

EPA Announces Sweeping PFAS Actions in 2025 Agenda

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May 13, 2025

On April 28, 2025, US Environmental Protection Agency (EPA) Administrator Lee Zeldin announced a comprehensive federal initiative aimed at tackling per and polyfluoroalkyl substances (PFAS) contamination through coordinated regulatory, scientific and enforcement efforts. His announcement outlined a suite of forthcoming actions including new effluent limitations guidelines (ELGs), a PFAS testing strategy under the Toxic Substances Control Act (TSCA), and a commitment to a “polluter pays” liability framework. While these developments offer a clearer sense that EPA will continue to regulate PFAS, the announcement was vague on the details, leaving many questions on how EPA will implement its PFAS regulatory scheme, including whether EPA will revisit and revise existing regulations.

From the Biden EPA to the Present

The Biden administration had aggressively pursued a regulatory framework for PFAS, prioritizing environmental health and alleged science-based decision-making. Key efforts included:

- + Designating PFOA and PFOS as hazardous substances under CERCLA.
- + Finalizing enforceable Maximum Contaminant Levels (MCLs) for six PFAS under the Safe Drinking Water Act.
- + Advancing rulemaking under TSCA Section 8(a)(7) to require comprehensive reporting of PFAS manufacture and use.

While ambitious, these efforts were not without criticism. The Biden EPA's policies, though grounded in environmental justice and public health priorities, did not fully account for the massive cost implications they imposed on municipalities, water utilities, and businesses. The designation of PFOA and PFOS as hazardous substances under CERCLA, exposed passive receivers such as drinking water systems, water treatment plants and landfill operators to potential cleanup liability, even where they had no role in the production or release of PFAS. Moreover, EPA's MCLs, set at the lowest level current technology can reliably detect, were projected to cost tens of billions of dollars, thus threatening public water suppliers with enormous costs that would likely be passed on to their ratepaying customers. These concerns sparked bipartisan alarm and led industry groups to challenge the final rules.

States Seek to Fill the Void

Amid regulatory uncertainty following the change in administration, states have stepped into the breach and continued to lead on PFAS regulation. California and New York have implemented some of the most stringent drinking water standards in the country. Michigan has advanced a robust PFAS monitoring and remediation program, while Maine, Minnesota and New Mexico have taken the lead on banning PFAS in consumer products.

States are also increasingly using enforcement tools under their own environmental statutes to pursue cleanup and cost recovery from manufacturers. The result is a fragmented regulatory environment, where compliance obligations differ widely by jurisdiction and where industry faces escalating litigation risks in the absence of harmonized federal standards.

A New Federal Agenda: EPA's 2025 PFAS Strategy

EPA's April 28 announcement reflects a strategic recalibration. It signals a more measured, partnership-oriented approach that seeks to uphold the goals of environmental protection while mitigating unintended economic burdens. The strategy is guided by three core principles: strengthening science, fulfilling statutory obligations and enhancing

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communication, and building partnerships.

1. Strengthening the Science

- + Appoint a PFAS lead to coordinate efforts across EPA programs
- + Implement TSCA § 4 testing strategy to gather hazard and exposure data
- + Expand PFAS air emissions monitoring and measurement methods
- + Identify and close data gaps on PFAS detectability and control
- + Update PFAS Destruction and Disposal Guidance annually instead of every three years
- + Accelerate development of improved PFAS detection and treatment methods

2. Fulfilling Statutory Obligations and Enhancing Communication

- + Develop ELGs for PFAS manufacturers and metal finishers, evaluate others as needed
- + Address top compliance issues from congress and utilities on PFAS drinking water rules
- + Explore expanded use of RCRA to address PFAS from producers and users
- + Add additional PFAS to Toxic Release Inventory (TRI) per 2020 National Defense Authorization Act
- + Enforce PFAS restrictions under Clean Water Act and TSCA
- + Use Safe Drinking Water Act authority to investigate and address imminent risks
- + Prioritize risk-based review of new and existing PFAS
- + Implement TSCA § 8(a)(7) to collect key PFAS data while minimizing importer/small business burdens
- + Work with congress and industry to establish polluter-pay liability framework

3. Building Partnerships

- + Support cleanup in areas with PFAS-contaminated drinking water
- + Assist states in evaluating PFAS risks and developing risk assessment tools
- + Finalize biosolids risk assessment based on public input
- + Provide enforcement support to states and tribes
- + Review and evaluate pending state air petitions
- + Resource and support investigations into violations to hold polluters accountable

Implications for Stakeholders

For regulated entities, Zeldin's announcement provides guidance, but not yet the certainty, needed for long-term planning. For instance, EPA announced a commitment to science-based regulation, but at the same time has blocked funding for its main science division, the office of research and development, while winding down its laboratories. EPA's announcement also indicates that it will move forward with its TSCA PFAS reporting requirements but hinted that there could be changes to the rule for small companies and article importers. It also appears that EPA will continue to regulate PFAS in drinking water but may revise that rule to lessen the burden on public water providers. Finally, it appears that some changes to the hazardous substance designation could also be in the offing, given EPA's announcement that it plans to work with congress to protect passive receivers of PFAS. Many elements of EPA's plans remain in development or appear to be contingent on congressional action, meaning stakeholders must remain vigilant in their compliance and risk assessment efforts.

Until formal rulemaking solidifies these priorities, the regulatory environment will remain in flux. Companies must continue to navigate a dynamic and increasingly fragmented compliance landscape—while preparing for broader federal action still to come.