

Virtual Testimony on Extending the Compliance Deadline for the PFOA and PFOS Maximum Contaminant Levels

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Good evening. My name is Michelle Montoya, and I am the Policy Director for the Environmental Protection Network, a non-profit organization made up of more than 750 former EPA staff.

We thank the continued work of dedicated EPA career staff.

EPN urges the agency to withdraw this proposal to extend the 2029 compliance date for the PFOA and PFOS MCLs.

EPA cites several “compelling factors” that purportedly necessitate a compliance date exemption including, for example, recent inflation in construction materials, volatility in global steel markets, and so on. However, the agency does not present sufficient evidence to demonstrate that any of these factors warrant a two-year extension for industrial polluters to continue to harm the health of the American people.

And though EPA cites financial limitations, the Agency and USDA are providing *billions* of dollars for PFAS drinking water treatment, and multiple legal settlements with PFAS producers are paying out billions of dollars to water systems. This unprecedented funding for new drinking water treatment will definitely defray the costs for ratepayers and preclude the need for a 2-year compliance delay.

EPA also proposes that an exemption is needed so more monitoring data can be collected. UCMR5 data are already available, and the 2024 rule provided the maximum 5-year compliance period to give water systems three additional years to monitor before designing and installing treatment by 2029. EPN is stunned that EPA is citing the need for more time for source water protection measures to be implemented when EPA has been refusing to release a January 2025 proposed rule requiring chemical companies to remove PFAS from their wastewater. EPA could be finalizing wastewater treatment requirements by now if the Agency had released the proposed rule when it was ready last January.

Finally, the proposal does not define what constitutes an “unreasonable risk” or provide a scientific rationale for selecting the 12 ppt threshold for federal exemption. Without a clear definition and supporting analysis, regulated entities and the public cannot understand how EPA evaluated hazard, exposure, uncertainty, cumulative impacts, or risks to sensitive populations in reaching this conclusion.

EPN urges EPA to fulfill their promised “offensive against PFAS” by protecting the American people from unnecessary exposure to harmful PFAS chemicals.