Persistent Chemicals/Information on EPA's Analysis of Costs for its PFAS Drinking Water Regulation: U.S. Government Accountability Office Report



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The United States Government Accountability Office ("GAO") issued a July 30th report titled:

Persistent Chemicals: Information on EPA's Analysis of Costs for its PFAS Drinking Water Regulation ("Report").

See GAO-25-107897.

GAO describes the Report as a "Q&A report to Congressional Committees."

GAO notes that the Safe Drinking Water Act ("SDWA") requires that the United States Environmental Protection Agency ("EPA") conduct an analysis that includes estimates of both quantifiable and nonquantifiable cost and benefits when establishing a maximum contaminant level ("MCL"). Public water systems are required to meet the MCL for a particular contaminant in order to protect public health.

EPA has previously proposed a standard for six types of per- and polyfluoroalkyl substances ("PFAS"). The regulation included an economic analysis containing the initial quantifiable and nonquantifiable cost and benefit estimates of compliance with the regulation, in compliance with the rule.

GAO notes that some public water systems have:

…expressed concerns about the cost of implementing treatment to comply with the regulation and the likelihood of passing along those costs to consumers.

Some stakeholders asserted that EPA's economic analysis for these contaminants:

…does not adequately represent the costs that public water systems will incur to comply with the regulation.

GAO was required to review the cost estimates supporting EPA's PFAS drinking water regulation. See joint explanatory statement accompanying the Consolidated Appropriations Act, 2024 (170 CONG. REC. S1105, S1682 (daily ed. March 5, 2024)). Due to ongoing litigation regarding this rule, the Report is stated to have focused on whether EPA:

…sought and published public comment on various elements of the analysis of costs, as required by SDWA.

The Report does not evaluate the quality of the estimates.

The GAO Report identifies what it characterizes as the following “Key Takeaways”:

- EPA sought and published public comment on the cost estimate the agency prepared for its PFAS drinking water regulation, as required by SDWA.
- EPA’s initial estimate of quantifiable costs for the proposed regulation was lower than the revised estimate for the final regulation. The revised estimate was higher, in part, due to changes EPA made in response to public comments and newly available data.
- EPA also published descriptions of nonquantifiable costs and sources of uncertainty, as required by SDWA.

A copy of the Report can be downloaded here.