

# Amid US Uncertainty in PFAS Regulation, Europe Presses Forward

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On January 12, 2026, the European Commission for the Environment, Climate Change, and Energy (the European Commission) implemented its new regulations on per- and polyfluoroalkyl chemicals (PFAS) for European Union (EU) member states. The regulations institute a new reporting system as part of the recast Drinking Water Directive (DWD). This marks the first systematic monitoring of PFAS in the EU.

## The Drinking Water Directive

The DWD is the EU's primary law on drinking water quality. The EU adopted the amended DWD in December 2020 and set a January 2021 deadline for members to adopt the directive. All 27 EU member nations were required to comply with the DWD's provisions by 2023. The directive applies to catchment areas, abstraction, treatment, storage, and distribution. It is mandatory for all twenty-seven members of the EU. The directive intends to harmonize water systems across EU member states.

The new regulations introduce "PFAS total" and "Sum of PFAS" to the DWD. Total PFAS measures the cumulative presence of over 10,000 PFAS substances. Meanwhile, sum of PFAS (or PFAS sum) measures twenty DWD-defined chemicals. Member states may use one or both parameters to monitor drinking water. Levels must not exceed 0.5 parts per billion (ppb) total PFAS or 0.1 ppb PFAS sum, and members that discover levels exceeding the limits must reduce the level and inform the public. Members may close contaminated wells, require treatment, or restrict the use of water supplies while the exceedance continues.

In 2028, a second round of PFAS regulations will take effect. The new regulations will limit the sum of four PFAS substances deemed exceptionally toxic: perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), perfluorohexane sulfonic acid (PFHxS), and perfluorooctane sulfonic acid (PFOS). The increased regulations will limit sum of PFAS to 0.02 ppb for those four chemicals. The DWD casts a wider net than the US Environmental Protection Agency (EPA). In 2024, EPA established Maximum Contaminant Levels (MCLs) of 4 and 10 ppt for six PFAS chemicals under the Safe Water Drinking Act (SDWA).<sup>1</sup> The SDWA mandates EPA publish a drinking water contaminant candidate list (CCL) every five years from which EPA must identify five substances to regulate.

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<sup>1</sup> The Trump EPA now seeks to vacate those MCLs for four PFAS – PFNA, PFHxS, as well as hexafluoropropylene oxide dimer acid (HFPO-DA) (commonly known as GenX chemicals) and perfluorobutane sulfonic acid (PFBS). That effort was blocked, at least temporarily, by the United States Court of Appeals for the District of Columbia Circuit (DC Circuit). Motion for leave to file revised and expanded intervenor brief ruling at 1, *National Association of Manufacturers v. United States Environmental Protection Agency*, No. 24-1188 (D.C. Cir. Jan. 20, 2026).