

July 20, 2026

Via Regulations.gov

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

**Re: Extending the Compliance Deadline for the PFOA and PFOS Maximum
Contaminant Levels, Docket No. EPA-HQ-OW-2025-1742**

Dear Assistant Administrator Kramer:

The undersigned organizations and individuals submit these comments on EPA's proposed rule to establish a nationwide exemption that would extend the deadline for compliance with the Maximum Contaminant Levels (hereinafter "drinking water standards") for perfluorooctanoic acid ("PFOA") and perfluorooctane sulfonic acid ("PFOS") from April 26, 2029, to April 26, 2031 (the "Proposed Delay Rule"). Our organizations include communities with PFAS-contaminated drinking water and longtime advocates for health-protective PFAS drinking water standards.

We strongly oppose EPA's proposal to delay critical and long-overdue steps to address a public health crisis that threatens the health and lives of more than one hundred million people in the United States. EPA correctly found that there is no safe exposure level for PFOA and PFOS and finalized drinking water standards that are readily achievable using existing treatment technologies. EPA should require implementation of these essential protections as quickly as possible, rather than enabling an unnecessary and illegal two-year delay. The health and safety of people whose drinking water providers have detected PFOA and PFOS above the limits EPA established in its 2024 PFAS National Primary Drinking Water Regulation (the "2024 Rule") depend on expeditious compliance with the drinking water standards. We urge EPA not to move forward with the Proposed Delay Rule.

EPA's drinking water standards for PFOA and PFOS are supported by an extensive factual and scientific record. In the 2024 Rule, EPA determined that PFOA and PFOS are widely present in drinking water and that PFAS pose serious health risks, including "effects on the liver (e.g., liver cell death), growth and development (e.g., low birth weight), hormone levels, kidney, the immune system (reduced response to vaccines), lipid levels (e.g., high cholesterol), the nervous system, and reproduction, as well as increased risk of certain types of cancer." 2024 Rule, 89 Fed. Reg. 32532, 32537 (Apr. 26, 2024). The decision to promulgate the PFOA and PFOS standards was thoughtful and deliberate, based on the recognition of immense harm to

public health and the need to protect people from drinking PFAS-contaminated water. EPA evaluated and studied these chemicals for years before promulgating the rule.

EPA's delay proposal violates the Safe Drinking Water Act ("Act"). The Act does not permit EPA to extend the deadline for compliance with new drinking water standards beyond five years. The law's standard compliance deadline is three years, with the possibility of an additional two-year nationwide extension to allow for capital improvements. 42 U.S.C. § 300g-1(b)(10). When promulgating the drinking water standards in 2024, EPA exercised its authority to issue that extension, the only broadly applicable extension available under the Act. 40 C.F.R. § 141.900(b)(4); 40 C.F.R. § 141.903.

EPA lacks authority to provide a further extension by mislabeling it as an "exemption." Section 1416 of the Act allows for *individual* drinking water systems to receive a limited exemption from applicable compliance deadlines when, among other required factors, that system is demonstrably unable to comply and the exemption will not present any unreasonable health risks. 42 U.S.C. § 300g-5. When promulgating the 2024 Rule, EPA rightly acknowledged that exemptions should be granted only in "rare circumstances" and on a case-by-case basis. PFAS National Primary Drinking Water Regulation Rulemaking, 88 Fed. Reg. 18638, 18689 (Mar. 29, 2023) ("2023 Proposed Rule"); 2024 Rule, 89 Fed. Reg. at 32632. EPA cites no examples of exemptions-by-rule under the Act in its proposal, nor can it because the statute does not authorize EPA to further extend the compliance deadline through a nationwide exemption-by-rule.

The Act explicitly establishes several prerequisites to the issuance of a case-by-case exemption which cannot be met on a nationwide basis. First, the state primacy agency or EPA must determine that "due to compelling factors ... *the public water system* is unable to comply" with the standard "*or to implement measures to develop an alternative source of water supply.*" 42 U.S.C. § 300g-5(a)(1) (emphases added). No nationwide assessment can determine whether a specific water system is unable to comply, much less whether an alternative water source is available to that system. Second, an exemption may not "result in an unreasonable risk to health." 42 U.S.C. § 300g-5(a)(3). To evaluate the possibility of unreasonable risk to health, the reviewing authority must conduct a localized evaluation of the impact of an exemption based on the levels of PFOA and PFOS in a local system's water and the characteristics of specific local populations (such as significant populations of pregnant people who lack sufficient prenatal care who would be especially vulnerable to low birth weight-associated problems and other developmental effects). Third, the primacy agency or EPA must determine for the specific system that "management or restructuring changes (or both) cannot reasonably be made that will result in compliance" 42 U.S.C. § 300g-5(a)(4). Again, this determination of necessity must look at whether the specific system at issue could adopt management or restructuring changes to comply. Finally, the Act requires a public hearing on any schedule for delayed compliance

provided under an exemption. 42 U.S.C. § 300g-5(b)(1). In sum, these determinations simply cannot be made on a nationwide basis. If there are individual systems for which compliance by 2029 truly is impossible, those systems may seek a system-specific exemption under section 1416. But the Act does not authorize exemptions in the form of a blanket nationwide delay.

Even if a nationwide exemption were lawful, which it is not, the agency has failed to make the case that it is necessary. EPA’s speculation that “some water systems may face ... short-term” compliance challenges does not justify a nationwide exemption-by-rule. 91 Fed. Reg. 29425, 29429 (May 20, 2026). A substantial number of public water systems have implemented PFAS treatment technology or are on track to do so by 2029. *Id.* EPA has not shown that increases in construction and equipment costs, supply chain issues, or workforce challenges preclude timely compliance with the PFOA and PFOS drinking water standards for any water system, let alone a proportion of systems commensurate with the scope of EPA’s proposed nationwide exemption. EPA already considered these issues in the 2023 Proposed Rule and provided lengthy explanations in the final 2024 Rule explaining how the drinking water standards are feasible despite these factors. *See* 89 Fed. Reg. at 32575–77. The Proposed Delay Rule fails to provide new information to document how the nature of these asserted challenges has substantially changed in the time that has elapsed between the 2024 Rule promulgation and now. Nor has EPA cited any data or analysis that establishes an additional two-year delay would alleviate these issues.

Similarly, “financial limitations” affecting some public water systems do not justify the Proposed Delay Rule. EPA ignores that unprecedented resources have been allocated for treatment of PFAS in drinking water, including \$9 billion earmarked for PFAS treatment in the Infrastructure Investment and Jobs Act.¹ At the same time, the Trump Administration is taking actions that will make it harder for water systems to comply with the PFOA and PFOS standards during EPA’s proposed exemption period, including by seeking a nearly 90 percent reduction from the previous year in funding for the Drinking Water State Revolving Fund.² It is irrational for EPA to propose delays based on purportedly insufficient funding while simultaneously seeking to slash the funding available for PFAS treatment and associated technical assistance.³

¹ See EPA, *Fact Sheet: PFAS National Primary Drinking Water Regulation* at 2 (April 2024), https://www.epa.gov/system/files/documents/2024-04/pfas-npdwr_fact-sheet_general_4.9.24v1.pdf.

² EPA, *FY 2027 EPA Budget in Brief* at 71 (Apr. 2026), https://www.epa.gov/system/files/documents/2026-04/00_fy-2027-bib_combined_final.pdf.

³ *See* Budget of the United States Government, Fiscal Year 2027 at 64, https://www.whitehouse.gov/wp-content/uploads/2026/04/budget_fy2027.pdf; Carolyn Berndt, National League of Cities, *What Congress Needs to Advance on Water Infrastructure for America’s Communities* (May 15, 2026), <https://www.nlc.org/article/2026/05/15/what-congress-needs-to-advance-on-water-infrastructure-for-americas-communities/> (noting the President’s FY27 budget request proposes cutting the essential water infrastructure programs that communities rely on, including a nearly 90 percent cut to the Clean Water and Drinking Water State Revolving Funds—from \$2.7 billion in FY26 to \$305 million in FY27).

The Proposed Delay Rule is also inconsistent with EPA’s finding just two years ago that it is feasible for water systems to comply with the standards. In promulgating the standards, EPA developed an extensive record and accompanying analyses, upon which the agency appropriately and formally determined that compliance with the standards is feasible by 2029 for systems nationwide. *See* 89 Fed. Reg. at 32575–77, 32744. It would be arbitrary and capricious in the extreme for the agency to now turn around and assert, based upon little or no new evidence, that systems nationwide are unable to comply, justifying a broad exemption-by-rule. As described above, many water systems are already working toward, or are in, compliance with the existing standards.

EPA also is wrong to contend that subjecting people to two additional years of exposure to PFOA and PFOS levels above the drinking water standards would not pose an unreasonable risk to public health. 91 Fed. Reg. at 29431. The Proposed Delay Rule does not even attempt to quantify or qualitatively characterize the health risks associated with this exposure, nor does EPA attempt to explain why those risks are not unreasonable, including for fetuses, infants, and children who will experience critical developmental windows during the proposed exemption period, making them more susceptible to developmental harm. This vulnerable population also experiences higher exposure to PFAS, in part due to drinking more relative to their body weight than adults. Populations exposed to PFOA and PFOS in drinking water may also be exposed to other PFAS chemicals, including the Index PFAS EPA has simultaneously proposed to rescind. Docket No. EPA-HQ-OW-2025-0654. EPA’s failure to consider the combined impacts of both rules poses undue risk to the health of millions of people throughout the country.

The interim control measures in the Proposed Delay Rule, for water systems with PFOA and/or PFOS levels above 12 ppt, provide no guarantee that PFAS levels in their customers’ drinking water will be reduced at all during the proposed exemption period. For example, a system could simply elect to apply for “funding or technical assistance to implement source water assessment planning” and distribute written public education materials about PFOA and PFOS exposure to their customers. *See* 91 Fed. Reg. at 29436 (describing requirements for “source water controls” and “public education materials” as interim control strategies); *id.* at 29434 (explaining that systems may select any combination of two interim control measures from EPA’s list, so long as they do not select only public education materials and public outreach activities). EPA also makes no distinction in interim control measure requirements for systems with PFOA and/or PFOS levels significantly higher than 12 ppt. Based on UCMR 5 monitoring, the 95th percentile for PFOA and PFOS is 17.1 ppt and 25.8 ppt, but goes up as high as 235 ppt and 490 ppt, respectively.

Communities that have long suffered PFAS contamination rightfully expect that they will be protected from PFAS contamination of their drinking water within the five-year timeframe mandated by Congress and incorporated into the original rule. Delaying the relief for

communities by two additional years is unjust and illegal, and fails to consider the reliance interests of those entities, as required by the Administrative Procedure Act. EPA should abandon the Proposed Delay Rule and instead make efforts to assist water systems' PFOA and PFOS removal measures to support expeditious compliance with the drinking water standards.

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

Bayou City Waterkeeper

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
Friends of the Duck River
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
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
Ogeechee Riverkeeper
Ohio Environmental Council
Ohio River Foundation
One Hundred Miles
PfoaProject NY
Portland Advocates for Leadfree, Safe
Drinking Water
Puget Soundkeeper
River Alliance of Wisconsin
River Network
Rockbridge Conservation
Satilla Riverkeeper
Save Our Water SOH2O
Science and Environmental Health Network
Science for Georgia, Inc
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

Waterkeepers Chesapeake

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