

The EPA's Proposed National Primary Drinking Water Regulation for Perchlorate: Fact Sheet for Public Water Systems

January 2026

The EPA is proposing for public comment a National Primary Drinking Water Regulation (NPDWR) and Maximum Contaminant Level Goal (MCLG) for perchlorate as a result of the D.C. Circuit's May 2023 decision in *NRDC v. Regan*.

The Agency's proposed rule includes a health-based MCLG of 20 micrograms per liter ($\mu\text{g/L}$). The EPA is also co-proposing enforceable Maximum Contaminant Levels (MCLs) for perchlorate of 20 $\mu\text{g/L}$, 40 $\mu\text{g/L}$, or 80 $\mu\text{g/L}$. For the small number of systems that find perchlorate above the MCL, the EPA is also proposing requirements for water systems to mitigate perchlorate, provide information about perchlorate to their consumers, and report to their respective primacy agency. The EPA's proposed regulation could require over 66,000 systems in the United States to test and monitor for the presence of perchlorate. The EPA anticipates that very few regulated water systems—approximately one tenth of one percent—are likely to find perchlorate in drinking water above either the proposed enforceable limits or the MCLG.

Proposed Perchlorate MCLG and MCL

The EPA is proposing to set the health-based MCLG at 20 $\mu\text{g/L}$ for perchlorate in drinking water. The EPA is also proposing and taking comment on setting an enforceable MCL for perchlorate at 20 $\mu\text{g/L}$, 40 $\mu\text{g/L}$, or 80 $\mu\text{g/L}$. Most communities are not expected to have perchlorate levels above any of the proposed MCLs in their drinking water.

Proposed Water System Monitoring Requirements

The EPA is proposing to require all Community Water Systems (CWSs) and Non-Transient Non-Community Water Systems (NTNCWSs) to monitor for perchlorate. The monitoring provisions included would automatically reduce monitoring frequency for systems based on initial sampling results, thereby reducing burden on States to make individual determinations for systems to reduce their monitoring frequency. The EPA is proposing a compliance date of 3 years after final rule promulgation for water systems to complete initial monitoring requirements.

The proposed monitoring protocol is based on the EPA's Standardized Monitoring Framework (SMF) for inorganic contaminants (IOCs). Under the SMF for IOCs, the monitoring frequency for a public water system is dependent on previous monitoring results, source water type, and whether a monitoring waiver has been granted. Because the EPA has determined that the vast majority of water systems are not likely to have perchlorate levels at the level of public health concern, the proposal includes provisions that would attempt to reduce burden on both systems and States compared to the standard monitoring requirements for other regulated IOCs.

Initial Monitoring (before the compliance date):

- Ground water systems (GWs) serving > 10,000 persons and surface water systems (SWs) are initially required to monitor for perchlorate at each entry point to the distribution system (*i.e.*, sampling point)

quarterly within a 12-month period prior to the rule compliance date.

- GWs serving $\leq 10,000$ persons are initially required to monitor twice within a 12-month period prior to the rule compliance date, the second of these samples must be collected 5 to 7 months after the first sample.
- The EPA is proposing that States may allow systems to use previously acquired monitoring data from up to 6 years prior to the compliance date, to satisfy the initial monitoring requirements.

Compliance Monitoring (after the compliance date):

- The EPA is proposing that monitoring frequency at each sampling point after the compliance date is determined based on the initial monitoring results:
 - If all samples ≤ 4.0 $\mu\text{g/L}$, automatically reduce to 9-year monitoring at that sampling point.
 - If any samples are > 4.0 $\mu\text{g/L}$ and $\leq \text{MCL}$, automatically reduce to annual (SW) or triennial (GW) monitoring at that sampling point.
 - If any samples are $> \text{MCL}$, conduct quarterly monitoring at that sampling point.
- The EPA is proposing that States may require more frequent sampling to account for situations where automatic reduced monitoring may not be appropriate (*e.g.*, presence of known perchlorate, high variability in initial sampling results).
- The EPA is proposing that systems may further reduce their monitoring frequency after the automatic reduction. Systems conducting quarterly monitoring may reduce to annual (SW) or triennial (GW) if the State determines the system is “reliably and consistently” below the MCL. Systems on annual or triennial monitoring may apply to the State for a monitoring waiver to reduce to sampling once every 9 years.
- The EPA is proposing that violations of the perchlorate MCL be determined based on the average of a compliance sample and a confirmation sample. If a single compliance sample is greater than the MCL, the system would be required to collect a confirmation sample and compliance with the MCL would be determined based on the average value of the two samples.

Perchlorate Treatment Options:

- The EPA is proposing to list the following technologies as Best Available Technologies (BATs) for removal of perchlorate from drinking water. Water systems are not required to use BATs. Systems would work with their primacy agency to determine the most appropriate way to comply with the MCL:
 - Ion Exchange
 - Biological Treatment
 - Reverse Osmosis
- Non-treatment options might also be used for compliance in lieu of installing and operating treatment technologies. These include blending existing water sources, replacing a perchlorate-contaminated source of drinking water with a new source (*e.g.*, a new well), and purchasing compliant water from another system.
- Certified point-of-use reverse osmosis devices are also available for small systems serving 3,300 persons or fewer to reduce perchlorate levels to below the proposed MCLs.

Proposed Consumer Confidence Report Requirements

The EPA is proposing for water systems to report perchlorate information in their consumer confidence reports (CCRs). As with other detected regulated contaminants, this information would include the MCL, MCLG, range of detected levels, highest detected level used to determine compliance, and likely sources of the perchlorate. If there is a violation of the MCL, the report must also include information about the violation, potential adverse health effects of perchlorate, and actions taken by the system to address the violation. The EPA is proposing

mandatory health effects language for perchlorate consistent with the Agency's health assessment of perchlorate:

Some children of hypothyroxinemic women with low iodine intake who consume drinking water containing perchlorate in excess of the MCL, including during the first trimester of pregnancy, may have increased health risks including impacts on brain development. In addition, there may be increased risks of these effects in people who drink water containing perchlorate in excess of the MCL during childhood. Women who are pregnant or may become pregnant should consult their personal doctor about iodine intake and thyroid hormone levels.

Proposed Public Notification Requirements

The EPA is proposing for water systems to issue Tier 1 public notification (PN) for an MCL violation so people can take action to reduce their exposure. Tier 1 PN would require water systems to issue notification within 24 hours of an MCL violation. The EPA has proposed Tier 1 PN because the most sensitive adverse health effect of perchlorate exposure can result from short-term exposure during critical periods of development (*i.e.*, early pregnancy). Additionally, the EPA is also proposing to require Tier 3 PN for perchlorate monitoring and testing procedure violations, which is consistent with other inorganic contaminants. PN would be required to include the same mandatory health effects language as the CCR, described above.

How do I provide comment on the proposed perchlorate NPDWR?

The EPA welcomes public input as part of the regulatory development process. You can review the proposed perchlorate NPDWR and supporting information and provide written comments at www.regulations.gov, Docket ID Number: EPA-HQ-OW-2024-0592.

Follow the online instructions for submitting written comments. Comments must be submitted to the public docket during the 60-day public comment period.

The EPA will consider all public comments in development of the final regulation. For more information and instructions on how to submit written comments to the public docket, visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

The EPA will also hold a virtual public hearing on February 19, 2026 from 1 pm to 4 pm EST at which the public will be invited to provide the EPA with oral comments. For more information on the public hearing and how to register and provide the EPA with oral and written comments, please visit: <https://www.epa.gov/sdwa/perchlorate-drinking-water>.

Additional Resources

The EPA has developed frequently asked questions and other materials on the proposed perchlorate NPDWR that are available on the EPA's website at <https://www.epa.gov/sdwa/perchlorate-drinking-water>.

Disclaimer: This document is being provided for informational purposes only to assist members of the public, States, Tribes, and/or public water systems in reviewing and commenting on the package for the proposed perchlorate National Primary Drinking Water Regulation (NPDWR). In the event that there are any differences, conflicts, or errors between this document and the content included in the package for the proposed perchlorate NPDWR, including the preamble and proposed regulatory text, States, Tribes, and/or public water systems should refer to the rule package. The NPDWR is only a proposed rule and the content discussed herein about the proposed perchlorate NPDWR is subject to change before a final perchlorate NPDWR is promulgated. This document does not impose any new legally binding requirements on the EPA, States, Tribes, or the regulated community. Further, this document does not confer legal rights or impose legal obligations on any member of the public. In the event of a conflict between the discussion in this fact sheet and any statute or promulgated regulation, the statute and any promulgated regulations are controlling.