

PFAS Regulatory Update

EPA's Shifting Strategy for Federal Drinking Water Standards

May 2026



WHAT YOU NEED TO KNOW

EPA proposed changes to the National Primary Drinking Water Regulations, removing the maximum contaminant levels and novel hazard index limit for four PFAS, while not overriding the growing patchwork of state-level PFAS requirements. These developments build upon longstanding concerns about the differences between federal- and state-level PFAS policies.

Over the past couple of years, U.S. Environmental Protection Agency (EPA) has shifted its approach to regulating PFAS by proposing to partially roll back federal drinking water standards, while allowing states to maintain their own, potentially stricter rules.

EPA has proposed modifications to the National Primary Drinking Water Regulations for PFAS—the 2024 Biden-era PFAS drinking water rule—that rescind regulatory determinations for four PFAS. These modifications would remove maximum contaminant levels (MCLs) for PFHxS, PFNA, and HFPO-DA, as well as the novel hazard index limit for mixtures of these PFAS, which includes the drinking water standard for PFBS. EPA plans to retain the 4 parts per trillion (ppt) MCL for the two most well-studied PFAS chemicals: PFOA and PFOS. The White House Office of Management and Budget (OMB) completed its review of these modifications, and the EPA Administrator signed the proposed new rule on May 18, 2026, submitting it for publication in the Federal Register. EPA is accepting comments for 60 days, with a virtual public hearing scheduled for July 7, 2026.

EPA also submitted a proposal on May 18, 2026, to extend the deadline for public water systems to comply with the drinking water limits for PFOA and PFOS to 2031, through an application process for facility-specific waivers. The 2029 deadline would remain in place for public water systems that do not opt in. With these steps now complete, there is considerable speculation about whether the agency will release numerical limits for the four PFAS compounds under reconsideration.

It remains unclear if EPA will be able to finalize the partial rescission of the PFAS drinking water standards and release new values before oral arguments begin for *American Water Works Association, et al. v. EPA*, the lawsuit challenging the limits for all six PFAS. There is a possibility that the court may issue a decision on the legality of the full 2024 rule before EPA finalizes its partial withdrawal. The uncertainty surrounding potential changes to PFAS drinking water rules has created concern among states, water utilities, and others, despite the potential compliance deadline extension to 2031.

A related matter is the relationship between federal and state PFAS regulations. EPA has indicated that the agency does not currently view federal preemption of state PFAS rules as likely or imminent, despite longstanding calls from industry groups for a uniform national framework. This position suggests that EPA is not seeking to override the growing patchwork of state-level PFAS requirements, many of which are more stringent than federal standards. However, this also means that regulated entities must navigate a complex

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and potentially inconsistent landscape of requirements, an outcome that industry stakeholders have long sought to avoid.

The result is a more nuanced PFAS regulatory environment in which federal requirements may become more flexible for certain PFAS, even as some state-level regulations remain robust. At least for the near future, PFAS governance in the United States will continue to be shaped by federal- and state-level policymaking, rather than a singular, uniform national standard.

Langan keeps clients informed about evolving regulations with its [PFAS Navigator tool](#), an interactive map that provides up-to-date information on current and proposed rules and allows users to visualize their site in relation to these standards.

To discuss how these changes may impact your projects, please contact your Langan Project Manager or:



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