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NEWS FOR IMMEDIATE RELEASE

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Attorney General Kaul Joins Amicus Brief Defending Nationwide PFAS Forever Chemical Drinking Water Standards

MADISON, Wis. – Attorney General Josh Kaul joined a coalition of 18 states filing an amicus brief in the U.S. Court of Appeals for the D.C. Circuit defending a U.S. Environmental Protection Agency rule establishing the first nationwide drinking water standards for certain per- and polyfluoroalkyl “PFAS” forever chemicals under the Safe Drinking Water Act.

“This EPA rule will protect people’s health by limiting PFAS in the water we drink,” said Attorney General Kaul. “This rule limiting these toxic chemicals in our drinking water should be upheld.”

The federal rule expands nationwide drinking water protections for four new PFAS and sets enforceable standards for six PFAS chemicals found in drinking water across the country: PFOA, PFOS, PFHxS, GenX, PFNA, and PFBS. The rule sets regulations for each chemical individually, and as mixtures, recognizing appropriately that these threats cannot be addressed in isolation. Under the rule, public water systems across the United States are required to test and, if necessary, treat drinking water for these contaminants.

The states have powerful interests in protecting the health of their residents from the harms of PFAS consumption through drinking water. These toxins were used for decades in myriad industrial and military settings, including airports and fire departments, and they continue to be used in countless consumer products, from car seats and strollers to non-stick cookware and food packaging. PFAS will remain as

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pollutants in the environment without degrading, earning them the nickname “forever chemicals.” Decades of research shows that the presence of PFAS in drinking water threatens public health and safety. PFAS are highly toxic to humans and animals, with even minimal exposures over time associated with deleterious effects to human health, including various types of cancer, liver impacts, and ulcerative colitis. Dangerous and highly-mobile, PFAS wind their way from numerous sources into our drinking water systems, and then into our bodies—where they accumulate and persist.

In the amicus brief, the states argue that the rule would significantly improve public health and should be upheld. The brief supports EPA’s decision to regulate PFAS contaminants both individually and as mixtures using a well-established hazard index approach, as well as the economic analysis underpinning the regulations, and EPA’s compliance with all procedural requirements.

Several states, including Wisconsin, have repeatedly urged Congress and EPA to take prompt and aggressive actions to respond to the national PFAS crisis. Testing has already revealed thousands of contaminated drinking water sources across every state and the District of Columbia. Resources are available for public water systems to install treatment for PFAS, including billions in congressional funding from the Bipartisan Infrastructure Law, but more work is needed to secure our public water supply.

Wisconsin has taken its own site-specific and statewide actions to protect against PFAS contamination and to hold chemical manufacturers accountable for knowingly contaminating our waters and natural resources.

Joining Attorney General Kaul in filing this brief are the Attorneys General of Connecticut, California and New Jersey, Arizona, Colorado, Delaware, District of Columbia, Hawaii, Illinois, Maryland, Massachusetts, Michigan, Minnesota, New York, North Carolina, Oregon, and Rhode Island.