

PFAS and More: Managing Risk Outpacing Regulation

REGFORM Water Seminar
July 31, 2026

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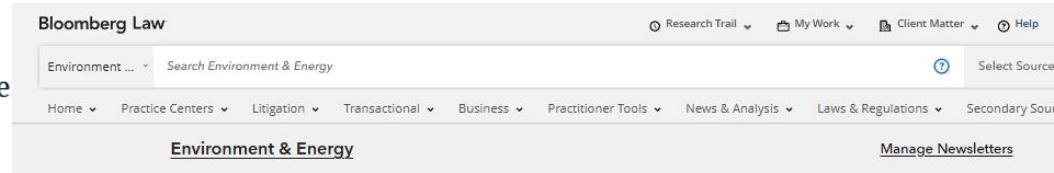
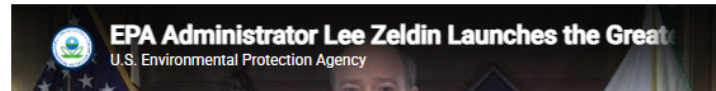
EPA Launches Biggest Deregulatory Action in U.S. History

Administrator Zeldin Announces 31 Historic Actions to Power Comeback

March 12, 2025

Contact Information

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Environmental Groups Navigate Trump's 'Extreme' Legal Arguments

July 28, 2026, 5:12 AM CDT



Taylor Mills
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The Natural Resources Defense Council is among several groups suing the Trump administration.
Photo by Mike Coppola/Getty Images for The Natural Resources Defense Council

The nation's most litigious environmental groups are sticking to a well-worn legal playbook as they challenge the Trump administration's systemic rollback of environmental regulations.

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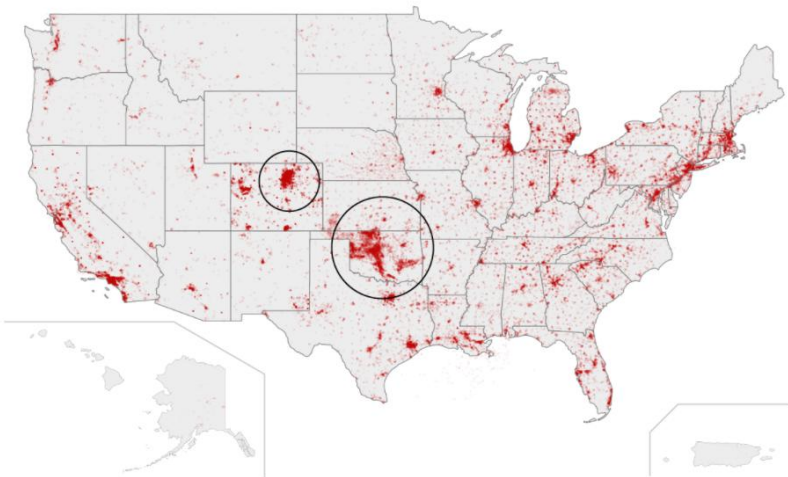
Trump DOJ Says xAI Gas Turbines Needed for National Security (1)

A preview of the trend...

Flashback – when PFAS were “emerging” in 2023!

The EPA identified more than 120,000 facilities that may expose people to PFAS

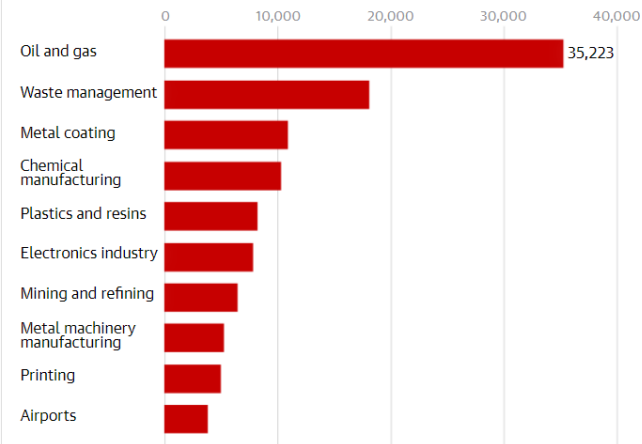
The biggest clusters of facilities are in Oklahoma and Colorado



Guardian graphic. Source: US Environmental Protection Agency

Facilities potentially handling PFAS - top 10 industries

Facilities may be counted twice if they belong to multiple industries



Guardian graphic. Source: US Environmental Protection Agency

Following the first year of TRI reporting

Evolving PFAS Regulation: Where are We Now?

- 2021 Strategic Roadmap
 - Set out “whole of government” approach to PFAS
 - Big changes in risk evaluation
- New analytical methods with significantly lower detection limits
- Establishment of MCL well below prior advisories
 - Even in proposed stage, form basis for cleanup levels
- Issuance of RSLs at very low levels

Evolving PFAS Regulation: Where are We Now?

- Prioritization of key next steps – and then a change in priorities
- Many of the key actions have now been impacted by the deregulatory agenda
 - Extension of MCL effective dates – being challenged in court
 - Reduction of MCL to just PFOA and PFOA – being challenged in court
- But risk perception has not eased
 - Litigation based on risk determinations, even in advance of legal requirements

Evolving PFAS Regulation: Water, Wastewater

- Water Discharge
 - EPA April 2022 and December 2022 guidance
 - Dec. 2022: “EPA recommends . . . NPDES and pretreatment and monitoring provisions be implemented by authorized states and POTWs, as appropriate, to the fullest extent available under state and local law.”
 - EPA issued Clean Water Act 309 requests aimed at collecting information on PFAS in target industries
 - EPA included certain requirements for PFAS monitoring in the proposed 2026 MSGP

Evolving PFAS Regulation: Water, Wastewater

- Water Discharge
 - No federal movement on standards for monitoring or discharge limits
 - Comment period for MSGP closed more than a year ago, no update on issuance
 - State by state variability
 - Creates uncertainty for dischargers, also limits availability of permit shield
 - Varying proposals on liability shields

Evolving PFAS Regulation: Water, Sediment

- Clean Water Act 404 Permitting
 - Impact of PFAS on Dredging Requirements
 - Dispute right now regarding Army Corps proposal for navigational dredge in area of known PFAS impact
 - Corps disregarded North Carolina comments on PFAS concerns due to lack of standards
 - “No applicable Federal and state standards or regulations for PFAS concentrations in sediment are available.”
 - “Simply identifying the potential issue in the EIS is not helpful or informative.”
 - Congressional proposal to shield Army Corps from liability for disposal of PFAS impacted sediments
 - Where would that shift liability?

Evolving PFAS Regulation: Biosolids

- EPA January 2025 initial risk evaluation of biosolids
 - Found application of 1ppb of PFOA or PFOS could exceed some risk thresholds
- Patchwork of State Requirements and prohibitions
- EPA July 2026 Revised approach to risk assessment
 - Rejects the 2025 conclusions
 - Looks at existing state programs focused on reduction
- Litigation ongoing challenging biosolid application
 - Maine prohibition on biosolid application
 - Texas litigation alleging damage from biosolid application

Evolving PFAS Risks

- RCRA
 - EPA started and then stepped back from hazardous constituent status
 - EPA proposed and then reversed PFAS inclusion in RCRA Corrective Action
 - RCRA Imminent and Substantial Endangerment claims continue
 - Uncertainty in ongoing litigation
 - New Mexico lawsuit challenging decision
 - New Mexico litigation regarding DOD obligation
- Consumer Products
 - New York litigation against PFAS manufacturers
 - Numerous state disclosure and elimination rules

But Wait there is more...

- 1,4-dioxane
- Microplastics
- Pharmaceuticals
- And then?

An Aging Emerging Risk: 1,4-dioxane

- 1,4-dioxane was part of the third UCMR in 2012
 - Of all contaminants measured in that cycle, 1,4-dioxane was the 2nd in frequency and health-based exceedance
- There have been multiple timelines for establishment of an MCL – still waiting
- Reduced detection limits and RSLs led to increased monitoring, even reopening of sites as part of 5-year reviews

An Aging Emerging Risk: 1,4-dioxane

- Lack of MCLs leaves RSL / risk based levels as primary guidance
- Uncertainty in discharge limits
- Ubiquitous contaminant with limited guidance
 - Missouri litigation related to sludge application
 - New York litigation against manufacturers for well contamination

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EPA, HHS Announce Historic Actions to Protect Americans from Microplastics and Safeguard Drinking Water

Joint initiative marks first-ever inclusion of microplastics on EPA's Contaminant Candidate List and launches groundbreaking ARPA-H program to detect and remove plastics from the human body

April 2, 2026

Contact Information

EPA Press Office (press@epa.gov)

WASHINGTON – U.S. Environmental Protection Agency (EPA) Administrator Lee Zeldin and U.S. Department of Health and Human Services (HHS) Secretary Robert F. Kennedy Jr. today announced landmark, coordinated actions to address microplastics contamination, one of the most urgent and growing public health challenges facing Americans. The announcements, made at a press conference at EPA headquarters, represent a major step forward in President Trump's commitment to Make America Healthy Again.

Managing Evolving Risks: Microplastics

- Microplastics
 - April 2026 announcement of inclusion of microplastics in next UCMR
 - “one of the most urgent and growing public health challenges facing Americans”
 - Still on EPA’s website
 - July 2026 proposed UCMR6 excluded microplastics
 - EPA cited to research gaps and lack of consensus for drinking water analytical method
 - Means at least another 5-year delay before SDWA regulation of microplastics

Managing Evolving Risks: Microplastics

- World Health Organization has recognized microplastics as ubiquitous
- Issue overlaps with plastics pollution, consumer product packaging and construction materials
- Broad range of cases brought alleging microplastic contamination, but lack of standards and data on health impacts have generally limited such cases at this point

What Now?

- Evaluate your constituents, in process and discharges
- Follow the changing federal and state programs
- Assess risk evaluation and communication

QUESTIONS?

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