March 9, 2026

The PFAS Periodical – Q1 2026

In this issue of the PFAS Periodical, we continue our coverage of EPA's regulatory actions under the agency's Spring 2025 Unified Agenda, released in August 2025. Notable developments include PFAS monitoring in industrial stormwater permits under the Clean Water Act (CWA), proposed revisions to PFAS reporting under the Toxic Substances Control Act (TSCA), regulation of PFAS under the Resource Conservation and Recovery Act (RCRA), PFAS additions to the Emergency Planning and Community Right to Know Act's (EPCRA) Toxics Release Inventory (TRI) list, and ongoing litigation over regulations promulgated under the Safe Drinking Water Act and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). We also cover PFAS labeling laws and bans in Connecticut, Vermont, and Maine, as well as efforts to regulate biosolid wastes in New York.

As with every PFAS Periodical, our running table of state regulations has been updated, and a link can be found at the end of this article.

Clean Water Act

We previously reported that EPA intends to propose a rule to require PFAS monitoring and reporting in individual National Pollutant Discharge Elimination System (NPDES) permits. As of this writing, the federal regulatory tracker still lists this as a planned action on EPA's agenda, a link to which can be found here. Likewise, EPA's NPDES web pages do not yet host a PFAS-specific rulemaking notice or published proposal for CWA permit requirements.

While a stand-alone proposed rule for NPDES permit monitoring and reporting has not yet been published, EPA's proposed 2026 multi-sector general permit (MSGP) includes quarterly monitoring for 40 PFAS across 23 industrial sectors. That proposed permit was issued in December 2024 and remains the basis for the permit that will replace the 2021 MSGP, which expired on February 28. The proposed 2026 MSGP and its appendices can be found here. As of right now, the 2021 MSGP remains in effect under an administrative continuance. More information on that continuance and what it means for permittees can be found here.

Toxic Substances Control Act

As covered in our previous alert on this subject, the TSCA PFAS Rule requires importers and manufacturers of PFAS in any year from 2011 to 2022 to report data to EPA regarding exposure to health and environmental effects from those products. The TSCA PFAS Rule defined PFAS broadly, using a common section that discusses PFAS chemical structures and possible variations as the definition rather than identifying specific PFAS compounds (e.g., PFOA) as regulated.

In May 2025, EPA published an Interim Final Rule, changing the start date for submission of reporting data under the TSCA PFAS Rule—to begin on April 13, 2026, and end on October 13, 2026—and extending the end date to April 13, 2027, exclusively for small manufacturers reporting only as article importers. This Interim Final Rule can be found here.

On November 13, 2025, EPA issued a proposed rule to amend the existing PFAS TSCA reporting regulation finalized in October 2023 (Proposed TSCA Rule) to provide exemptions from the 2023 regulation. The Proposed TSCA Rule would create exemptions from reporting for:

- PFAS present in mixtures at concentrations of less than 0.1% (*de minimis*);
- PFAS imported as part of an article;

- Some byproducts, impurities, and non-isolated intermediates; and
- PFAS manufactured or imported in small quantities only for research and development.

The Proposed TSCA Rule's public comment period expired on December 29, 2025, and a final rule is not expected until mid-2026. The text of the Proposed TSCA Rule can be found here.

Resource Conservation and Recovery Act

Our previous PFAS Periodical covered EPA's consideration of public comments on its proposed rule to add nine PFAS along with their salts and structural isomers to the list of hazardous constituents in 40 CFR Part 261, Appendix VII, the list of substances subject to RCRA corrective action. EPA's Spring 2025 Unified Agenda projected finalization by April 2026. The EPA's proposed rule can be found here.

Additionally, a proposed rule from February 2024, which would clarify that the definition of "hazardous waste" found in RCRA is applicable to corrective action for releases from solid waste management units (landfills), is slated for finalization in April. The agency continues to list the action on reginfo.gov, found here.

Emergency Planning and Community Right to Know Act

On February 5, EPA finalized a rule adding nine PFAS to the list of chemicals subject to reporting under EPCRA Section 313 and designating all PFAS on the TRI as "chemicals of special concern," meaning that reporting thresholds and supplier notification requirements apply to them. These nine PFAS are reportable for the year 2025 (i.e., reports are due by July 1, 2026). The final rule can be found here.

In October 2024, EPA proposed a more expansive PFAS TRI rule, which would add 16 individual and 15 categories of PFAS (over 100 in all) to the TRI list and would clarify how "automatic additions" work under the National Defense Authorization Act. EPA took comments on this proposed rule in 2025, but a final rule remains unpublished. The text of the proposed rule can be found here.

Safe Drinking Water Act

EPA previously stated its intent to extend the compliance deadline for the PFAS National Primary Drinking Water Regulation (NPDWR Final Rule) by proposing a new rule that gives publicly owned water systems more time to comply with maximum contaminant levels (MCLs) for perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA) while also seeking to rescind requirements for other PFAS, as further covered below. We previously covered the NPDWR Final Rule in a pair of alerts, EPA PFAS Update: Final Drinking Water Standards and Revised PFAS Disposal Guidance and States Respond to EPA's New Drinking Water Standards for PFAS. EPA had stated its intent to publish the proposed rule in October 2025 but has yet to do so as of this writing. The agency continues to list the action on reginfo.gov, found here, with anticipated finalization in spring 2026.

The current NPDWR Final Rule, promulgated in 2024, sets MCLs of 4 parts per trillion (ppt) for each of PFOA and PFOS and 10 ppt for perfluorononanoic acid (PFNA), perfluorohexanesulfonic acid (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. This rule can be found here.

Continuing our coverage of the case brought by the American Water Works Association and the Association of Metropolitan Water Agencies against EPA seeking to invalidate the rulemaking process for the NPDWR, on January 21, the U.S. Court of Appeals for the D.C. Circuit denied EPA's motion to vacate the Hazard Index PFAS compounds PFHxS, PFNA, and PFBS from the NPDWR. The D.C. Circuit ordered EPA to file a notice with the court indicating those portions of the NPDWR it no longer intends to defend in court. The docket for the case can be found here.

Comprehensive Environmental Response, Compensation, and Liability Act

Our previous PFAS Periodical reported on the case brought by several large industry groups against EPA over its listing of PFOA and PFOS as hazardous substances under CERCLA. These groups had challenged the designations in the D.C. Circuit, arguing that EPA's interpretation of CERCLA's Section 102 was too broad, attacking EPA's cost-benefit analysis during the rulemaking process, and arguing that EPA's choice to proceed with the rule in the face of uncertainty about the consequences of enforcing it was arbitrary and capricious. Oral arguments were held on January 20 before the Circuit Court of Appeals. The docket for the case can be found here.

The case is especially important because it concerns EPA's ability to list PFAS as hazardous substances under CERCLA, which would allow PFAS to trigger CERCLA liability. EPA indicated in September 2025 that it would continue to defend the listings for PFOA and PFOS. That press release can be found here.

State Efforts

In Connecticut, C.G.S. Section 22a-903c will take effect on July 1, requiring products including fabrics, rugs, cleaning products, cookware, dental floss, fabric treatments, juvenile products, menstrual products, furniture, and ski wax to be labeled as containing PFAS if they are sold in the state. The manufacturers or sellers of such products must also notify the Connecticut Department of Energy and Environmental Protection regarding the PFAS included in those products. An all-out ban on the manufacture and sale of products containing PFAS takes effect on January 1, 2028. The state's web page on the law can be found here.

In Vermont, extensive PFAS bans took effect on January 1 under Act 131, restricting intentionally added PFAS in cosmetics and menstrual products, food packaging, textiles and rugs, dental floss, artificial turf, Class B firefighting foams, diapers, cookware, textile treatments, juvenile products, and ski wax. Specifically, Vermont's Act 131 bans PFAS that have been intentionally added or that are present in a product or component "at or above 100 parts per million in total organic fluorine." That threshold decreases to 50 parts per million in 2027. Vermont's Act 131 defines regulated PFAS very broadly, as "a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom." Act 131, which enacted this ban, can be found here. The Vermont attorney general's office also published a guidance document on the state's PFAS ban, which can be found here.

In Maine, PFAS bans similar to Vermont's went into effect on January 1 under Public Law 2021, Chapter 477 (as amended). An earlier ban, which took effect on January 1, 2023, targeted carpets, rugs, and fabric treatments. The 2026 ban broadens prohibited sales to cleaning products, cookware, cosmetics, dental floss, juvenile products, menstrual products, textiles, ski wax, upholstered furniture, and products sold in a fluorinated container or a container that otherwise contains intentionally added PFAS. Notably, Maine's ban exempts packaging and firefighting or fire-suppressing foams. Additional bans take effect in 2029, 2032, and 2040. The Department of Environmental Protection's page on the state's PFAS product bans, including links to the laws in question, can be found here.

In New York, Assembly Bill A8585 would phase out the sale of products with intentionally added PFAS. The bill remains active in the Environmental Conservation Committee and can be found here. At the regulatory level, the New York State Department of Environmental Conservation's Division of Materials Management proposed a new policy expanding the requirements of New York's existing biosolids recycling strategy to require sampling and analysis of soil products produced from biosolids. The draft policy can be found here.

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



Todd W. Terhune
Partner

Parsippany, NJ | (973) 966-8040

tterhune@daypitney.com