



# USEPA Announces Drinking Water MCLs for PFOA and PFOS Will Remain in Place

## Client Advisories

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By: Charles J. Dennen, David F. Edelstein

On May 14, 2025, the United States Environmental Protection Agency (USEPA) announced significant developments in the enforcement of the National Primary Drinking Water Regulation (NPDWR) passed under the Biden Administration that established legally-enforceable Maximum Contaminant Levels (MCLs) for certain per- and polyfluoroalkyl substances (PFAS) in drinking water.

In April 2024, as part of the Biden Administration's PFAS Strategic Roadmap, USEPA promulgated final drinking water MCLs for the following PFAS compounds: perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorononanoic acid (PFNA), hexafluoropropylene oxide dimer acid (HFPO-DA, sometimes referred to as "GenX" compounds), and perfluorohexane sulfonic acid (PFHxS). Additionally, the final rule covered PFAS mixtures containing at least two or more of PFHxS, PFNA, HFPO-DA, and perfluorobutane sulfonic acid (PFBS) using a Hazard Index MCL to account for the combined and co-occurring levels of these PFAS in drinking water.

USEPA also finalized health-based, non-enforceable Maximum Contaminant Level Goals (MCLGs) for these PFAS. Unlike MCLs, MCLGs are not legally-enforceable standards and are instead aspirational thresholds.

The final MCLs and MCLGs enacted last year were as follows:

PFAS Compound	Final MCL	Final MCLG
PFOA	4 parts per trillion (ppt)	Zero
PFOS	4 ppt	Zero
PFHxS	10 ppt	10 ppt
PFNA	10 ppt	10 ppt
HFPO-DA (sometimes referred to as "GenX" compounds)	10 ppt	10 ppt

Mixtures containing two or more of PFHxS, PFNA, HFPO-DA, and PFBS	1.0 (unitless) Hazard Index	1.0 (unitless) Hazard Index
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Archer’s prior Client Alert on the final drinking water MCLs can be found [here](#).

The most significant aspect of USEPA’s announcement last week is that the MCLs of 4 ppt for PFOA and PFOS will remain in place. This will likely come as a surprise to the regulated community as the messaging coming out of USEPA and the Trump Administration over the last several months suggested that the MCLs for PFOA and PFOS might be scaled back in response to legal challenges to the NPDWR.

While USEPA did announce that the enforcement of the MCLs for PFOA and PFOS will be delayed from 2029 to 2031, in order to afford drinking water systems an additional two years to come into compliance, the commitment to the 4 ppt MCLs for PFOA and PFOS will likely have significant implications for parties performing environmental cleanups. Parties that were hoping for—and maybe even expecting—the federal MCLs for PFOA and PFOS to align with higher state standards now have to prepare for the reality that 4 ppt will be the cleanup requirement at most PFAS sites.

With USEPA’s announcement that it will keep the MCLs for PFOA and PFOS, it will be interesting to see what happens to the existing challenges to those MCLs. These challenges raise questions about the scientific basis of the MCLs, including the toxicity assessments used by USEPA. Leading up to last week’s announcement, USEPA asked courts to stay the legal challenges while it evaluated the MCLs, which led many to believe that the MCLs would be made less stringent. On February 7, 2025, the U.S. Court of Appeals for the District of Columbia granted USEPA’s request for a 60-day stay to allow initial review of the rule—that stay was extended by 30 days on April 10, 2025.

However, it is unclear from USEPA’s announcement how extensively it reviewed the science that led to the decision to maintain the MCLs for PFOA and PFOS. Thus, the basis for the lawsuits still exists, although only time will tell whether the challengers continue the suits and, if so, how the federal courts respond to the challenges.

Although the commitment to the MCLs for PFOA and PFOS probably is the most significant aspect of USEPA’s announcement, it should be noted that USEPA did rescind the MCLs for PFNA, PFHxS and GenX, and the Hazard Index MCL for the mixture of those three compounds and PFBS. It is unclear why USEPA found the science insufficient to support the MCLs for these PFAS but sufficient to support the MCLs for PFOA and PFOS, which may also impact the pending challenges. Nonetheless, USEPA plans to issue a proposed rule in Fall 2025 to replace the withdrawn rule and finalize the new rule in the Spring 2026.

PFAS are a class of synthetic, man-made chemicals that have been used since the 1940s to make products that are resistant to water, heat, and oil. These products include cookware, carpets, clothing, fabrics for furniture, paper packaging for food, and other materials that are resistant to water, grease, or stains. They are also used in firefighting foams and in a number of industrial processes.



For questions about or issues concerning the update to the enforcement of PFAS MCLs, please contact **David Edelstein** at [dedelstein@archerlaw.com](mailto:dedelstein@archerlaw.com) or 856-354-3125, or **Charles Dennen** at [cdennen@archerlaw.com](mailto:cdennen@archerlaw.com) or 856-673-3932.

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## Related People



**Charles J. Dennen**

Partner

✉ [cdennen@archerlaw.com](mailto:cdennen@archerlaw.com)

☎ 856.673.3932



**David F. Edelstein**

Partner

✉ [dedelstein@archerlaw.com](mailto:dedelstein@archerlaw.com)

☎ 856.354.3125

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