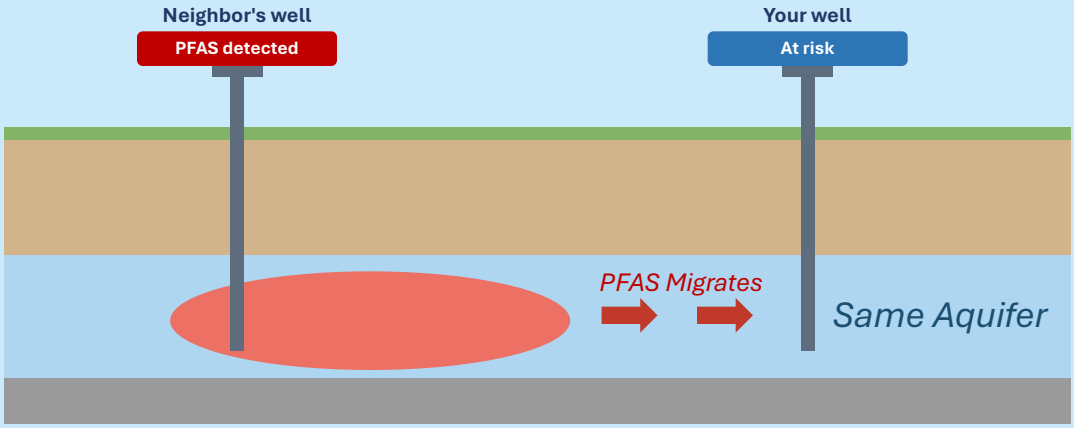
A positive test from the same aquifer proves a threat.



There may be a viable path in local/regional litigation for non-Phase 2 water systems to assert claims based on aquifer-level regional contamination, instead of just one test at a single well. (May also apply for Phase 2 Class Members against non-settling AFFF defendants and local defendants.)

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Aquifer-level Contamination May Prove Your Case

Investigate claims based on regional aquifer contamination, not just one test at a single well.

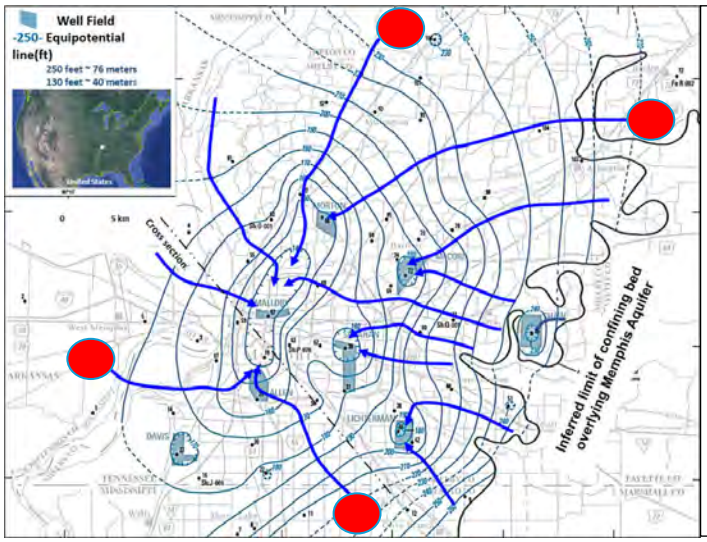

Figure 87 – Potentiometric surface based on September to November 2010 water level data for the **Memphis Sand Aquifer located beneath Memphis, Tennessee, USA**. Equipotential lines are solid green and dashed where inferred. Hatched contours indicate depressed areas of the potentiometric surface associated with pumping centers that have operated for an extended period-of-time. The curved black solid line in the eastern portion of the area represents the location of the transition from unconfined conditions in the east to confined conditions in the west. **Flow lines are blue arrows.** Pumping has captured groundwater flowing through the area as flow lines converge at well locations (modified from Kingsbury, 2018).

Credit: The Groundwater Project
https://books.gw-project.org/hydrogeologic-properties-of-earth-materials-and-principles-of-groundwater-flow/chapter/examples-of-flow-systems/

RED DOTS = Hypothetical Positive PFAS Test

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CERCLA: You don't have to wait for it to reach you.

Act on the threat — not the test.

A credible threat of contamination can support action — no positive test required.

CERCLA · Threat of Release

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Take this back to your board

Spot it. Refer it. Preserve it.

Spot it.

Board Attorney:
Flag the PFAS Issue

Refer it.

Board / Council:
Refer to Litigation Counsel

Preserve it.

Litigation Counsel:
File Before Deadlines

Give your board the one-page reference sheet.

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Get Ahead with Contingency Counsel

- No upfront cost
- Aligned incentives.
- Leverage to pursue all liable defendants.

Ability to pursue local & regional cases.

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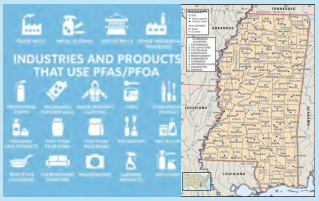
Recommended Strategy for Mississippi Municipalities:

AFFF MDL



Local / Regional

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Images: flaticon.com

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RECOMMENDED STRATEGY FOR MISSISSIPPI MUNICIPALITIES:

- Immediately Engage PFAS Litigation Counsel

  (*Best Defense = Good Offense Theory*)

- File Claim in AFFF Settlement & Get that $$$ Now

  (*if >3,300 population served & have not opted out*)

- Pursue Local/Regional Litigation for other Defendants

- Stick Together . . . Strength in #'s to Leverage Settlement

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Oxford, Mississippi Tupelo, Mississippi

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Submit an Inquiry for Help:

https://ForeverJusticeAlliance.com/public-water-systems/submit-inquiry/

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FOREVER CHEMICALS LEGAL ANALYSIS REFERENCE SHEET

For Municipal / Board Attorneys — Mississippi

How to use this sheet. Each numbered section asks a different question, so the meaning of a check box changes by section — read the "Check the box if" line under each heading. This is a self-directed issue-spotting tool, not legal advice and not an intake form. No single factor establishes a claim, and the fact that a municipality does not have positive water test for PFAS should not end the analysis. Many municipalities and water systems are exposed and under threat of contamination, even if it has not yet been detected in drinking water samples.

1. Factors That May Support a Forever Chemicals Claim for Your Municipality

Check the box if *this factual condition currently applies to your municipality. (You do NOT need a positive water test — these factors can support a claim or exposure even without one.)*

A. Municipal Operations & Property (PFAS Contact Points)

- ❑ **City owns or operates a public water system**
  Puts the municipality squarely in the public-water-system lane for testing, treatment costs, and settlement eligibility.
- ❑ **City owns or operates a wastewater treatment facility**
  Wastewater and effluent are recognized PFAS pathways and can create both recovery claims and liability exposure.
- ❑ **City owns or operates an airport**
  Airports are common AFFF use and storage sites and a frequent source of PFAS contamination.
- ❑ **City owns or operates a landfill**
  Landfills concentrate PFAS from many products and can leach into soil, groundwater, and nearby surface water.
- ❑ **City owns a fire department / fire-training facilities**
  AFFF training and storage is one of the most direct PFAS source categories and implicates firefighter exposure.
- ❑ **City owns former industrial or brownfield property**
  Historic industrial uses may have released PFAS that persists on municipal land today.
- ❑ **City handles or land-applies biosolids / sludge**
  Biosolids used as fertilizer can spread PFAS across the watershed, including onto farmland.

B. Water Source, Testing & Migration

- ❑ **One or more drinking water sources has tested positive for PFAS**
  A positive test is clear proof of contamination. IMPORTANT NOTE: The lack of a positive test does not rule out a claim.
- ❑ **Only limited or partial testing has been done**
  Limited sampling may miss the wrong location, source, or time, leaving real exposure undetected.
- ❑ **A nearby system on the same source tested positive**
  Contamination migrates — a positive result in another system on the same aquifer or watershed is evidence your source is impacted or threatened.
- ❑ **Source water is a shared aquifer or connected watershed**
  Some aquifers span multiple counties; shared hydrology can carry contamination — and proof of it — to your system.
- ❑ **Water is purchased, transported, or interconnected from elsewhere**
  "We have no local factory" is incomplete if the water itself originates from or passes through an impacted area.

C. Sources, Dischargers & History

❑	**Past or present industrial dischargers in the watershed** *Because PFAS do not break down, discharges going back decades may still matter and can often be identified and proven.*
❑	**Nearby military base** *These are well-documented PFAS sources from use of firefighting foam and other PFAS products.*
❑	**Nearby airport** *These are well-documented PFAS sources from use of firefighting foam and other PFAS products.*
❑	**Nearby manufacturing or industrial activity** *Many manufacturers and industries use PFAS in their products and/or industrial processes.*
❑	**Known or threatened contamination in the area** *A documented threat of contamination — not just a confirmed hit — can support CERCLA and cost-recovery analysis.*
❑	**Presumptive-contamination indicators are present** *Recognized source-pathway indicators can flag likely contamination even before testing confirms it.*

2. The AFFF MDL Settlement: Eligibility and Its Limits

A. Factors That May Indicate AFFF MDL Settlement Eligibility

Check the box if: *this factual condition applies — it may point toward Phase Two AFFF public-water-system settlement participation. (Verify current criteria and deadlines before relying on them.)*

❑	**Active public water system serving more than 3,300 people** *Phase Two eligibility generally covers active public water systems serving more than 3,300 people, or otherwise required to test under UCMR-5.*
❑	**System required to test for PFAS under UCMR-5** *A UCMR-5 testing obligation is an independent path into Phase Two eligibility, even without an early detection.*
❑	**No PFAS detection in the system until after June 22, 2023** *Phase Two generally covers systems that did not detect PFAS at any concentration until after the Phase One cutoff date.*
❑	**System did NOT opt out of the 3M / DuPont settlements in 2023** *Unless a system formally opted out, it is automatically included — and bound by the release — and may still file a claim.*
❑	**Phase Two testing and Action Fund claims not yet filed** *Phase Two testing claims and Action Fund claims carry firm 2026 deadlines (e.g., July 31, 2026 for the 3M Action Fund); missing them forfeits funds while the release may still bind.*

B. Factors Indicating Claims or Exposure BEYOND the AFFF MDL

Check the box if: *this condition applies. These conditions may indicate the municipality has additional claims or exposure beyond the scope of the current AFFF MDL settlement.*

❑	**Municipal-Owned Airport** *The drinking-water settlements pay drinking-water claims only. Airport facility may have a separate claim for damages related to soil or water contamination from AFFF.*
❑	**Municipal-Owned Wastewater Treatment Facility** *Wastewater Treatment facility may have a separate claim for damages for PFAS entering the system.*
❑	**Municipal-Owned Fire-training Facility** *Property where fire-training facility is/was located may have a separate claim for damages from AFFF use.*
❑	**Municipal-Owned Landfill** *Landfills may have a separate claim for damages as the result of products containing PFAS being deposited there.*
❑	**Municipal-Owned Brownfield/Industrial Properties** *Properties that were once industrial sites may have been contaminated by previous occupants.*
❑	**Non-AFFF PFAS sources or pathways are present** *AFFF is one door, not the whole building; non-AFFF products, dischargers, and pathways may sit outside the settlement.*

❑	**Potential local or regional dischargers are known or can be identified** *Claims against nearby polluters may be more valuable — and more provable — than a national settlement share.*

3. Legal Considerations for City / Board Attorneys

Check the box if: *you have reviewed or addressed this consideration. (These are action items and judgment calls — not facts about your city or criteria for claims. Unchecked boxes are open items to work through.)*

❑	**Identify the correct client / entity** *City, water system, utility authority, airport, fire district, or county may have overlapping but non-identical interests.*
❑	**Confirm authority to act** *Formal PFAS action should follow the municipality's normal authority and board-approval process.*
❑	**Preserve relevant records now** *Secure testing data, source records, AFFF records, insurance notices, board minutes, and settlement materials early.*
❑	**Review any settlement release before the board signs** *Confirm who is released, what claims are released, and what future rights are preserved.*
❑	**Evaluate indemnity and contribution rights** *Indemnity from corporate defendants is a key shield against future costs being shifted onto the city and ratepayers.*
❑	**Track all applicable deadlines** *Deadlines can quietly foreclose options; calendar them and preserve rights before they pass.*
❑	**Assess insurance and risk-management posture** *Coverage questions and notice obligations can affect what the municipality recovers and what it must defend.*
❑	**Plan public communications / public-records exposure** *PFAS can become a public-confidence issue fast; the worst time to plan is after a test result or news story forces it.*
❑	**Consider future claims by residents, employees, or owners** *Personal-injury, property, and firefighter claims can later land on the municipality if exposure is not addressed proactively.*
❑	**Engaged PFAS litigation counsel?** *It is recommended that every municipality consult with litigation counsel specializing in these claims. Many firms, including those affiliated with the Forever Justice Alliance, work on a contingency-fee basis with no upfront costs — no fee or expenses unless the municipality gets a recovery.*

Next step: Spot It · Refer It · Preserve It.

If, after working through this sheet, you conclude your municipality or water system may have PFAS-related legal issues, then decide if you should refer it to specialized PFAS litigation counsel.

The attorneys at Brad Morris Law Firm, PLLC and across the Forever Justice Alliance network are here to help.

Simply have the appropriate municipal decision-maker submit the Public Water System Inquiry form to begin an intake at:

https://ForeverJusticeAlliance.com/public-water-systems/submit-inquiry/

Biden-Harris Administration Finalizes First-Ever National Drinking Water Standard to Protect 100M People from PFAS Pollution

As part of the Administration's commitment to combating PFAS pollution, EPA announces $1B investment through President Biden's Investing in America agenda to address PFAS in drinking water

April 10, 2024

Contact Information
EPA Press Office (press@epa.gov)

WASHINGTON - Today, April 10, the Biden-Harris Administration issued the first-ever national, legally enforceable drinking water standard to protect communities from exposure to harmful per-and polyfluoroalkyl substances (PFAS), also known as 'forever chemicals.' Exposure to PFAS has been linked to deadly cancers, impacts to the liver and heart, and immune and developmental damage to infants and children. This final rule represents the most significant step to protect public health under EPA's PFAS Strategic Roadmap <https://epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024>. The final rule will reduce PFAS exposure for approximately 100 million people, prevent thousands of deaths, and reduce tens of thousands of serious illnesses. Today's announcement complements President Biden's government-wide action plan <https://www.whitehouse.gov/briefing-room/statements-releases/2021/10/18/fact-sheet-biden-harris-administration-launches-plan-to-combat-pfas-pollution/#:~:text=consistent%20with%20president%20biden's%20commitment,from%20discharging%20pfas%20into%20america's> to combat PFAS pollution.

Through President Biden's Investing in America agenda, EPA is also making unprecedented funding available to help ensure that all people have clean and safe water. In addition to today's final rule, EPA is announcing nearly $1 billion in newly available funding <https://epa.gov/dwcapacity/emerging-contaminants-ec-small-or-disadvantaged-communities-grant-sdc> through the Bipartisan Infrastructure Law to help states and territories implement PFAS testing and treatment at public water systems and to help owners of private wells address PFAS contamination. This is part of a $9 billion investment through the Bipartisan Infrastructure Law to help communities with drinking water impacted by PFAS and other emerging contaminants – the largest-ever investment in tackling PFAS pollution. An additional $12 billion is available through the Bipartisan Infrastructure Law for general drinking water improvements, including addressing emerging contaminants like PFAS.

EPA Administrator Michael Regan will join White House Council on Environmental Quality Chair Brenda Mallory to announce the final standard today at an event in Fayetteville, North Carolina. In 2017, area residents learned that the Cape Fear River, the drinking water source for 1 million people in the region, had been heavily

contaminated with PFAS pollution from a nearby manufacturing facility. Today's announcements will help protect communities like Fayetteville from further devastating impacts of PFAS.

"Drinking water contaminated with PFAS has plagued communities across this country for too long," **said EPA Administrator Michael S. Regan**. "That is why President Biden has made tackling PFAS a top priority, investing historic resources to address these harmful chemicals and protect communities nationwide. Our PFAS Strategic Roadmap marshals the full breadth of EPA's authority and resources to protect people from these harmful forever chemicals. Today, I am proud to finalize this critical piece of our Roadmap, and in doing so, save thousands of lives and help ensure our children grow up healthier."

"President Biden believes that everyone deserves access to clean, safe drinking water, and he is delivering on that promise," **said Brenda Mallory, Chair of the White House Council on Environmental Quality**. "The first national drinking water standards for PFAS marks a significant step towards delivering on the Biden-Harris Administration's commitment to advancing environmental justice, protecting communities, and securing clean water for people across the country."

"Under President Biden's leadership, we are taking a whole-of-government approach to tackle PFAS pollution and ensure that all Americans have access to clean, safe drinking water. Today's announcement by EPA complements these efforts and will help keep our communities safe from these toxic 'forever chemicals,'" **said Deputy Assistant to the President for the Cancer Moonshot, Dr. Danielle Carnival**. "Coupled with the additional $1 billion investment from President Biden's Investing in America agenda to help communities address PFAS pollution, the reductions in exposure to toxic substances delivered by EPA's standards will further the Biden Cancer Moonshot goal of reducing the cancer death rate by at least half by 2047 and preventing more than four million cancer deaths — and stopping cancer before it starts by protecting communities from known risks associated with exposure to PFAS and other contaminants, including kidney and testicular cancers, and more."

EPA is taking a signature step to protect public health by establishing legally enforceable levels for several PFAS known to occur individually and as mixtures in drinking water. This rule sets limits for five individual PFAS: PFOA, PFOS, PFNA, PFHxS, and HFPO-DA (also known as "GenX Chemicals"). The rule also sets a limit for mixtures of any two or more of four PFAS: PFNA, PFHxS, PFBS, and "GenX chemicals." By reducing exposure to PFAS, this final rule will prevent thousands of premature deaths, tens of thousands of serious illnesses, including certain cancers and liver and heart impacts in adults, and immune and developmental impacts to infants and children.

This final rule advances President Biden's commitment to ending cancer as we know it as part of the Biden Cancer Moonshot, to ensuring that all Americans have access to clean, safe, drinking water, and to furthering the Biden-Harris Administration's commitment to environmental justice by protecting communities that are most exposed to toxic chemicals.

EPA estimates that between about 6% and 10% of the 66,000 public drinking water systems subject to this rule may have to take action to reduce PFAS to meet these new standards. All public water systems have three years to complete their initial monitoring for these chemicals. They must inform the public of the level of PFAS measured in their drinking water. Where PFAS is found at levels that exceed these standards, systems must implement solutions to reduce PFAS in their drinking water within five years.

The new limits in this rule are achievable using a range of available technologies and approaches including granular activated carbon, reverse osmosis, and ion exchange systems. For example, the Cape Fear Public Utility Authority, serving Wilmington, NC – one of the communities most heavily impacted by PFAS contamination – has

effectively deployed a granular activated carbon system to remove PFAS regulated by this rule. Drinking water systems will have flexibility to determine the best solution for their community.

EPA will be working closely with state co-regulators in supporting water systems and local officials to implement this rule. In the coming weeks, EPA will host a series of webinars to provide information to the public, communities, and water utilities about the final PFAS drinking water regulation. To learn more about the webinars, please visit EPA's PFAS drinking water regulation webpage <https://epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas#webinars>. EPA has also published a toolkit of communications resources <https://epa.gov/sdwa/pfas-communications-toolkit> to help drinking water systems and community leaders educate the public about PFAS, where they come from, their health risks, how to reduce exposure, and about this rule.

"We are thankful that Administrator Regan and the Biden Administration are taking this action to protect drinking water in North Carolina and across the country," **said North Carolina Governor Roy Cooper**. "We asked for this because we know science-based standards for PFAS and other compounds are desperately needed."

"For decades, the American people have been exposed to the family of incredibly toxic 'forever chemicals' known as PFAS with no protection from their government. Those chemicals now contaminate virtually all Americans from birth. That's because for generations, PFAS chemicals slid off of every federal environmental law like a fried egg off a Teflon pan — until Joe Biden came along," **said Environmental Working Group President and Co-Founder Ken Cook**. "We commend EPA Administrator Michael Regan for his tireless leadership to make this decision a reality, and CEQ Chair Brenda Mallory for making sure PFAS is tackled with the 'whole of government' approach President Biden promised. There is much work yet to be done to end PFAS pollution. The fact that the EPA has adopted the very strong policy announced today should give everyone confidence that the Biden administration will stay the course and keep the president's promises, until the American people are protected, at long last, from the scourge of PFAS pollution."

"We learned about GenX and other PFAS in our tap water six years ago. I raised my children on this water and watched loved ones suffer from rare or recurrent cancers. No one should ever worry if their tap water will make them sick or give them cancer. I'm grateful the Biden EPA heard our pleas and kept its promise to the American people. We will keep fighting until all exposures to PFAS end and the chemical companies responsible for business-related human rights abuses are held fully accountable," **said Emily Donovan, co-founder of Clean Cape Fear.**

More details about funding to address PFAS in Drinking Water

Through the Bipartisan Infrastructure Law, EPA is making an unprecedented $21 billion available to strengthen our nation's drinking water systems, including by addressing PFAS contamination. Of that, $9 billion is specifically for tackling PFAS and emerging contaminants. The financing programs delivering this funding are part of President Biden's Justice40 Initiative <https://www.whitehouse.gov/environmentaljustice/justice40/>, which set the goal that 40% of the overall benefits of certain federal investments flow to disadvantaged communities that have been historically marginalized by underinvestment and overburdened by pollution.

Additionally, EPA has a nationwide Water Technical Assistance program to help small, rural, and disadvantaged communities access federal resources by working directly with water systems to identify challenges like PFAS; develop plans; build technical, managerial, and financial capacity; and apply for water infrastructure funding. Learn more about EPA's Water Technical Assistance programs <https://epa.gov/water-infrastructure/water-technical-assistance-programs>.

More details about the final PFAS drinking water standards:

- For PFOA and PFOS, EPA is setting a Maximum Contaminant Level Goal, a non-enforceable health-based goal, at zero. This reflects the latest science showing that there is no level of exposure to these contaminants without risk of health impacts, including certain cancers.
- EPA is setting enforceable Maximum Contaminant Levels at 4.0 parts per trillion for PFOA and PFOS, individually. This standard will reduce exposure from these PFAS in our drinking water to the lowest levels that are feasible for effective implementation.
- For PFNA, PFHxS, and "GenX Chemicals," EPA is setting the MCLGs and MCLs at 10 parts per trillion.
- Because PFAS can often be found together in mixtures, and research shows these mixtures may have combined health impacts, EPA is also setting a limit for any mixture of two or more of the following PFAS: PFNA, PFHxS, PFBS, and "GenX Chemicals."

EPA is issuing this rule after reviewing extensive research and science on how PFAS affects public health, while engaging with the water sector and with state regulators to ensure effective implementation. EPA also considered 120,000 comments on the proposed rule from a wide variety of stakeholders.

Background:

PFAS, also known as 'forever chemicals,' are prevalent in the environment. PFAS are a category of chemicals used since the 1940s to repel oil and water and resist heat, which makes them useful in everyday products such as nonstick cookware, stain resistant clothing, and firefighting foam. The science is clear that exposure to certain PFAS over a long period of time can cause cancer and other illnesses. In addition, PFAS exposure during critical life stages such as pregnancy or early childhood can also result in adverse health impacts.

Across the country, PFAS contamination is impacting millions of people's health and wellbeing. People can be exposed to PFAS through drinking water or food contaminated with PFAS, by coming into contact with products that contain PFAS, or through workplace exposures in certain industries.

Since EPA Administrator Michael S. Regan announced the PFAS Strategic Roadmap <https://epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024> in October 2021, EPA has taken action – within the Biden-Harris Administration's whole-of-government approach – by advancing science and following the law to safeguard public health, protect the environment, and hold polluters accountable. The actions described in the PFAS Strategic Roadmap each represent important and meaningful steps to protect communities from PFAS contamination. Cumulatively, these actions will build upon one another and lead to more enduring and protective solutions. In December 2023, the EPA released its second annual report on PFAS progress <https://epa.gov/system/files/documents/2023-12/epas-pfas-strategic-roadmap-dec-2023508v2.pdf>. The report highlights significant accomplishments achieved under the EPA's PFAS Strategic Roadmap.

Last updated on April 10, 2024

EPA Advances Comprehensive PFAS Strategy with Legally Defensible, Practical, Scientifically Sound Drinking Water Protections

Holistic approach tackles PFAS across its full lifecycle to Make America Healthy Again

May 18, 2026

Contact Information
EPA Press Office (press@epa.gov)

WASHINGTON -- Today, U.S. Environmental Protection Agency (EPA) is reaffirming its commitment to Make America Healthy Again at a PFAS destruction event alongside U.S. Department of Health and Human Services (HHS) Secretary Robert F. Kennedy Jr. by advancing a comprehensive, lifecycle-based strategy to address per- and polyfluoroalkyl substances (PFAS). As part of that strategy, EPA is highlighting innovative PFAS treatment and destruction technologies, announcing nearly $1 billion in new funding to states to address PFAS in drinking water, and issuing two proposed rules for public comment that uphold the National Primary Drinking Water Standards for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) while enhancing practical implementation and proposing to correct potential failures of the Biden-Harris Administration to follow the clear requirements of the Safe Drinking Water Act (SDWA). Together with EPA's parallel work to address PFAS before it enters the environment, EPA is delivering real solutions to reduce PFAS exposure for Americans.

"The Trump EPA is committed to Make America Healthy Again by ensuring clean air, land, and water—and by taking on PFAS the right way, across the full lifecycle and built to last," ***said EPA Administrator Lee Zeldin****. "That means rules grounded in gold-standard science and the Safe Drinking Water Act, support for water systems on the front lines, and action to stop PFAS pollution at the source before it ever reaches a tap. The Biden administration cut corners and failed to follow the law. We are fixing that error with standards water systems can actually implement and that will hold up to scrutiny, while addressing PFOA and PFOS, two of the best-studied PFAS with well-documented health impacts."*

"PFAS contamination is a serious public health challenge that demands rigorous science, clear standards, and practical solutions," ***said HHS Secretary Robert F. Kennedy, Jr****. "Across HHS, we are advancing gold-standard research to better understand PFAS exposure, toxicity, and long-term health impacts on Americans. EPA's actions today take important steps to reduce exposure, strengthen drinking water protections, and support communities as we work to address environmental contributors to chronic disease and advance the Make America Healthy Again agenda."*

The agency is also announcing nearly $1 billion in grant funding to address PFAS and other emerging contaminants in drinking water through the Emerging Contaminants in Small or Disadvantaged Communities Grant. With this grant allotment, the agency has made $5 billion available through this program over five years. EPA will be taking steps to ensure that available funding is expeditiously getting into communities that need it to identify and address PFAS and reduce exposure through drinking water.

A drinking water standard only protects Americans if it can actually be implemented by the nation's water systems and survive legal challenge. When a Maximum Contaminant Level (MCL) is rushed, it minimizes the opportunity for meaningful public comment, or fails to follow the statutory process Congress laid out in the SDWA, utilities face years of uncertainty, ratepayers face avoidable costs, and public health protections can be delayed or undone in court. The Trump EPA's approach is straightforward: follow the law, follow the science, and give water systems standards they can build their compliance programs around with confidence. The first proposed rule, if finalized, would continue supporting the health-protective federal drinking water standards for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) while strengthening practical implementation by establishing an opt-in process through which eligible drinking water systems may apply for up to two additional years—until 2031—to come into compliance with enforceable limits.

Under the agency’s proposal, the extension would not be automatic. Drinking water systems that wish to receive additional time would need to affirmatively seek the extension and meet specific criteria EPA will set out in the final rule. Systems that do not opt in would remain subject to the original 2029 compliance deadline. This design ensures that systems prepared to meet 2029 are not slowed down, while systems facing legitimate implementation hurdles have a transparent, accountable path to additional time.

Where sources of drinking water are contaminated with PFOA and PFOS, protecting public health generally requires drinking water systems to diagnose the severity of contamination through robust sampling; evaluate various compliance options, including changing source water or installing new control systems; construct and test new controls, often including pilot studies; evaluate financing options; and train their workforce to support construction, operation, and maintenance.

Allowing drinking water systems to seek additional time for this work could also allow the cost of PFAS removal technologies to come down through technological advancements and production efficiencies. Continued federal investment, paired with a growing market for treatment technologies, is already driving costs down, better informing water utilities about what works, and expanding the toolkit available to remove PFAS in its various forms. That means lower water bills for Americans and more durable public health protections.

The second proposed rule, if finalized, would address some stakeholders’ legal concerns related to the Biden Administration’s failure to follow statutory requirements articulated in the SDWA when establishing regulations for perfluorohexane sulfonic acid (PFHxS), perfluorononanoic acid (PFNA), hexafluoropropylene oxide dimer acid (HFPO-DA, commonly referred to as GenX chemicals), and the hazard index of these three plus perfluorobutane sulfonic acid (PFBS).

The SDWA requires a sequential approach to regulation, where the Agency must first propose to regulate a particular drinking water contaminant and seek public comment on whether a regulation would be appropriate. Only after the public has had the opportunity to comment on that proposal and when the EPA has finalized a determination to regulate may the EPA publish a proposed regulation of that contaminant. Instead of abiding by that process set out in the SDWA, the Biden EPA combined steps simultaneously, which is not permitted, denying the public a chance to weigh in on the threshold question for PFHxS, PFNA, HFPO-DA and the Index PFAS, prior to locking in the new standard.

The proposed rule takes comment on whether the previous regulation did not adhere to the procedural and substantive requirements the statute imposes, leaving it legally vulnerable and creating implementation uncertainty for water systems.

Following the second proposal, if finalized, the Trump EPA would deliver on its commitment to evaluate these PFAS for regulation under the SDWA and do it correctly by supporting transparency and following gold-standard science. While EPA cannot pre-determine the outcome of the rulemaking, it is possible that the result could be more stringent requirements addressing these PFAS in drinking water. What Americans and water systems can count on is that whatever standards emerge will be built on a defensible legal and scientific record.

Stopping PFAS contamination before it reaches drinking water sources is central to EPA's strategy. The agency is advancing technology-based effluent limitations and pretreatment standards for key industrial categories that discharge PFAS, including chemical manufacturers and other sources, to keep PFAS out of waterways in the first place. The agency is currently developing a proposed rule that will be issued for public comment in the coming months. EPA is also using its authorities under the Toxic Substances Control Act (TSCA) to ensure new and existing chemicals are subject to the most robust, gold-standard scientific review before they enter commerce. The agency is also looking to hold polluters accountable for legacy contamination consistent with the polluter-pays principle, rather than the passive receivers that never placed these chemicals into the environment but have been left to manage them. Because enforcement discretion alone cannot shield passive receivers from third-party cleanup lawsuits and can be reversed by a future administration, a durable statutory fix from Congress is necessary.

By reducing PFAS at the point of discharge, EPA lowers the long-term treatment burden on water systems and their ratepayers and gets closer to the source of the problem. Source reduction also limits the volume of PFAS-laden residuals that water systems must ultimately manage, making destruction and disposal more tractable.

These proposals are just one piece of a bigger effort to address PFAS, including proactive support to drinking water systems, funding for infrastructure upgrades, additional monitoring and evaluation, and wastewater discharge limits.

The Trump EPA is also making measurable progress identifying and validating the next generation of technologies to treat, remove, and destroy PFAS. That toolkit spans proven separation technologies that pull PFAS out of water such as granular activated carbon, ion exchange resins, and high-pressure membranes such as reverse osmosis, alongside a class of destruction technologies under study, such as supercritical water oxidation, electrochemical oxidation, hydrothermal alkaline treatment, non-thermal plasma, and the pyrolysis and gasification of PFAS-laden residuals.

To keep pace with a fast-moving field, in April, the agency announced it has moved its PFAS Destruction and Disposal Guidance <https://epa.gov/newsreleases/trump-epa-updates-pfas-destruction-and-disposal-guidance-protect-american-communities> from a three-year update cycle to annual updates, allowing EPA to continually assess the real-world effectiveness of available and emerging technologies and put the best-performing options in front of the water systems that need them. That assessment is increasingly informed by performance in the field. For example, EPA completed four full-scale PFAS treatment systems serving the Irvine Ranch and Orange County Water Districts in southern California, protecting more than 9,500 households. Each deployment generates verified performance data that sharpens utility decision-making, narrows the gap between promising and proven technologies, and steadily expands the toolkit available to remove and destroy PFAS in the many forms in which it appears.

Underpinning this work is a robust and ongoing EPA research program. Agency scientists are continually developing, validating, and refining gold-standard analytical methods, both targeted methods that measure specific known PFAS and nontargeted methods that use advanced instrumentation to surface previously unidentified compounds, across drinking water, surface water, wastewater, soil, and air. EPA recently developed a method capable of detecting 40 PFAS compounds across media ranging from groundwater and sediment to landfill liquid and fish tissue, and the agency continues to invest in research to understand the thousands of PFAS compounds and to advance new treatment and destruction technologies. This research foundation ensures that the standards EPA sets and the cleanup actions it supports rest on data the agency can stand behind.

EPA has established a cross-agency coordinating group, led by the Office of the Administrator and the Office of Water, and drawing senior technical and policy leaders from across EPA program offices and Regions to share research, innovation, and actions, and accelerate the cleanup of PFAS contamination. An overview of the agency's first-year PFAS work, spanning testing and detection, direct community support, enforcement, public education, commonsense regulation, and cutting-edge research, is detailed in EPA's roundup of major year-one PFAS actions. <https://epa.gov/newsreleases/trump-epa-highlights-major-year-one-pfas-actions-combat-risks-and-make-america-healthy>

On April 14, EPA announced its PFAS OUTreach—or PFAS OUT—initiative accelerating progress in addressing PFAS in drinking water. This new program proactively works with communities and water systems to reduce exposure to PFOA and PFOS in drinking water. Recognizing that small, rural, and disadvantaged water systems often have fewer resources, PFAS OUT is specifically designed to ensure these communities are not left behind. PFAS OUT will help every drinking water system dealing with PFOA or PFOS to effectively understand the challenge and reduce exposure as soon as possible while positioning them for successful compliance with enforceable drinking water standards.

EPA has additional funding programs to help drinking water systems address PFAS:

- $4 billion is being invested through the Drinking Water State Revolving Funds dedicated to addressing PFAS and emerging contaminants. This is in addition to general state revolving fund money that can be used for PFAS-related projects.
- More than $6.5 billion in low-interest financing is currently available through EPA's Water Infrastructure Finance and Innovation Act (WIFIA) Loan program, which can also be used to address PFAS.

Sustained investment of this scale does more than fund individual projects. It drives down the per-system cost of treatment, generates real-world performance data that better informs utility decision-making, accelerates innovation in destruction and disposal technologies, and helps mitigate PFAS across the many forms in which it appears in source water.

EPA is continuing to use the tools under the SDWA to address Americans' concerns about chemicals in drinking water. Earlier this spring, EPA proposed to prioritize funding and research for PFAS, microplastics, and pharmaceuticals by including them as groups on the draft sixth Contaminant Candidates List.

The two proposed rules will be published in the Federal Register with a 60-day public comment period, and EPA will hold a public hearing on July 7, 2026. EPA encourages robust participation in this process as we work together to protect Americans from PFAS exposure in the most effective way possible.

For more information about the proposed rules, including pre-publication versions of the proposals, fact sheets, directions for submitting comments, and information about a forthcoming public hearing, visit EPA's webpages here <https://epa.gov/sdwa/proposed-pfas-rescission-rule> and here <https://epa.gov/sdwa/proposed-pfoa-and-pfos-compliance-extension-rule>. Also, learn more about PFAS OUT <https://epa.gov/water-infrastructure/pfas-out>.

Background

On April 10, 2024, EPA announced the final National Primary Drinking Water Regulation that included legally enforceable drinking water Maximum Contaminant Levels (MCLs) for PFOA and PFOS, as well as PFHxS, PFNA, HFPO-DA, and mixtures of these three PFAS and PFBS, requiring public water system compliance by April 2029.

Last updated on May 18, 2026

Public Water System Settlements

Start a Claim (https://participation.pfaswatersettlement.com/)

Settlement Information

This website is devoted to Settlements entered into in the AFFF multi-district Litigation no. 2873 ("MDL") which are overseen by the United States District Court for the District of South Carolina. The current Settlement Agreements are class action settlements designed to resolve Claims for PFAS contamination in Public Water Systems' Drinking Water, as those terms are defined in the respective Agreements, which are with the following groups of Settling Defendants:

(1) the 3M company ("3M"); and

(2) E.I. Du Pont de Nemours and company (n/k/a Eidp, Inc.), Dupont de Nemours inc., the Chemours company, the Chemours company fc, llc, and Corteva, inc. (collectively, "Dupont").

(3) Tyco Fire Products LP ("Tyco") and Chemguard, Inc. ("Chemguard") (collectively, "the Tyco Defendants")

(4) BASF Corporation ("BASF")

These Settlements are designed to resolve Claims for PFAS contamination in Public Water Systems' Drinking Water, as those terms are defined in the respective Agreements. Each of the four Settlements has obtained Final Approval by the MDL Judge, the honorable Richard M. Gergel of the United States District Court for the District of South Carolina.

Important Dates and Deadlines

Deadline Description	Dupont Deadline Date	3M Deadline Date	Tyco Deadline Date	BASF Deadline Date
Deadline to Submit Objections	11/11/2023	11/11/2023	8/24/2024	9/15/2024
Deadline to Submit Requests for Exclusion	12/4/2023	12/11/2023	9/23/2024	10/15/2024
Court's Final Fairness Hearing	12/14/2023	2/2/2024	11/1/2024	11/1/2024

Deadline to Withdraw Request for Exclusion	3/15/2024	3/15/2024	12/13/2024	12/13/2024
Phase One Public Water System Settlement Claims Form	**7/26/2024**	**7/26/2024**	**4/8/2025**	**4/8/2025**
Phase One Special Needs Claims Form	**8/26/2024**	**8/26/2024**	**8/21/2025**	**8/21/2025**
Phase Two Testing Claims Form	3/31/2026	3/31/2026	N/A	N/A
Phase Two Public Water System Claims Form	7/31/2026	7/31/2026	N/A	N/A
Phase Two Special Needs Claims Form	8/1/2026	8/1/2026	N/A	N/A
Phase One Supplemental Fund Claims Form	12/31/2030	12/31/2030	12/31/2030	12/31/2030
Phase Two Supplemental Fund Claims Form	12/31/2030	12/31/2030	N/A	N/A

CAREFUL: It has been brought to our attention that putative Class Members have received spam notice or postcard reminders. Spam notice may have spelling or other errors, but it may also look legitimate. Therefore, please be reminded that this website is the best source of information about and updates on the Settlements, including information about important upcoming deadlines. As such we recommend that you check back here frequently.

This website is supervised by Counsel and the Court and is controlled by the Claims Administrator that handles all aspects of the claims processing. This is the only authorized website for this Litigation. Other websites may contain incorrect information about this litigation and should not be relied upon. If you have questions, please contact the Claims Administrator.

Privacy Policy (https://www.pfaswatersettlement.com/privacy-policy/)

Amended by Agreement (8/27/2023)

AMENDED EXHIBIT F

Phase Two Eligible Claimants

Primacy Agency [State]	PWS Name	PWSID	PWS Type	Primary Source	Population Served
1	Mashantucket Pequot Water System	10106001	CWS	Groundwater under influence of surfacewater	37,8[illegible]7
1	Mohegan Tribal Utility Authority	10109005	CWS	Surfacewater purchased	37,860
2	CA[illegible]TARAUGUS CWS	20000008	CWS	Surfacewater	4,999
2	SAIN[illegible]EGIS MOHAWK TRIBE	20000005	CWS	Surfacewater	5,500
4	CHEROK[illegible]E WATER SYSTEM	43740039	CWS	Surfacewater	18,415
4	CHOCTAW [illegible]EARL RIVER	42800003	CWS	Groundw[illegible]	13,055
4	POARCH CREE[illegible]UTILITIES - WEST	40000002	CWS	Grou[illegible]ater	5,900
4	SEMINOLE - BRIG[illegible]TON RESERVATION	41200001	CWS	G[illegible]ndwater under [illegible]luence of surfacewater	6,538
4	SEMINOLE UTILITIES IMM[illegible]KALEE	41200004	CWS	Groundwater	5,221
5	EAST BAY WATER WORKS	55293603	CWS	Groundwater	7,284
5	HANNAHVILLE COMMUNITY	55293611	C[illegible]	Groundwater	4,382
5	KESHENA	55295508	[illegible]WS	Groundwater	3,960
5	LITTLE RIVER TRIBAL WATER SYSTE[illegible]	55293702	CWS	Groundwater	3,921
5	LOWER SIOUX	5529455[illegible]	CWS	Groundwater	3,885
5	MT. PLEASANT	5[illegible]01	CWS	Groundwater	10,198
5	ONEIDA #1 OR SITE #1	5[illegible]03	CWS	Groundwater	3,715
5	PRAIRIE ISLAND	5529450[illegible]	CWS	Groundwater	5,728
5	SAGANING	50593203	NTNCWS	Surfacewater purchased	4,653
5	SOUTH WATER TREATMENT PL[illegible]T (SWTP)	55294506	C[illegible]S	Groundwater	24,959
5	VINELAND	55294301	CWS	Groundwater	4,220
6	CHICKASAW WINSTAR	62004336	CWS	Groundwater	7,642
6	ISLETA EASTSIDE	63501109	CWS	[illegible]roundwater	4,724
6	ISLETA SHEA-WH[illegible]	63503109	CWS	Gr[illegible]ndwater	3,689
6	KICKAPOO TR[illegible]TIONAL TRIBE	61620001	CWS	Surfac[illegible]ter purchased	9,002
6	LAGUNA [illegible]LLEY	63503111	CWS	Surfacewater [illegible]rchased	4,500
6	LDC [illegible]GUNA RT 66 CASINO	63506111	NTNCWS	Groundwater	8,658
6	M[illegible]SCALERO COMMUNITY	63501233	CWS	Groundwater	4,056
6	[illegible]ESCALERO INN OF THE MT. GODS	63506008	CWS	Groundwater	14,542
6	POJOAQUE SOUTH	63501100	CWS	Groundwater	3,644
[illegible]	POTTAWATOMIE CO. RWD #3 (DALE PLANT)	61020808	CWS	Groundwater	[illegible]770

Primacy Agency [State]	PWS Name	PWSID	PWS Type	Primary Source	Population Served
MO	TANEY COUNTY PWSD 3	MO5024602	CWS	Groundwater	6,[illegible]
MO	THOMAS HILL PWSD 1	MO2024504	CWS	Surfacewater purchased	10,315
MO	TRENTON MUNICIPAL UTILITIES PWS	MO2010796	CWS	Surfacewater	6,001
MO	TROY PWS	MO6010798	CWS	Groundwater	12,500
MO	UNION PWS	MO6010801	CWS	Groundwater	12,348
MO	VERNON COUNTY CONS PWSD 1	MO5024618	CWS	Groundwater	8,925
MO	WARRENTON PWS	MO6010[illegible]94	CWS	Groundwater	8,208
MO	WASHINGTON PWS	MO6010[illegible]	CWS	Groundwater	14,068
MO	WEBB CITY PWS	MO5010844	CWS	Surfacewater purchased	12,488
MO	WENTZVILLE PWS	MO6010849	CWS	Groundwater	41,784
MO	WEST PLAINS PWS	MO4010853	CWS	Groundwater under influence of surfacewater	12,000
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
MS	ADAMS CO W/A #2-SOUTH	MS0010009	CWS	Groundwater	7,912
MS	ADAMS CO W/A #4-KAISER LAKE	MS0010015	CWS	Groundwater	8,266
MS	ALCORN W/A #1-INDIAN SPRINGS	MS0020006	CWS	Groundwater	5,296
MS	ALGOMA WATER ASSOCIATION	MS0580001	CWS	Groundwater	7,000
MS	ARNOLD LINE WATER ASSOCIATION	MS0370001	CWS	Groundwater	6,632
MS	BARRONTOWN W/A	MS0180001	CWS	Groundwater	7,730
MS	BEAR CREEK W/A -EAST	MS0450002	CWS	Groundwater	16,281
MS	BEAR CREEK W/A-WEST	MS0450021	CWS	Groundwater	25,508
MS	BEAT III W/A #1-SAND HILL	MS0210001	CWS	Groundwater	3,854
MS	BIG V WATER ASSOCIATION	MS0590002	CWS	Groundwater	3,767
MS	BLACK BAYOU WATER ASSN.	MS0760076	CWS	Groundwater	4,181
MS	BOONEVILLE WATER DEPT.	MS0590004	CWS	Groundwater	9,995
MS	BUCKATUNNA WATER ASSOCIATION	MS0770001	CWS	Groundwater	4,438
MS	CALHOUN WATER ASSOCIATION	MS0340001	CWS	Groundwater	3,730
MS	CASON WATER ASSOCIATION	MS0480019	CWS	Surfacewater purchased	4,541
MS	CENTER W/A-CAESAR SYSTEM	MS0550001	CWS	Groundwater	5,830
MS	CENTRAL W/A-EAST SIDE	MS0500004	CWS	Groundwater	6,352
MS	CENTRAL W/A-SOUTHWEST	MS0500009	CWS	Groundwater	5,251
MS	CITY OF AMORY	MS0480002	CWS	Groundwater	9,250
MS	CITY OF BATESVILLE	MS0540002	CWS	Groundwater	7,463
MS	CITY OF BAY ST LOUIS	MS0230001	CWS	Groundwater	10,842
MS	CITY OF BELZONI	MS0270001	CWS	Groundwater	4,406
MS	CITY OF BILOXI	MS0240001	CWS	Groundwater	24,243
MS	CITY OF BILOXI-FRENCH	MS0240036	CWS	Groundwater	4,380
MS	CITY OF BILOXI-NORTH	MS0240084	CWS	Groundwater	9,665
MS	CITY OF BRANDON	MS0610003	CWS	Groundwater	30,400
MS	CITY OF BROOKHAVEN	MS0430002	CWS	Groundwater	12,513
MS	CITY OF CANTON	MS0450006	CWS	Groundwater	17,073

Primacy Agency [State]	PWS Name	PWSID	PWS Type	Primary Source	Population Served
MS	CITY OF CARTHAGE	MS0400001	CWS	Groundwater	5,069
MS	CITY OF CLEVELAND	MS0060006	CWS	Groundwater	16,392
MS	CITY OF CLINTON	MS0250003	CWS	Groundwater	25,000
MS	CITY OF COLUMBIA	MS0460003	CWS	Groundwater	5,900
MS	CITY OF CORINTH	MS0020002	CWS	Surfacewater	14,900
MS	CITY OF ELLISVILLE	MS0340003	CWS	Groundwater	4,549
MS	CITY OF EUPORA	MS0780005	CWS	Groundwater	5,526
MS	CITY OF FLOWOOD	MS0610075	CWS	Groundwater	27,997
MS	CITY OF FLOWOOD - NORANCO	MS0610044	CWS	Groundwater	3,952
MS	CITY OF FOREST	MS0620002	CWS	Groundwater	5,430
MS	CITY OF FULTON	MS0290003	CWS	Surfacewater purchased	9,929
MS	CITY OF GAUTIER	MS0300004	CWS	Groundwater	19,776
MS	CITY OF GREENVILLE	MS0760004	CWS	Groundwater	29,602
MS	CITY OF GREENWOOD	MS0420001	CWS	Groundwater	18,810
MS	CITY OF GRENADA	MS0220003	CWS	Groundwater	12,762
MS	CITY OF GULFPORT	MS0240003	CWS	Groundwater	83,856
MS	CITY OF HATTIESBURG	MS0180008	CWS	Groundwater	43,449
MS	CITY OF HERNANDO	MS0170009	CWS	Groundwater	13,981
MS	CITY OF HERNANDO-JAYBIRD	MS0170002	CWS	Groundwater	5,145
MS	CITY OF HOLLY SPRINGS	MS0470002	CWS	Groundwater	9,760
MS	CITY OF HORN LAKE	MS0170022	CWS	Groundwater	13,316
MS	CITY OF HOUSTON	MS0090005	CWS	Groundwater	3,772
MS	CITY OF INDIANOLA	MS0670006	CWS	Groundwater	9,855
MS	CITY OF IUKA	MS0710006	CWS	Groundwater	7,223
MS	CITY OF JACKSON	MS0250008	CWS	Surfacewater	188,723
MS	CITY OF JACKSON-MADDOX RD.	MS0250012	CWS	Groundwater	15,212
MS	CITY OF KOSCIUSKO	MS0040004	CWS	Groundwater	9,646
MS	CITY OF LAUREL	MS0340021	CWS	Groundwater	21,627
MS	CITY OF LELAND	MS0760006	CWS	Groundwater	4,591
MS	CITY OF LONG BEACH	MS0240005	CWS	Groundwater	18,500
MS	CITY OF LOUISVILLE	MS0800004	CWS	Groundwater	7,515
MS	CITY OF LUCEDALE	MS0200004	CWS	Groundwater	3,510
MS	CITY OF MADISON	MS0450010	CWS	Groundwater	16,136
MS	CITY OF MAGEE	MS0640006	CWS	Groundwater	4,219
MS	CITY OF MCCOMB	MS0570004	CWS	Groundwater	12,413
MS	CITY OF MERIDIAN	MS0380005	CWS	Groundwater	36,347
MS	CITY OF MORTON	MS0620009	CWS	Groundwater	3,600
MS	CITY OF MOSS POINT	MS0300008	CWS	Groundwater	14,997
MS	CITY OF NATCHEZ	MS0010002	CWS	Groundwater	14,520
MS	CITY OF NEW ALBANY	MS0730006	CWS	Groundwater	8,900
MS	CITY OF NEWTON	MS0510009	CWS	Groundwater	3,477
MS	CITY OF OCEAN SPRINGS	MS0300005	CWS	Groundwater	26,168
MS	CITY OF OLIVE BRANCH	MS0170015	CWS	Groundwater	53,011

Primacy Agency [State]	PWS Name	PWSID	PWS Type	Primary Source	Population Served
MS	CITY OF OXFORD	MS0360011	CWS	Groundwater	25,000
MS	CITY OF PASCAGOULA	MS0300006	CWS	Groundwater	22,551
MS	CITY OF PASS CHRISTIAN	MS0240009	CWS	Groundwater	8,944
MS	CITY OF PEARL	MS0610017	CWS	Groundwater	31,775
MS	CITY OF PETAL	MS0180011	CWS	Groundwater	9,174
MS	CITY OF PHILADELPHIA	MS0500008	CWS	Groundwater	7,118
MS	CITY OF PONTOTOC	MS0580006	CWS	Groundwater	9,398
MS	CITY OF POPLARVILLE	MS0550006	CWS	Groundwater	3,469
MS	CITY OF RICHLAND	MS0610023	CWS	Groundwater	7,100
MS	CITY OF RIDGELAND	MS0450013	CWS	Groundwater	24,340
MS	CITY OF RIPLEY	MS0700008	CWS	Groundwater	10,528
MS	CITY OF SENATOBIA	MS0690005	CWS	Groundwater	8,354
MS	CITY OF SOUTHAVEN	MS0170018	CWS	Groundwater	55,782
MS	CITY OF STARKVILLE	MS0530020	CWS	Groundwater	31,787
MS	CITY OF TUPELO	MS0410015	CWS	Surfacewater purchased	38,000
MS	CITY OF UNION	MS0510011	CWS	Groundwater	3,432
MS	CITY OF VICKSBURG	MS0750010	CWS	Groundwater	29,238
MS	CITY OF WATER VALLEY	MS0810011	CWS	Groundwater	3,380
MS	CITY OF WAVELAND	MS0230002	CWS	Groundwater	6,435
MS	CITY OF WAYNESBORO	MS0770003	CWS	Groundwater	4,850
MS	CITY OF WEST POINT	MS0130008	CWS	Groundwater	15,062
MS	CITY OF WIGGINS	MS0660005	CWS	Groundwater	4,847
MS	CITY OF WINONA	MS0490010	CWS	Groundwater	5,043
MS	CITY OF YAZOO CITY	MS0820014	CWS	Groundwater	10,163
MS	CLARKDALE WATER ASSN # 1	MS0380001	CWS	Groundwater	4,739
MS	CLARKSDALE PUBLIC UTILITIES	MS0140002	CWS	Groundwater	18,216
MS	CLAYTON VILLAGE W/A #1-EAST	MS0530006	CWS	Groundwater	4,984
MS	CMU - LAKE CAROLINE	MS0450034	CWS	Groundwater	7,830
MS	COLLINSVILLE WATER ASSN	MS0380002	CWS	Groundwater	3,324
MS	COLUMBUS LIGHT & WATER	MS0440003	CWS	Groundwater	23,573
MS	COMBINED UTILITIES	MS0200001	CWS	Groundwater	6,626
MS	COPIAH-NEW ZION WATER ASSN,INC	MS0150009	CWS	Groundwater	3,738
MS	CRYSTAL SPRINGS WATER SERVICE	MS0150003	CWS	Groundwater	6,054
MS	CULKIN WATER DIST	MS0750002	CWS	Groundwater	11,780
MS	DENNIS WATER ASSOCIATION	MS0710003	CWS	Groundwater	3,453
MS	DIAMONDHEAD UTILITIES-NORTH	MS0230005	CWS	Groundwater	11,627
MS	DIBERVILLE W/S	MS0240002	CWS	Groundwater	12,721
MS	DIXIE COMMUNITY UTILITY ASSN.	MS0180005	CWS	Groundwater	5,742
MS	EAST LEFLORE WATER & SEWER DST	MS0420010	CWS	Groundwater	5,161
MS	EAST LOWNDES #4-HERMAN-VAUGHN	MS0440100	CWS	Groundwater	5,553
MS	EAST LOWNDES W/A #2-HUCKLEBERRY	MS0440080	CWS	Groundwater	6,706
MS	EAST LOWNDES W/A A EAST-OLD YORKVILLE	MS0440081	CWS	Groundwater	4,688

Primacy Agency [State]	PWS Name	PWSID	PWS Type	Primary Source	Population Served
MS	EAST LOWNDES W/A B WEST-OLD YORKVILLE RD	MS0440103	CWS	Groundwater	7,221
MS	EAST MADISON WATER ASSN-WEST	MS0450007	CWS	Groundwater	7,339
MS	EAST PONTOTOC WATER ASSN	MS0580002	CWS	Groundwater	4,956
MS	EAST QUITMAN W/A	MS0120011	CWS	Groundwater	3,527
MS	EUDORA UTILITIES ASSOCIATION	MS0170006	CWS	Groundwater	3,646
MS	FANNIN WATER ASSN-NORTH	MS0610008	CWS	Groundwater	7,099
MS	FARMINGTON WATER ASSOCIATION	MS0020003	CWS	Groundwater	6,695
MS	FISHER FERRY WATER DISTRICT	MS0750004	CWS	Groundwater	5,190
MS	G T & Y WATER DISTRICT INC	MS0220002	CWS	Groundwater	3,707
MS	GLADE WATERWORKS ASSN	MS0340005	CWS	Groundwater	3,340
MS	GLENDALE UTILITY DISTRICT	MS0180007	CWS	Groundwater	3,947
MS	GREENFIELD WATER ASSOCIATION	MS0610011	CWS	Groundwater	5,734
MS	GULF PARK	MS0300044	CWS	Groundwater	4,675
MS	HAMILTON WATER DISTRICT	MS0480007	CWS	Groundwater	3,934
MS	HILLDALE WATER DISTRICT	MS0750005	CWS	Groundwater	5,602
MS	HIWANNEE WATER ASSOCIATION #1	MS0770005	CWS	Groundwater	3,810
MS	HORN LAKE WATER ASSOCIATION	MS0170010	CWS	Groundwater	12,735
MS	INGALLS SHIPBUILDING	MS0300010	NTNCWS	Groundwater	10,851
MS	J P UTILITY DISTRICT	MS0340007	CWS	Groundwater	3,812
MS	JACKSON CO UTILITY AUTHORITY-WEST	MS0300164	CWS	Groundwater	5,607
MS	JAYESS-TOPEKA-TILTON W/A	MS0390001	CWS	Groundwater	3,753
MS	KILN UTILITY AND FIRE DISTRICT OF HANCOC	MS0230050	CWS	Groundwater purchased	6,690
MS	KOSSUTH W/A #3-PINE MOUNTAIN	MS0020007	CWS	Groundwater	5,790
MS	LAMAR PARK WATER & SEWAGE ASSN	MS0370004	CWS	Groundwater	7,714
MS	LANGFORD WATER ASSOCIATION	MS0610012	CWS	Groundwater	3,960
MS	LEESBURG WATER ASSOCIATION	MS0610013	CWS	Groundwater	3,836
MS	LEWISBURG WATER ASSOCIATION	MS0170011	CWS	Groundwater	6,750
MS	LEXIE WATER ASSOCIATION, INC.	MS0740004	CWS	Groundwater	4,224
MS	LINCOLN RURAL W/A-HEUCKS RET	MS0430030	CWS	Groundwater	3,696
MS	LONG CREEK WATER ASSN #2	MS0380106	CWS	Groundwater	3,987
MS	MACON ELECTRIC & WATER DEPT.	MS0520004	CWS	Groundwater	5,166
MS	MAGEES CREEK W/A-NORTH	MS0740076	CWS	Groundwater	7,410
MS	MARSHALL CO WATER ASSN	MS0470105	CWS	Groundwater	3,905
MS	MOOREVILLE RICHMOND #3	MS0410039	CWS	Groundwater	3,345
MS	MOOREVILLE-RICHMOND W/A #1	MS0410007	CWS	Groundwater	3,775
MS	NESBIT WATER ASSOCIATION	MS0170014	CWS	Groundwater	5,027
MS	NORTH HINDS W/A #1-BROWNSVILLE	MS0250015	CWS	Groundwater	4,195
MS	NORTH LAMAR WATER ASSOCIATION	MS0370006	CWS	Groundwater	12,403
MS	NORTH LAUDERDALE W/A, INC	MS0380006	CWS	Groundwater	10,460
MS	NORTH LUMBERTON UTILITY ASSN	MS0370007	CWS	Groundwater	3,873
MS	NORTH PIKE WATER ASSOCIATION	MS0570008	CWS	Groundwater	5,379
MS	NTS UTILITY ASSOCIATION	MS0380028	CWS	Groundwater	5,103

Primacy Agency [State]	PWS Name	PWSID	PWS Type	Primary Source	Population Served
MS	OAK HILL WATER ASSN	MS0580004	CWS	Groundwater	4,506
MS	OKATOMA WATER ASSOCIATION #2	MS0640022	CWS	Groundwater	6,336
MS	OLD UNION WATER SYSTEM	MS0410033	CWS	Groundwater	3,749
MS	PEARL RIVER CENTRAL W/A	MS0550005	CWS	Groundwater	11,484
MS	PEARL RIVER CENTRAL W/A-BI CO	MS0550058	CWS	Groundwater	4,264
MS	PEARL RIVER CENTRAL W/A-HENLEY FIELD	MS0550060	CWS	Groundwater	4,422
MS	PICAYUNE UTILITIES, CITY OF	MS0550004	CWS	Groundwater	12,654
MS	PLEASANT RIDGE W/A	MS0340014	CWS	Groundwater	5,544
MS	PROGRESS COMM WATER ASSN	MS0370008	CWS	Groundwater	6,748
MS	QUINCY WATER ASSOCIATION #1	MS0480011	CWS	Groundwater	3,390
MS	REEDTOWN WATER ASSN	MS0250021	CWS	Groundwater	3,590
MS	RIVERBEND UTILITIES INC	MS0240194	CWS	Groundwater	4,367
MS	SEBASTOPOL WATER ASSOCIATION	MS0620010	CWS	Groundwater	6,060
MS	SMITHS CROSSING WATER ASSN	MS0640014	CWS	Groundwater	4,406
MS	SOUTH CENTRAL WATER ASSN	MS0250022	CWS	Groundwater	12,123
MS	SOUTHERN RANKIN W/A #2 PLAIN	MS0610024	CWS	Groundwater	3,786
MS	SOUTHWEST COVINGTON W/A	MS0160009	CWS	Groundwater	3,464
MS	SOUTHWEST JONES W/A-NORTH	MS0340019	CWS	Groundwater	4,664
MS	STANDARD DEDEAUX WATER ASSOCIATION	MS0230063	CWS	Groundwater	4,984
MS	STRINGER WATER WORKS	MS0310012	CWS	Groundwater	3,553
MS	SUNNYHILL WATER ASSOCIATION	MS0570014	CWS	Groundwater	3,770
MS	SUNRISE UTILITY ASSN INC	MS0180013	CWS	Groundwater	5,850
MS	SW RANKIN WATER ASSOCIATION #1	MS0610026	CWS	Groundwater	3,466
MS	TALLAHALA W/A-ANTIOCH	MS0310001	CWS	Groundwater	3,474
MS	TOOMSUBA WATER ASSOCIATION	MS0380009	CWS	Groundwater	3,828
MS	TOPISAW CREEK	MS0430029	CWS	Groundwater	5,056
MS	TOWN OF ABERDEEN	MS0480001	CWS	Groundwater	7,783
MS	TOWN OF BYHALIA	MS0470001	CWS	Groundwater	3,693
MS	TOWN OF CALEDONIA	MS0440002	CWS	Groundwater	6,220
MS	TOWN OF FLORENCE	MS0610009	CWS	Groundwater	5,684
MS	TOWN OF GUNTOWN	MS0410006	CWS	Groundwater	3,567
MS	TOWN OF HAZLEHURST	MS0150007	CWS	Groundwater	3,800
MS	TOWN OF SALTILLO	MS0410012	CWS	Surfacewater purchased	6,766
MS	TOWN OF TUNICA	MS0720004	CWS	Groundwater	4,689
MS	TUNICA COUNTY UTILITY DISTRICT	MS0720024	CWS	Groundwater	6,690
MS	WALLS WATER ASSN- LAKE FOREST	MS0170043	CWS	Groundwater	8,493
MS	WEST JACKSON CO UTILITY DIST	MS0300156	CWS	Groundwater	27,496
MS	WEST LAMAR WATER ASSN #1	MS0370011	CWS	Groundwater	17,519
MS	WHEELER-FRANKSTOWN WATER ASSN	MS0590014	CWS	Groundwater	4,137
MS	WHISTLER WATER ASSOCIATION	MS0770004	CWS	Groundwater	4,100
[redacted]		MT0000016	CWS		
[redacted]		MT0000136	CWS		

3M Public Water Provider Settlement
Estimated Allocation Range Table

Each cell in the Table represents an estimated allocation *PER IMPACTED WATER SOURCE (per groundwater well or surface water source)*. The Settlement Class consists of Public Water Systems, which may and often do have multiple wells or water sources, each of which would be calculated individually and added up to arrive at the total.

IMPACTED WATER SOURCE
means a Water Source that has a Qualifying Test Result showing a Measurable Concentration of PFAS.
See the Settlement Agreement for defined terms.

		Adjusted Flow Rate (gpm)										
	0	**100**	**250**	**500**	**1,000**	**1,500**	**5,000**	**10,000**	**25,000**	**50,000**	**100,000**	**300,000**
	2	$36,240	$70,013	$115,244	$189,694	$253,898	$603,369	$993,106	$1,918,881	$3,157,910	$5,196,296	$11,436,561
PFAS SCORE	**4**	$145,785	$281,723	$463,713	$763,253	$1,021,550	$2,427,216	$3,994,261	$7,714,149	$12,687,352	$20,855,641	$45,758,953
	10	$148,252	$286,489	$471,559	$776,166	$1,038,832	$2,468,269	$4,061,800	$7,844,507	$12,901,569	$21,207,290	$46,527,259
	50	$164,724	$318,320	$523,950	$862,394	$1,154,236	$2,742,397	$4,512,775	$8,714,863	$14,331,681	$23,554,481	$51,652,815
	100	$185,313	$358,108	$589,437	$970,176	$1,298,484	$3,085,022	$5,076,399	$9,802,456	$16,118,368	$26,485,901	$58,047,466
	250	$247,082	$477,467	$785,890	$1,293,499	$1,731,188	$4,112,663	$6,766,639	$13,062,886	$21,472,088	$35,263,074	$77,149,868
	500	$350,027	$676,390	$1,113,285	$1,832,294	$2,452,225	$5,824,623	$9,581,606	$18,489,120	$30,373,873	$49,834,987	$108,717,963*
	750	$452,968	$875,299	$1,440,643	$2,370,993	$3,173,089	$7,535,613	$12,393,952	$23,905,608	$39,249,406	$64,336,461*	$139,954,105*
	1000	$555,906	$1,074,195	$1,767,967	$2,909,596	$3,893,781	$9,245,635	$15,203,680	$29,312,376	$48,098,804*	$78,768,005*	$170,863,503*

*While the available data has not revealed any Impacted Water Source with the values in the shaded cells, and any such Impacted Water Source would be an anomaly, the Table is designed to account for and estimate any scenario that could occur as a result of the Allocation Procedures.

DuPont Entities Public Water Provider Settlement
Estimated Allocation Range Table

Each cell in the Table represents an estimated allocation *PER IMPACTED WATER SOURCE (per groundwater well or surface water source)*. The Settlement Class consists of Public Water Systems, which may and often do have multiple wells or water sources, each of which would be calculated individually and added up to arrive at the total.

IMPACTED WATER SOURCE
means a Water Source that has a Qualifying Test Result showing a Measurable Concentration of PFAS.
See the Settlement Agreement for defined terms.

		Adjusted Flow Rate (gpm)										
	0	**100**	**250**	**500**	**1,000**	**1,500**	**5,000**	**10,000**	**25,000**	**50,000**	**100,000**	**300,000**
	2	$3,477	$6,718	$11,059	$18,203	$24,363	$57,898	$95,296	$184,131	$303,025	$498,624	$1,097,427
PFAS SCORE	**4**	$13,985	$27,025	$44,483	$73,217	$97,995	$232,837	$383,160	$740,001	$1,217,072	$2,000,647	$4,389,631
	10	$14,814	$27,483	$45,237	$74,458	$99,655	$236,782	$389,650	$752,527	$1,237,656	$2,034,438	$4,647,953
	50	$15,802	$30,536	$50,263	$82,730	$110,726	$263,079	$432,912	$836,021	$1,374,849	$2,118,897	$4,955,178
	100	$17,777	$34,353	$56,545	$93,069	$124,564	$295,947	$486,981	$940,355	$1,546,248	$2,540,826	$5,568,648
	250	$23,703	$45,803	$75,391	$124,086	$166,073	$394,529	$649,126	$1,253,132	$2,059,840	$3,382,845	$7,401,258
	500	$33,578	$64,886	$106,798	$175,772	$235,242	$558,758	$919,169	$1,773,678	$2,913,810	$4,780,785	$10,429,847*
	750	$43,453	$83,968	$138,201	$227,450	$304,395	$722,895	$1,188,960	$2,293,293	$3,765,268	$6,171,986*	$13,426,677*
	1000	$53,328	$103,048	$169,601	$279,118	$373,532	$886,939	$1,458,501	$2,811,977	$4,614,226*	$7,556,497*	$16,392,242*

*While the available data has not revealed any Impacted Water Source with the values in the shaded cells, and any such Impacted Water Source would be an anomaly, the Table is designed to account for and estimate any scenario that could occur as a result of the Allocation Procedures.

Tyco Public Water Provider Settlement
Estimated Allocation Range Table

Each cell in the Table represents an estimated allocation *PER IMPACTED WATER SOURCE (per groundwater well or surface water source)*. The Settlement Class consists of Public Water Systems, which may and often do have multiple wells or water sources, each of which would be calculated individually and added up to arrive at the total.

IMPACTED WATER SOURCE
means a Water Source that has a Qualifying Test Result showing a Measurable Concentration of PFAS.
See the Settlement Agreement for defined terms.

		Adjusted Flow Rate (gpm)										
	0	**100**	**200**	**500**	**1,000**	**1,500**	**5,000**	**10,000**	**25,000**	**50,000**	**100,000**	**300,000**
	2	$2,911	$5,466	$8,490	$13,492	$20,842	$30,685	$63,042	$113,565	$202,375	$318,116	$646,302
PFAS SCORE	**4**	$3,149	$6,064	$9,596	$15,657	$23,741	$33,424	$70,151	$122,808	$202,215	$351,906	$669793
	10	$8,242	$15,572	$24,162	$43,509	$69,678	$99,929	$168,351	$307,721	$443,408	$636,410	$1,355,554
	50	$12,040	$21,771	$34,825	$56,284	$85,429	$126,930	$273,484	$491,559	$839,888	$1,469,140	$2,658,941
	100	$12,823	$25,997	$41,567	$69,402	$97,886	$129,964	$332,275	$512,636	$1,134,452	$2,225,974*	$2,592,666
	250	$16,064	$32,384	$51,087	$77,226	$116,593	$156,924	$396,026	$596,995	$1,804,250*	$2,964,632*	$6,496,510*
	500	$21,790	$46,456	$66,164	$107,187	$157,505	$290,643	$804,755*	$1,553,421*	$2,553,112*	$4,192,050*	$9.165,795*
	750	$38,031*	$66,609	$93,700	$132,255	$218,570	$313,722	$1,041,075*	$2,008,919*	$3,300,272*	$5,414,889*	$11,813,363
	1000	$46,674	$76,824	$148,447	$244,314	$326,966	$776,527	$1,277,225*	$2,463,787	$4,045,736*	$6,633,177*	$14,439,477*

*While the available data has not revealed any Impacted Water Source with the values in the shaded cells, and any such Impacted Water Source would be an anomaly, the Table is designed to account for and estimate any scenario that could occur as a result of the Allocation Procedures.

BASF Public Water Provider Settlement
Estimated Allocation Range Table

Each cell in the Table represents an estimated allocation *PER IMPACTED WATER SOURCE (per groundwater well or surface water source)*. The Settlement Class consists of Public Water Systems, which may and often do have multiple wells or water sources, each of which would be calculated individually and added up to arrive at the total.

IMPACTED WATER SOURCE
means a Water Source that has a Qualifying Test Result showing a Measurable Concentration of PFAS.
See the Settlement Agreement for defined terms.

		Adjusted Flow Rate (gpm)										
		100	200	500	1,000	1,500	5,000	10,000	25,000	50,000	100,000	300,000
PFAS SCORE	2	$1,213	$2,289	$3,554	$5,621	$8,683	$12,784	$26,264	$ 47,312	$84,311	$132,530	$ 269,255
	4	$1,312	$2,537	$3,998	$6,531	$9,891	$13,925	$29,226	$ 51,163	$84,245	$146,607	$ 279,042
	10	$3,434	$6,498	$10,085	$18,126	$29,028	$46,742	$70,137	$ 128,199	$184,728	$265,134	$ 564,736
	50	$5,016	$9,080	$14,525	$23,463	$35,594	$52,880	$113,936	$ 204,788	$349,905	$612,057	$ 1,107,739
	100	$5,342	$10,831	$17,368	$28,913	$40,780	$54,144	$138,429	$ 213,569	$472,623	$927,560	$ 1,080,128
	250	$6,693	$13,492	$21,283	$32,173	$48,573	$65,376	$164,988	$ 248,713	$751,828	$1,235,358	$2,707,084
	500	$9,078	$19,354	$27,564	$44,655	$65,618	$121,085	$335,340	$ 647,308	$1,063,878	$1,746,820	$3,819,369
	750	$15,848	$27,750	$39,036	$55,099	$91,058	$130,699	$433,814	$ 837,113	$1,375,218	$2,256,375	$4,922,603
	1,000	$19,446	$32,008	$61,848	$101,790	$136,226	$323,529	$532,218	$1,026,656	$1,685,852	$2,764,033	$6,016,897

*While the available data has not revealed any Impacted Water Source with the values in the shaded cells, and any such Impacted Water Source would be an anomaly, the Table is designed to account for and estimate any scenario that could occur as a result of the Allocation Procedures.

Compendium Legal Citations & Verbatim Source Excerpts

What Every Board Attorney Should Know About the PFAS "Forever Chemicals" Litigation

Handout for Mississippi Municipal League CLE (June 30, 2026)

Prepared by: Brad Morris
Founder, Forever Justice Alliance, PLLC
Brad Morris Law Firm, PLLC

Verified as of: June 19, 2026.

Use Note: This compendium is a legal-source supplement to the CLE presentation. It is intended solely as an educational and reference tool for attorneys on this topic. This compendium is not legal advice and is not a substitute for independent, specific review for each municipal and/or water system client. No attorney-client relationship is created by attendance or by reviewing these materials. Bracketed quotations below are verbatim excerpts from the cited source.

Legal issues related to PFAS regulations and the AFFF settlement are evolving quickly. Please independently confirm every deadline, source, and regulatory status against the primary source before relying on it.

Contents

I. AFFF MDL #2872: Public Water System Litigation and Settlement

A. MDL Identification and Scope

Citation: In re Aqueous Film-Forming Foams Products Liability Litigation, MDL No. 2873, Master Docket No. 2:18-mn-2873-RMG, U.S. District Court for the District of South Carolina.

Source: Master Class Action Complaint Against 3M, https://www.pfaswatersettlement.com/wp-content/uploads/2023/08/3M-Class-Action-Complaint-as-filed.pdf

> *"1. The Proposed Class Representatives are public water entities and/or private companies that provide drinking water to the public ("Public Water Systems"), and they bring this class action lawsuit on behalf of themselves and other similarly situated Public Water Systems (the "Proposed Class Members") arising from the widespread contamination of water intended for distribution to consumers and users with per- and polyfluoroalkyl substances ("PFAS"), a family of chemical compounds that includes perfluorooctanoic acid ("PFOA") and perfluorooctane sulfonic acid ("PFOS").*
>
> *2. Collectively, the Proposed Class Representatives and Proposed Class Members supply drinking water to tens of millions of individuals nationwide. The Proposed Class Representatives own and/or operate drinking water wells and/or public water supply systems that allow them to supply water to residences, schools, and businesses. These drinking water wells and/or water supplies have been contaminated with PFAS. The Proposed Class Representatives seek to represent all similarly situated owners and/or operators of drinking water wells and water supplies that have likewise been contaminated with PFAS, or are currently required to test for it under UCMR 5 or applicable state or federal law.*
>
> *3. At various times from the 1940s through 2002, Defendant 3M developed, manufactured, formulated, distributed, sold, transported, stored, loaded, mixed, applied and/or used PFAS alone or in end products manufactured with or containing PFAS (collectively referred to as "Defendant's PFAS"). Defendant's PFAS were used in products, such as aqueous filmforming foam ("AFFF"), Teflon, Scotchgard products, such as soil, oil and water repellent products, coatings used for oil and grease resistance on paper packaging, and specialty components for other products.*
>
> *4. Defendant's PFAS are manufactured compounds that are toxic and bioaccumulative and do not biodegrade, thus, causing them to persist in the environment, move readily through soil and groundwater, and pose a significant risk to human health and safety.*
>
> *- - -*
>
> *10. One product Defendant manufactured was AFFF, which is a firefighting agent used for training and to control and extinguish Class B fuel fires, that was distributed, and/or sold at military and civilian airports and to municipal fire departments throughout the United States.*
>
> *11. Regarding AFFF specifically, Defendant developed, manufactured, formulated, distributed, and/or sold Defendant's PFAS-containing AFFF for use by its customers with the knowledge that toxic compounds would be released into the environment during fire protection, training, and response activities even when the AFFF was used as directed, instructed and/or intended by the manufacturers.*
>
> *12. Further, regarding AFFF specifically, Defendant developed, manufactured, formulated, distributed, and/or sold Defendant's PFAS-containing AFFF with the knowledge that large quantities of PFAS would be stored, used, and/or maintained in a manner such that these toxic chemicals would be released into the environment and contaminate the air, soil, and groundwater. At all relevant times, beginning decades ago and, continuing to approximately*

> *2015, Defendant's PFAS-containing AFFF was used and stored at fire training facilities, fire departments, airports, and military bases for fire protection, training, and response activities. During these activities, Defendant's PFAS-containing AFFF was used as directed, instructed and intended by Defendant 3M, which allowed PFAS to enter the environment and leach into the air, soil, and groundwater, thereby contaminating the drinking water wells and water supplies of the Proposed Class Representatives and Proposed Class Members.*
>
> *14. As a result of their exposure to Defendant's PFAS that were applied, used and/or disposed of as directed, instructed and/or intended by Defendant 3M, the Class members either have detected numerous discrete PFAS chemicals in their respective drinking water wells and water supplies at substantial levels and/or are threatened with such detection.*
>
> *15. The Proposed Class Representatives bring this action, individually and on behalf of all others similarly situated, against Defendant to recover any and all relief with respect to the installation, maintenance and operation of, and cost associated with, any kind of treatment, filtration, remediation, testing, or monitoring of the ongoing contamination of their surface water, groundwater, soil, and sediment caused and/or created by Defendant's PFAS, as well as any and all punitive damages available as a result of the actions and/or inactions of Defendant, and to ensure that Defendant, as the responsible party, bears such expense, rather than the Proposed Class Representatives and Proposed Class Members.*
>
> *16. The Proposed Class Representatives seek to recover by this action the substantial costs necessary to protect the public and restore the damaged drinking water supply of their own surface water supplies and groundwater wells as well as those of other similarly situated Public Water Systems. These costs include, but are not limited to, the costs of testing and monitoring water supplies for PFAS contamination, the costs of designing, constructing, installing, operating and maintaining the treatment facilities and equipment required to comply with state and federal safe drinking water laws and to remove PFAS from the drinking water supplied to the public, and/or for the costs of securing alternative sources of water as a result of PFAS contamination."*

NOTE The complaints against the other defendants in the AFFF MDL contain substantially similar language defining the scope of the claims for PFAS contamination from AFFF.

B. Causes of Action Plead in MDL Master Complaint(s)

Citation: In re Aqueous Film-Forming Foams Products Liability Litigation, MDL No. 2873, Master Docket No. 2:18-mn-2873-RMG, U.S. District Court for the District of South Carolina.

Source: Master Class Action Complaint Against 3M, https://www.pfaswatersettlement.com/wp-content/uploads/2023/08/3M-Class-Action-Complaint-as-filed.pdf

> *"FIRST CAUSE OF ACTION PUBLIC NUISANCE"*
>
> *"SECOND CAUSE OF ACTION PRIVATE NUISANCE"*
>
> *"THIRD CAUSE OF ACTION STRICT LIABILITY - DESIGN DEFECT CONSUMER EXPECTATION TEST"*
>
> *"FOURTH CAUSE OF ACTION STRICT LIABILITY - DESIGN DEFECT RISK-BENEFIT TEST"*
>
> *"FIFTH CAUSE OF ACTION NEGLIGENCE - DESIGN DEFECT"*
>
> *"SIXTH CAUSE OF ACTION STRICT LIABILITY - FAILURE TO WARN"*
>
> *"SEVENTH CAUSE OF ACTION NEGLIGENCE - FAILURE TO WARN"*
>
> *"EIGHTH CAUSE OF ACTION NEGLIGENCE - FAILURE TO RECALL"*

> *"NINTH CAUSE OF ACTION TRESPASS"*
>
> *"TENTH CAUSE OF ACTION CIVIL CONSPIRACY"*

C. AFFF Settlement: Purpose and Key Terms

Citation: In re Aqueous Film-Forming Foams Products Liability Litigation, MDL No. 2873, Master Docket No. 2:18-mn-2873-RMG, U.S. District Court for the District of South Carolina.

Source: https://www.pfaswatersettlement.com/

> *"This website is devoted to Settlements entered into in the AFFF multi-district Litigation no. 2873 ('MDL') which are overseen by the United States District Court for the District of South Carolina."*
>
> *"The current Settlement Agreements are class action settlements designed to resolve Claims for PFAS contamination in Public Water Systems' Drinking Water, as those terms are defined in the respective Agreements."*
>
> *"Each of the four Settlements has obtained Final Approval by the MDL Judge, the honorable Richard M. Gergel of the United States District Court for the District of South Carolina."*

NOTE At this time, four defendant groups in the AFFF MDL have settled and eleven (11) other defendant groups have not yet settled (primarily smaller manufacturers of fire suppression/AFFF products).

Other than the relative amounts paid, the definitions and terms of the settlement agreements are in practical terms identical with each of the four defendants who have settled up to this point.

AFFF DEFENDANTS WHO HAVE SETTLED:	AFFF DEFENDANTS WHO HAVE NOT SETTLED:
3M Company **Dupont / Chemours / Corteva** **BASF Co.** **Tyco Fire Products LP / Chemguard, Inc.**	**AGC Chemicals** **Amerex Co.** **Arkema Inc.** **Archroma U.S. Inc.** **Buckeye Fire Equipment Co.** **Chemdesign Products Inc.** **Chemicals Inc.** **Clairiant Co** **Deepwater Chemicals Inc.** **Dynax Co.** **Nation Ford Chemical Co.**

Citation: 3M Public Water System Settlement Agreement as Amended, In re AFFF Products Liability Litigation, MDL No. 2873, executed August 28, 2023.

Source: https://www.pfaswatersettlement.com/wp-content/uploads/2023/09/6.-ECF-59-1-Settlement-Agreement-as-amended.pdf

Settlement purpose:

> *"1.2 WHEREAS, this Settlement Agreement is intended to address Public Water Systems' Claims regarding alleged PFAS-related harm to Drinking Water and associated financial burdens, including Public Water Systems' potential costs of monitoring, treating, or remediating PFAS in Drinking Water"*

Class members defined broadly:

> *"2.16 'Class Member' means an Eligible Claimant that does not opt out of the Settlement Class. Each Class Member is either a Phase One Class Member or a Phase Two Class Member, but not both. "Phase One Class Member" means a Class Member that is or was a Phase One*

> *Eligible Claimant. "Phase Two Class Member" means a Class Member that is or was a Phase Two Eligible Claimant. It is the intention of this Agreement that the definition of 'Class Member' be as broad, expansive, and inclusive as possible."*

Public water system concept:

> *"2.19 'Community Water System' means a Public Water System that serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents, consistent with the use of that term in the Safe Drinking Water Act, 42 U.S.C. § 300f(15), and 40 C.F.R. Part 141."*

Drinking water definition:

> *"2.23 'Drinking Water' means water provided for human consumption (including uses such as drinking, cooking, and bathing), consistent with the use of that term in the Safe Drinking Water Act, 42 U.S.C. §§ 300f to 300j-27. Solely for purposes of this Agreement, the term "Drinking Water" includes raw or untreated water that a Public Water System has drawn or collected from a Water Source so that the water may then (after any treatment) be provided for human consumption but does not include raw or untreated water that is not drawn or collected from a Water Source. It is the intention of this Agreement that the definition of "Drinking Water" be as broad, expansive, and inclusive as possible."*

Eligible claimant / Phase One / Phase Two:

> *"2.25 'Eligible Claimant' means an Active Public Water System that qualifies as a member of the Settlement Class. Each Eligible Claimant is either a Phase One Eligible Claimant or a Phase Two Eligible Claimant, but not both. 'Phase One Eligible Claimant' means an Eligible Claimant with one or more Impacted Water Sources as of the Settlement Date. 'Phase Two Eligible Claimant' means an Eligible Claimant that does not have one or more Impacted Water Sources as of the Settlement Date."*

Impacted water source:

> *"2.31 'Impacted Water Source' means a Water Source that has a Qualifying Test Result showing a Measurable Concentration of PFAS."*

Definition of PFAS:

> *"2.48 'PFAS' means, solely for purposes of this Agreement, any per- or poly-fluoroalkyl substance that contains at least one fully fluorinated methyl or methylene carbon atom (without any hydrogen, chlorine, bromine, or iodine atom attached to it). It is the intention of this Agreement that the definition of "PFAS" be as broad, expansive, and inclusive as possible."*

Public Water System:

> *"2.55 'Public Water System' means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year, consistent with the use of that term in the Safe Drinking Water Act, 42 U.S.C. § 300f(4)(A), and 40 C.F.R. Part 141. The term "Public Water System" includes (i) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and (ii) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Solely for purposes of this Settlement Agreement, the term "Public Water System" refers to a Community Water System of any size or a Non-Transient Non-Community Water System that serves more than 3,300 people, according to SDWIS; or any Person (but not any financing or lending institution) that has legal authority or responsibility (by statute, regulation, other law, or contract) to fund or incur financial obligations for the design, engineering, installation, operation, or maintenance of any facility or equipment that treats, filters, remediates, or manages water that has entered or may enter Drinking Water or any Public Water System; but does not refer to a Non-Transient Non-Community Water System that serves 3,300 or fewer people, according to SDWIS, or to a Transient Non-Community Water System of any*

size. It is the intention of this Agreement that the definition of "Public Water System" be as broad, expansive, and inclusive as possible."

Qualifying Class Member:

"2.57 '"Qualifying Class Member' means a Class Member that has submitted a Claims Form satisfying the requirements of Paragraph 10.3 of this Settlement Agreement. Each Qualifying Class Member is either a Phase One Qualifying Class Member or a Phase Two Qualifying Class Member, but not both. "Phase One Qualifying Class Member" means a Qualifying Class Member that is or was a Phase One Eligible Claimant. "Phase Two Qualifying Class Member" means a Qualifying Class Member that is or was a Phase Two Eligible Claimant."

Qualifying Test Result:

"2.58 'Qualifying Test Result' means any result of a test conducted by or at the direction of a Class Member or of a federal, state, or local regulatory authority, or any test result reported or provided to the Class Member by a certified laboratory or other Person, that used any state- or federal agency-approved or -validated analytical method to analyze Drinking Water or water that is to be drawn or collected into a Class Member's Public Water System."

Releasing Parties:

"2.61 'Releasing Parties' means

(a) Class Representatives and Class Members;

(b) other than a State or the federal government, each of their respective past, present, or future direct or indirect affiliated business entities, affiliates, agencies, assigns, boards, commissions, departments, districts, divisions, entities, institutions, instrumentalities, owners, parents, partners, predecessors, subdivisions, subsidiaries, and successors, in their official or corporate capacity;

(c) other than a State or the federal government, any past, present, or future administrators, agents, attorneys, board members, counsel, directors, employees, executors, heirs, insurers, managers, members, officers (elected or appointed), predecessors, principals, servants, shareholders, subrogees, successors, trustees, water-system operators, and assignees or other representatives of any of the foregoing, individually or in their official or corporate capacity;

(d) any Person, other than a State or the federal government, acting in privity with, on behalf of, or in concert with any of the foregoing, including in a representative or derivative capacity;

(e) any Person, other than a State or the federal government, that is legally responsible for funding (by statute, regulation, other law, or contract) a Class Member or its Public Water System or that has authority to bring a claim on behalf of a Class Member or to seek recovery for alleged harm to a Class Member, its Public Water System, or the Public Water System's ability to provide safe or compliant Drinking Water;

(f) any Person, other than a State or the federal government, acting on behalf of or in concert with a Class Member to prevent PFAS from entering a Class Member's Public Water System or to seek recovery for alleged harm to a Class Member, its Public Water System, or the Public Water System's ability to provide safe or compliant Drinking Water; and

(g) any Person, other than a State or the federal government, for which a Class Member has the authority to provide a binding release.

It is the intention of this Agreement that the definition of "Releasing Parties" be as broad, expansive, and inclusive as possible."

Water Source:

"2.82 'Water Source' means a groundwater well, a surface-water intake, or any other intake point from which a Public Water System draws or collects water for distribution as Drinking Water, and the raw or untreated water that is thus drawn or collected. Solely for purposes of the Allocation Procedures described in Exhibit Q, (i) a purchased water connection from a seller that is a Water

> *Source is not a Water Source; (ii) a Public Water System's multiple intakes from one distinct surface-water source are deemed to be a single Water Source so long as the intakes supply the same water treatment plant; (iii) a Public Water System's intakes from multiple distinct surface-water sources, or a Public Water System's intakes from one distinct surface-water source that supply multiple water treatment plants, are deemed to each be a separate Water Source; and (iv) a Public Water System's multiple groundwater wells (whether from one distinct aquifer or from multiple distinct aquifers) that supply multiple water treatment plants are deemed to each be a separate Water Source."*

D. AFFF Settlement: Settlement Class Definition (5.1)

> *"5.1* ***Settlement Class Definition****. For the sole purpose of effectuating this Settlement, Class Representatives and 3M agree that Class Representatives shall request that the Court certify the following 'Settlement Class':*
>
> *Every Active Public Water System in the United States of America that—*
>
> *(a) has one or more Impacted Water Sources as of the Settlement Date; or*
>
> *(b) does not have one or more Impacted Water Sources as of the Settlement Date, and*
>
> *(i) is required to test for certain PFAS under UCMR-5, or*
>
> *(ii) serves more than 3,300 people, according to SDWIS.*
>
> *Excluded from the Settlement Class are the following:*
>
> *A. The Public Water Systems listed in Exhibit G, which are associated with a specific PFAS-manufacturing facility owned by 3M.*
>
> *B. Any Public Water System that is owned by a State government. . .*
>
> *C. Any Public Water System that is owned by the federal government. . .*
>
> *D. The Public Water Systems that . . . have previously settled their PFAS-related Claims against 3M.*
>
> *E. Any privately owned well that provides water only to its owner's (or its owner's tenant's) individual household and any other system for the provision of water for human consumption that is not a Public Water System."*

NOTE A Public Water System is eligible for a Phase 2 payment under this settlement, as follows:

ELIGIBLE FOR PHASE 2 PAYMENT IF:	**EXCLUDED FROM SETTLEMENT IF:**
• A Public Water System • Serves >3,300 People -or- Required to test for PFAS under UCMR5 • Tested positive for PFAS after June 22, 2023 • Not Excluded (see exclusion list to right)	• Associated with PFAS-manufacturing facility owned by 3M • Owned by state or federal government • Previously Settled • Private Well • Serves <3,300 People and no UCMR5 test

E. AFFF Settlement: Broad Scope of Release for these Defendants

Citation: 3M Public Water System Settlement Agreement.

Source: https://www.pfaswatersettlement.com/wp-content/uploads/2023/09/6.-ECF-59-1-Settlement-Agreement-as-amended.pdf

Claim is broadly defined:

> *"2.10 'Claim' means any past, present, or future claim—including counterclaims, cross-claims, actions, rights, remedies, causes of action, liabilities, suits, proceedings, demands, damages, injuries, losses, payments, judgments, verdicts, debts, dues, sums of money, liens, costs and expenses (including attorneys' fees and costs), accounts, reckonings, bills, covenants, contracts, controversies, agreements, obligations, promises, requests, assessments, charges, disputes, performances, warranties, omissions, grievances, or monetary impositions of any sort, in each case in any forum and on any theory, whether legal, equitable, regulatory, administrative, or statutory"*
>
> *"It is the intention of this Agreement that the definition of 'Claim' be as broad, expansive, and inclusive as possible."*

Broad Release Provisions:

> *§ 11.1 — claims are "release[d] and forever discharge[d]" and parties are "forever … enjoined";*
>
> *§ 11.8 / 11.9 — settlement is the "sole and exclusive remedy" and released parties are immune from "liability or expense of any kind";*
>
> *§ 11.9 / 11.10 — even unknown and unsuspected claims are waived; and*
>
> *§ 11.6.4 — protection extends to extinguishment of contribution/indemnity-style claims-over."*

II. Potential Mississippi Causes of Action

A. Causes of Action Plead by the State of Mississippi in AFFF MDL

Citation: State of Mississippi ex rel. Lynn Fitch, Attorney General v. 3M Company, et al., Direct Filed Complaint, MDL No. 2873, Master Docket No. 2:18-mn-2873-RMG.

Source: **https://www.law.nyu.edu/sites/default/files/miss-ag-pfas-lawsuit.pdf**

Verbatim excerpt — listed causes of action:

"A. First Cause of Action: Products Liability – Design Defect"
"B. Second Cause of Action: Products Liability – Failure to Warn"
"C. Third Cause of Action: Trespass"
"D. Fourth Cause of Action: Negligence"
"E. Fifth Cause of Action: Gross Negligence"
"F. Sixth Cause of Action: Public Nuisance"
"G. Seventh Cause of Action: Fraudulent Transfer"
"H. Eighth Cause of Action: Punitive Damages"

Nature of action:

> *"The State of Mississippi ('Plaintiff' or 'State'), by and through Attorney General Lynn Fitch, brings this action against Defendants for contamination of the natural resources of the State, including lands, waters, biota, and wildlife, as a result of the release of per- and polyfluoroalkyl substances ('PFAS') into the environment through the handling, use, disposal, and storage of products containing PFAS."*

Design defect theory:

> *"Defendants' Fluorosurfactant Products used within the State of Mississippi were defective in design and unreasonably dangerous because, among other things: (a) PFOS and PFOA cause natural resource contamination, even when used in their foreseeable and intended manner; (b) even at extremely low levels, PFOS and PFOA render drinking water unfit for consumption; (c) PFOS and PFOA pose significant threats to public health; and (d) PFOS and PFOA create real and potential damage to the environment."*

Failure to warn theory:

> *"Defendants breached their duty to warn by unreasonably failing to provide Plaintiff, public officials, purchasers, downstream handlers, and/or the general public with warnings about the potential and/or actual threat to human health and contamination of the environment by PFOS and PFOA, despite Defendants' knowledge that PFOS and PFOA were real and potential threats to the environment and human health."*

Trespass theory:

> *"The contamination of the State of Mississippi, its property, its natural resources, and its citizens has varied over time and has not yet ceased. PFOS and PFOA continue to migrate into and enter the soil, sediment, surface water, and groundwater of the State. The contamination is reasonably abatable."*

Public nuisance theory:

> *"Defendants, through their actions and/or inactions in the designing, manufacturing, formulating, marketing, labeling, and selling of their Fluorosurfactant Products, have created a condition which has harmed, and continues to harm, the State of Mississippi. Such condition constitutes an unreasonable interference with a right common to the general public who are residents of the State of Mississippi."*

NOTE This pleading was filed based on state common law tort causes of action, not federal CERCLA claims. These are cited as examples of the potential basis for state law tort claims against other defendants who manufactured products containing PFAS and/or who discharged PFAS contamination locally.

B. Mississippi Products Liability Act

Citation: Miss. Code Ann. § 11-1-63.

Source: https://law.justia.com/codes/mississippi/title-11/chapter-1/section-11-1-63/

> *"Subject to the provisions of Section 11-1-64, in any action for damages caused by a product, including, but not limited to, any action based on a theory of strict liability in tort, negligence or breach of implied warranty, except for commercial damage to the product itself"*
>
> *"The product was defective because it deviated in a material way from the manufacturer's specifications or from otherwise identical units manufactured to the same manufacturing specifications, or the product was defective because it failed to contain adequate warnings or instructions, or the product was designed in a defective manner, or the product breached an express warranty or failed to conform to other express factual representations upon which the claimant justifiably relied in electing to use the product"*

C. Mississippi Water Pollution Control Law

Citation: Miss. Code Ann. § 49-17-29.

Source: https://law.justia.com/codes/mississippi/title-49/chapter-17/in-general/section-49-17-29/

> *(2)(a) "Except as in compliance with paragraph (b) of this subsection, it is unlawful for any person to cause pollution of any waters of the state or to place or cause to be placed any wastes*

> *in a location where they are likely to cause pollution of any waters of the state. It is also unlawful to discharge any wastes into any waters of the state which reduce the quality of those waters below the water quality standards established by the commission; or to violate any applicable pretreatment standards or limitations, technology-based effluent limitations, toxic standards or any other limitations established by the commission. Any such action is declared to be a public nuisance."*

III. CERCLA Definitions & Relevant Provisions

Statutory definitions below are quoted from 42 U.S.C. § 9601 (CERCLA § 101). Citations are to the U.S. Code as published by the Office of Law Revision Counsel and Cornell LII.

CERCLA Definition — A. Environment

Citation: 42 U.S.C. § 9601(8).

> *"The term 'environment' means (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act [16 U.S.C. 1801 et seq.], and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States."*

CERCLA Definition — B. Facility

Citation: 42 U.S.C. § 9601(9).

> *"The term 'facility' means (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located"*

CERCLA Definition — C. Hazardous Substance

Citation: 42 U.S.C. § 9601(14).

> *"The term 'hazardous substance' means (A) any substance designated pursuant to section 311(b)(2)(A) of the Federal Water Pollution Control Act [33 U.S.C. 1321(b)(2)(A)], (B) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of this title"*

CERCLA Definition — D. Natural Resources

Citation: 42 U.S.C. § 9601(16).

> *"The term 'natural resources' means land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States"*

CERCLA Definition — E. Person

Citation: 42 U.S.C. § 9601(21).

> *"The term 'person' means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body."*

CERCLA Definition — F. Release

Citation: 42 U.S.C. § 9601(22).

> *"The term 'release' means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment"*

CERCLA Definition — G. Response

Citation: 42 U.S.C. § 9601(25).

> *"The terms 'respond' or 'response' means remove, removal, remedy, and remedial action; all such terms (including the terms 'removal' and 'remedial action') include enforcement activities related thereto."*

CERCLA Definition — H. Pollutant or Contaminant

Citation: 42 U.S.C. § 9601(33).

> *"The term 'pollutant or contaminant' shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions"*

I. CERCLA Liability — Release or Threatened Release

Citation: 42 U.S.C. § 9607(a).

Source: https://www.law.cornell.edu/uscode/text/42/9607

> *"from which there is a release, or a threatened release which causes the incurrence of response costs, of a hazardous substance, shall be liable for—"*
>
> *"all costs of removal or remedial action incurred by the United States Government or a State or an Indian tribe not inconsistent with the national contingency plan"*
>
> *"any other necessary costs of response incurred by any other person consistent with the national contingency plan"*
>
> *"damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss resulting from such a release"*

J. CERCLA Savings Language

Citation: 42 U.S.C. § 9607(j) (savings provision; confirm subsection designation against current U.S. Code).

Source: https://www.law.cornell.edu/uscode/text/42/9607

> *"Nothing in this paragraph shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or remedial action or the costs of removal or remedial action of such hazardous substance."*

K. EPA CERCLA PFAS Rule — PFOA and PFOS as Hazardous Substances

Citation: Designation of PFOA and PFOS as CERCLA Hazardous Substances, 89 Fed. Reg. 39124 (May 8, 2024); effective July 8, 2024.

Source: https://www.federalregister.gov/documents/2024/05/08/2024-08547/

> *"EPA is designating PFOA and PFOS, including their salts and structural isomers, as hazardous substances under section 102(a) of CERCLA."*

> *"The list of hazardous substances in Table 302.4 of 40 CFR part 302 is amended to include PFOA, PFOS and their salts and structural isomers."*
>
> *"Designation will allow EPA to utilize all CERCLA's authorities, which will enable EPA to address more sites, take earlier action, and to expedite eventual cleanup."*
>
> *"PFOA and PFOS are also highly mobile in the environment and can migrate away from the point of initial release."*
>
> *"designation best achieves CERCLA's dual objectives—the timely cleanup of contaminated sites and ensuring that those responsible pay for cleanup."*

IV. EPA Drinking Water Regulations and Monitoring

A. UCMR 5 (Unregulated Contaminant Monitoring Rule)

Citation: Revisions to the Unregulated Contaminant Monitoring Rule (UCMR 5), 86 Fed. Reg. 73131 (Dec. 27, 2021).

Source: https://www.federalregister.gov/documents/2021/12/27/2021-27858/

> *"This final rule requires certain public water systems (PWSs), described in section I.A.2 of this preamble, to collect national occurrence data for 29 PFAS and lithium."*
>
> *"PFAS and lithium are not currently subject to national primary drinking water regulations, and EPA is requiring collection of data under UCMR 5 to inform EPA regulatory determinations and risk-management decisions."*

Citation: EPA, Fifth Unregulated Contaminant Monitoring Rule.

Source: https://www.epa.gov/dwucmr/fifth-unregulated-contaminant-monitoring-rule

> *"UCMR 5 requires sample collection for 30 chemical contaminants between 2023 and 2025."*
>
> *"The data collected under UCMR 5 improves understanding of the prevalence and amount of 29 per- and polyfluoroalkyl substances (PFAS) and lithium in the nation's drinking water systems."*

NOTE The "29" vs. "30" figures are both correct: UCMR 5 covers 29 PFAS plus lithium = 30 analytes.

B. 2024 Final PFAS Drinking Water Rule

Citation: PFAS National Primary Drinking Water Regulation, 89 Fed. Reg. 32532 (Apr. 26, 2024).

Source: https://www.federalregister.gov/documents/2024/04/26/2024-07773/

> *"The EPA is also finalizing individual MCLGs and is promulgating individual MCLs for PFHxS, PFNA, and HFPO-DA at 10 ng/L."*
>
> *"the EPA is finalizing a Hazard Index (HI) of 1 (unitless) as the MCLG and MCL for any mixture containing two or more of PFHxS, PFNA, HFPO-DA, and PFBS."*
>
> *"The EPA is finalizing individual MCLs as follows: HFPO-DA MCL = 10 ng/L; PFHxS MCL = 10 ng/L; and PFNA MCL = 10 ng/L."*

Citation: EPA, Final PFAS National Primary Drinking Water Regulation (overview).

Source: https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas

> *"EPA established legally enforceable levels, called Maximum Contaminant Levels (MCLs), for six PFAS in drinking water: PFOA, PFOS, PFHxS, PFNA, and HFPO-DA as contaminants with individual MCLs, and PFAS mixtures containing at least two or more of PFHxS, PFNA, HFPO-DA, and PFBS using a Hazard Index MCL"*

NOTE The 2024 rule set the PFOA and PFOS MCLs at 4.0 ng/L (ppt) each, with an MCLG of zero. The 2024 rule is under challenge in Am. Water Works Ass'n v. EPA, No. 24-1188 (D.C. Cir.).

C. 2025–2026 EPA Reconsideration — Current Status

NOTE IMPORTANT DISTINCTION: The current EPA actions are TWO distinct proceedings, and the proposed rescission is PARTIAL. (1) A proposed rule (May 20, 2026) would rescind the regulatory determinations and MCLs for the four "Index" PFAS — PFHxS, PFNA, HFPO-DA, and mixtures — only. (2) A SEPARATE rulemaking (docket EPA-HQ-OW-2025-1742) proposes to extend the PFOA/PFOS compliance deadline from 2029 to 2031. CRITICALLY, the rescission proposal expressly states it does NOT affect the PFOA and PFOS MCLs (4.0 ppt). These are two separate actions and indicative the entire 2024 rule is not being withdrawn . . . the extensions are to allow water systems more time to become compliant.

Citation: EPA, Proposed PFAS Rescission Rule (status page, updated May 20, 2026).

Source: https://www.epa.gov/sdwa/proposed-pfas-rescission-rule

> *"On April 10, 2024, the EPA announced the final PFAS National Primary Drinking Water Regulation that included legally enforceable drinking water MCLs for PFOA and PFOS, as well as PFHxS, PFNA, HFPO-DA, and hazard index mixtures of these three PFAS and PFBS, requiring public water system MCL compliance by April 2029."*
>
> *"In May 2025, the EPA then announced its intent to rescind the regulations and reconsider the regulatory determinations related to these four PFAS to ensure the determinations and any resulting drinking water regulation follow the Safe Drinking Water Act process."*
>
> *"Additionally, in May 2025, the EPA announced its intent to extend the compliance deadlines for PFOA and PFOS and establish a federal exemption framework."*

Citation: Rescission of Regulatory Determinations and Removal of Related Provisions for Four PFAS Substances, Proposed Rule, 91 Fed. Reg. 29413 (May 20, 2026); comments due July 20, 2026.

Source: https://www.federalregister.gov/documents/2026/05/20/2026-10085/

> *"In conjunction with this proposed rulemaking, the EPA is also proposing to rescind the MCLGs and the 2024 Final PFAS NPDWR requirements resulting from the regulatory determinations for the contaminants described above."*
>
> *"This includes the regulatory text in 40 CFR part 141 setting MCLGs and MCLs for PFHxS, PFNA, HFPO-DA, and the Index PFAS."*
>
> *Scope limitation (PFOA/PFOS unaffected):*
> *"This action does not impact the MCLGs, MCLs or the regulatory provisions associated with monitoring or reporting from 40 CFR part 141 related to perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS)."*
>
> *Stated basis (legal, not substantive):*
> *"The EPA's proposal is solely based on its conclusion that the Agency legally erred for the reasons described in this notice of proposed rulemaking and is seeking comment on those reasons."*
>
> *"The EPA's proposal is not based on any reassessment of the substantive findings included in its regulatory determinations or associated NPDWR provisions."*

Citation: EPA Press Release, EPA Announces It Will Keep Maximum Contaminant Levels for PFOA, PFOS (May 14, 2025).

Source: https://www.epa.gov/newsreleases/epa-announces-it-will-keep-maximum-contaminant-levels-pfoa-pfos

> *"At that time, EPA established legally enforceable levels for these PFAS in drinking water and gave public water systems until 2029 to comply with the Maximum Contaminant Levels (MCLs)."*
>
> *"EPA plans to develop a rulemaking to provide additional time for compliance, including a proposal to extend the compliance date to 2031."*

EPA announcement and agency materials

EPA Administrator Lee Zeldin signed the proposal on May 18, 2026, when EPA announced the two rules; the rescission rule was published in the Federal Register on May 20, 2026. EPA framed the action as a procedural correction rather than a substantive judgment about PFAS risk.

EPA (May 18, 2026): EPA, "Proposed PFAS Rescission Rule" announcement page.
Source: https://www.epa.gov/sdwa/proposed-pfas-rescission-rule

EPA, on the basis for the rescission:

> *"The EPA's proposal is necessary to correct the unlawful procedure under which regulations for these PFAS were promulgated. The EPA's proposal is solely based on a need to correct this unlawful process."*

EPA, on the parallel PFOA/PFOS extension proposal:

> *"One proposed rule upholds the NPDWR for PFOA and PFOS while strengthening practical implementation by providing an option for drinking water systems to request two additional years - to 2031 - to comply with enforceable limits."*