

Transition – A Presidential Change Update

June 2025

Federal PFAS Regulation: 2025 Midyear Review

Key Notes:

- In the first several months of the Trump administration, U.S. EPA has taken a series of actions regarding per- and polyfluoroalkyl substances (PFAS).
- In a May press release, EPA announced that it will keep the drinking water standards for PFOA and PFOS but will rescind the standards for the other PFAS subject to the 2024 drinking water rule.
- Also in May, EPA promulgated an interim final rule that delays the PFAS reporting deadline under the Toxic Substances Control Act (TSCA) until October 13, 2026.
- It remains uncertain whether EPA will maintain or seek to revise or revoke the PFOA and PFOS hazardous substance rule under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

It has been more than six years since EPA issued its first *PFAS Action Plan* on Valentine's Day 2019 during the first Trump administration and nearly four years since the Biden administration bolstered the federal government's response to PFAS with EPA's *PFAS Strategic Roadmap*. The second Trump administration has quickly begun to implement an historic deregulatory agenda, including a March 12 EPA announcement, which the agency describes as the ["Biggest Deregulatory Action in U.S. History."](#) Absent from that announcement, however, is any mention of PFAS, raising questions about how EPA would address several ongoing federal PFAS actions including the 2024 Safe Drinking Water Act rule setting maximum contaminant levels (MCLs) for several PFAS, the 2023 TSCA Section 8(a)(7) PFAS Reporting Rule, and the 2024 CERCLA rule designating PFOA and PFAS as "hazardous substances."

A Flurry of 2025 PFAS Developments

EPA is now beginning to implement what will likely be a series of PFAS-related changes during the Trump administration. The actions began in earnest with EPA's April 28 press release announcing ["Major EPA Actions to Combat PFAS Contamination"](#) and continued into May with important MCL drinking water and TSCA reporting rule announcements.

In the April press release, EPA Administrator Lee Zeldin outlined several PFAS actions and initiatives, some specific and others much broader. The release states that these actions are guided by three principles: "strengthening the science, fulfilling statutory obligations and enhancing communication, and building partnerships."

To "strengthen the science," EPA plans to designate an agency lead to align PFAS efforts across multiple programs, implement a PFAS testing strategy under TSCA, and expand efforts to gather and measure information on air emissions. EPA also stated its intent to provide annual updates to its PFAS Destruction and Disposal Guidance rather than updating it every three years.

Similar to the scope of the *PFAS Strategic Roadmap*, EPA announced a lengthy list of intended actions under a range of environmental statutes and regulations under the second principle, "fulfilling statutory obligations and enhancing communication." Under this principle, EPA plans to develop effluent limitations guidelines (ELGs) for PFAS manufacturers and metal finishers while also evaluating other ELGs necessary for PFAS reductions. As discussed below, EPA signaled it would seek to address the well-

documented, significant compliance challenges regarding drinking water systems and the primary drinking water standards (the 2024 MCLs), enforce limitations on PFAS use and release, add more PFAS compounds to the Toxic Release Inventory, and implement TSCA Section 8(a)(7) in a way that does not overburden small businesses and article importers. EPA also put the regulated community on notice that it would seek to work with Congress to establish a liability framework where polluters pay while “passive receivers” are protected, addressing a primary concern with the CERCLA PFOA/PFOS hazardous substance rule discussed below.

Finally, to “build partnerships,” EPA announced it would push for remediation where PFAS has impacted drinking water supplies, work with states to address PFAS contamination – likely a nod to the broader Trump administration goal of promoting state actions under the concept of Cooperative Federalism – and complete the comment period for the PFAS in biosolids risk assessment that began in the Biden administration.

Several of the April press release positions are discrete and clear, but others are less obvious as to exactly how EPA under Administrator Zeldin would address PFAS. Shortly after issuing the press release, EPA started taking specific actions.

EPA Delays TSCA PFAS Reporting Deadline (Again)

On May 13, EPA issued an [interim final rule](#) that further delayed the reporting deadline for PFAS manufacturers, including article importers, to submit extensive data under the TSCA Section 8(a)(7) Reporting and Recordkeeping Rule. Under the original rule promulgated in October 2023, reporting was due by May 8, 2025. In September 2024, EPA issued a direct final rule extending the reporting deadline until January 11, 2026, due to a stated lack of funding needed to complete the reporting software system. The May 13 interim final rule pushes the reporting deadline back another nine months to October 13, 2026, for most manufacturers, while small manufacturers reporting exclusively as article importers must complete reporting by April 13, 2027.

While the May 13 interim final rule states that EPA needs more time to prepare the reporting software, EPA also indicated the rule itself may change before reporting is due.

Without providing details, EPA states that it is “separately considering reopening certain aspects of the rule to public comments.” Given prior public comments that the rule was excessively onerous, coupled with concerns and challenges industry members are having in obtaining information on PFAS to meet the reporting requirements (especially PFAS contained in imported articles), the regulated community will be watching closely for proposed rule changes in the coming months.

PFAS MCL Revocation and Other Drinking Water Compliance Changes

In another significant PFAS rule development, [EPA issued a press release on May 14](#) in which it announced the agency would maintain the 2024 MCLs for PFOA and PFOS of 4 parts per trillion (ppt). EPA also announced its intent to rescind the regulations and reconsider the regulatory determinations for the other PFAS covered by the 2024 MCLs, with MCLs of 10 ppt for PFHxS, PFNA, and HFPO-DA (GenX) and a Hazard Index mixture of those three PFAS plus PFBS.

EPA also announced it would develop rulemaking to extend the deadline for drinking water systems to comply with the PFOA and PFOS MCLs from 2029 to 2031. EPA plans to issue a proposed rule in fall 2025 and a final rule in spring 2026. It also plans to enhance communication and outreach by launching a new PFAS OUTreach Initiative, a program that seeks to connect with every public water utility known to need improvements in dealing with PFAS in its system.

While EPA continues to issue press releases and regulatory plans for the drinking water standards, the rule itself remains subject to pending litigation that challenges the legality of the final rule in the U.S. Court of Appeals for the D.C. Circuit (*American Water Works Association, et. al. v. EPA*, No. 24-1188), which has issued several stays to allow EPA time to determine how it wishes to proceed with its regulation and defense of the rule in litigation.

Last, but certainly not least, EPA’s press release mentions a plan to “establish a federal exemption framework.” Although no details were provided, the press release has several references to drinking water systems/purveyors as “passive receivers,” meaning they are simply receiving PFAS from other sources but are required to meet the MCL

requirements by paying for very costly treatment upgrades. The issue of passive receiver liability is also closely linked to the 2024 CERCLA rule that designated PFOA and PFOS as “hazardous substances.”

PFAS CERCLA Hazardous Substances – the Next Big Decision

The other major federal PFAS regulation that EPA finalized in 2024 is the rule designating PFOS and PFOA, two of the most widely studied PFAS, as CERCLA “hazardous substances.” This designation opens the door for a host of potential CERCLA actions and liabilities, including at new and existing CERCLA/Superfund sites, with EPA information requests, in Superfund Five Year Reviews, with possible allocation/reallocation among potentially responsible parties at sites, and more. Like the 2024 drinking water rule, the CERCLA rule was promptly challenged in the D.C. Circuit Court of Appeals and has also received several stays to allow EPA leadership to determine how it wishes to proceed. On May 30, the court granted the EPA another 30 days to continue considering the rule’s future, extending the stay until July 2.

Focus now turns to EPA in this litigation and in possible rulemaking or public announcements as to which direction EPA takes with the CERCLA rule. In 2024, EPA issued a guidance document, [PFAS Enforcement Discretion and Settlement Policy Under CERCLA](#), which explained EPA’s (non-binding) intent not to pursue certain types of entities, including passive receivers like water utilities, as well as farmers, municipal landfills, and municipal airports that received PFAS without knowledge or otherwise did not meet EPA and CERCLA’s “polluter pays” principles. This guidance is of course not a legal mandate under CERCLA.

As of June 2025, a bipartisan group of House lawmakers – 40 Democrats and four Republicans – is asking EPA to keep the CERCLA rule in place, while many in the regulated community and water suppliers continue to advocate for the revocation of the rule, or at a minimum to work with Congress to create binding, legislative carveouts to CERCLA’s otherwise joint and several liability for passive receivers.

Conclusion

The first half of 2025 has been a busy time for PFAS developments at the federal level and the second half will likely continue at a similar pace. We will continue to closely monitor and evaluate PFAS developments at the federal level and in the states, which are proceeding at different speeds to establish separate PFAS laws and regulations.

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