

PFAS Responses Across the Political Spectrum in U.S. States

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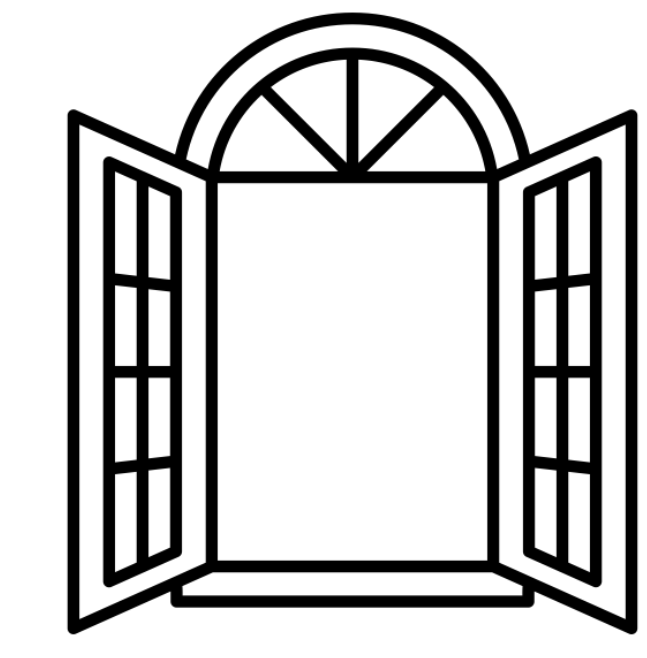
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Abstract

Although the presence of PFAS in the environment and evidence of their harms has been known for several decades, adoption of binding regulations at the federal level to address the spread of and human exposure to these chemicals has been slow in the US. Without clear federal leadership, states and local governments have been left to develop their own responses, creating a patchwork of actions (and inaction) across the country that often falls along party lines. To date, the role of political partisanship in the evolution of subnational PFAS governance has not been closely examined. To address this gap, we examine state and municipality responses to “policy windows”—exogenous openings in the policy process that provide opportunities for influence and change—in a cross-section of red, blue, and purple states across the US. We examine responses to federal policy windows, in the form of EPA recommendations on drinking water concentrations for PFAS, and local policy windows, in the discovery of local PFAS impacts on human or environmental health. Through this analysis we identify trends in how partisanship has shaped PFAS governance responses in a federalized system and discuss what this means for public and environmental health across diverse communities.

Red, Blue, and Purple states respond differently to federal and local PFAS policy windows



Key Terms:
Policy Window: Exogenous openings in the policy process that provide opportunities for influence and change.
Federal Policy Window: E.g., EPA releases non-regulatory advisories to keep PFAS concentrations in drinking water below 70 ppt in 2016.
Local Policy Window: E.g., A community discovers negative local impacts from PFAS which attracts public attention across the state.

Dead livestock and poisoned water – Texas farmers sue over PFAS contamination

PFAS News Roundup: White House official visits Minnesota high school in town known as “ground zero” for PFAS

‘This is taking too long’: California community awaits cleanup of PFAS-contaminated wells

	RED E.G. TEXAS, TENNESSEE, UTAH	PURPLE E.G. ARIZONA, COLORADO, N CAROLINA	BLUE E.G. CALIFORNIA, DELAWARE, RHODE ISLAND
FEDERAL	Federal guidance spurs research and testing	Federal guidance spurs research, testing, and treatment	Federal guidance spurs research, testing, and state regulatory action
STATE	States take little to no action	States take some actions (e.g., product bans) but stringency limitations and political gridlock pose challenges for regulation	States take regulatory action to set standards, treat PFAS, and ban harmful products
LOCAL	Advocacy groups important in early testing efforts and lawsuits to compel state action	The role of advocacy groups varies. Local governments and utilities are often key to testing and seeking funding for remediation	Local action is enabled/shaped by statewide efforts

Methodology

We first reviewed the PFAS responses of all 50 states, using data from the PFAS Governance Tracker and state resources. From this, we created four measures of PFAS response in each state: (1) number of legislative actions proposed; (2) percentage of legislative actions successfully passed; (3) year that legislative PFAS actions were first taken; (4) stringency of state PFAS drinking water standards (if existing). This data was used to develop a typology of state PFAS responses using an ideal-type methodology. We propose 5 types of state PFAS response based on the level of internal political conflict states face in trying to pass PFAS legislation and how progressive their approach to PFAS is. After constructing the typology, we conducted in-depth qualitative case studies of 9 states, sampling across the 5 typology categories. These case studies examined how states responded to federal policy windows (e.g., EPA-issued guidance) and local policy windows (e.g., the discovery of community PFAS impacts), which we identified through constructing timelines of local news media coverage.

Results

Our typology analysis showed that state responses to PFAS largely fell along partisan lines and correlated with whether states had “no stricter than federal” laws (stringency limitations), a criterion that is itself correlated with partisanship.

Typologies of State PFAS Response				
No Action	Low conflict, less progressive	High conflict, moderately progressive	Moderate conflict, more progressive	Low conflict, more progressive
ID**, KA, NE, ND*, SD**, WY, OK*, TN*, MS**, MO	AL, AR*, MT*, UT*, KY**, TX**, LA, OH*, WV*, WI**, NV*, NM, PA*	SC, GA, AZ**, IA**, NC**, CO**, VA**, FL*, MN**	AK, MA, NJ*, CT, NH, IN*, HA, IL, DE	CA, NY, ME*, OR*, RI, VT, WA, MD*, MI

Key: Republican, Democrat, or Divided states by % of registered voters; * = state has qualified “no stricter than federal” rules in effect; ** = state has absolute “no stricter than federal” rules in effect

We found that Republican states had little response to either federal or local policy windows. Purple states that were true “battleground” states were more responsive to federal policy windows but were impacted by stringency limitations and political gridlock. Local governments played a particularly key role in Purple states to provide public information and seek funding for testing and remediation. Blue states were most responsive to federal policy windows, which spurred strong legislative responses. Local policy windows played a more muted role that were shaped by existing state-wide efforts.