

COMMITTEE SPOTLIGHT: **Environmental**

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»» The State Chamber's Environmental Committee convenes regularly and brings together environmental leaders from Delaware's business community to discuss challenges, share solutions, and help shape practical, science-based environmental policy. Focused on key issues such as air quality, water resources, energy, and site remediation, the committee serves at the forefront of environmental conversations in the state. One bill of interest involves changes to how Delaware reports chemical levels in public drinking water systems.

As of this writing, currently pending before the House Health and Human Development Committee is Senate Bill 72 with Senate Amendment 1, which would amend Title 16 to create the Forever Chemicals Mandatory Reporting Act. If enacted, the bill would direct the Division of Public Health to publish online the levels of certain per- and polyfluoroalkyl substances (PFAS) in each public drinking water system, along with a chart showing maximum contaminant level (MCL) thresholds so users can compare their system's PFAS levels to the MCLs.

MCLs are defined as the legal threshold limits for substances in public drinking water systems, which the act defines for certain PFAS at single parts per trillion levels. If the division finds that PFAS in a public drinking water system exceeds the associated MCL, it must notify the responsible water utility, which must then promptly notify all residents receiving water from that system.

The bill's synopsis states that while Delaware is working to make PFAS data

available pursuant to U.S. Environmental Protection Agency requirements, the federal rule does not require reporting until 2027 and will not enforce penalties until 2029. It reasons that by allowing users to see PFAS levels in their water and receive notice when MCLs are exceeded, the act will empower Delaware residents to advocate for safer water. The bill is set to take effect Jan. 15, 2026.

In the event that PFAS exceedances are reported to customers, they may seek recourse from their water systems. However, resolution of PFAS contamination may require long-term and significant capital projects for treatment and source control to bring PFAS levels down. This may lead to increased scrutiny of potential PFAS sources in public drinking water by those system operators, and potential recovery of those costs from responsible parties.

Commercial and industrial entities potentially affected by the act should engage qualified consultants and legal counsel to conduct thorough environmental due diligence and risk analysis. Standard agreements and tools may not sufficiently address PFAS-related business and legal risks — especially given the act's requirement to report MCL exceedances to end users and the potential pressure this may place on water suppliers.



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