

September 2026

The PFAS Periodical – Late Summer 2026 Update

In this issue of *The PFAS Periodical*, we continue our coverage of federal and state actions to regulate PFAS. On July 3, the Trump administration released the 2026 Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions. The Environmental Protection Agency's (EPA) [statement of priorities](#) builds on many of the PFAS actions reflected in the prior Unified Agenda. Notable developments include revisions to guidelines for PFAS manufacturers, the rescission of prior regulatory determinations for four PFAS under the Safe Drinking Water Act (SDWA), and improvements to data collection efforts under the Toxic Substances Control Act (TSCA). We also cover PFAS labeling laws and bans in Connecticut, Maine, and Vermont as well as new PFAS legislation in Connecticut and New York.

As in every issue of *The PFAS Periodical*, our running table of state regulations has been updated, and a link can be found at the end of this article.

Clean Water Act

We previously reported that EPA intends to propose a rule to require PFAS monitoring and reporting in individual National Pollutant Discharge Elimination System (NPDES) permits. As of this writing, the [federal regulatory tracker](#) still lists this as a planned action on EPA's agenda. Likewise, EPA's NPDES webpages do not yet host a PFAS-specific rulemaking notice or published proposal for Clean Water Act permit requirements.

While a stand-alone proposed rule for NPDES permit monitoring and reporting has not yet been published, EPA's proposed 2026 multisector stormwater general permit (MSGP) includes quarterly monitoring for 40 PFAS across 23 industrial sectors. That proposed permit was issued in December 2024 and remains the basis for the permit that will replace the 2021 MSGP, which expired on February 28. The permit and its appendices are available on [EPA's proposed 2026 MSGP webpage](#). Currently, the 2021 MSGP remains in effect under an administrative continuance. EPA provides further details in its [guidance on the administrative continuance of the 2021 MSGP](#).

On July 6, EPA published a notice of availability of draft guidance for wastewater treatment plants and related facilities on ways to reduce potential risks posed by PFOA and PFOS in biosolids and requested feedback on next steps. The [draft guidance](#) is intended to provide nonbinding recommendations, and comments are due by September 4.

Toxic Substances Control Act

As covered in [our previous alert](#) on this subject, the TSCA PFAS Rule requires importers and manufacturers that imported or manufactured PFAS in any year from 2011 to 2022 to report data to EPA regarding the health and environmental effects and exposure related to those products. The TSCA PFAS Rule defines PFAS broadly, using a structural definition based on PFAS chemical structures and possible variations rather than identifying specific PFAS compounds (e.g., PFOA) as regulated.

On November 13, 2025, EPA issued a proposed rule to amend the existing PFAS TSCA reporting regulation finalized in October 2023 (Proposed TSCA Rule) to provide exemptions under the 2023 regulation. The text of the [Proposed TSCA Rule](#) is available in the Federal Register. Visit [EPA's webpage on TSCA Section 8\(a\)\(7\) Reporting and Recordkeeping requirements](#) for additional information.

The Proposed TSCA Rule would create exemptions from reporting for:

- PFAS present in mixtures at concentrations of less than 0.1 percent (de minimis);
- PFAS imported as part of an article;
- some byproducts, impurities, and nonisolated intermediates; and
- PFAS manufactured or imported in small quantities only for research and development.

On April 13, EPA finalized an extension of the reporting requirement for TSCA Section 8(a)(7) submissions until 60 days after the effective date of the agency's revision to the rule. The current submission period for the PFAS Reporting Rule began on April 13 and runs through October 13. Alternatively, EPA has provided January 31, 2027, as an additional not-later-than commencement date and expects to finalize the rule revisions before that date.

Resource Conservation and Recovery Act

Our previous issue of *The PFAS Periodical* covered EPA's consideration of public comments on its [February 2024 proposed rule](#) to add nine PFAS, along with their salts and structural isomers, to the list of hazardous constituents in 40 CFR Part 261, Appendix VII, the list of substances subject to RCRA corrective action. EPA's 2026 Unified Agenda projects finalization of the rule by the end of 2027.

Additionally, on May 8, [EPA withdrew a February 2024](#) proposed rule that would have clarified that RCRA's definition of "hazardous waste" applies to corrective action for releases from solid waste management units, including landfills. The agency decided to withdraw the rule after public comment revealed that the rule could have made the obligations of owners and operators less clear and, therefore, could have complicated corrective actions rather than increase their efficiency.

Emergency Planning and Community Right-to-Know Act

In addition to the nine PFAS chemicals added to the TRI list, as discussed in our prior alert, EPA added sodium perfluorohexanesulfonate (PFHxS-Na) to the TRI list for reporting year 2026. EPA published the [final rule](#) on February 27, with an effective date of March 30, but the TRI listing applies beginning January 1, 2026; covered facilities must track PFHxS-Na manufacture, processing, otherwise use, releases, and waste-management activities during calendar year 2026, with reports due July 1, 2027. PFHxS-Na is treated as a chemical of special concern, consistent with the nine PFAS previously added to the TRI.

In October 2024, EPA proposed a [more expansive PFAS TRI rule](#), which would add 16 individual PFAS chemicals and 15 categories of PFAS (more than 100 in all) to the TRI list and would clarify how "automatic additions" work under the National Defense Authorization Act. EPA took comments on this proposed rule in 2025. The Spring 2026 Unified Agenda still lists this rulemaking in the final-rule stage, but the anticipated target date was extended to July 2026. However, as of late August 2026, the EPA still had not published the comprehensive final rule.

Safe Drinking Water Act

On May 18, EPA announced a pair of proposed rules to uphold federal drinking water MCLs for PFOA and PFOS while rescinding the regulatory determinations for PFHxS, PFNA, HFPO-DA (Gen X), and mixtures of these three PFAS and PFBS. As finalized in the 2024 NPDWR, EPA set MCLs for PFOA and PFOS at 4 parts per trillion (ppt). The [proposed PFOA and PFOS rule](#) would extend the date for MCL compliance from April 26, 2029, to April 26, 2031, for public water systems and state agencies that submit a request.

EPA's [proposed rule to rescind part of the 2024 NPDWR Final Rule](#)—which set MCLs of 10 ppt for perfluorononanoic acid (PFNA), perfluorohexanesulfonic acid (PFHxS), and Gen X, as well as the Hazard Index for two or more PFAS found in drinking water—is based on the agency's assessment that, for these chemicals, EPA did not follow the statutory requirements of the SDWA. EPA highlighted that the proposed rule is not intended to reassess the scientific evidence underlying the 2024 PFAS NPDWR.

Comments on both proposed rules closed on July 20.

Comprehensive Environmental Response, Compensation, and Liability Act

Our previous issue of *The PFAS Periodical* reported on the case brought by several large industry groups against EPA over its listing of PFOA and PFOS as hazardous substances under CERCLA. These groups challenged the designations in the D.C. Circuit, arguing that EPA's interpretation of CERCLA's Section 102 was too broad, attacking EPA's cost-benefit analysis during the rulemaking process, and arguing that EPA's choice to proceed with the rule in the face of uncertainty about the consequences of enforcing it was arbitrary and capricious.

On August 18, a three-judge panel of the D.C. Circuit issued a unanimous ruling denying the industry groups' petitions and upholding the EPA's designation of PFOA and PFOS as hazardous substances under CERCLA.

State Efforts

In Connecticut, C.G.S. Section 22a-903c took effect on July 1; it requires that certain products containing PFAS—including fabrics, rugs, cleaning products, cookware, dental floss, fabric treatments, juvenile products, menstrual products, furniture, and ski wax—be labeled as such if they are sold in the state. Manufacturers or sellers of such products must also notify the Connecticut Department of Energy and Environmental Protection regarding the PFAS contained in those products. A ban on the manufacture and sale of products containing PFAS takes effect on January 1, 2028. Additional information is available on [Connecticut DEEP's PFAS in Products](#) webpage.

Additionally, Connecticut enacted Public Act 26-142, which requires the Connecticut Department of Public Health to issue a schedule containing a list of perfluoroalkyl substances and unregulated contaminants as well as acceptable levels of those substances and contaminants based on federal regulations. This schedule will serve as the benchmark against which bottled water companies in Connecticut must test annually, starting January 1, 2027.

In Vermont, extensive PFAS bans took effect on January 1 under Act 131, restricting intentionally added PFAS in cosmetics and menstrual products, food packaging, textiles and rugs, dental floss, artificial turf, Class B firefighting foams, diapers, cookware, textile treatments, juvenile products, and ski wax. Specifically, Vermont's Act 131 bans PFAS that have been intentionally added or that are present in a product or component "at or above 100 parts per million in total organic fluorine." That threshold decreases to 50 parts per million in 2027. Vermont's [Act 131](#) defines regulated PFAS very broadly, as "a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom." The Vermont Attorney General's Office also published a [guidance document](#) on the state's PFAS ban.

In Maine, PFAS bans similar to Vermont's went into effect on January 1 under Public Law 2021, Chapter 477 (as amended). An earlier ban, which took effect on January 1, 2023, targeted carpets, rugs, and fabric treatments. The 2026 ban expands the prohibition to include cleaning products, cookware, cosmetics, dental floss, juvenile products, menstrual products, textiles, ski wax, upholstered furniture, and products sold in a fluorinated container or a container that otherwise contains intentionally added PFAS. Notably, Maine's ban exempts packaging and firefighting or fire-suppressing foams. Additional bans take effect in 2029, 2032, and 2040. More information, including links to the applicable laws, is available on the Maine Department of Environmental Protection's [PFAS in Products webpage](#).

In New York, the State Legislature passed two bills regulating PFAS: A8634-B/S3207-B and A5832-B/S4574-B. A8634-B/S3207-B would codify current federal PFAS maximum contaminant levels for drinking water into state law. A5832-B/S4574-B requires new State Pollutant Discharge Elimination System permittees, as well as those seeking renewals, to participate in a new PFAS monitoring system that would require the sampling of industrial wastewater or sewage for PFAS concentrations. If enacted, the monitoring requirements would take effect one year after the bill is signed into law. Both pieces of legislation are awaiting action by the governor.

We will continue to monitor developments with respect to the Trump administration's actions concerning PFAS regulation, as well as developments at the state level.

[Our running table of PFAS regulations can be found here.](#)

Authors



Harold M. Blinderman
Partner

Hartford, CT | (860) 275-0357

hmbinderman@daypitney.com