

Anticipating US EPA action on PFAS

A careful reading of the Agency's proposed FY26 budget shows the priorities for action



The US EPA published its PFAS strategy in April 2025 in a press release that provided few details. Businesses have struggled to understand how the US EPA will act on that brief statement. The Agency's proposed FY26 budget provides important clues that can help companies to anticipate potential actions by the US EPA.

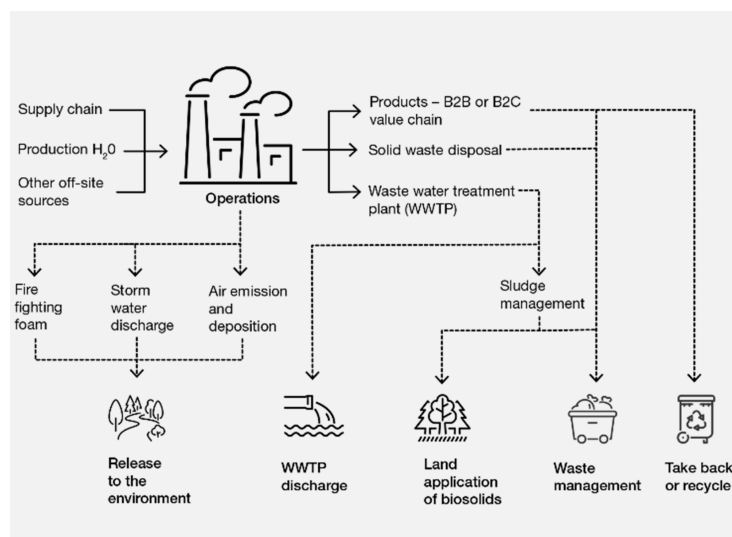
The press release titled "[Administrator Zeldin Announces Major EPA Actions to Combat PFAS Contamination](#)" identified three strategic priorities: strengthening the science, fulfilling statutory obligations and enhancing communication, and building partnerships, all described in a handful of bullet points and a scant 368 words. In contrast, the Agency's "[Fiscal Year 2026 Justification of Appropriation Estimates for the Committee on Appropriations](#)" (Justification of Appropriation Estimates) released in June 2025 provides details on the actions it intends to put resources behind.

These expenditures on PFAS fall within the larger context of decreased resources for US EPA. The overall [proposed budget](#) totals \$4.16 billion, 54% less than the previous year's enacted budget. Congress may revise the budget as it moves through the approval process. In July, the House Appropriations Committee and the Senate Appropriations Committee each approved a larger budget for the US EPA than the administration requested. In the months to come, the indications of US EPA's priorities described below will continue to evolve and sharpen.

US EPA's Focus in the Next Fiscal Year

The summary of expenditures below is organized by PFAS life cycle and by regulation:

- PFAS in products: Toxic Substances Control Act; Federal Insecticide, Fungicide and Rodenticide Act
- PFAS released from manufacturing operations: Toxics Release Inventory; Clean Water Act; Clean Air Act
- PFAS in the environment: Superfund sites; relevant research programs



PFAS in products: Toxic Substances Control Act; Federal Insecticide, Fungicide and Rodenticide Act

As described in [previous client alerts](#), section 8(a)(7) of the Toxic Substances Control Act (TSCA) requires industry to report on the manufacture, including import, of PFAS as substances, mixtures, or in articles. The data obtained from these reports can inform decisions regarding the need to and extent of additional regulations on PFAS under TSCA. In September 2024 US EPA pushed the reporting deadline back due to a lack of funding for the IT work by contractors needed to develop the reporting software for the Central Data Exchange (CDX) platform.

Director Zeldin referred to this reporting requirement in the April 2025 press release with a commitment to “implement section 8(a)(7) to smartly collect necessary information, as Congress envisioned and consistent with TSCA, without overburdening small businesses and ‘article importers’”. As of early August, the Agency has not published any additional information on changes to the reporting requirement. The Justification of Appropriation Estimates indicates that in FY26, US EPA plans to finalize modifications to the 8(a)(7) PFAS Data Reporting rule.

The Justification of Appropriation Estimates does not explicitly include funding to support this reporting effort or the underlying IT infrastructure, simply noting efforts to continue CDX “modernization efforts”. The overall budget for IT / Data Management / Security will decrease.

The Justification of Appropriation Estimates mentions one additional effort related to PFAS under TSCA. The Agency will “continue to refine and implement a testing strategy for [PFAS] which may include the issuance of additional test orders.”

In summary, the proposed budget reflects an Administration priority on the review of new chemical substances under TSCA. That priority and the signals described above suggest that regulation of PFAS in products will be a relatively low priority in the near term.

The Justification of Appropriation Estimates also includes some information on PFAS-related actions under the Federal Insecticide, Fungicide and Rodenticide Act, or FIFRA. Those actions largely relate to the development of analytical methods, including:

- Assessing PFAS residues in pesticide formulations of varying chemistries (i.e., those containing surfactants).
- Developing unique analytical methods for detection and measurement (in parts per trillion when appropriate) of contaminants (including PFAS).

It does not refer to any actions on pesticides that comprise PFAS, nor further action related to concerns over the leaching of PFAS from fluorinated pesticide packaging.



PFAS released from manufacturing operations: Toxics Release Inventory; Clean Water Act; Clean Air Act

The proposed budget for administering the Toxics Release Inventory (TRI) program represents an increase over the FY 2025 enacted operating plan, in line with the intent to “continue to update toxic chemical reporting requirements as appropriate, pursue additional chemical listings, extend program participation to additional industry sectors (as applicable), respond to petitions, improve the reporting experience, optimize the quality of TRI data, improve analytical functions, identify opportunities to mitigate the release of toxic chemicals, and engage with industry stakeholders to adopt proven pollution prevention practices, as well as emission reduction and waste”. The Justification of Appropriation Estimates further notes that in calendar years 2025 and 2026, US EPA expects to add more PFAS to the TRI reporting list.

Discussions of the proposed budget are largely silent on activities under the Clean Air Act, with the exception of research of ambient air conditions as described below.

Under the Clean Water Act, US EPA will seek to finalize “several rulings related to PFAS” effluent limit guidelines. The Justification of Appropriation Estimates does not specify which rulings. Administrator Zeldin’s press release noted the intent to develop effluent limitations guidelines for PFAS manufacturers and metal finishers and evaluate other guidelines needed to reduce PFAS discharges.

PFAS in the environment: Superfund sites; relevant research programs

The Justification of Appropriation Estimates contains a bold commitment that “in FY 2026, EPA will focus on actions that improve quality of life for Americans such as addressing 40 different PFAS compounds in surface water, groundwater, and wastewater”. The Agency intends to take action on Superfund sites, including those managed by potentially responsible parties and federal facilities, and to bolster research efforts.



Broadly speaking, “EPA will move swiftly to continue to support the cleanup of [PFAS] and will collaborate on agencywide crosscutting strategies, including advancing testing and remediation technologies, stopping PFAS from entering drinking water systems, and ensuring the polluter pays for significant sources of legacy contamination and that passive receivers are protected. EPA will provide the foundation and investment necessary for a toolbox that will help states and communities dealing with PFAS contamination.” Administrator Zeldin has emphasized the intent to advance remediation and cleanup efforts where drinking water supplies are impacted by PFAS.

Zeldin’s expressed intent to support these PFAS efforts is juxtaposed with the administration’s proposal to eliminate the budget request for the Superfund program and rely instead on Superfund tax receipts. Superfund taxes in FY25, which will fund Agency work in FY26, are forecasted to total \$1.6 billion.

The US EPA will continue to work with the Department of Justice to compel companies to clean up PFAS releases under the Superfund program. The Agency will also take enforcement action and facilitate cleanup of federal facilities contaminated with PFAS.

The Agency will also perform basic research to support actions on PFAS in the environment. The proposed budget reflects commitments to improve analytical methods, monitor PFAS in the environment, and assess risk, as summarized in Table 1.

Table 1:
FY26 PFAS Research Plans

Program area	Research
Air quality	• CASTNET monitoring of air quality, including PFAS • The Air and Energy (AE) Research Program “would potentially include” efforts to address emerging areas of concern such as PFAS, such as a FY24 effort to measure PFAS in ambient air in New Jersey using chemical ionization mass spectrometry
Wastewater / biosolids	• The Clean Water Act (CWA) analytical methods program is collaborating with DOD to develop an analytical method for detecting certain PFAS in wastewater. • Safe and Sustainable Water Resources (SSWR) National Research Program plans to develop a Voluntary Consensus Standard analytical method for the analysis of PFAS precursors in biosolids, and evaluate anaerobic biotreatment of perfluorooctanoic acid (PFOA)/PFAS in wastewater biosolids
Contaminated sites	• The Chemical Safety for Sustainability (CSS) Research Program, while reduced overall, will emphasize research on PFAS. The Justification of Appropriation Estimates indicates that “Fit-for-purpose assessments will deliver PFAS toxicity values to address contamination”. • US EPA’s Sustainable and Healthy Communities (SHC) Research Program, will be reduced overall but will retain some internal activities related to PFAS. This work will include: - developing methods to evaluate PFAS in waste, soil, sediment, groundwater, and homes and investigate PFAS fate and transport in the environment as well as its disposal and destruction. - evaluating multimedia PFAS sources and pathways for human exposure to identify locations and source contributors to potentially high PFAS exposure in children and other populations • Continued maintenance of the per- and polyfluoroalkyl substances (PFAS) Analytic Tool • The Beach/Fish Program will continue National Aquatic Resource Surveys (NARS) analysis of fish tissue for contaminants including PFAS and continue reporting PFAS levels in fish collected nationwide.



Navigating PFAS Challenges

The proposed budget for FY26 provides some insights into the three strategic priorities for PFAS: strengthen the science, fulfill statutory obligations and enhance communication, and build partnerships. It indicates a smaller size and scope for the US EPA. The Agency will continue its enforcement and cleanup efforts for PFAS-contaminated sites, particularly those associated with an impact on drinking water. In other regulatory programs, the proposed budget indicates that the US EPA will continue to collect data through industry reporting and some environmental monitoring programs. The TSCA reporting program will probably be scaled down. The budget proposal does not indicate that the US EPA is contemplating any significant new initiatives in FY26, regulatory or otherwise, that will affect industry.

Creating resilient response strategies that manage risk

In our work with companies across sectors, ERM has found these best practices to be crucial to a resilient PFAS strategy.

1. **Assess and articulate risk tolerance** – This recommendation remains unchanged from our previous client alerts in this series on PFAS because it is so crucial. Different companies have varying appetites for compliance and business risk related to PFAS. Companies producing consumer products found in many homes – and sometimes the targets of lawsuits – often take a more conservative approach. Others, including those who manufacture goods for B2B customers, are more willing to accept some business risk and simply aim for a compliance program that is defensible under regulatory standards.
2. **Assess the landscape** – In the face of uncertainty at the US Federal level, other parties may drive both strategy and action. Some US states are moving ahead to regulate PFAS in various contexts. Customers and certain middlemen, from retailers to insurance companies, have their own “PFAS free” demands. Finally, consider trends in litigation over PFAS in products or from suspected environmental releases. The prospect of litigation has led many companies to assess their use and potential emissions of PFAS.

How ERM Can Help

ERM works with global clients across the full value chain to develop and implement PFAS strategies that build long-term business resilience. We are closely following the latest regulatory developments and strategically advising our clients on compliance strategies. We work with our clients to improve confidence and accuracy in data and reporting. And when strategic action goes beyond reporting to reformulating, we help our clients to avoid regrettable substitution in identifying alternatives to PFAS.

Our team's deep experience with identifying and tracking PFAS in supply chains and product portfolios makes us an excellent partner to help you:

- 1 Support company in determining and articulating risk profile
- 2 Identify PFAS in the supply chain
- 3 Assess regulatory requirements on PFAS in products and operations
- 4 Assist with reporting under TRI and TSCA for US-based operations
- 5 Evaluate business risks related to PFAS in raw materials, products or operations, and the resulting potential for environmental release/exposure
- 6 Assess hazards and risks of both PFAS and potential substitutes
- 7 Assess "PFAS-free" claims or support messaging
- 8 Evaluate the potential for PFAS to be emitted from site operations to contaminate drinking water sources or other environmental media
- 9 Assess the potential business risks from PFAS in the context of mergers and acquisitions

ERM Can Help You Navigate the Complexities of PFAS Compliance.

For more information, contact your current ERM consultant or any of our experts:

Lori Dinkelmann
EPCRA/TRI Reporting,
Lead Partner

Lori.dinkelmann@erm.com

Kathleen Sellers, PE
Sustainable Products and Supply
Chain PFAS Lead, Technical
Partner

Kate.sellers@erm.com