Congress Advances PFAS Overhaul: The Forever Chemical Regulation and Accountability Act of 2026

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On March 19, 2026, Senator Richard J. Durbin (D-IL) introduced S. 4153, the Forever Chemical Regulation and Accountability Act of 2026 (the Act), with a companion measure, H.R. 8016, introduced by Representative Betty McCollum (D-MN). The legislation would establish a nationwide framework for phasing out non-essential uses of per- and polyfluoroalkyl substances (PFAS) in products while imposing strict limits on environmental releases and prioritizing remediation of contaminated sites. Although the bills remain in the early stages of the legislative process, they reflect continuing congressional momentum to address PFAS through a structured federal approach that builds upon, but does not displace, existing state-level restrictions.

The Essential-Use Framework

At its core, the legislation adopts a science-based "essential use" framework. Under the Act, a use qualifies as essential only if it is critical to health, safety, or societal functioning, necessary for the product or process to perform its intended function, and for which no safer alternative exists. Section 101 directs the National Academies of Sciences, Engineering, and Medicine to conduct a study evaluating the scientific evidence on PFAS categories and to provide guidance for designating uses as essential or non-essential. Manufacturers and users would bear the burden of demonstrating essential-use status through a petition process grounded in the best available science.

Manufacturing and Use Phase-Out Program

Section 102 establishes the primary mechanism for the phase-out: a Manufacturing and Use Phase-Out Program. PFAS manufacturers and users would face new annual reporting obligations detailing non-essential uses, viable alternatives, and 10-year phase-out plans. These plans, along with expanded reporting and recordkeeping data, would be made publicly available by the Environmental Protection Agency (EPA).

Significantly, the Act imposes an accelerated ban on non-essential PFAS uses in specified consumer products—such as certain carpets, food packaging, cosmetics, and textiles—within four years of enactment. Within ten years, all uses would be presumed non-essential unless successfully petitioned otherwise, and the sale of non-essential PFAS-containing products would be prohibited. Limited exceptions would allow transfer of PFAS to national laboratories, universities, and other stakeholders for research purposes.

Lifecycle Management and Release Prohibitions

Complementing the product focused restrictions, the legislation addresses the full lifecycle of PFAS. Section 103 of the Act articulates a federal policy requiring, to the maximum extent practicable, the remediation of PFAS contamination and the elimination or replacement of PFAS in consumer products. Federal agencies would be directed to prioritize procurement practices aligned with this goal. Additionally, Section 104 of the Act would prohibit manufacturers and users from releasing or disposing into the environment any detectable quantity of PFAS ten years after enactment. Section 105 would permit controlled releases of PFAS solely for research and development, provided they do not pose an unreasonable risk to human health or the environment.

Enforcement and Accountability Measures

Title I of the Act contains additional compliance and enforcement tools familiar to regulated industries. Sections 106 through 109 authorize EPA inspections, monitoring, civil and criminal penalties, corrective-action orders, and imminent-hazard authority.

Specifically, citizen suits against manufacturers and the federal government, including EPA, would be available under Section 108 of the Act. Federal agencies would be required to comply with all federal, state, and local PFAS regulations (Section 110), and the Act also includes standard provisions on judicial review, regulatory authority, funding (including EPA fee collection and dedicated accounts), severability, and retention of state authority to impose stricter requirements (Sections 111–115).

Additional Provisions in Title II

Title II of the Act addresses ancillary but important issues. For example, Section 201 would fund two university-based Centers of Excellence—one in a rural community and one in an urban or suburban community, with the latter required to partner with a national laboratory to advance PFAS detection in water sources and evaluate emerging removal and destruction technologies. Section 202 would amend the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to toll state statutes of limitations and repose for newly designated hazardous substances such as PFAS until the later of the designation date or the date the plaintiff knew or reasonably should have known of the injury. Section 203, on the other hand, seeks to prevent large corporations from using bankruptcy proceedings to discharge or avoid liability for claims involving persistent, bioaccumulative, and toxic chemicals, including PFAS.

Industry Implications

From a compliance perspective, the legislation, if enacted, would impose significant obligations that vary by sector. Consumer-product manufacturers involved in textiles, food-contact materials, cosmetics, and certain apparel would likely face the most immediate deadlines due to the accelerated product bans and public reporting requirements. While industry sectors such as medical devices, semiconductors, and certain automotive or industrial applications are not singled out for early bans, they would still be subject to the broader essential-use review, ongoing reporting, and potential time-limited approvals. Industrial facilities handling manufacturing, waste management, or legacy contamination would also need to evaluate emissions controls, disposal practices, and remediation strategies against the forthcoming release prohibition and Centers of Excellence guidance.

Notably, the Act does not preempt more stringent state laws, meaning companies operating in jurisdictions with existing or forthcoming PFAS product restrictions (such as Minnesota's “Amara's Law”) would continue to navigate layered requirements. At the same time, the nationwide reporting, phase-out planning, and public disclosure mandates would introduce a new level of transparency and stakeholder scrutiny across all markets, and would likely form the basis for a myriad of lawsuits against reporting companies.

Conclusion

While the ultimate fate of S. 4153 and H.R. 8016 remains uncertain, the legislation represents a significant step toward a more uniform federal PFAS regime. Companies should begin assessing their current PFAS inventories, supply chains, and product formulations against the emerging essential-use criteria and anticipate heightened compliance, reporting, and transition planning. As with any complex environmental statute, the final text, implementing regulations, and enforcement priorities will shape practical impacts.