U.S. EPA Announces Major Actions to Combat PFAS Contamination

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After several quiet months for federal regulatory activity involving per- and polyfluoroalkyl substances (PFAS), on April 28, 2025, the United States Environmental Protection Agency (U.S. EPA) issued a press release that announced upcoming agency actions to address PFAS.

While there are not many details on the specific actions announced, the U.S. EPA announcement indicates that the Trump administration intends to proceed with the federal regulation of PFAS. Many of these action items were underway during the Biden administration and prior Trump administration.

In the announcement, U.S. EPA outlined the following series of actions, which are guided by three principles: (1) strengthening the science, (2) fulfilling statutory obligations and enhancing communication, and (3) building partnerships.

Strengthening the Science

- Designate an agency lead for PFAS to better align and manage PFAS efforts across agency programs.
- Implement a PFAS testing strategy under Toxic Substances Control Act (TSCA) Section 4 to seek scientific information informed by hazard characteristics and exposure pathways.
- Launch additional efforts on air-related PFAS information collection and measurement techniques related to air emissions.
- Identify and address available information gaps where not all PFAS can be measured and controlled.
- Provide more frequent updates to the PFAS Destruction and Disposal Guidance—changing from every three years to annually—as U.S. EPA continues to assess the effectiveness of available treatment technologies.

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- Ramp up the development of testing methods to improve detection and strategies to address PFAS.

Fulfilling Statutory Obligations and Enhancing Communication

- Develop wastewater effluent limitations guidelines (ELGs) for PFAS manufacturers and metal finishers and evaluate other ELGs necessary for reduction of PFAS discharges.
- Address the most significant compliance challenges and requests from Congress and drinking water systems related to national primary drinking water regulations for certain PFAS.
- Determine how to better use Resource Conservation and Recovery Act (RCRA) authorities to address releases from manufacturing operations of both producers and users of PFAS.
- Add PFAS to the Toxic Release Inventory (TRI) in line with Congressional direction from the 2020 National Defense Authorization Act.
- Enforce Clean Water Act and TSCA limitations on PFAS use and releases to prevent further contamination.
- Use Safe Drinking Water Act authority to investigate and address immediate endangerment from PFAS in drinking water supplies.
- Achieve more effective outcomes by prioritizing risk-based review of new and existing PFAS chemicals.
- Implement TSCA Section 8(a)7 to smartly collect necessary information, as Congress envisioned and consistent with TSCA, without overburdening small businesses and article importers.
- Work with Congress and industry to establish a clear liability framework that operates on a polluter pays basis and protects passive receivers of PFAS.

Building Partnerships

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- Advance remediation and cleanup efforts where drinking water supplies are impacted by PFAS contamination.
- Work with states to assess risks from PFAS contamination and the development of analytical and risk assessment tools.
- Finish public comment period for biosolids risk assessment and determine path forward based on comments.
- Provide assistance to states and tribes on enforcement efforts.
- Review and evaluate any pending state air petitions.
- Resource and support investigations into violations to hold polluters accountable.

While limited details about the implementation of these actions were provided, the announcement suggests that U.S. EPA is or has considered some of the challenges of the PFAS TSCA reporting obligations on article importers (e.g., implement Section 8(a)7 to "smartly collect" necessary information, as Congress envisioned and consistent with TSCA, without overburdening small businesses and article importers). Thus, there will likely be further direction and announcements from U.S. EPA on this very extensive reporting obligation.

The announcement makes repeated references to the need for certainty for passive receivers, which indicates U.S. EPA's intent to follow a "polluter pays" model to shift the burden away from public utilities and consumers. Although this would likely require Congressional action to effectuate legally, which may present challenges in the current political climate, it signals a continued focus and scrutiny upstream on facilities that are (or may be) discharging PFAS.

U.S. EPA noted that this list outlines the first, not the last, actions it intends to take to address PFAS over the course of the Trump administration. If you would like to discuss how these upcoming actions may impact your business, please contact the authors or any members of the firm's Environmental Practice Group.

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