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**NEWS FOR IMMEDIATE RELEASE**

April 10, 2024

**Attorney General Kaul Supports the EPA’s Listing of Nine PFAS  
Compounds as Hazardous Constituents**

MADISON, Wis. – Attorney General Josh Kaul today joined a multistate coalition of 12 states in submitting a comment letter strongly supporting the U.S. Environmental Protection Agency (EPA)’s [proposed rule](#) that would list nine PFAS compounds as hazardous constituents under the Resource Conservation and Recovery Act (RCRA).

By adding these PFAS to the RCRA list of hazardous constituents, the proposed rule would enable states to require corrective action for release of these PFAS into the air, water or soil at facilities that are regulated as Treatment, Storage, and Disposal Facilities (TSDFs) under RCRA.

In the letter, the attorneys general also urge the EPA to build upon the proposed rule by undertaking a future rulemaking that lists all PFAS—or at least additional ones—under RCRA and as hazardous wastes. A hazardous waste designation would ensure more comprehensive regulatory coverage, and a listing of all PFAS compounds would account for the cumulative nature of PFAS contamination and exposures and the fact that so many compounds within the class have already been shown to pose public health risks.

“The EPA’s proposal to list these chemicals as hazardous constituents under RCRA would facilitate the cleanup of PFAS contamination,” said Attorney General Kaul. “We must use the tools available under state and federal law to protect people’s health and our environment against harm from PFAS.”

[According to the EPA](#), for a substance to be listed as a hazardous constituent under the RCRA, “scientific studies must show that the chemical has toxic, carcinogenic, mutagenic, or teratogenic effects on humans or other life forms.” The EPA’s evaluation of toxicity and epidemiology data for these nine PFAS compounds “determined that they meet the criteria for listing as a RCRA hazardous constituent.”

Because PFAS are not effectively excreted or metabolized in the body, and do not break down in the environment, they are also known as “forever chemicals.” Exposure to PFAS can cause adverse health impacts including developmental defects, liver, kidney, testicular, breast, pancreas and prostate cancer, adverse pregnancy outcomes, infertility, reduced bone density in children. PFAS can also negatively impact the thyroid and immune system.

The EPA’s proposed rule would do the following:

- Add nine PFAS to the RCRA list of hazardous constituents. These nine PFAS are perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS), perfluorobutanesulfonic acid (PFBS), hexafluoropropylene oxide-dimer acid (HFPO–DA or GenX), perfluorononanoic acid (PFNA), perfluorohexanesulfonic acid (PFHxS), perfluorodecanoic acid (PFDA), perfluorohexanoic acid (PFHxA), and perfluorobutanoic acid (PFBA).
- Enable EPA and authorized states to address releases of these PFAS at TSDFs through the RCRA corrective action process.
- Require permits issued by EPA or authorized states to include corrective action for all releases of listed PFAS from any solid waste management unit at the TSDFs.

PFAS are widely used in consumer products, including food packaging, cookware, clothing, carpets, shoes, fabrics, polishes, waxes, paints and cleaning products, as well as in firefighting foams designed to quickly smother liquid fuel fires. These so-called “forever chemicals” are stable in the environment, resistant to degradation, persistent in soil and known to leach into groundwater.

Attorney General Kaul joined the attorneys general of Arizona, California, Connecticut, Colorado, Illinois, New Mexico, New Jersey, New York, Oregon, Pennsylvania and the District of Columbia.

A copy of the comment letter can be found [here](#).