



Environmental Cleanup Program

PFAS 2025 Rulemaking – PFAS as Oregon Hazardous Substances

Environmental Quality Commission Meeting

Sept. 11, 2025

Agenda

- Cleanup Program and PFAS overview
- Proposed rulemaking
- Fiscal impact statement
- Racial equity and environmental justice considerations
- Advisory committee and public feedback
- Proposed motion language



Cleanup Program

Work with wide variety of parties, individuals, small businesses, multi-national companies through mostly voluntary agreements

Address over 800 hazardous substances including petroleum, metals, PCBs, solvents, dioxins



Investigation



Risk assessment



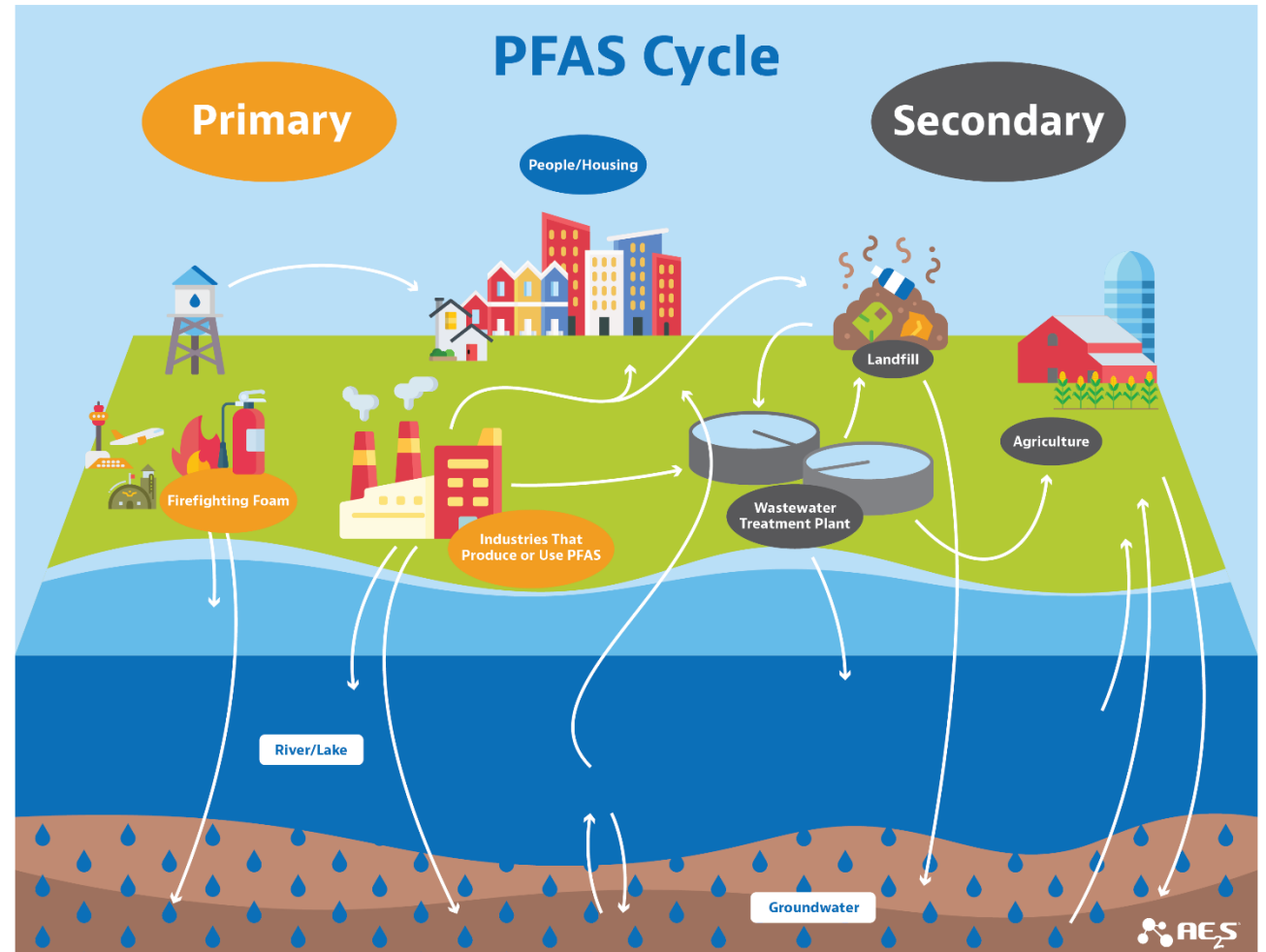
Cleanup



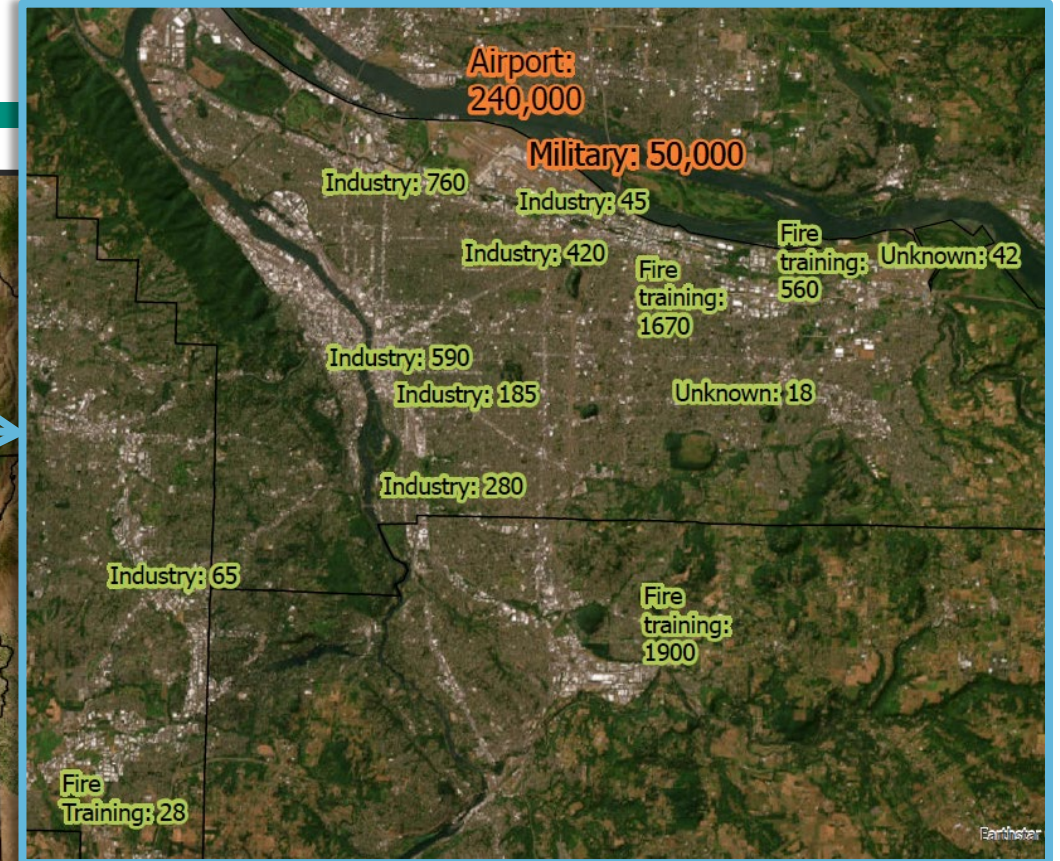
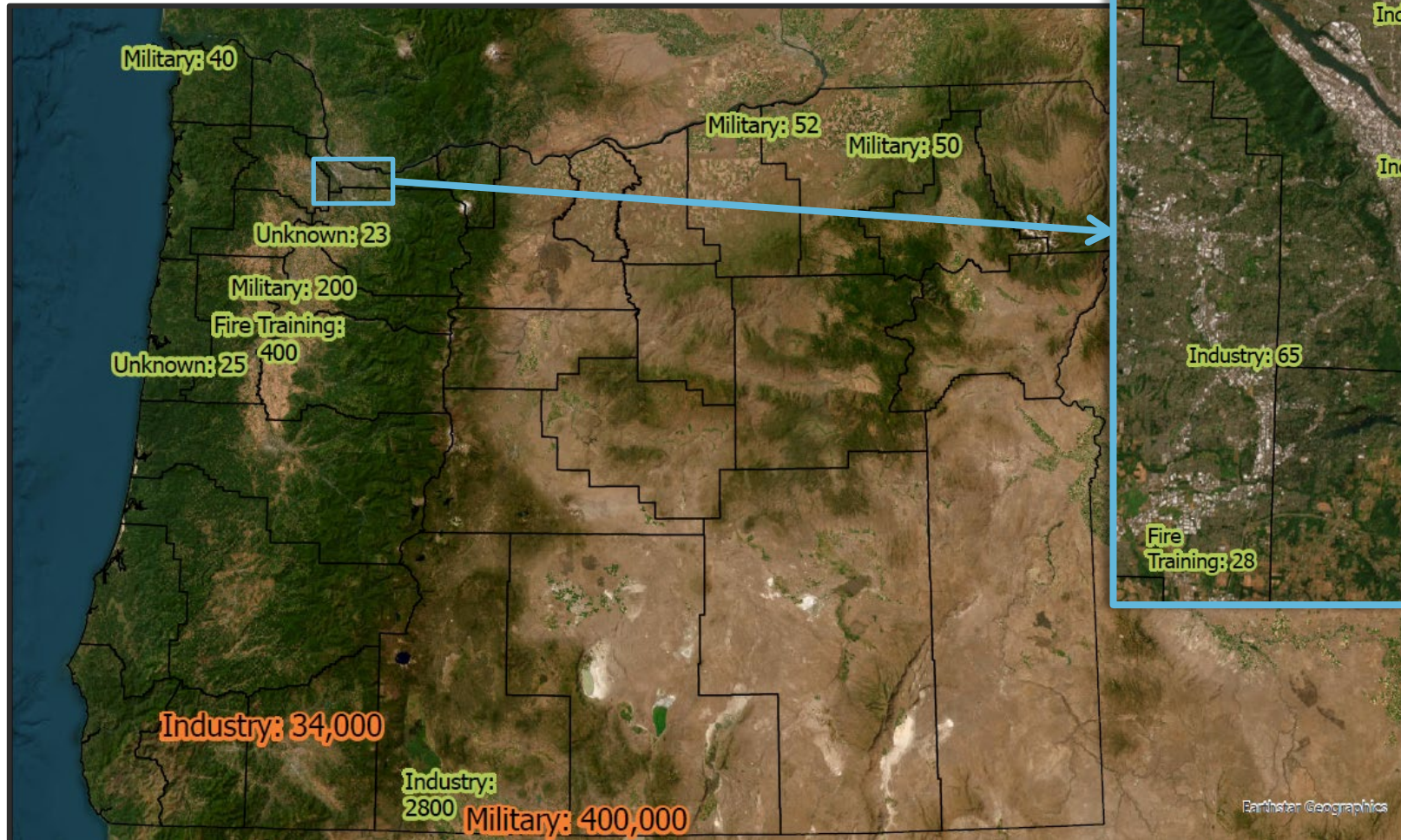
PFAS in the environment

Once released, may travel and impact soil, groundwater, surface water, etc.

- Bioaccumulative and highly toxic
- Mobile
- Persistent



PFAS in groundwater



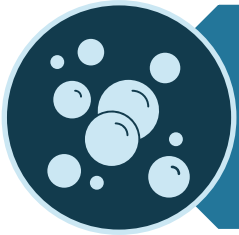
- Maximum PFOA+PFOS groundwater concentrations in parts per trillion (ppt)
- Drinking water standards: PFOA 4 ppt, PFOS 4 ppt

Need for rulemaking

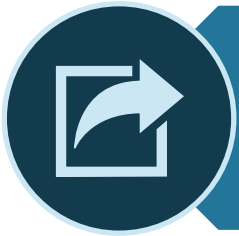
- PFAS are found at toxic levels in Oregon
- More sites suspected, DEQ lacks authority to require investigation and cleanup
- Rulemaking is needed to address commonly detected PFAS with established toxicity at cleanup sites



Proposed rulemaking



Add six PFAS as Oregon hazardous substances
PFOA, PFOS, PFHxS, PFNA, PFBS, GenX (HFPO-DA)



Readopt federal list of hazardous substances

Oregon regulatory authority

EQC has authority (ORS 465.400) to designate hazardous substances if they find that these substances, should a release occur:

*“**may** present a present or future hazard to human health, safety, welfare or the environment should a release occur”*

DEQ has authority (ORS 465.210) to require investigation and cleanup at sites with releases of hazardous substances



Overview of PFAS toxicity

- PFAS have been found to accumulate in soil, water, plants, produce, fish, meat, milk
- Bind to proteins, distribute throughout body
 - Liver, kidneys
 - Immune system
 - Developmental
 - Cardiovascular
 - Endocrine
 - Reproductive
- Adverse effects at low concentrations
- Cumulative/additive effects from multiple PFAS



Health effects for six proposed PFAS

PFOA	<ul style="list-style-type: none"> • Cancer • Liver, kidney, cardiovascular damage • Increased cholesterol • Decreased immune response • Reproductive and birth outcomes 	PFNA	<ul style="list-style-type: none"> • Liver damage • Thyroid disease and adrenal gland effects • Increased cholesterol • Decreased immune response • Reproductive, birth, development outcomes
PFOS	<ul style="list-style-type: none"> • Cancer • Liver, kidney, cardiovascular damage • Increased cholesterol • Decreased immune response • Reproductive and birth outcomes 	PFBS	<ul style="list-style-type: none"> • Kidney disease • Thyroid disease • Decreased immune response • Reproductive and development outcomes
PFHxS	<ul style="list-style-type: none"> • Cancer • Liver damage • Thyroid disease • Increased cholesterol • Decreased immune response • Birth and neurodevelopmental effects 	GenX	<ul style="list-style-type: none"> • Cancer • Liver and kidney damage • Decreased immune response • Hematological effects • Reproductive, birth, development outcomes

Fiscal impact statement

- Parties who are liable for cleanup under ORS 465.255, which generally includes parties who used, stored, or manufactured PFAS products **and** resulted in release may need to investigate and cleanup
- Focus on sites with likely releases and impacts to people and environment
- Communities expected to financially benefit most



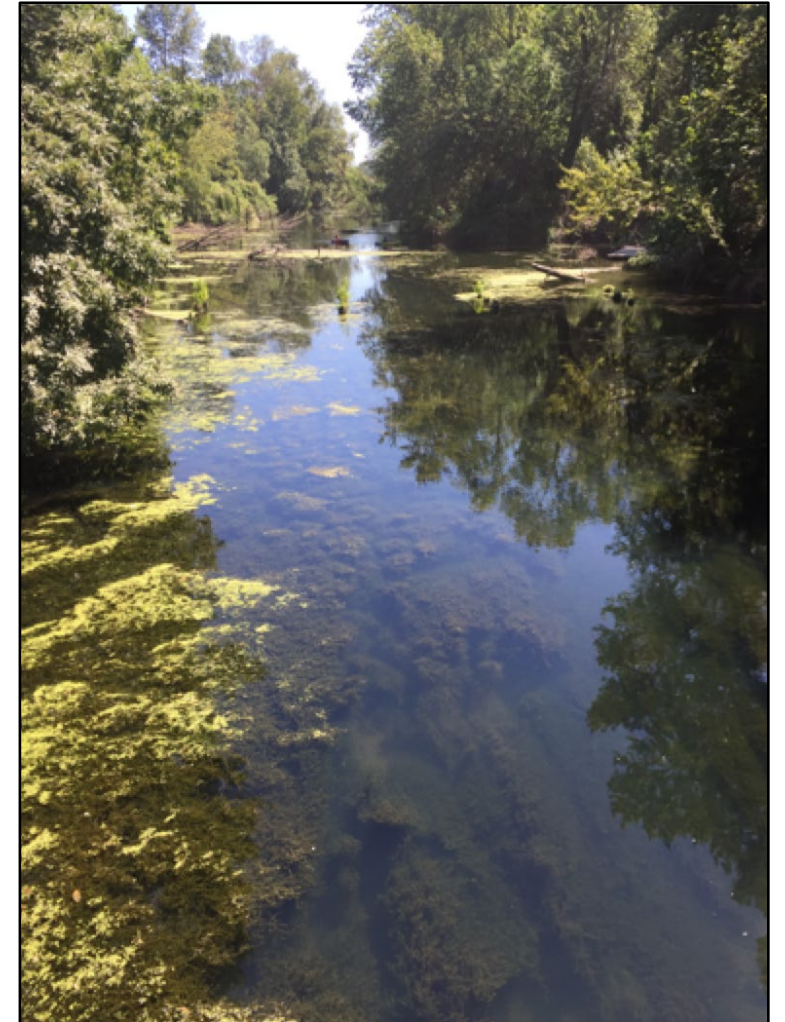
Costs for investigation and cleanup

- Simple investigation to complex cleanup
- Costs are site-specific but expected to be similar to other contaminants
- Focus on high concern sites
 - Airports, fire training facilities, bulk fuel facilities, metal plating facilities
- Cleanup can be expensive, but is necessary to protect Oregon's people and environment



Financial impacts to public

- Health, financial, lifestyle benefits of cleaner environment
- Ensure costs placed with responsible parties rather than communities
- Cost benefit to some publicly owned facilities impacted by contamination
 - Examples: wastewater treatment facilities and water providers
- Cost burden to some publicly owned facilities with releases
 - Examples: airports and municipal fire training facilities



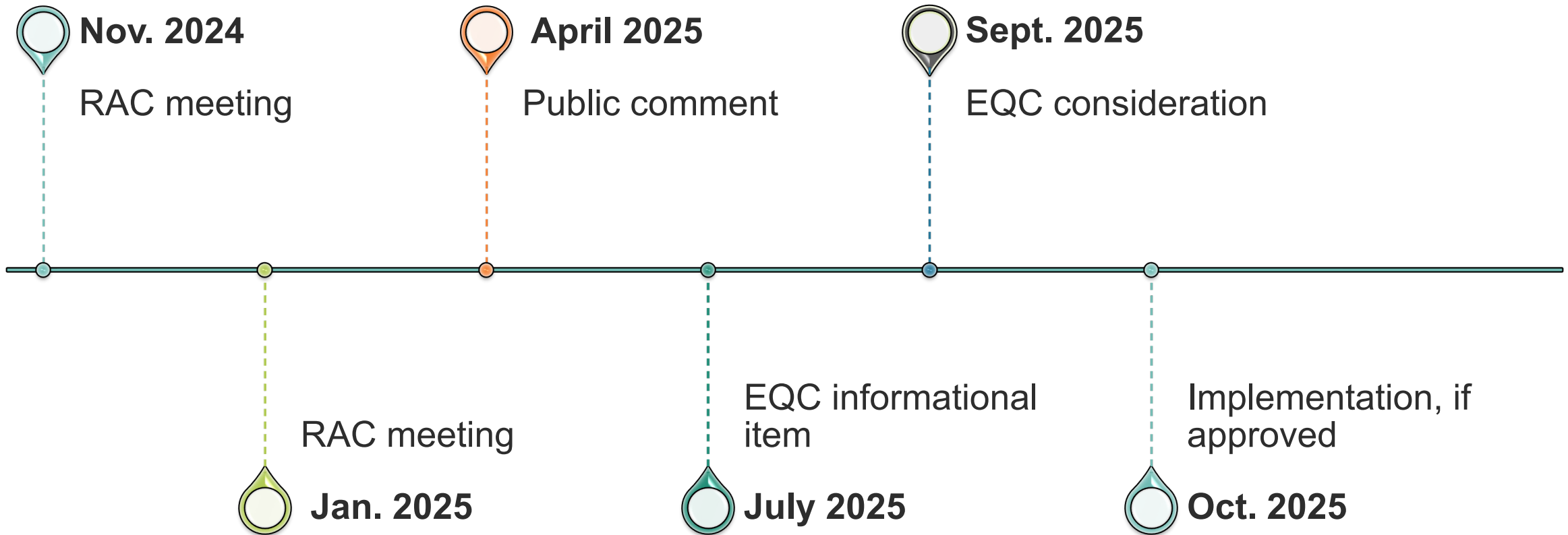
Racial equity and environmental justice

Environmental Justice:

The fair treatment and meaningful involvement of all people regardless of race, color, national origin, culture, education, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies

- Minority communities face disproportionate burdens of environmental contamination and health effects
- Rulemaking places cleanup responsibility on responsible parties, otherwise costs and health impacts passed onto communities
- Drinking water and fish consumption implications

PFAS 2025 rulemaking



Feedback and responses

Rule scope

- **Feedback:** Some preference for two compounds, some for more or entire class
- Including six PFAS is more protective, can be analyzed and treated with same methods, similar costs expected

Exemptions

- **Feedback:** Request for specific exemptions, by release type or time, and concerns about third-party liability
- Statute defines responsible parties
- Permitted releases are conditionally exempt from cleanup by rule

Feedback and responses

Investigation and cleanup costs

- **Feedback:** Concerns of high costs and cost estimation uncertainty
- Costs are site-specific but expected to be similar to other contaminants
- Cleanup can be expensive but is needed to protect people and environment

Need for rulemaking

- **Feedback:**
 - Support due to adverse health effects
 - General acknowledgment of need to regulate PFAS as hazardous substances, need for regulatory clarity

Impact of PFAS as hazardous substances

- Require responsible parties investigate and cleanup sites with risks to people or environment
- Same cleanup processes as for the other 800+ hazardous substances
- Allow source identification and cleanup
- **Protect Oregon's people and environment**



Thank you!

Proposed motion language

“I move that the Environmental Quality Commission finds that the six PFAS compounds identified on page three of the staff report may pose a present or future hazard to human health, safety, welfare or the environment should a release occur, and adopts the proposed rule amendments in Attachment A as part of chapter 340 of the Oregon Administrative Rules.”

Title VI and alternative formats

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