



April 23, 2025

The Honorable Buffy Wicks  
 Chair, Assembly Appropriations Committee  
 Capitol Office, Suite 8140  
 Sacramento, CA 95814

RE: **AB 794 (Gabriel) – Oppose Unless Amended**

Dear Chair Wicks:

The organizations signatory to this letter write to respectfully express our position of “Oppose Unless Amended” on AB 794, which would direct the State Water Resources Control Board (State Water Board) to adopt by emergency regulation a drinking water standard for per- and polyfluoroalkyl substances (PFAS) before December 31, 2026, as specified. We understand that this bill is intended to address concerns that the existing federal maximum contaminant levels (MCLs) for PFAS could be weakened or rolled back. However, this bill is broadly written to provide the State Water Board with authority not limited to PFAS, per the stated intent. Of fundamental concern is that this bill would circumvent California’s established processes for adopting drinking water standards, which include scientific review, assessment of cost, and public participation.

This bill would require the State Water Board to adopt PFAS drinking water standards, both through an emergency rulemaking process and a regular rulemaking making process. This would result in additional and unnecessary costs due to adopting regulations through duplicative processes.

The signatories take seriously the need to provide safe drinking water and for the thoughtful development of, and compliance with, state and federal drinking water standards. We seek to work constructively with the author and sponsors of this bill on amendments that support its intent while adhering to preexisting processes established by the state Safe Drinking Water Act for developing state drinking water standards. As drafted, this bill presents several concerns outlined below.

*Broader Scope than Stated Intent of PFAS*

This bill would expand the State Water Board’s authority to adopt as an emergency regulation drinking water standards of a federal regulation that were in effect on January 19, 2025, regardless of whether the requirements were repealed or amended to be less stringent, not limited to PFAS. AB 1531 (Chapter 673, Statutes of 2015) added Health and Safety Code Section 116365.03, which gave the State Water Board authority to adopt emergency regulations but expressly excepted the authority to adopt by emergency regulation “a regulation that establishes [MCLs] for primary and secondary drinking water standards.”

The development of California’s drinking water standards follows a multi-step process that requires robust data collection and analysis, evaluation of feasibility of treatment and cost-effectiveness, public input, and legal considerations. A final drinking water standard can significantly impact the costs that water systems face, which in turn are passed on to California’s water customers and ultimately, impact water affordability. The US EPA estimates that the nationwide cost of the proposed PFAS drinking water standard for water utilities will be between \$772 million and \$1.2 billion annually. For example, Orange County Water District (OCWD), who does not play any role in the release of PFAS into the environment, expects to face costs of approximately \$1.8 over the next 30 years as it complies with state and federal regulations.

An emergency rulemaking process, particularly one exempt from regular rulemaking processes as proposed in AB 794, does not allow for meaningful public input, or consideration of science or cost. If the intent of this bill is focused on the State Water Board’s adoption of a PFAS regulation, it is unclear why subdivisions (a) through (g) are written so broadly to allow for emergency regulations of any existing federal regulation. The bill’s provisions should be narrowed to limit the State Water Board’s authority to PFAS, consistent with the author’s intent.

*Bypasses Established and Appropriate Processes*

This bill would require the State Water Board to, on or before December 31, 2026, adopt an emergency regulation and initiate a primary drinking water standard for PFAS consistent with the currently adopted federal standard. According to the author, this bill is in response to concerns that the federal PFAS standards may be weakened or rolled back due to current legal challenges. Under the state's Safe Drinking Water Act, California has an established process for adopting state drinking water standards that includes scientific review, evaluation of feasibility of treatment and cost-effectiveness, public participation, and legal considerations. This bill would inappropriately circumvent California's preexisting process for setting state drinking water standards.

California is not starting at zero in protecting Californians from PFAS; there are already significant guardrails in place and ongoing efforts to protect Californians. In February 2025, the State Water Board adopted a [Resolution](#) formally recognizing the development of the PFAS MCL as its top 2025 regulatory priority for its Division of Drinking Water (DDW). State Water Board staff expect to hold a pre-rulemaking workshop in summer 2025, followed by the regular rulemaking process, to develop a drinking water standard. In addition, in accordance with AB 756 (Statutes of 2019, Chapter 162), starting in January 2020, water systems that receive a monitoring order and detect a level of PFAS that exceeds the Response Level (RL) are required to take that water source out of use, treat the water delivered, or provide a public notification. DDW has already issued Notification Levels and RLs for PFOA, PFOS, PFBS, and PFHxS, and many water systems that have detected PFAS in exceedance of RLs have proactively taken water sources offline, at significant cost, to construct PFAS treatment systems. We would like to work with the author to better understand why the existing guardrails and efforts are inadequate.

Finally, we note that this legislation is in response to legal challenges to the federal PFAS MCL that raised concerns that costs were inadequately considered and with the methodology used. This legislation is also circumventing that legal process. If the federal standard remains in effect, this provision is unnecessary. If the federal regulation is amended to reflect appropriate changes, this bill would inappropriately require California to adopt the federal standard. California needs to rely on its existing processes for developing state drinking water standards.

For the reasons above, ACWA and the undersigned organizations strongly oppose AB 794 and respectfully request your "NO" vote when the bill is heard in the Assembly Appropriations Committee, unless it is amended to address the above concerns. If you have any questions about our position, please contact Chelsea Haines at [chelseah@acwa.com](mailto:chelseah@acwa.com).

Sincerely,

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