

Oregon Pursues Listing PFOA and PFOS as Hazardous Substances under State Cleanup Law

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Last month, the Oregon Department of Environmental Quality (DEQ) [announced](#) a rulemaking process to list perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) as hazardous substances under the Oregon Cleanup Law. The rulemaking would adopt EPA's [designation earlier this year](#) of PFOA and PFOS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The Oregon Hazardous Substance Remedial Action rules define "hazardous substance" to include any substance listed as a hazardous substance under CERCLA.¹ The state rule, however, was last updated in 2006. The rulemaking would align Oregon's regulations with changes to the list of hazardous substances under CERCLA since 2006, including the addition of PFOA and PFOS.

DEQ states that the rulemaking would give DEQ authority to address PFOA and PFOS releases at cleanup sites, which may include site investigation, risk assessment, and remediation.² The Oregon Cleanup Law is modeled on CERCLA, and like CERCLA, provides for investigation and remediation of releases of hazardous substances and creates a strict liability scheme for parties responsible for these releases.

DEQ has convened an advisory committee to provide input into the rulemaking process. The first meeting was held on November 19. Parties with potential environmental cleanup responsibilities in Oregon should track DEQ's regulatory and enforcement approach to PFOA and PFOS as the rulemaking process develops.

¹ [OAR 340-122-0115](#)(30); see also [ORS 465.200](#)(16).

² DEQ, Rule Concept: PFAS 2025 (Nov. 5, 2024), available [here](#).

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