

July 20, 2026

Via Regulations.gov

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Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Rescission of Regulatory Determinations and Removal of Related Provisions for Four PFAS Substances (PFHxS, PFNA, HFPO-DA (GenX), and the Mixture of These Three PFAS Plus PFBS), Docket No. EPA-HQ-OW-2025-0654

The undersigned organizations and individuals submit these comments on EPA’s proposed rule to rescind its drinking water standards and related regulatory provisions under the Safe Drinking Water Act (“Proposed Rescission Rule”) for four per- and polyfluoroalkyl substances (“PFAS”)—perfluorohexane sulfonic acid (“PFHxS”), perfluorononanoic acid (“PFNA”), hexafluoropropylene oxide dimer acid (“HFPO-DA”, commonly known as “GenX”), and mixtures of these three PFAS plus perfluorobutane sulfonic acid (“PFBS”) (collectively, the “Index PFAS”). Our organizations include communities with PFAS-contaminated drinking water and longtime advocates for health-protective standards for PFAS in drinking water.

We strongly oppose the Proposed Rescission Rule, both because it is illegal and because it will eliminate critical drinking water protections for at least 15 million people nationwide. EPA’s 2024 PFAS National Primary Drinking Water Regulations (the “2024 Rule”) requires public water systems to: implement existing technologies to reduce exposure to these PFAS in drinking water, monitor for the Index PFAS, and publicly communicate their compliance with the new limits. EPA gave water systems the law’s maximum time of five years to comply with the drinking water standards by April 2029. The 2024 Rule was a long-overdue step to address a public health crisis. Now, instead of moving forward with these protections, the agency is seeking to eliminate them along with EPA’s underlying determinations to regulate the Index PFAS under the Safe Drinking Water Act.

The 2024 Rule is backed by an extensive factual record demonstrating the widespread presence and toxicity of the Index PFAS. EPA has known for decades that PFAS endanger human health and harm our environment. These forever chemicals are found in the drinking water consumed by more than half of the U.S. population. They can persist in our bodies and the environment for decades and cause serious health effects, including impaired fetal development, cancer, and immune system suppression. Notably, EPA has not changed or withdrawn its prior finding that the Index PFAS present serious risks of harm to human health, stating that its Proposed Rescission Rule “is not based on any reassessment of the substantive findings included in its regulatory determinations.” 91 Fed. Reg. 29413, 29417 (May 20, 2026). At the same time,

EPA seeks to eliminate drinking water protections for millions of Americans while barring comment on the issues that matter most: the scientific basis for the Index PFAS standards, the public health harms of repeal, and the reliance interests those protections have generated. This is a clear violation of the Administrative Procedure Act.

Regulating the Index PFAS is necessary because treatment installed for PFOA and PFOS, the PFAS that will continue to be regulated, will not guarantee protections from the Index PFAS. People are not exposed to individual PFAS in isolation; EPA recognized that the Index PFAS have common adverse health effects, often co-occur, and that exposure to a mixture of PFAS chemicals increases risks of harm. 88 Fed. Reg. 18638, 18645-47 (Mar. 29, 2023). Thus, EPA appropriately addressed harm from Index PFAS by proposing to regulate them and issuing standards, including accounting for harm from PFAS mixtures by incorporating a hazard index, a method commonly used to measure and regulate risks from combinations of contaminants that cause similar health effects. 88 Fed. Reg. at 18639. Finalizing the Proposed Rescission Rule would remove vital protections from drinking water contamination for millions of people across the country.

Unnecessarily inflicting harm on people is not the only problem with the Proposed Rescission Rule. It is also illegal under the Safe Drinking Water Act. When EPA revises a drinking water rule, it is required to “maintain, or provide for greater, protection of the health of persons.” 42 U.S.C. § 300g-1(b)(9). In other words, as EPA acknowledges in the Proposed Rescission Rule, a “[r]evised regulation[] may increase but not decrease health protections.” *Arizona v. EPA*, 77 F.4th 1126, 1127 (D.C. Cir. 2023); 91 Fed. Reg. at 29,418.

EPA’s arguments as to why the Proposed Rescission Rule is not barred by this anti-backsliding provision have no merit. The provision applies to any revision at any time and there is no exception for regulations EPA wishes to eliminate because it newly deems them invalid. There is no dispute that the Proposed Rescission Rule would eliminate multiple protections established by the 2024 Rule and therefore result in less protective drinking water standards. Moreover, the exception EPA seeks to read into the statute would undermine the very purpose of the anti-backsliding provision: to prevent EPA from weakening drinking water protections once they have been established. If EPA could avoid the provision simply by asserting that a prior rule was invalid, the anti-backsliding safeguard would be rendered meaningless.

EPA now contends that it is rescinding the 2024 Rule because it provided notice and comment at the same time for the determinations to regulate the Index PFAS and the corresponding standards. EPA now argues that it was procedurally improper to do so, even though the agency itself had previously established the 2024 Rule was procedurally sound, both in the preamble and record to the 2024 Rule and in its 2024 brief filed in the D.C. Circuit Court of Appeals. Respondents’ Proof Brief at 20, 29–37, *Am. Water Works Ass’n v. EPA*, No. 24-1188 (D.C. Cir. Dec. 23, 2024). Even if EPA’s newfound position that it committed procedural error in promulgating the Index PFAS Provisions were correct—which it is not—that alleged

impropriety provides no reason to withdraw those provisions: EPA identifies no error in its determinations to regulate the Index PFAS, and any asserted error in promulgating the Index PFAS drinking water goals and standards was harmless because the public had ample opportunity to comment on the 2023 proposed rule. *See* Final Brief of Respondent Intervenor at 10–12, *Am. Water Works Ass’n v. EPA*, No. 24-1188 (D.C. Cir. Mar. 6, 2026). In any event, the procedural issue on which EPA’s Proposed Rescission Rule is based will soon be resolved by the D.C. Circuit Court of Appeals, and there is no justification for EPA to try to preempt the court’s resolution of that issue, especially when the agency is retaining its prior finding that the Index PFAS present risks of harm to human health.

If EPA is determined to rescind the Index PFAS regulations, then it should re-propose the current maximum contaminant level goals and standards—or, at minimum, the regulatory determinations—before or at the same time it finalizes this rule. That would allow EPA to provide another round of public comment, curing any alleged procedural error, while at the same time taking the actions that the science demands.

Rescinding the 2024 Rule’s Index PFAS provisions not only would violate the law, it would deprive people, water systems, states, and businesses of protective drinking water standards—reliance interests the agency must consider under the Administrative Procedure Act. For example, communities expect that they will receive additional information about and be protected from PFAS contamination of their drinking water, and many communities are in states that could or would not fill the gap created by EPA’s failure to regulate these chemicals. Some states do not have the resources, staff, or political will to promulgate more stringent drinking water standards. Others have state laws that prohibit state regulations that are more stringent than federal regulations and laws that impose significant barriers to regulating toxic chemicals. Rescinding the Index PFAS drinking water standards would also undermine important benefits that result from setting health-based limits on drinking water and the downstream source control measures that result. Yet in proposing to eliminate these critical drinking water standards, EPA completely fails to consider the resulting harms to public health—a glaring omission that violates the law. EPA also failed to consider that populations exposed to the Index PFAS may also be exposed to other PFAS chemicals, including PFOA and PFOS, standards for which EPA has proposed to delay compliance deadlines. Docket No. EPA-HQ-OW-2025-1742. EPA's failure to consider the combined impacts of both rules poses undue risk to the health of millions of people throughout the country.

This proposed rescission is inconsistent with EPA’s claimed policy commitments regarding the need to address PFAS contamination and protect Americans’ health. It will result in millions of people continuing to be exposed to toxic contamination that could otherwise be avoided by leaving the Rule in place. We urge EPA to abandon its Proposed Rescission Rule and instead continue the 2024 Rule’s course of taking urgent action to address a national public health crisis.

Sincerely,

Earthjustice

Natural Resources Defense Council

Southern Environmental Law Center

Aequita Consulting LLC

Alabama Rivers Alliance

Alaska Community Action on Toxics

Altamaha Riverkeeper

American Sustainable Business Network

Amigos Bravos

Beaverdam Creek Watershed Watch Group

Beyond Pesticides

Black Warrior Riverkeeper

Buxmont Coalition for Safer Water

Cahaba River Coalition

Cape Fear River Watch

Center for a Sustainable Coast

Center for Environmental Health

Center for Food Safety

Center for Oil & Gas Organizing

Center for Progressive Reform

Chesapeake Legal Alliance

Choctawhatchee Riverkeeper

Citizens Action Coalition of IN

Citizens to Conserve and Restore Indian
Creek

Clean Cape Fear

Clean Water Action

Clean Water Expected in East Tennessee

Coastal Carolina Riverwatch

Conservation Law Foundation

Coosa River Basin Initiative

Coosa Riverkeeper

Deep River Riverkeeper

Deep South Center for Environmental
Justice

Defend Our Health

Delaware Riverkeeper Network

Earth Action, Inc.

Ecology Center

El Valle De La Cieneguilla Land Grant
Association

Environment America Research & Policy
Center

Environmental Advocates NY

Environmental Community Action, Inc.

Environmental Law & Policy Center

Environmental Protection Network

Environmental Working Group

Flint Rising

Flint Riverkeeper Inc.

Flow Water Advocates

Food & Water Watch

Freshwater Future

Friends of Casco Bay
Friends of Sligo Creek
Georgia ForestWatch
Georgia Interfaith Power and Light
Georgia WAND Education Fund, Inc.
Great Lakes PFAS Action Network
Green America
GreenLatinos
Green Science Policy Institute
Harpeth Conservancy
Heritage Works, Inc.
Hoosier Environmental Council
Indiana Conservation Voters
Kentucky Waterways Alliance
League of Conservation Voters
Maine Climate and Health Alliance
Maine Conservation Voters
Maine Unitarian Universalist State
Advocacy Network
Maine Youth for Climate Justice
McEwen Group
Merrimack Citizens for Clean Water
Milwaukee Riverkeeper
Milwaukee Water Commons
Minnesota Center for Environmental
Advocacy
Montana Environmental Information Center
NC League of Conservation Voters

North Carolina Conservation Network
NPCC
Ohio River Foundation
One Hundred Miles
PfoaProject NY
Portland Advocates for Lead-free and Safe
Drinking Water
Puget Soundkeeper
River Alliance of Wisconsin
River Network
Rockbridge Conservation
Satilla Riverkeeper
Save Our Water SOH2O
SC Idle No More, South Carolina Indian
Affairs Commission
Science and Environmental Health Network
Science for Georgia
Sierra Club
Sierra Club North Carolina
Sierra Club, Hoosier Chapter
Songbird Farm
Sustainable Sandhills
Tennessee Citizens for Wilderness Planning
The Piedmont Environmental Council
Third Act Maine
Toxic Free North Carolina
Tucson's Environmental Justice Task Force
Virginia League of Conservation Voters

Ward 8 Woods Conservancy

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West Virginia Rivers Coalition

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