

ALSTON & BIRD

# PFAS PRIMER

2025 Q4 Update



# Federal Updates

## NOVEMBER 2025

EPA Proposes to Narrow the TSCA PFAS Reporting Rule and Accelerate the Reporting Timeline (November 13, 2025)

The EPA [proposed](#) revisions to the Toxic Substances Control Act PFAS Reporting Rule that would substantially narrow reporting obligations and significantly accelerate the timeline for data submissions. The proposal introduces six exemptions: PFAS manufactured (including imported) in mixtures or articles at concentrations below 0.1% (de minimis exemption), PFAS imported in articles, PFAS solely manufactured as byproducts, PFAS present as impurities, non-isolated intermediates, and PFAS manufactured or imported in small quantities solely for research and development. The EPA also proposed adjusting the reporting schedule so the submission period would begin 60 days after the effective date of the final rule and last for three months. The proposed rule also provides several technical corrections and clarifications. The EPA maintains that the changes—particularly the exemptions—will reduce industry costs and avoid duplicative reporting requirements.

## OCTOBER 2025

EPA Adds PFHxS Salt to TRI Reporting List (October 7, 2025)

The EPA added PFHxS-Na to the Toxics Release Inventory (TRI) following the 2020 National Defense Authorization Act, which requires the EPA to automatically add PFAS to the Emergency Planning and Community Right-to-Know Act Section 313 list of reportable chemicals beginning January 1 of the calendar year after the EPA completes a toxicity value for PFAS or class of PFAS or undertakes other regulatory activities. Regulated entities must

begin tracking their releases of PFHxS-Na beginning January 2026, with reporting due in July 2027. The new total number of PFAS subject to TRI reporting is 206.

# State Updates

## CALIFORNIA

### October 2025

- Governor Newsom vetoed [SB 682](#), which would have prohibited the distribution, sale, and offer for sale of specified new products (including cleaning products, dental floss, juvenile products, and food packaging) that contain intentionally added PFAS beginning January 1, 2028 and cookware products beginning January 1, 2030. In his veto message, Newsom cited concerns about the rapid shift in available, affordable cookware products that would result from the bill.
- Governor Newsom vetoed [SB 454](#), which would have established a PFAS Mitigation Fund to be expended by the State Water Resources Control Board upon appropriation by the legislature. These funds would have provided assistance to water suppliers and sewer system providers to reduce or remove PFAS contamination. In his veto message, Newsom cited concerns about establishing a new program without a clear source of funding.
- California's Office of Environmental Health Hazard Assessment (OEHHA) [announced](#) the development of a drinking-water public health goal for PFHxS, which is a precursor to an enforceable maximum contaminant level.
- The California State Water Resources Control Board's Division of Drinking Water [issued](#) new and revised notification and response levels for PFOA, PFOS, PFHxS, and PFHxA. Notification levels (health-based advisory levels) are set at 4 parts per trillion (ppt) for PFOA and PFOS, 3 ppt for PFHxS, and 1,000 ppt for PfhxA. Response levels (levels the state board recommends the

drinking-water system take the affected water source out of service) are set at 10 ppt for PFOA and PFHxS, 40 ppt for PFOS, and 10,000 ppt for PFHxA.

## CONNECTICUT

**July 2025:** Enacted amended [SB 1497](#), which bans the sale of fertilizer intended for land application or soil amendments that contain biosolids or wastewater sludge that contain PFAS.

## DELAWARE

**September 2025:** Enacted amended [SB 72](#), which requires water providers to begin testing for certain types of PFAS in 2026. The law also requires the Division of Public Health to develop and maintain a website where the public can find the level of PFAS in their public drinking-water systems and to notify public water utilities if the PFAS in their water exceeds the state's maximum contaminant levels.

## MAINE

**October 2025:** The Maine Board of Environmental Protection [approved](#) the proposed rule amending rule Chapter 90 to designate two specific components of cleaning product containers as currently unavoidable uses of intentionally added PFAS in products subject to the sales prohibition beginning January 1, 2026. The current unavoidable use designation would be valid until January 1, 2031.

## MASSACHUSETTS

**November 2025:** Introduced [S.2660](#), which would prohibit the sale, offer for sale, and distribution for use of new children's products or product components containing intentionally added PFAS above a threshold to be determined by the Massachusetts Department of Environmental Protection (MDEP). Manufacturers of children's products or product components that contain more than a de minimis level of a chemical included on

the chemicals of concern list would be required to provide written notification to MDEP and if the chemical is included on the high priority chemicals list, notification to persons that offer the children's product for sale or distribution in the state. The bill imposes civil penalties up to \$5,000 for the first offense and \$10,000 for each repeat offense.

## MINNESOTA

**December 2025:** The Minnesota Pollution Control Agency adopted [final rules](#) implementing the state's PFAS reporting program under Amara's Law, which requires reporting by July 1, 2026. The final rules maintain the strict due diligence standard but reduce manufacturer fees after an administrative law judge found the fees to be recovered exceeded the rule's implementing costs.

## NEW MEXICO

**October 2025:** The New Mexico Environment Department filed [proposed rules](#) to the Environmental Improvement Board to govern the processes, requirements, and enforcement of the PFAS Protection Act, which was enacted in April 2025 and prohibits the sale and distribution of certain products containing intentionally added PFAS, such as cookware, food packaging, dental floss, juvenile products, and firefighting foam, starting January 1, 2027. Comments on the proposed rule are due March 31, 2026, and if passed, the rule would take effect in July 2026.

## NEW YORK

**December 2025:** The New York State Department of Environmental Conservation [announced](#) a suite of new PFAS response actions, including a progress report on the state's PFAS work, a new rural soil study on the presence of PFOS and PFOA, finalized wastewater treatment plant guidance, and proposed draft policies that require PFAS sampling of biosolid products and provide when the department will provide alternate

water for affected private water supplies. The public comment period for the biosolids draft policy runs through January 9, 2026 and for the private water supply draft policy through February 10, 2026.

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## WASHINGTON

**November 2025:** The Washington Department of Ecology [adopted](#) a rule amending safer products restrictions and reporting (Chapter 173-337 WAC) to prohibit, beginning January 1, 2027, the manufacture, sale, and distribution of cleaning products, apparel and accessories, and automotive washes that contain intentionally added PFAS. The rule also requires manufacturers to report to the department, by January 31, 2027 and annually thereafter, the intentional use of PFAS in cookware and kitchen supplies, apparel intended for extreme and extended use, footwear, gear for recreation and travel, automotive waxes, firefighting personal protective equipment, hard surface sealers, floor waxes and polishes, and ski waxes. The rule includes a de minimis threshold that exempts consumer products that contain below 50 parts per million total fluorine.

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## Litigation Updates

### Michigan Court Tosses State PFAS Cleanup Claims Against Airport, Citing Federal Aviation Law Preemption

A Michigan state court dismissed an enforcement action by the State of Michigan against the Gerald R. Ford International Airport Authority seeking remediation of PFAS contamination allegedly caused by the airport's use of aqueous film-forming foam (AFFF). The court held that the federal aviation safety law preempts the state's cleanup mandates. The ruling emphasizes that for decades, the Federal Aviation Administration required commercial airports to use AFFF meeting a military specification that mandated PFAS, meaning that the alleged contamination stems

from federally mandated safety standards rather than discretionary airport conduct. The court concluded that the use of AFFF at the commercial airport is a matter of aviation safety and therefore subject to federal preemption, barring the plaintiffs from litigating the claim against the defendant. The decision appears to be a case of first impression—an action seeking to enforce cleanup requirements against a commercial airport over PFAS-containing AFFF.

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November 24, 2025 | *Michigan Department of Environment, Great Lakes, and Energy v. Gerald R. Ford International Airport Authority*, No. 23-08850-CE (Mich. Cir. Ct.).

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### Florida Tribe Sues Multiple Manufacturers Alleging PFAS Contamination

The Miccosukee Tribe of Indians of Florida filed suit in the District of South Carolina against multiple manufacturers alleging contamination of tribal lands and waters from PFAS-containing AFFF. The complaint alleges that decades of AFFF use introduced PFAS into groundwater and surface waters within the tribe's Everglades homeland, allegedly contaminating rivers, lakes, streams, and indigenous fish tribal members have long relied on. The tribe alleges that PFAS have caused elevated risks of cancer, heart problems, and other health issues. The plaintiff seeks to recover remediation costs and other damages and asserts several causes of action, including negligence, trespass, strict liability, and fraudulent concealment.

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October 29, 2025 | *Miccosukee Tribe of Indians of Florida v. 3M Company*, No. 2:25-cv-13186 (D.S.C.).

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### Residents Sue over PFAS Contamination in College Drinking Water

Residents, students, and employees of the College of Central Florida filed a putative class action alleging that firefighting training activities on the campus contaminated local

drinking water with PFAS from aqueous film-forming foam (AFFF) products from certain manufacturers. The complaint, now removed to federal court, alleges that the use of the defendants' AFFF by a former occupant of the college led to PFOS and PFOA migrating into the campus's wells. The plaintiffs cite a 2018 testing performed by the Florida Department of Environmental Protection allegedly showing PFAS levels in two of three wells at approximately 250,000 to 270,000 parts per trillion (ppt), far above the EPA's 70 ppt health advisory level. The plaintiffs allege that decades of exposure to these PFAS have caused health conditions, including thyroid disease, kidney cancer, ulcerative colitis, and other ailments, and they seek damages and medical monitoring. The plaintiffs also claim that the defendants knew or should have known of the chemicals' toxicity and persistence.

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October 15, 2025 | *Zache v. 3M Company*, No. 5:25-cv-00648 (M.D. Fla.).

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### Minnesota Tribe Sues Corporate Giants over PFAS Contamination

The Leech Lake Band of Ojibwe sued multiple manufacturers, alleging that PFAS-containing products they manufactured or sold contaminated the tribe's drinking water, lake, and other natural resources. The complaint, now removed to federal court, alleges that PFAS levels on tribal lands exceed state, federal, and tribal limits. The plaintiff claims that the PFAS contamination is traced to some of the defendant's products including aqueous film-forming foam (AFFF). The suit alleges that PFAS have entered the environment through landfills, composting facilities, airports, and wastewater plants, contributing to cancer, liver disease, developmental defects, and other illnesses. The complaint alleges claims of public nuisance, negligence, products liability, and unjust enrichment, as well as fraudulent transfer against a manufacturer and a cost-recovery claim against another manufacturer under the Minnesota Environmental Response and Liability Act.

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October 13, 2025 | *Leech Lake Band of Ojibwe v. 3M Company*, No. 0:25-cv-03930 (D. Minn.).

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### Consumers Sue over PFAS in "Organic" Fertilizer

Consumers filed a putative class action in California federal court against The Scotts Company LLC, an organic soil and fertilizer producer, alleging that its Miracle-Gro organic soil and fertilizer products contain PFAS. The plaintiffs allege that the defendant uses the "organic" label to induce consumers to believe that the products contain only naturally occurring, non-synthetic ingredients and that they are therefore a superior alternative to less expensive, non-organic products. The complaint also alleges that the defendant failed to disclose the presence of PFAS despite the alleged association between long-term exposure and serious health conditions such as various cancers and ulcerative colitis. The plaintiffs further claim that reasonable consumers do not expect PFAS to be present in products marketed for growing fruits and vegetables in residential gardens. The suit brings claims under California consumer protection laws and seeks damages, restitution, and injunctive relief based on alleged misleading, deceptive, and false advertising and unfair business practices.

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October 7, 2025 | *Calcagno v. The Scotts Company LLC*, No. 3:25-cv-02661 (C.D. Cal.).

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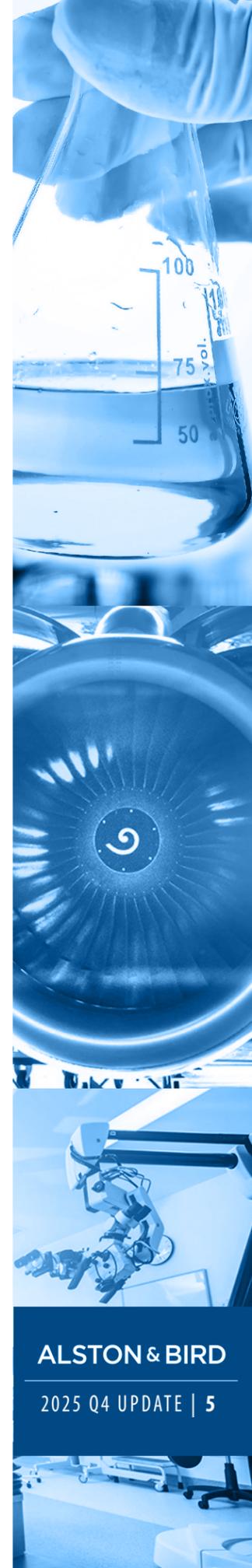
## Science Updates

### Leachate Recirculation to Reduce PFAS Discharge from Landfills

The lab-scale column reactor findings suggest that leachate recirculation enhances the sorption removal of anionic PFAS in landfill organics and plastics, leading to PFAS reduction.

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**December 15, 2025** | [Science of the Total Environment](#)



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## Study on PFAS Removal by Different Forms of Iron-Modified Biochar: Adsorption Effects and Catalytic Activity

This study prepares four distinct forms of biochar and compares their adsorption capacities for PFOS, PFOA, PFHxA, PFBA, and PFBS.

**December 5, 2025** | [Journal of Environmental Chemical Engineering](#)

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## Field Demonstration of Polymer Stabilized Activated Carbon for In Situ Treatment of Per- and Polyfluoroalkyl Substances (PFAS)-Impacted Groundwater

This study involves a field demonstration of a polymer-stabilized activated carbon using a variety of mechanisms to assess the effectiveness of the treatment technology.

**November 5, 2025** | [Journal of Hazardous Materials](#)

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## Stabilizing Per- and Polyfluoroalkyl Substances (PFAS) Through Amending an Adsorbent to Contaminated Soil Planted with Alfalfa

This study evaluates six adsorbents, including four existing commercial products and two newly synthesized materials, for their ability to stabilize eight PFAS in contaminated soils cultivated with alfalfa.

**October 20, 2025** | [Science of the Total Environment](#)

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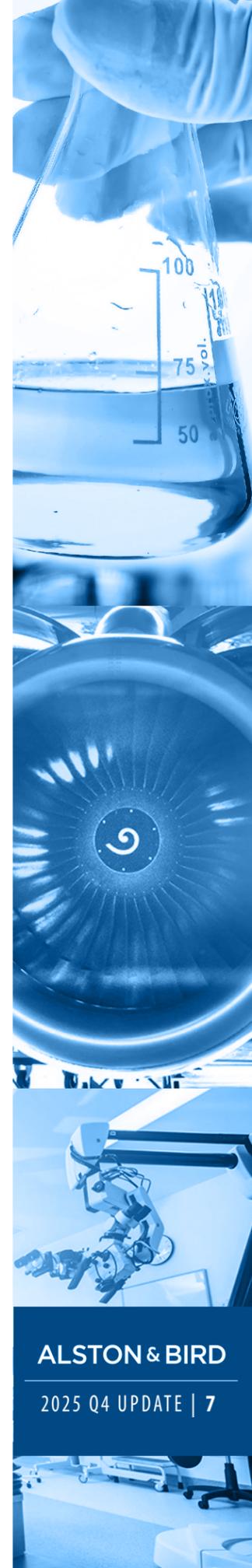


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Go to the [PFAS Primer](#) for more information about PFAS and regular updates on the latest regulations, litigation, and science involving PFAS.

Learn more about our [Perfluoroalkyl & Polyfluoroalkyl Substances \(PFAS\) Team](#) and how we can help you stay ahead of the curve.



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