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WestFAST News

682 East Vine Street / Suite 7 / Murray, UT 84107 / (801) 685-2555/ www.westernstateswater.org/westfast

Chair – Roger Gorke; Federal Liaison Officer – Madeline Franklin

EPA Announces New Framework to Prevent Unsafe New PFAS from Entering the Market

EPA 6/29/2023

Today, the U.S. Environmental Protection Agency (EPA) **announced** its framework for addressing new and new uses of per- and poly-fluoroalkyl substances (PFAS). The framework outlines EPA's planned approach when reviewing new PFAS and new uses of PFAS to ensure that, before these chemicals are allowed to enter into commerce, EPA will undertake an extensive evaluation to ensure they pose no harm to human health and the environment. The framework supports the **Biden-Harris Administration's commitment** to address the impacts of these forever chemicals and advances **EPA's PFAS Strategic Roadmap** to confront the human health and environmental risks of PFAS pollution.

“For decades, PFAS have been released into the environment without the necessary measures in place to protect people's health – but with this framework, EPA is working to reduce the risk posed by these persistent contaminants,” said Assistant Administrator for the Office of Chemical Safety and Pollution Prevention Michal Freedhoff. “EPA's new framework will ensure that before any new PFAS enter the market, these chemicals are extensively evaluated and pose no risk to people's health or the environment.”

Under the Toxic Substances Control Act (TSCA) section 5, EPA is required to review new chemicals, including new PFAS and new uses of PFAS, within 90 days, assess the potential risks to human health and the environment of the chemical, and make one of five possible risk determinations. When potential risks are identified, EPA must take action to mitigate those risks before the chemical can enter commerce.

New PFAS present a challenge for EPA to evaluate because there is often insufficient information to quantify the risk they may pose and consequently to make effective decisions about how to regulate them. Many PFAS are known to persist and bioaccumulate (i.e., build up) in the environment and people and pose potential risks not only to those who directly manufacture, process, distribute, use, and dispose of the chemical substance but also to the public, including communities who may be exposed to PFAS pollution or waste and already overburdened communities. This framework will be used to qualitatively assess PFAS that are likely persistent, bioaccumulative and toxic (PBT) chemicals.

The New Framework

Under the framework, EPA expects that some PBT PFAS will not result in worker, general population or consumer exposure and are not expected to result in releases to the environment, such as when PFAS are used in a closed system with occupational protections as is generally the practice in the manufacture of some semiconductors and other electronic components. In such a negligible

exposure and environmental release scenario, if EPA can ensure that such PBT PFAS can be disposed of properly and no consumer exposure is expected, EPA generally expects to allow the PFAS or the new use of a PFAS to enter commerce after receiving basic information, such as physical-chemical property data, about the substance. If the initial data cause concern, then EPA will require additional testing and risk mitigation before moving forward.

For PBT PFAS that are expected to have a low - but greater than negligible - potential for release and environmental exposure, EPA generally expects to require test data in addition to physical chemical properties, such as toxicokinetic data, before allowing manufacturing to commence. If initial test results cause concern, then EPA will require additional testing and risk mitigation before moving forward.

For PBT PFAS that are expected to lead to exposure and environmental releases, and absent a critical use or military need for the substance that necessitates limited and restricted manufacture while testing is ongoing, EPA generally expects that the substance would not be allowed to enter commerce before extensive testing is conducted on physical/chemical properties, toxicity and fate. For example, use of PFAS in spray-applied stain guards inherently involves releases to the environment. If the test results cause concern, then EPA could require additional testing and risk mitigation before moving forward, or could prevent the substance from being manufactured at all.

By distinguishing uses that could result in environmental releases and those with expected worker, community, or consumer exposure, from those that won't, as well as requiring upfront testing for many PFAS, the application of the Framework will help ensure that any new PFAS won't harm human health and the environment. At the same time, it also will allow certain PFAS to be used when exposures and releases can be mitigated, and where such use is critical for important sectors like semiconductors. These policy changes are aligned with the [EPA PFAS Strategic Roadmap](#) and help prevent any unsafe new PFAS from entering the environment or harming human health.

The data EPA will obtain on physical/chemical properties for any new PBT PFAS under this Framework and more extensive toxicity and fate data for PFAS with potential exposures or releases will also support EPA's efforts under the [National PFAS Testing Strategy](#) and advance the Agency's understanding of PFAS more broadly.

The Framework will apply to new PFAS or new use notices that are currently under EPA review, as well as any that EPA may receive in the future. This summer, EPA will offer a public webinar about the Framework. The date, time, and registration information will be announced soon.

[Learn more about the Framework.](#)

Interior Department Initiates Process to Develop Future Guidelines and Strategies for Protecting the Colorado River

Robust collaboration includes Basin states, Tribes, stakeholders and Mexico

DOI 6/15/2023

The Department of the Interior today announced that it is [initiating the formal process](#) to develop future operating guidelines and strategies to protect the stability and sustainability of the Colorado River. The new guidelines will replace the 2007 Colorado River Interim Guidelines for Lower Basin Shortages and the Coordinated Operations for Lake Powell and Lake Mead, which are set to expire at the end of 2026.

The robust and transparent public process will gather feedback for the next set of operating guidelines, including new strategies that take into account the current and projected hydrology of the Colorado River Basin. The Basin is currently facing an historic drought, driven by climate change, that is increasing the likelihood of warming temperatures and continued low-runoff conditions, and therefore reduced water availability, across the region.

"The Biden-Harris administration has held strong to its commitment to work with states, Tribes and

communities throughout the West to find consensus solutions in the face of climate change and sustained drought. Those same partnerships are fundamental to our ongoing work to ensure the stability and sustainability of the Colorado River Basin into the future,” said Deputy Secretary Tommy Beaudreau. “As we look toward the next several years across the Basin, the new set of operating guidelines for Lake Powell and Lake Mead will be developed collaboratively based on the best-available science.”

"Developing new operating guidelines for Lake Powell and Lake Mead is a monumentally important task and must begin now to allow for a thorough, inclusive and science-based decision-making process to be completed before the current agreements expire in 2026," said Reclamation Commissioner Camille Calimlim Touton. "The Bureau of Reclamation is committed to ensuring we have the tools and strategies in place to help guide the next era of the Colorado River Basin, especially in the face of continued drought conditions."

The process announced today is separate from the [recently announced efforts](#) to protect the Colorado River Basin through the end of 2026. The Supplemental Environmental Impact Statement to revise the December 2007 Record of Decision will set interim guidelines through the end of 2026; the process announced today will develop guidelines for when the current interim guidelines expire.

The Notice of Intent to prepare an Environmental Impact Statement asks the public to consider the past 15 years of operating experience since adoption of the 2007 Interim Guidelines, as well as how the best-available science should inform future operational guidelines and strategies that can be sufficiently robust and adaptive to withstand a broad range of hydrological conditions. The NOI also asks the public to consider how and whether the purpose and elements of the 2007 Interim Guidelines should be retained, modified, or eliminated to provide greater stability to water users and the public throughout the Colorado River Basin. The NOI will be available for public comment until August 15, 2023.

While the post-2026 process would only determine domestic operations, the Biden-Harris administration is committed to continued

collaboration with the Republic of Mexico. It is anticipated that the International Boundary and Water Commission will facilitate consultations between the United States and Mexico, with the goal of continuing the Binational Cooperative Process under the 1944 Water Treaty.

President Biden’s [Investing in America agenda](#) represents the largest investment in climate resilience in the nation’s history and is providing pivotal resources to enhance the resilience of the West to drought and climate change, including to protect the short- and long-term sustainability of the Colorado River System. Through the [Bipartisan Infrastructure Law](#), Reclamation is investing \$8.3 billion over five years for water infrastructure projects, including water purification and reuse, water storage and conveyance, desalination and dam safety. The Inflation Reduction Act is investing an additional \$4.6 billion to address the historic drought.

To date, the Interior Department has announced the following investments for Colorado River Basin states, which will yield hundreds of thousands of acre-feet of water savings each year once these projects are complete:

- \$281 million for [21 water recycling projects](#) that are expected to increase annual water capacity by 127,000 acre-feet annually
- Up to \$233 million in [water conservation funding](#) for the Gila River Indian Community, including \$83 million for a water pipeline project and an additional \$50 million from the Inflation Reduction Act through the [Lower Colorado River Basin System Conservation and Efficiency Program](#), which will also provide similar investments in 2024 and 2025
- Over \$73 million for infrastructure repairs on water delivery systems, \$19.3 million in [fiscal year 2022](#) and another \$54 million [announced last month](#)
- \$71 million for [32 drought resiliency projects](#) to expand access to water through groundwater storage, rainwater harvesting, aquifer recharge and water treatment
- \$20 million in new [small surface and groundwater storage](#) investments
- Eight new [System Conservation Implementation Agreements in Arizona](#) that will commit water entities in the Tucson and Phoenix metro areas

to conserve up to 140,000-acre feet of water in Lake Mead in 2023, and up to 393,000-acre feet through 2025

Upcoming Meetings and Webinars

WestFAST Webinar: Introduction to Stream Restoration & Water Rights
July 12, 2023, at 10am MT

WSWC-NARF 18th Biennial Indian Reserved Water Rights Symposium
August 8-9, 2023

2023 Improving Sub-seasonal to Seasonal Precipitation Forecasting to Support Water Management Workshop
August 15-17, 2023, in San Diego

Other Federal News

BLM 6/15/23. BLM Extends Comment Period for Proposed Public Lands Rule

DOI 6/30/23. Interior Department Takes Action to Strengthen Endangered Species Protections

EPA 6/1/23. EPA Finalizes Rule to Increase Transparency, Modernize Reporting under Toxic Substance Control Act

EPA 6/26/23. EPA Statement on Sackett v. EPA

EPA 6/26/23. EPA Announces Over \$50 Million to Assist Small, Underserved, and Disadvantaged Communities in Accessing Clean and Safe Drinking Water

EPA 6/28/23. Biden-Harris Administration Announces over \$278 Million in Funding to Improve Water Infrastructure for Tribes and Alaska Native Villages

FWS 6/29/23. States and Territories Receive \$7.7 Million in Competitive Grants to Conserve Vulnerable Wildlife
<https://www.nrcs.usda.gov/news/usda-announces-https://www.nrcs.usda.gov/news/usda-announces-historic-investment-in-wildlife-conservation-expands-partnership-to-includehistoric-investment-in-wildlife-conservation-expands-partnership-to-include>

NOAA 6/8/23. Inflation Reduction Act: A Historic Investment in America's Climate Resilience

NOAA 6/29/23. NOAA Fisheries Releases Updated Climate Science Regional Action Plans

NRCS 6/23/23. USDA Hiring Engineers, Natural Resource Specialists Nationwide to Strengthen Inflation Reduction Act Implementation, Enhance Agricultural Conservation

NRCS 6/27/23. USDA Announces Historic Investment in Wildlife Conservation, Expands Partnership to Include Additional Programs

Reclamation 6/29/23. Biden-Harris Administration Makes Up to \$5 Million Available for WaterSMART Funding Opportunities

USACE 6/7/23. National dam safety practices reviewed in tri-agency report

USDA 6/14/23. Biden-Harris Administration Outlines Strategic Priorities to Support Communities Impacted by Wildfires Across the Nation

USDA 6/21/23. U.S. Department of Agriculture, NASA Advance Exploration, Science

The Western States Federal Agency Support Team (WestFAST) is a collaboration between 13 Federal agencies with water management responsibilities in the West. WestFAST was established to support the Western States Water Council (WSWC), and the Western Governors Association in coordinating Federal efforts regarding water resources.