STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY
DEPARTMENT OF HEALTH
STATE BOARD OF HEALTH

July 16, 2026

The Honorable Lee Zeldin
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Re: Docket No. EPA-HQ-OW-2025-1742; Proposed Rule, Extending the Compliance Deadline for the PFOA and PFOS Maximum Contaminant Levels (hereafter referred to as "Proposed Extension"), 91 Fed. Reg. 29425 (May 20, 2026)[1]

Dear Administrator Zeldin:

The Washington State Departments of Ecology (Ecology) and Health (DOH), along with the Washington State Board of Health (SBOH), write in opposition to the Environmental Protection Agency's (EPA) proposal to allow public water systems two more years to meet health standards and compliance. This proposal would allow such systems to exceed the Maximum Contaminant Levels (MCLs) for Perfluorooctanoic acid (PFOA) and Perfluorooctanesulfonic acid (PFOS) set by EPA itself to protect the public from known harmful toxics. We continue to support the substantive PFOA and PFOS MCLs adopted in the 2024 PFAS National Primary Drinking Water Regulation (NPDWR).[2] We know that exposure to PFOA and PFOS is linked to a range of health issues from cancer to weakened immune response to pregnancy complications. Extending deadlines for compliances means people will have two additional years of exposure to PFOA and PFOS by way of their public water system. We urge EPA to withdraw the Proposed Extension.

[1] Environmental Protection Agency, "Extending the Compliance Deadline for the PFOA and PFOS Maximum Contaminant Levels," Proposed Rule, 91 Fed. Reg. 29425 (May 20, 2026), Docket No. EPA-HQ-OW-2025-1742/ https://www.federalregister.gov/documents/2026/05/20/2026-10086/extending-the-compliance-deadline-for-the-pfoa-and-pfos-maximum-contaminant-levels

[2] EPA, "PFAS National Primary Drinking Water Regulation," Final Rule, 89 Fed. Reg. 32532 (April 26, 2024) https://www.federalregister.gov/documents/2024/04/26/2024-07773/pfas-national-primary-drinking-water-regulation

The Proposed Extension Is Unnecessary and Inconsistent with the intent of the Safe Drinking Water Act

Extending this deadline has no benefit for the public and is unnecessary to support small water systems that face compliance challenges. This is because the Safe Drinking Water Act already provides a well-established mechanism for individual public water systems that face compelling compliance challenges. Under this section, a state that has primary enforcement responsibility may grant a system-specific exemption upon findings tied to that system's circumstances.[3] Compliance agreements and variances available through this framework are sufficient to address legitimate challenges to PFOA and PFOS MCL compliance by 2029. By contrast, the Proposed Extension would establish a nationwide, application-based extension framework that grants a broad deadline deferral rather than the individualized, evidence-supported exemption Congress contemplated. This approach stretches the law's exemption authority beyond its intended scope.

Washington has adopted state regulations conforming to the 2024 PFAS NPDWR, and DOH has the statutory authority and administrative tools to enter into compliance agreements with individual Washington public water systems that demonstrate compelling factors. Layering a parallel federal extension framework on top of that existing state authority will create confusion among Washington public water systems about which deadline applies and how state and federal compliance obligations interact. That confusion is itself a regulatory cost not adequately addressed in EPA's economic analysis.

The Proposed Extension Will Have Counterproductive Consequences

Extending the PFAS NPDWR compliance date to 2031 will likely have negative consequences for both public health protection and the financial position of affected public water systems:

1. **Some public water systems will unnecessarily delay action.** While the extended timeline may appear helpful for a limited number of systems that genuinely need more time to identify funding and complete construction of new treatment systems, some public water systems will defer compliance activities to the maximum extent allowed, regardless of whether they need the additional time.

2. **Federal funding windows will close.** Systems that delay will be too late to use the current Infrastructure Investment and Jobs Act funding for emerging contaminants, which is appropriated only through 2026.[4] Delaying compliance activities past the period when states may apply for and leverage funding forces public water systems and ratepayers to absorb costs that could have been offset by federal funds. The steepest financial impacts will fall on small and disadvantaged systems.

States will need to develop consent agreements. Whether or not the compliance date changes, consent agreements will need to be developed with the public water systems that are unable to install treatment and comply with the rule on time. The Proposed Extension creates a parallel federal process on top of states' existing compliance protocols, increasing the burden on state drinking water programs and creating two compliance tracks where one would suffice.

[3] Safe Drinking Water Act, 42 U.S.C. § 300g–5 (§ 1416) https://www.govinfo.gov/link/uscode/42/300g-5

[4] EPA, Emerging Contaminants in Small or Disadvantaged Communities (EC-SDC) Grant Program; Infrastructure Investment and Jobs Act of 2021, Pub. L. 117-58. https://www.epa.gov/dwcapacity/emerging-contaminants-small-or-disadvantaged-communities-grant-ec-sdc

Recommendations

We recommend EPA:

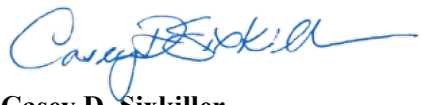
1. Withdraw the Proposed Extension and retain the April 26, 2029, compliance deadline for the PFOA and PFOS MCLs.

2. Rely on the existing state-administered SDWA § 1416 exemption process and on state compliance agreements to address the specific public water systems that demonstrate compelling factors warranting additional time.

3. Continue and, where possible, expand technical and financial assistance, including Emerging Contaminants funding, to help public water systems meet the existing 2029 compliance deadline rather than create an incentive structure that rewards delay.

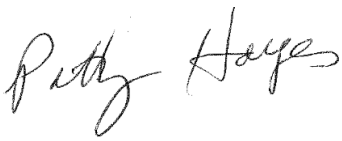
The 2024 PFAS NPDWR advances public health based on sound science and a deliberate regulatory record. Our state implemented these standards because Washingtonians deserve clean drinking water. All Americans deserve the same protection on the same schedule. The Proposed Extension will delay the necessary protections provided by the 2024 PFAS NPDWR and erode the health benefits EPA already determined the rule would deliver. Washington urges EPA to withdraw the Proposed Extension.

Sincerely,



Casey D. Sixkiller
Director
Washington State Department of Ecology

Dennis E. Worsham
Secretary of Health
Washington State Department of Health



Patty Hayes, RN, MN
Board Chair
Washington State Board of Health