



Court Orders FDA to Establish PFAS Limits in Food by June 30, 2026—Industry Impact Ahead

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On April 15, 2026, the US District Court for Arizona ordered the US Food and Drug Administration (FDA) to issue a final response to the Citizen Petition, Dkt. No. DA-2023-P-4826-0001 and set regulatory limits on per- and polyfluoroalkyl substances (PFAS) in food products by June 30, 2026.¹

Background: The Citizen Petition

The underlying petition asked the FDA to establish “temporary” tolerances for 30 per- and polyfluoroalkyl substances (PFAS) “in” or “on” a range of foods, including lettuce, blueberries, ready-to-eat bread, eggs, milk, salmon, clams, corn silage, and corn surplusage. Plaintiffs requested that all tolerances be set at the “method detection limit,” defined as the lowest concentration at which the presence of an analyte—here, PFAS—can be determined with acceptable certainty.

Plaintiffs later submitted a supplemental filing to their Citizen Petition, renewing and expanding their original requests regarding tolerances and, in the alternative, proposing additional measures.

Consequences of Establishing Tolerances for PFAS on Certain Foods

While the FDA has taken some steps to address PFAS in food packaging, this case reflects plaintiffs' efforts to compel the agency to establish specific limits on PFAS in food. More broadly, the litigation is part of a growing wave of lawsuits and legislative initiatives aimed at tightening regulations on PFAS use and pursuing enforcement actions against a wide range of entities, including those involved in farming, food packaging, manufacturing, processing, and distribution.

How and when the FDA sets limits or establishes temporary tolerances will significantly impact these industries, including farmers, packagers, manufacturers, fishermen, and food processors, all of whom will be affected by any new regulatory thresholds.

¹ This order stems from *Tucson Environmental Justice Task Force v. US Food and Drug Administration*, Case 4:25-cv-000035-JAS. The plaintiffs in *Tuscon* allege that the FDA's delay in responding to plaintiffs' Citizen Petition filed on November 1, 2023, under docket FDA-2023-P-4826 violates federal law and puts public health at risk.