



Navigating PFAS Laws Under the New Administration: What to Watch

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As we turn to 2025 and a new administration, there are a few areas of per- and polyfluoroalkyl substances (PFAS) law worth watching in the short term, including the regulation of the chemicals in water and their treatment under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Following the lawsuit filed earlier this year by water utilities and chemical companies challenging the Environmental Protection Agency's (EPA) rule setting maximum contaminant levels (MCLs) for six PFAS in drinking water, it will be interesting to see how the new administration supports (if at all) EPA's recent response contradicting the allegations of an unlawful and inadequate cost benefit analysis, procedural omissions in the rulemaking process and use of out-of-date science. Michael Dourson, a toxicologist that President-elect Trump reportedly considered to be head of EPA's toxics office during his first term, may have the ear of Trump 2.0 and is publishing a series of articles questioning the process by which the Biden administration set its MCLs. On the CERCLA side, industry groups have also written to President-elect Trump encouraging "an incremental approach to PFAS" that prioritizes regulation of "higher-risk PFAS" over polymerized PFAS (fluoropolymers) and criticizing as onerous (in addition to the MCLs) rules designating PFOA and PFOS as hazardous substances under that law (which also is subject to challenge in federal court).

Categories

Environment

Regulatory

Polyfluoroalkyl Substances (PFAS)

Environmental Protection Agency (EPA)

Fluoropolymer Focus

Perfluorooctanoic Acid (PFOA)

Perfluorooctanesulfonic Acid (PFOS)

CERCLA

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