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New Jersey Issues Directive to Recoup PFAS Pollution Costs from Companies

Trenton, NJ – New Jersey has taken the groundbreaking step of directing five companies that have released polyfluoroalkyl and perfluoroalkyl substances (PFAS) to account for their use and release of these highly toxic compounds in the state. Solvay, DuPont, Dow DuPont, Chemours and 3M are required to provide the information under New Jersey’s Spill Compensation and Control Act, Water Pollution Control Act and Air Pollution Control Act.

In a press release from New Jersey Department of Environmental Protection, it is stated: “These state laws empower the DEP to act to prevent environmental pollution, enforce environmental laws and obtain documentation about the discharge of pollutants”. And it says the directive requires the chemical manufacturers to conduct a statewide assessment of the damage caused and to establish a fund to remediate the impacts. See the directive here: <https://www.nj.gov/dep/docs/statewide-pfas-directive-20190325.pdf>

“It is absolutely essential that those responsible for contaminating New Jersey and our drinking water with these highly toxic PFAS compounds be made accountable for the damage they have done and that the polluters pay for the cleanup. New Jersey is leading the charge against these companies that have so egregiously polluted our state and risked the health of millions of residents. This is much needed forthright action by New Jersey in the face of the expanding PFAS water crisis and the lack of federal action by the Environmental Protection Agency,” said Tracy Carluccio, Deputy Director, Delaware Riverkeeper Network. “These steps by New Jersey, the directive today and the proposal to adopt PFOA and PFOS safe drinking water standards on April 1, are providing the protection so urgently needed across the state, where PFAS contamination is amongst the highest in the nation,” said Carluccio.

The other imperative step that New Jersey must take is to adopt mandatory Maximum Contaminates Levels (MCLs) from PFOA and PFOS, which has been sitting without action since the NJ Drinking Water Quality Institute recommended 14 ppt for PFOA 2 years ago and 13 ppt for PFOS 9 months ago. In the Directive (#16) DEP states that the proposed MCLs for PFOA and

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PFOS have been submitted to the Office of Administrative Law and will be published on April 1 for public comment.

New Jersey now has a groundwater cleanup standard for PFOA, PFOS and PFNA in place, providing enforceable goals that will require remediation and cleanup to get a grip on the spread of what are often called “forever chemicals”, referring to the fact that PFOA, PFOS, and PFNA, as well as other PFAS compounds, do not breakdown in the environment but persist indefinitely.

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