

ALSTON & BIRD

# PFAS PRIMER

2025 Q2 Update





# Federal Updates

## JUNE 2025

### Bipartisan Pair of Representatives Introduce a Bill to Codify the 2024 Drinking Water Rule Regulating Six PFAS

Two U.S. House of Representative lawmakers introduced [H.R. 4168](#), which would codify the first-ever rule to regulate PFAS in drinking water that the Biden EPA finalized in April 2024. The 2024 Drinking Water Rule set enforceable maximum contaminant levels for six PFAS and required drinking-water systems' compliance by 2029. The bill was introduced in response to the EPA's announcement in May that it was rescinding standards for four PFAS.

## MAY 2025

### EPA Maintains Maximum Contaminant Levels for PFOA and PFOS but Will Rescind the Standards for Other PFAS Subject to the 2024 Drinking Water Rule

The EPA announced it will keep the current drinking-water regulations for PFOA and PFOS, which set enforceable maximum contaminant levels (MCLs) and nonenforceable MCL goals. The EPA also announced that it intends to extend compliance deadlines for these MCLs from 2029 to 2031, establish a federal exemption framework, and initiate outreach to water systems through a new initiative, PFAS OUTreach Initiative. At the same time, the EPA proposed to rescind and reconsider the regulatory determinations for four additional PFAS—PFHxS, PFNA, HFPO-DA (commonly known as GenX), and the Hazard Index mixture of these three plus PFBS, which were included in the EPA's April 10, 2024, final National Primary Drinking Water Regulation.

### EPA's Final Rule Delays PFAS Reporting Deadline Under the Toxic Substances Control Act

The EPA issued an interim final rule that pushes back the reporting deadline for PFAS manufacturers to submit data under the Toxic Substances Control Act Section 8(a)(7) Reporting and Recordkeeping Rule. Under the original rule promulgated in 2023, reporting was due by May 2025, but the deadline was later extended. The May 13 interim final rule pushes the reporting deadline back again to October 13, 2026, with the deadline for small manufacturers reporting exclusively as article importers set to April 13, 2027. The EPA delayed the reporting deadline to allow officials more time to prepare the Central Data Exchange reporting system and to consider easing the rule's requirements.

## APRIL 2025

### House Introduces Bill to Prohibit Federal Agencies from Procuring PFAS Products

The House introduced H.R. 3110, the PFAS-Free Procurement Act of 2025, which would prohibit federal agencies from renewing or entering into contracts for the procurement of certain items (including nonstick cookware and stain-resistant furniture, carpets, and rugs) containing PFOS or PFOA, beginning six months after enactment. The bill would instruct agencies to prioritize the procurement of products not containing PFAS "where available and practicable."

### EPA Announces Actions Focusing on PFAS Contamination

The EPA announced it will continue to address PFAS contamination through scientific study, regulation, and enforcement. The announcement outlined almost two dozen actions the EPA will focus on, including designating an agency lead for PFAS, adding PFAS to the Toxic Release Inventory, and advancing remediation and cleanup efforts where drinking water supplies are impacted by PFAS contamination.

# State Updates

## ALABAMA

**April 2025:** Introduced HB 541, which would effective October 1, 2025 require the Department of Environmental Management to investigate the presence of PFAS in public water systems and drinking-water sources upon receipt of a complaint that a person has caused a measurable amount of PFAS to enter the public water system or drinking-water source. The bill would also authorize the state attorney general to bring a civil action against all potentially responsible persons to recover the costs of remediation, actual damages, and any appropriate equitable relief, and the bill would impose strict liability on any responsible person.

## CALIFORNIA

**June 2025:** Amended SB 682, which would prohibit a person from distributing, selling, or offering for sale specified new products (cleaning products, cookware, dental floss, juvenile products, food packaging, and ski wax) that contain intentionally added PFAS by January 1, 2028. The amended bill removed the prohibitions on the distribution, sale, and offering for sale of other specified products containing intentionally added PFAS that are water soluble or may decompose into PFAS that is water soluble that were set to be effective in 2035 and 2040. The amended bill also requires manufacturers to provide a certificate

of compliance to the Department of Toxic Substances Control upon request, instead of on or before July 1, 2029, and also authorizes rather than requires the department to adopt regulations by January 1, 2029.

## ILLINOIS

**May 2025:** Passed HB2516, which prohibits the sale, offer for sale, and distribution for sale in Illinois of certain new products (cosmetics, dental floss, juvenile products, menstrual products, and intimate apparel) containing intentionally added PFAS beginning January 1, 2032, with exceptions for electronic or internal components and refrigerants, foams, and aerosol propellants. The bill imposes civil penalties of up to \$5,000 for the first violation and up to \$10,000 for each subsequent violation and authorizes the state attorney general or county attorney to bring a civil action for violations. The bill also requires the Illinois EPA to submit a report to the General Assembly by August 1, 2027 on the development of a program to review the use of fluoropolymers in consumer products and their potential health and environmental risks.

## MAINE

**June 2025:** Passed HP 861 (LD 1326), which establishes maximum PFAS levels for community drinking-water systems and "nontransient, noncommunity water systems," such as water systems serving a school, factory, industrial park, or office building. The bill also requires, starting January 1, 2026, that these same water systems conduct PFAS monitoring using standard analytical methods for detectable levels of PFAS established by the EPA.

**May 2025:** Enacted SP 66 (LD 130), which creates the PFAS Response Program to focus on PFAS threats to agricultural producers throughout the state, effective August 7, 2025. The program also provides support to commercial farms affected by PFAS, supports PFAS research, and enables the Maine Department of Environmental Protection to respond to ongoing PFAS issues. The bill allows Maine's Department of Agriculture, Conservation and Forestry to establish and codify PFAS limits in food.



**April 2025:** The Maine Board of Environmental Protection unanimously approved a motion to adopt the Maine Department of Environmental Protection’s December 2024 proposed Chapter 90 rule, which establishes criteria for currently unavoidable uses (CUU) of intentionally added PFAS in products. The approved rule also requires that manufacturers submit by June 1, 2025 CUU requests for products scheduled to be prohibited beginning January 1, 2026—including cleaning products, cookware, cosmetics, and textile articles. The rule also imposes notification requirements for products containing intentionally added PFAS determined to be a CUU.

## NEVADA

**April 2025:** Introduced S.B. 173, which would prohibit the sale and distribution of consumer products (including carpets, rugs, fabric treatments, food packaging, children’s products, cosmetics, indoor textiles, and upholstered furniture) that contain intentionally added PFAS. The bill would authorize manufacturers of those products to add a “NO PFAS” sticker on the product label to inform consumers that the product does not contain intentionally added PFAS. The bill would also require cookware manufacturers to list any intentionally added PFAS to the product label and on any product listing for online sales, and to provide consumers with information about those substances. If a manufacturer of cookware does not intentionally add PFAS, the manufacturer may add a “NO PFAS” label to the product.

## NEW JERSEY

**May 2025:** Introduced [S4367/A5600](#), which would prohibit the sale, offer for sale, and distribution for sale in New Jersey of certain products containing intentionally added PFAS (apparel, carpet, fabric treatment, cosmetics, food packaging, juvenile products, feminine hygiene products, ski wax, and textile articles) beginning three years after the bill’s effective date. The bill would also prohibit the sale, offer for sale, and distribution for sale of new outdoor

apparel designed for severe wet conditions containing intentionally added PFAS unless labeled with a “Made with PFAS” notification beginning two years after the bill’s effective date, with a complete prohibition to begin five years after the bill’s effective date. The bill also establishes labeling requirements for cookware with intentionally added PFAS and restricts the discharge of class B firefighting foams containing intentionally added PFAS.

## NEW MEXICO

### April 2025:

- Enacted [HB 140](#) to amend the definition of “hazardous waste” to include discarded AFFF containing intentionally added PFAS and authorize the Environmental Improvement Board to adopt rules for PFAS designated as hazardous waste. The board is also empowered to adopt rules on AFFF with intentionally added PFAS under the Hazardous Waste Act.
- Enacted [HB 212](#) to prohibit 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, with further restrictions on additional products beginning January 1, 2028, but exempts fluoropolymers. The act also empowers the Environmental Improvement Board to adopt rules prohibiting additional consumer products containing PFAS and requires manufacturers to disclose information and conduct testing on products containing PFAS. The bill also prohibits the sale of products in the state containing intentionally added PFAS, unless designated or unavoidable, by January 1, 2032.

## NEW YORK

**May 2025:** Introduced A8585, which would prohibit the sale or distribution of any carpet, cookware, cosmetic product, fabric treatment, or personal care product that contains intentionally added PFAS by January 1, 2025, and further prohibits the sale of any product containing PFAS by January 1, 2034 unless the use of PFAS is determined to be unavoidable. The bill would also require all sellers and distributors of products that contain intentionally added PFAS to provide the Department of Environmental Conservation by January 1, 2028 a description of the product, the purpose of the PFAS, the amount of each PFAS, the name and address of the manufacturer, and any additional information later established to be necessary.

## NORTH CAROLINA

**June 2025:** The governor vetoed [H402](#), which would have required all rules, including PFAS rules, with a projected aggregate cost of \$1 million or more to be adopted by a vote of at least two-thirds of the relevant board or commission, and rules with a cost greater than \$10 million would have been required to receive unanimous approval from the state’s environmental regulatory oversight panel before they could take effect.

### April 2025:

- Introduced [H881](#), which would ban the use, manufacture, and distribution of PFAS and products that contain PFAS within North Carolina, with civil penalties up to \$5,000 for first violations and up to \$10,000 for each subsequent violation. The bill would also require applicants for NPDES permits to disclose PFAS in their discharges above the practical quantitation limit, and mandates the elimination of these substances before discharge into state waters, either by the permittee or the industrial user.
- Introduced [H882](#), which would establish an extended producer responsibility program for packaging materials, ban certain toxic substances in packaging, and prohibit the manufacture, sale, and distribution

of packaging materials containing intentionally added PFAS in North Carolina. It would also require manufacturers to provide a certificate of compliance confirming the absence of intentionally added PFAS and other prohibited substances in their products.

- Introduced [H686](#), which would prohibit the distribution and sale of cosmetic products containing certain restricted substances, including PFAS, as intentionally added chemicals, nonfunctional by-products, or nonfunctional contaminants above the practical quantification limit. The bill would also require manufacturers to provide a certificate of compliance if the Board of Agriculture has reason to believe a cosmetic product contains PFAS, and failure to provide the certificate would require notice to sellers that the product is prohibited from sale in North Carolina.

## RHODE ISLAND

### June 2025:

- Enacted SB 650 and HB 5844, which beginning September 1, 2025 require applicants seeking an order from the Rhode Island Department of Environmental Management (RDEM) to distribute or land-apply biosolids to test their biosolids for PFAS and submit the test results to the RDEM with their applications. The bills also require operators with existing orders of approval to conduct quarterly tests of their biosolids for PFAS and submit the test results to the RDEM by the last day of each quarter.
- Enacted SB 241 and HB 5019, which amend Rhode Island’s comprehensive PFAS ban enacted in June 2024, to also prohibit any person that sells firefighting PPE from manufacturing, knowingly selling, offering for sale, or distributing for use or sale any firefighting PPE containing intentionally added PFAS, beginning January 1, 2027.



## TENNESSEE

**April 2025:** Enacted SB 880, which beginning July 1, 2025 requires agencies, when adopting rules establishing numeric criteria for or limitations on contaminants, pollutants, hazardous substances, solid waste, or hazardous waste, to rely on scientific and technical information that is based on the “best available science.” This requirement applies only to agency rules adopted on or after July 1, 2025 that are more stringent than any applicable federal regulation or that are adopted in the absence of federal regulation. Although the bill does not mention PFAS, it would apply to environmental regulations governing PFAS that are otherwise covered.

## VERMONT

**June 2025:** Enacted [H238](#), which amended Vermont’s prohibitions on the sale of consumer goods containing PFAS to prohibit the sale and distribution of three additional types of consumer products (cleaning products, dental floss, and fluorine-treated containers) if the product contains intentionally added PFAS. The prohibition on dental floss and cleaning products containing intentionally added PFAS is effective on July 1, 2027, and the prohibition on the sale and distribution of fluorine-treated containers is effective on January 1, 2032.

## WASHINGTON

**June 2025:** The Washington Department of Ecology proposed a [draft rule](#) to revise the Safer Products Restrictions and Reporting Rule to prohibit the manufacture, sale, and distribution of apparel, automotive washes, and cleaning products that contain intentionally added PFAS beginning January 1, 2027. The proposed rule would also require manufacturers to report the intentional use of PFAS in various products—including apparel for extreme and extended use, footwear, travel and recreation equipment, cookware and kitchen supplies, firefighting personal protective equipment, floor polishes, hard surface sealers, and ski waxes—beginning January 1, 2026. The public comment period runs until July 20, 2025.

## Litigation Updates

### JUNE 2025

#### EPA Continues to Seek Stay of Challenges to PFAS Regulations Amid Rollbacks

The D.C. Circuit has stayed two lawsuits brought by industry groups challenging the EPA’s recent regulation of PFAS, including its designation of PFOA and PFOS as hazardous substances under CERCLA and its final rule setting maximum contaminant levels (MCLs) in drinking water for certain PFAS chemicals. Since then, the EPA has sought, and the D.C. Circuit has granted, two additional stays in the challenge to the CERCLA regulations. The EPA indicated it was evaluating the rule and developing its strategy to address PFOA and PFOS and how to proceed in the litigation. In the lawsuit challenging the MCL designations, the EPA has sought, and the D.C. Circuit has granted, three additional stays. The EPA explained that it was still evaluating the impact on the litigation of its recent rollback of the MCLs for all PFAS other than PFOS and PFOA and the compliance deadline extension for the MCLs for PFOS and PFOA until 2031.

June 5, 2025 | *American Water Works Association v. Environmental Protection Agency*, No. 24-1188 (D.C. Cir.).

June 2, 2025 | *Chamber of Commerce of the United States of America v. Environmental Protection Agency*, No. 24-1193 (D.C. Cir.).

#### Waterproof Gear Company Gears Up for Renewed Putative Class Action

A class action was filed against the manufacturer of Gore-Tex for allegedly misleading consumers about PFAS chemicals in its waterproof gear. Gore-Tex moved to dismiss the complaint for various reasons, including failure to state a claim, lack of Article III standing, and improper venue. Most notably, Gore-Tex argued that the plaintiffs failed to allege that the garments they purchased in fact contained PFAS in any amount, let alone in amounts that are hazardous. Similar arguments have gained traction in recent PFAS decisions, including several decisions from federal courts in New York and California. In response, the plaintiffs voluntarily dismissed their suit, and the very same day, the same plaintiffs’ lawyers filed a new putative class action against Gore-Tex in Maryland.

June 17, 2025 | *Walton v. W.L. Gore & Associates*, No. 1:25-cv-01948 (D. Md.).

April 28, 2025 and June 17, 2025 | *Mason v. W.L. Gore & Associates*, No. 2:25-cv-00049 (E.D. Wash.).

### MAY 2025

#### Court Weighs Scope of ‘Irreparable Harm’ in PFAS Permit Suit

The Southern District of West Virginia is weighing whether ongoing violations of water-quality-based permit limits for PFAS discharge—specifically hexafluoropropylene oxide dimer acid (HFPO-DA)—are sufficient to warrant a preliminary injunction against The Chemours Company. In briefs filed after a May injunction hearing, the West Virginia Rivers Coalition argued Chemours’s allegedly continuing permit violations constitute irreparable harm to the Ohio River and downstream drinking-water sources. Chemours conceded exceeding discharge limits but argued that the plaintiffs must show personal,

not just environmental, harm. In a May 27, 2025 order, the court asked the parties to brief whether incremental harm to human health qualifies as irreparable harm for injunctive relief and Article III standing.

May 30, 2025 | *West Virginia Rivers Coalition Inc. v. The Chemours Company*, No. 2:24-cv-00701 (S.D. W. Va.).

#### Court Denies Bid to Wipe Baby Wipes Class Action

After previously granting Costco’s motion to dismiss but with leave to amend, a court denied Costco’s latest request to dismiss a putative class action for allegedly selling PFAS-containing baby wipes. In its previous order, the court observed that “PFAS” is “not a magic word that can be invoked to open automatically the doors to federal litigation” and held that the plaintiff failed to identify the specific PFAS in her product, such that the case was subject to dismissal. But this time, the court allowed the putative class action complaint to proceed past the motion to dismiss stage. Unlike in the original complaint, the plaintiff used a “Department of Defense ELAP-certified laboratory” to determine the levels of certain PFAS in baby wipes. The court will not decide the degree to which those levels present an alleged public health hazard nor whether and when to impose liability on manufacturers of particular products in which those chemicals are detected.

May 14, 2025 | *Bullard v. Costco Wholesale Corp.*, No. 3:24-cv-03714 (N.D. Cal.).



**MARCH 2025:**

Federal Claims Court Tosses  
PFAS Takings Suit Against Air  
Force

The U.S. Court of Federal Claims has dismissed a \$400 million lawsuit filed by property owners near Cannon Air Force Base in New Mexico who alleged the Air Force’s decades-long use of PFAS-containing firefighting foam amounted to a taking of their property without just compensation. The court cited three “independent yet overlapping” grounds for dismissal. First, it dismissed plaintiffs who are already pursuing similar relief in pending multidistrict litigation over PFAS-containing AFFF before the District of South Carolina, finding their claims barred under 28 U.S.C. § 1500. Second, it found the claims of most remaining plaintiffs unripe because they lacked confirmed PFAS contamination on their property. Third, the court rejected the final claims because they both sounded in tort and otherwise failed to assert a cognizable Fifth Amendment takings claim. The court concluded that the plaintiffs did not plausibly allege government intent to invade their property or any benefit conferred on the government by the alleged contamination.

March 26, 2025 | *Schaap v. United States*,  
No. 1:24-cv-01300 (Fed. Cl.).

**Science**

**JUNE 10, 2025**

Enhanced Immobilisation  
of Per- and Polyfluoroalkyl  
Substances (PFAS) Using a  
Combination of Sorbents and  
Plants: A Controlled Rainfall  
Simulation Study

This study examines the effectiveness of  
activated carbon and groundcover in mitigating  
PFAS migration from soil.

[Science of the Total Environment](#)

**APRIL 7, 2025**

Effectiveness of Pitcher and  
Bottle Filters to Remove Poly-  
and Perfluoroalkyl Substances  
(PFAS) from Drinking Water

This study analyzes the effectiveness of popular  
pitcher and bottle filters in removing PFAS  
contaminants from drinking water.

[Science of the Total Environment](#)

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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.

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Substances \(PFAS\) Team](#) and how we can help you  
stay ahead of the curve.

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