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Attorney General Brown Joins Amicus Brief Defending Nationwide PFAS “Forever” Chemical Drinking Water Standards

BALTIMORE, MD (January 22, 2025) – Attorney General Anthony G. Brown joined a coalition of 17 states filing an amicus brief in the U.S. Court of Appeals for the D.C. Circuit defending a U.S. Environmental Protection Agency (EPA) rule establishing the first nationwide drinking water standards for certain per- and polyfluoroalkyl (PFAS) chemicals, also known as “forever chemicals,” under the Safe Drinking Water Act.

“PFAS are dangerous chemicals that cause serious health risks. This rule permits water systems across the country, including here in Maryland, to regulate and treat these harmful substances,” **said Attorney General Brown.** “By making our drinking water cleaner, this policy safeguards the health of not only our generation but also our children and grandchildren. Our Office will fight to protect Marylanders’ access to safe and healthy drinking water.”

The federal rule sets nationwide drinking water protections for six individual types of PFAS and sets enforceable standards for mixtures including four more using a Hazard Index, 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 many 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 remain as pollutants in the environment without degrading, earning them the nickname “forever chemicals.” PFAS are highly toxic to humans and animals, with even minimal exposures over time associated with negative 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 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 Maryland, urged the EPA and Congress 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.

Maryland has taken its own actions to protect against PFAS contamination and to hold chemical manufacturers accountable for knowingly contaminating our waters and natural resources, including lawsuits against W.L. Gore & Associates for PFAS pollution and against 3M, Dupond, and other chemical manufacturers for PFAS contamination of Maryland's waters and other natural resources.

In filing the brief, Attorney General Brown joins the attorneys general of Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Hawai'i, Illinois, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Carolina, Oregon, Rhode Island, and Wisconsin.

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