



Shifts in PFAS Policy Post-Election

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Much will be written about the impact of the election on per- and polyfluoroalkyl substances (PFAS) policy over the coming months (or even years), and we imagine many of our updates over that time will analyze this, as well. These impacts may present in the form of continued budgetary and technical challenges for the Environmental Protection Agency (EPA) such as those that led to a delay in implementation of the PFAS Reporting Rule under the Toxic Substances Control Act (TSCA). That said, given that PFAS is largely seen as a bipartisan issue (as evinced by the first Trump administration's introduction of a PFAS Action Plan in 2019), we do not expect wholesale changes to existing PFAS rules, though the second Trump administration may ease regulatory thresholds and reporting deadlines relating to PFAS. As a consequence of federal developments, we expect state activity to remain steady, if not increase, in response to concerns that federal implementation may lessen. Unfortunately, this may mean the patchwork of state regulations and laws around PFAS may grow, imposing significant compliance burdens on regulated entities (which, ironically, may lead the federal government to increase its involvement).

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