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The PFAS Periodical – Q2 2025

On May 14, following on the heels of a [broad policy statement on PFAS](#) issued on April 28, the [Environmental Protection Agency \(EPA\) announced several actions](#) relating to its regulation of PFAS in drinking water. First, EPA announced its intention to keep the current National Primary Drinking Water Regulations (NPDWR) for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) – which prescribe nationwide limits for these PFAS in drinking water – in place. In the same press release, EPA announced its intent to extend the deadline for compliance with the Maximum Contaminant Levels (MCLs) in the NPDWR for PFOA and PFOS from 2029 to 2031. EPA also announced its intent to "establish a federal exemption framework, and initiate enhanced outreach to water systems, especially in rural and small communities[.]" EPA's stated intent behind its intended revisions to the NPDWR is to address compliance difficulties for public water systems. EPA also announced its intention to "support the U.S. Department of Justice in defending ongoing legal challenges to the [NPDWR] for PFOA and PFOS." Previously, EPA had asked, and the U.S. Court of Appeals for the District of Columbia Circuit had granted, a 60-day stay of that litigation pending Trump administration review of the underlying policy. Conversely, EPA also announced its intent to rescind the regulations and "reconsider the regulatory determinations" for perfluorohexane sulfonic acid, (PFHxS), perfluorononanoic acid (PFNA), HFP-DA (aka GenX) and the Hazard Index mixture of the three compounds in addition to PFBS in order to "ensure that the determinations and any resulting drinking water regulation follow the legal process laid out in the Safe Drinking Water Act."

In its press release, EPA also announced that it will launch a program it labeled "PFAS OUT," "to connect with every public water utility known to need capital improvements to address PFAS in their systems" and provide "resources, tools, funding, and technical assistance" to help them comply with the MCLs.

Meanwhile, EPA's February 8 proposed rule adding certain PFAS to the Resource Conservation and Recovery Act (RCRA) list of hazardous constituents remains in a regulatory limbo because of a Regulatory Freeze Pending Review issued by the Trump administration in the form of an executive order on January 20. This rule would place nine PFAS on the list of hazardous constituents under the Appendix VII list of constituents that are subject to RCRA corrective action and would broaden the wastes subject to corrective action requirements to include any substance satisfying certain qualitative assessments under the statutory definition of "hazardous waste." It is unclear whether the Trump administration will further advance this proposed rule in light of the regulatory freeze. If the proposed rule is finalized, corrective action will include remediation of qualifying PFAS releases even if the specific PFAS is not identified as a characteristic or listed hazardous waste. [This proposed rule can be found here.](#)

EPA's previous revisions to the NPDWR were made in a final rule (the NPDWR Final Rule) published on April 10, 2024, which set MCLs of 4 parts per trillion (ppt) for each of PFOA and PFOS and 10 ppt for PFNA, PFHxS and GenX. The NPDWR Final Rule also uses a hazard index MCL to regulate exposure for a mixture of any two or more PFAS in drinking water, whereby the concentration of each PFAS is divided by a health-based value and then added to the others. If over four annual quarters of testing the average is 1 or greater, the hazard index MCL is exceeded. [EPA's fact sheet on the hazard index MCL can be found here.](#) The NPDWR Final Rule currently gives regulated public drinking water systems until 2029 to come into compliance with the MCLs for the regulated constituents. [This final rule can be found here.](#) The actions EPA proposed in its May 14 press release (extending the compliance deadline and rescinding the MCLs for PFNA, PFHxS and GenX) would require an additional notice and comment rulemaking on the same PFAS which were regulated by the NPDWR Final Rule just over a year ago.

As EPA announces its plans to roll back some PFAS regulations and delay others, various states have been preparing to preempt EPA's efforts via legislation, either by legislating specific MCLs for drinking water or by requiring state agencies to do

the same, with varying levels of specificity. State legislators in Vermont, New York, California, Indiana, West Virginia, Virginia, Arizona and North Carolina, among others, have already proposed bills in 2025 either directly establishing state MCLs for drinking water or directing state environmental or public health agencies to do the same. Vermont's proposed House Bill No. 286 is particularly stringent, as it would statutorily set the MCL for each of PFOS, PFOA, PFHxS, PFNA, perfluoroheptanoic acid and perfluorodecanoic acid to 0 ppt. The bill, if passed, would also direct Vermont's secretary of natural resources to amend the Department of Environmental Conservation's Water Supply Rule to establish an MCL of no more than 20 ppt for "any testable PFAS other than those specifically required to have an MCL of 0 ppt." The meaning of the term "any testable PFAS" is not defined in the bill but could refer to the 29 PFAS currently detectable using EPA-validated test methods for drinking water. (Click here for links to [Method 533](#) and [Method 537.1](#).) [The text of Vermont House Bill No. 286 can be found here.](#)

In New York, proposed Senate Bill 3207 would require the commissioner of environmental conservation to establish MCLs identical to the current EPA MCLs under the NPDWR Final Rule, to establish a hazard index to address the cumulative impacts of exposure to multiple PFAS and to require public water systems to comply by May 1, 2029. [The text of New York Senate Bill 3207 \(as proposed\) can be found here.](#)

In North Carolina, proposed Senate Bill 324 would require the commissioner of public health, no later than October 15, to establish MCLs for PFAS, PFOA, PFOS, hexavalent chromium and GenX, and to "[c]onsider establishment of MCLs for any other contaminants for which at least two other states have set MCLs or issued guidance." In establishing the MCLs, the proposed bill would require that they "not exceed any MCL or health advisory established by the United States Environmental Protection Agency." [The text of North Carolina Senate Bill 324 can be found here.](#)

In Connecticut, which has Drinking Water Action Levels but no MCLs for 10 PFAS, proposed Senate Bill No. 733 would "require that public water suppliers conduct regular monthly testing to assure that PFAS levels are not greater than twenty parts per trillion" and, if PFAS are found to exceed those levels over a three-month period, would require water suppliers to take actions to reduce PFAS levels, including finding new supply sources, installing filters and blending sources. [The text of Senate Bill No 733 can be found here.](#)

EPA's May 14 press release adds further uncertainty for anyone trying to predict the fate of other EPA regulations on PFAS already in existence. Rule.

We will continue to monitor developments with respect to the Trump administration's actions relative to PFAS regulation, as well as developments at the state level. [Our running table of PFAS regulations can be found here.](#)

Authors



Harold M. Blinderman
Partner

Hartford, CT | (860) 275-0357
hmblinderman@daypitney.com



Kirstin M. Etela
Partner

Hartford, CT | (860) 275-0206
ketela@daypitney.com



Max D. Matt
Associate

Hartford, CT | (860) 275-0105
mmatt@daypitney.com