

Proposed PFOA and PFOS Compliance Extension Rule FAQs for Drinking Water Primacy Agencies and Public Water Systems May 2026

Overview: What action is the U.S Environmental Protection Agency (EPA) taking?

The EPA announced a proposed regulation to allow water systems to seek an exemption to the Maximum Contaminant Level (MCL) compliance deadlines for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) for two additional years (to 2031). This action will help ensure that drinking water systems can protect the health of Americans from PFAS in drinking water while having the time to make informed, cost-effective decisions. The EPA is seeking public comments on this action.

What are exemptions under the Safe Drinking Water Act (SDWA)?

The SDWA allows the EPA and states, territories, and Tribes with primary enforcement authority (or primacy) of drinking water regulations to grant exemptions to water systems that cannot meet the compliance date for the MCL or a treatment technique requirement in a National Primary Drinking Water Regulation (NPDWR). Exemptions allow eligible systems additional time to achieve compliance with an MCL if the additional time will not result in an unreasonable risk to health. Exemptions do not allow a water system to violate NPDWRs, nor are they permanent. Rather, they allow additional time to find a compliance solution (e.g., treatment or a new source).

Which drinking water systems would be eligible to seek the federal PFOA and PFOS MCL exemption?

As outlined in SDWA Section 1416, under the proposed rule, any public water system may seek the exemption if they are:

- Subject to the requirements of the 2024 PFAS NPDWR for PFOA and PFOS;
- In operation on or prior to June 25, 2024;
- Not currently under a SDWA section 1415(e) variance¹ for small systems for the PFOA and PFOS MCLs; and
- Located in a state, territory, or Tribe that does not have primacy for the 2024 PFAS NPDWR.

As proposed, only water systems that meet all of these criteria would be eligible to seek the federal exemption. Systems that are not eligible to seek the federal exemption because they are located in a state, territory, or Tribe that has primacy for the 2024 PFAS NPDWR could request an exemption from their drinking water primacy agency.

¹ Under the SDWA section 1415(e) variances are available to small systems that cannot afford to comply with the MCL if EPA has identified a variance technology.

What information would drinking water systems need to provide to EPA to be granted the federal PFOA and PFOS MCL exemption?

Under the proposed rule, eligible water systems would be required to provide information including the following²:

- System name, PWSID, system type (wholesale and/or consecutive);
- Initial date of system operations;
- Most recent PFOA and PFOS drinking water sample results;
- Water systems with levels of PFOA or PFOS at or above 12 parts per trillion (ppt) must include information on their control measures (e.g., providing drinking water filtration pitchers) to reduce exposure to their consumers. They must also certify that their water system will implement the measures during the period of the exemption; and
- Certified statement that the system cannot comply with the PFOA and PFOS MCLs by April 26, 2029, and meets other eligibility requirements for the SDWA Section 1416(a)(1) and (4) exemption.

Once systems send all of the required information to EPA, water systems are then exempted from PFOA and PFOS MCL compliance until April 2031. EPA will be providing specific information on how to submit the required information concurrent with the final rule.

What are the proposed control measures for water systems required to implement them?

Under the proposed rule, drinking water systems asking for the federal exemption that have one PFOA or PFOS sample result at or above 12 ppt would be required to choose and implement control measures during the exemption period. These actions will help systems that are at or above this level minimize exposure during the exemption period.

EPA is proposing that water systems would be required to select and implement at least two of six control measure options to help reduce PFOA and PFOS concentrations and provide information for consumers to decrease their exposure to PFAS during the exemption period. The six control measure options include:

- Water pitchers and filters certified to reduce PFOA and PFOS levels;
- Delivering alternative water supplies with lower levels of PFOA and PFOS;
- Installing, operating, and maintaining point-of-use or point-of-entry devices certified to decrease PFOA and PFOS levels;
- Implementing actions and plans to decrease PFOA and PFOS levels in sources of drinking water;
- **Public education:** Distributing written public education materials to consumers on PFOA and PFOS exposure sources; and
- **Public education:** Conducting community education outreach activities on PFOA and PFOS in drinking water.

EPA is proposing that the two control measures selected cannot solely include public education materials and public outreach activities (public education options). EPA is specifically requesting public input on both the proposed level (12 ppt) requiring control measures, as well as the six control measure options.

² See proposed 40 C.F.R. 142.58(b) for additional details.

What if a system with an exemption has drinking water concentrations above the PFOA or PFOS MCLs (4.0 ppt) but below the level required to implement control measures (12 ppt) during the period of the exemption?

EPA's exemption is being proposed to allow eligible water systems an additional two years to take actions necessary to achieve and maintain compliance and public health protection. For systems operating under the federal exemption, the following lists requirements during the exemption period.

PFOA or PFOS level	Water system action during exemption period
All levels of PFOA or PFOS	Required to provide public notice of exemption
Any sample result above the PFOA or PFOS MCLs (4.0 ppt) and all sample result(s) below 12 ppt	No control measures required
Any sample result(s) at or above 12 ppt	Required to choose and implement at least two of six specified control measure options to provide protection to customers

As proposed, water systems granted the federal PFOA and PFOS exemption with sample results below the level at which control measures are mandated (12 ppt) would not be required to implement any control measures but must comply with existing regulations to notify consumers of the exemption.

How does the timing of a state, territory, or Tribe obtaining primacy for the 2024 PFAS NPDWR impact the federal PFOA and PFOS MCL exemptions?

Once a state, Tribe, or territory obtains primacy for the 2024 PFAS NPDWR, EPA can no longer grant federal exemptions to any water systems in those locations. Water systems seeking an exemption from the 2024 PFAS NPDWR in those locations would be required to make the request to the relevant drinking water primacy agency.

For state, Tribal, and territorial primacy agencies that obtain primacy for the 2024 PFAS NPDWR after EPA grants any federal exemptions, those primacy agencies decide if they want to allow the federal exemption. EPA encourages states to notify their water systems whether they plan to allow the proposed federal exemptions to continue after gaining primacy for the 2024 PFAS NPDWR.

If EPA grants a water system the federal PFOA and PFOS MCL exemption, would state, territorial, or Tribal drinking water primacy agencies have to take any action?

No, these entities would not need to take any action related to granting the federal exemption. For entities that obtain primacy for the 2024 PFAS NPDWR after EPA grants a federal exemption, agencies that choose to continue the federal exemptions should incorporate the EPA-issued exemptions into their adopted state regulations and primacy applications.

How would drinking water primacy agencies and the public know which water systems have an extension of the compliance deadline as a result of the federal PFOA and PFOS MCL exemption?

EPA would have information on these water systems and would make it available to drinking water primacy agencies and the public. Additionally, under existing rules, any public water system operating under any exemption must provide public notification to their primacy agency, the people it serves, and any consecutive

systems no later than one year after the system begins operating under the exemption and repeat the notice annually for the duration of the exemption³. Community water systems are also required to notify their primacy agency and customers as part of their annual or biannual distribute Consumer Confidence Reports that must contain information about the exemption including the reasons for it and a notice of any opportunity for public input on the review or renewal of the exemption⁴.

Can a state, territory, or Tribe choose to shorten or end an exemption granted by EPA once they receive primacy?

For state, Tribal, and territorial primacy agencies that obtain primacy for the 2024 PFAS NPDWR after EPA grants any federal exemptions, those primacy agencies can then determine whether they intend to allow the federal exemption to proceed to 2031 or they may choose to shorten or end a federal exemption when they receive primacy. EPA encourages states to notify their water systems whether they plan to allow the proposed federal exemptions to continue after gaining primacy for the 2024 PFAS NPDWR and whether they plan to alter the duration of the exemption.

³ See SDWA Section 1414(c)(1)(B); 40 C.F.R. 141.204(a) and (b) for additional details.

⁴ See SDWA Section 1414(c)(4)(B)(iv) and 40 C.F.R. 141.153(g) for additional details.