

July 20, 2026

Nicole Shao
U.S. Environmental Protection Agency
Office of Ground Water and Drinking Water
Standards and Risk Management Division
Mail Code 4601M
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Submitted electronically via: <https://www.regulations.gov>

RE: U.S. Environmental Protection Agency: Rescission of Regulatory Determinations and Removal of Related Provisions for Four PFAS Substances (PFHxS, PFNA, HFPO-DA (GenX), and the mixture of these three PFAS plus PFBS) — Docket ID No. EPA-HQ-OW-2025-0654

Dear Ms. Shao:

The Association of California Water Agencies (ACWA) respectfully submits comments regarding the U.S. Environmental Protection Agency's (EPA) proposal to rescind regulatory determinations for four PFAS—PFHxS, PFNA, HFPO-DA (GenX chemicals), and the mixture of these three PFAS plus PFBS.¹ ACWA supports EPA's decision to rescind its regulatory determinations for these PFAS and mixtures of PFAS because EPA did not follow the regulatory process required by the Safe Drinking Water Act (SDWA) and urges EPA to follow the stepwise process mandated by Congress when deciding whether to regulate these PFAS in the future.

ACWA is the largest statewide coalition of public water agencies in the United States. ACWA represents approximately 470 member agencies that are responsible for delivering about 90 percent of the water to communities, farms, and businesses in California. ACWA represents water management entities in every sector of water supply, including municipal and agricultural water, water recycling, water reuse, flood control, wastewater management, and stormwater management. ACWA and its members are dedicated to providing a high-quality, reliable water supply in an environmentally sustainable and fiscally responsible manner.

PFAS—short for per- and polyfluoroalkyl substances—are humanmade chemicals used since the 1940s in a wide-range of consumer, commercial, and industrial products because of their waterproof, stain-resistant, or non-stick properties. PFAS are commonly found in textiles, cookware, food packaging, cleaning products, electronics, firefighting foam, and more. Although certain PFAS chemicals are no longer manufactured in the United States, these chemicals are still produced internationally and imported into the country through various products. Because PFAS are highly resistant to natural degradation, they persist in the environment and can accumulate over

¹ *Rescission of Regulatory Determinations and Removal of Related Provisions for Four PFAS Substances (PFHxS, PFNA, HFPO-DA (GenX), and the Mixture of These Three PFAS Plus PFBS)*, 91 Fed. Reg. 29413 (May 20, 2026).
<https://www.govinfo.gov/content/pkg/FR-2026-05-20/pdf/2026-10085.pdf>.

time. For these reasons, PFAS have contaminated soil, water, wildlife, and humans. Water systems, including ACWA member agencies, are investing significant resources to remove PFAS from drinking water, despite not being the original source of these contaminants.

ACWA urges EPA to consider the following comments regarding its proposal to rescind regulatory determinations for PFHxS, PFNA, HFPO-DA (GenX chemicals), and the mixture of these three PFAS plus PFBS.

I. Follow Established Regulatory Procedures under SDWA

EPA's PFAS National Primary Drinking Water Regulation (NPDWR) established enforceable Maximum Contaminant Levels (MCLs) as well as non-enforceable Maximum Contaminant Level Goals (MCLGs) for PFHxS, PFNA, HFPO-DA (GenX Chemicals) at 10 parts per trillion (ppt) and for mixtures containing two or more of PFHxS, PFNA, HFPO-DA, and PFBS at 1 (unitless).²

ACWA urges EPA to follow established regulatory procedures under the SDWA. The SDWA outlines the process for EPA to regulate drinking water contaminants.³ Pursuant to SDWA, EPA must first make a final determination to regulate a contaminant(s) after notice of the preliminary determination and opportunity for public comment. Then EPA must publish maximum contaminant level goals and promulgate, by rule, a national primary drinking water regulation for each contaminant EPA determines to regulate not later than 24 months after the determination to regulate.

EPA's preliminary determination to regulate PFHxS, PFNA, HFPO-DA (GenX Chemicals), PFBS, and mixtures of these PFAS as contaminants under SDWA, while at the same time proposing a NPDWR and MCLGs for these PFAS and their mixtures, did not follow the SDWA's procedures. If EPA proceeds with making a future regulatory determination on these or other PFAS in the future, ACWA recommends EPA restart its rulemaking process in accordance with the stepwise process set forth in the SDWA, as was done for PFOA and PFOS.

Additionally, ACWA previously expressed concerns with EPA's Hazard Index approach to regulate mixtures containing two or more PFHxS, PFNA, HFPO-DA (GenX Chemicals), and PFBS in drinking water.⁴ While the Hazard Index can be a tool for EPA to understand health risk from chemical mixtures, this marked the first time EPA used a Hazard Index under the SDWA.⁵ EPA's Hazard Index approach essentially set a de-facto MCL without conducting the full SDWA cost-benefit analysis for the covered PFAS.

² *PFAS National Primary Drinking Water Regulation*, 89 Fed. Reg. 32532 (April 26, 2024).

<https://www.federalregister.gov/documents/2024/04/26/2024-07773/pfas-national-primary-drinking-water-regulation>.

³ Safe Drinking Water Act, Pub. L. No. 93-523, 88 Stat. 1660 (1974). 42 U.S.C. § 1412(b)(1)(B)(ii)(I) and § 1412(b)(1)(E).

https://www.epa.gov/sites/default/files/2020-05/documents/safe_drinking_water_act-title_xiv_of_public_health_service_act.pdf.

⁴ Association of California Water Agencies: *PFAS National Primary Drinking Water Regulation Rulemaking; EPA-HQ-OW-2022-0114* (May 30, 2023). <https://www.acwa.com/wp-content/uploads/2023/05/ACWA-Comments-EPA-PFAS-NPDWR-Final.pdf>.

⁵ U.S. EPA: *Understanding the PFAS National Primary Drinking Water Proposal Hazard Index*.

https://www.epa.gov/system/files/documents/2023-03/How%20do%20I%20calculate%20the%20Hazard%20Index._3.14.23.pdf;
PFAS National Primary Drinking Water Regulation, 89 Fed. Reg. 32532 (April 26, 2024).

<https://www.federalregister.gov/documents/2024/04/26/2024-07773/pfas-national-primary-drinking-water-regulation>.

Public water agencies like ACWA members remain committed to addressing PFAS contamination and providing safe drinking water to communities. ACWA understands the complexity of regulating PFAS, and supports protective drinking water standards developed in accordance with the SDWA and public input. This is essential to help water providers like ACWA members supply safe water to customers.

II. Primacy

Primacy, short for primary enforcement responsibility, permits a state, territory, or Tribal Nation to administer and enforce certain regulations (e.g. drinking water standards) within their own boundaries rather than EPA. Such standards cannot be less restrictive than a federal standard.

If EPA takes final action to rescind these PFAS regulations, primacy agencies will need to submit a revised primacy program application or request an extension for those portions of the PFAS rule that remain in effect following the rescission. This may pose additional burdens on primacy agencies and regulated entities like public water systems, especially small and rural systems, who are still trying to adapt and implement regulations from the PFAS NPDWR.

California has had primacy for drinking water systems since 1978 following EPA approval.⁶ California's primacy agency, the State Water Resources Control Board, oversees thousands of public water systems with varying source water conditions, treatment capabilities, and financial resources. Like California, many other states nationwide have primacy over public water systems but have only adopted guidance, health advisory, or notification levels for certain PFAS substances rather than established enforceable, state-specific MCLs.⁷ As such, public water systems in states that have not adopted their own PFAS standards, like California, currently remain subject to federal standards. However, it is highly likely that states have already started or will begin soon processes to adopt their own enforceable PFAS regulations at or more stringent to the current federal standard established in the PFAS NPDWR. For example, California is expected to seek primacy for the 2024 PFAS NPDWR, but the timing of that process remains uncertain. This may cause further confusion and complexity for public water systems as to what standards to comply with while EPA also seeks to extend the compliance deadline for PFOA and PFOS MCLs.⁸

To ensure a consistent regulatory framework and avoid uncertainty and conflicting compliance standards and timeframes, ACWA recommends EPA work with water systems and state agencies to ensure adherence to federal and respective state procedures that maintain drinking water quality protections and consistent timelines if a state later obtains primacy.

III. Conclusion

ACWA appreciates the opportunity to comment and urges EPA to regulate PFAS contaminants in a manner that meets the nation's water quality needs and safeguards communities from exposure

⁶ State of California Primary Enforcement Responsibility, 43 Fed. Reg. 112 (June 9, 1978). https://archives.federalregister.gov/issue_slice/1978/6/9/25179-25181.pdf.

⁷ National Conference of State Legislatures, *Per- and Polyfluoroalkyl Substances (PFAS)—State Legislation and Federal Action* (June 11, 2026). <https://www.ncsl.org/environment-and-natural-resources/per-and-polyfluoroalkyl-substances>.

⁸ *Extending the Compliance Deadline for the PFOA and PFOS Maximum Contaminant Levels*, 91 Fed. Reg. 29425 (May 20, 2026). <https://www.govinfo.gov/content/pkg/FR-2026-05-20/pdf/2026-10086.pdf>.

using the best available science and transparent processes. Please let us know if there are further opportunities for ACWA to collaborate on PFAS efforts or if we can provide additional information and resources. If you have any questions or would like to follow up on this matter, please contact ACWA Federal Relations Representative, Caleb Raspler, at calebr@acwa.com or (202) 434-4762.

Respectfully,

A handwritten signature in black ink, appearing to read "Caleb Raspler". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Caleb Raspler
Federal Relations Representative
Association of California Water Agencies