

States Step In On PFAS Drinking Water Regulations

Article By:

Benjamin Dario

Since taking office In January 2025, the Trump Administration has been swift in its mission to rollback regulations across the federal government. These environmental rollbacks by the Trump EPA have been described by the agency itself as “the biggest deregulatory action in U.S. history.” Despite these rollbacks, one program that has not been cut is the EPA’s monitoring of public drinking water systems for over 30 types of PFAS substances. The first report from the Trump Administration EPA reflecting this monitoring showed that more than 37 million American rely on drinking water from water systems that exceed current federally regulated limits on PFAS. With the rapid rollbacks taking place across the federal government showing no signs of decelerating, many environmental groups have expressed concern that regulations safeguarding against PFAS contamination could soon be weakened or overturned. As a result of the unclear future of federal regulation, as well as the prevalence of PFAS in drinking water, many states have taken it upon themselves to strengthen their PFAS laws to protect their waterways.

Current PFAS Drinking Water Rule:

In April of 2024 the EPA finalized the [PFAS National Primary Drinking Water Regulation](#) under the Safe Drinking Water Act. The regulation is the first of its kind in the United States to place a national limit on the amount of PFAS allowed in drinking water to be considered safe for consumption. The regulation is to require public water utilities to test for 6 different types of PFAS chemicals, aiming to reduce PFAS exposure to 100 million people. To ensure compliance with the new regulation, the EPA plans to make available \$1 billion to states and territories implementing PFAS testing and treatment. The EPA is to allow operators to have 2 years to test for PFAS pollution and an additional 2 years to implement the technology to treat the contaminated water. EPA estimates indicate that of the 66,000 public water utility systems to be impacted by the standard, roughly 6-10% of them will need to take action to comply with the new regulations. The EPA’s PFAS drinking water standards must be met by January of 2029.

Prior to the current administrations rolling back of federal environmental regulations, the PFAS drinking water regulation had been facing legal challenges, with at least three lawsuits challenging the regulation being filed in the D.C. Circuit. On February 10, 2025, the D.C. Circuit granted the EPA a 60-day stay of litigation challenging the agency’s PFAS drinking water rule, giving the Trump administration time to review the regulation. Considering legal challenges and the slew of rollbacks taking place across the federal government, the future of the regulation at the federal level is

currently unclear.

State Action to Prepare for Potential Federal Rollbacks:

To prepare for further regulatory rollbacks from the EPA that could impact PFAS regulation, [states have begun looking to introduce laws that would put in place PFAS protections that could protect the state's waters against any potential federal rollbacks.](#)

One such example was seen in California, where state legislators introduced Assembly Bill 794 aiming to strengthen the State Water Board's authority by empowering the Water Board to directly combat challenges to the existing federal regulation by ordering it to "establish emergency regulations that are at least as protective as current federal standards" (as of January 19, 2025). Further, the proposed law would allow the state to put even stronger standards of PFAS contamination in place, should the Water Board deem them necessary.

California is not the only state with proposed legislation upholding or strengthening the current federal standard, with lawmakers in Connecticut, Pennsylvania, and Vermont amongst other states taking similar actions. Proposed Bill No. 733 in Connecticut seeks to create a maximum contaminant level of 20 parts per trillion and aims to force suppliers who test above that level for more than 3 months to undertake treatment procedures until under the limit. General Assembly of Pennsylvania House Bill No. 578 seeks to amend the Pennsylvania Safe Drinking Water Act to hold that PFAS contamination shall not exceed 10 parts per trillion, regardless of what levels the EPA may set in the future. The proposed Vermont law, H-0286, would outlaw 6 different types of PFAS from being present in drinking water all together, while limiting many others to 20 parts per trillion.

While the referenced bills await passage into law, it should be anticipated that many states will follow a similar plan to the states referenced, if they are not already. These states have introduced this legislation in anticipation of potential federal rollbacks, and it should be anticipated that many more states may follow suit if these rollbacks were to become a reality.

Conclusion:

With the future unclear for federal regulation of PFAS in drinking water due to both legal and political challenges, it can be expected that more states will follow the lead of California, Pennsylvania, Connecticut, and Vermont. Without clear federal guidance on the issue, it can be anticipated that the regulatory landscape for PFAS contamination in drinking water will remain fluid and require an understanding of all state's different rules and regulations. It will be important for businesses and individuals alike to monitor these state standards to ensure their own safety and compliance.

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