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-2025-0654; Proposed Rule, Rescission of Regulatory Determinations and Removal of Related Provisions for Four PFAS Substances (PFHxS, PFNA, HFPO-DA (GenX), and the Mixture of These Three PFAS Plus PFBS), 91 Fed. Reg. 29413 (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), jointly write in opposition to the Environmental Protection Agency's (EPA) proposal to rescind the regulatory determinations of PFHxS, PFNA, HFPO-DA (GenX), and the Hazard Index (HI) mixture of those PFAS plus PFBS. These regulations protect people from exposure to chemicals known to cause cancer, disrupt hormones and immune systems, impair reproduction and harm child development. Americans deserve the clean, safe drinking water set forth by these regulations. In 2024 EPA stated that it expects that over many years the final rule will prevent PFAS exposure in drinking water for approximately 100 million people, prevent thousands of deaths, and reduce tens of thousands of serious PFAS-attributable illnesses. Rolling back these regulations would certainly lead to greater exposure and harm.

[1] Environmental Protection Agency, "Rescission of Regulatory Determinations and Removal of Related Provisions for Four PFAS Substances (PFHxS, PFNA, HFPO-DA (GenX), and the Mixture of These Three PFAS Plus PFBS)," Proposed Rule, 91 Fed. Reg. 29413 (May 20, 2026), Docket No. EPA-HQ-OW-2025-0654 https://www.federalregister.gov/documents/2026/05/20/2026-10085/rescission-of-regulatory-determinations-and-removal-of-related-provisions-for-four-pfas-substances

Washington State supports the 2024 PFAS National Primary Drinking Water Regulation (NPDWR).[2] We continue to believe the scientific and public health basis for the 2024 PFAS NPDWR is sound and reduces health risks to people in communities impacted by PFAS. The science is clear. These regulations are necessary to protect public health and rescinding them backslides on public health. Washington urges EPA to withdraw the Proposed Rescission for the reasons set forth below. EPA's legal justification rests on a contested re-reading of the Safe Drinking Water Act (SDWA); is not the only or best reading of the statute; and would, if finalized, result in the loss of substantial public health protections that EPA itself acknowledges are supported by the underlying scientific record.

Washington's PFAS Regulatory Experience

In the absence of federal drinking water standards for PFAS, the Washington State Board of Health adopted State Action Levels (SALs) for five PFAS analytes effective January 1, 2022.[3] Washington state conducted statewide PFAS testing of over 2500 public drinking water systems between January 2022 and December 2025, under state rules. We found PFHxS, PFNA, and PFBS in public drinking water supplies and need regulatory values to guide action and public health response for impacted communities.

Washington has since adopted state regulations conforming to the 2024 PFAS NPDWR. Washingtonians served by public water systems will therefore continue to receive the level of protection contemplated by the 2024 PFAS NPDWR regardless of what EPA does with the federal rule. The Proposed Rescission, however, would withdraw those protections from drinking water consumers in other states whose primacy agencies have not adopted parallel state standards. It would also remove the federal floor that supports interstate coordination on PFAS occurrence data, laboratory accreditation, and consistent compliance methodology. These are significant losses that EPA's economic analysis does not adequately capture.

EPA's Legal Basis Does Not Support Rescission

EPA proposes to rescind these provisions solely on the legal ground that SDWA Section 1412(b)(1)(E) does not, under the "best reading" EPA now adopts, permit EPA to publish a proposed NPDWR simultaneously with a preliminary regulatory determination. EPA reached the opposite conclusion as recently as 2023 and reaffirmed it in the 2024 Final Rule after notice and comment.[4] Washington respectfully submits that EPA's prior interpretation was reasonable, lawful, and entitled to substantial weight, and that EPA's newly-adopted "best reading" is neither compelled by the statutory text nor the only permissible construction.

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

[3]Washington State Board of Health, State Action Levels for PFAS in Drinking Water, effective January 1, 2022; Washington State Department of Health, PFAS in Drinking Water—Group A Public Water System Information and Support. https://doh.wa.gov/community-and-environment/drinking-water/contaminants/pfas-drinking-water

[4]*See* 88 Fed. Reg. 18638, 18644 (March 29, 2023); 89 Fed. Reg. 32532, 32540–32541 (April 26, 2024)

First, the statutory phrase "determination to regulate" in SDWA Section 1412(b)(1)(E) is clear. The provision states that EPA "may publish such proposed regulation concurrent with the determination to regulate." Congress's use of the permissive "may" and the term "concurrent" supports EPA's prior interpretation that EPA has discretion in sequencing the regulatory determination and the proposed regulation, provided that the public receives the notice and comment opportunities the statute requires. EPA received and responded to public comments on both the regulatory determinations and the NPDWR provisions for the four PFAS at issue. The procedural concerns EPA now invokes do not describe an actual lack of public participation.

Second, EPA's conclusion that SDWA Section 1412(b)(9) anti-backsliding requirements are not triggered or are satisfied because the MCL compliance deadlines for the four PFAS have not yet passed, is incorrect. Section 1412(b)(9) requires that any revision of an NPDWR "maintain, or provide for greater, protection of the health of persons," and the D.C. Circuit has held that revised regulations "may increase but not decrease health protections."[5] EPA's argument that rescission "maintains the status quo" because no MCL compliance deadline has passed misreads the statutory text. The 2024 PFAS NPDWR is currently in effect; public water systems are conducting initial monitoring; primacy agencies including DOH have invested in implementation, laboratory accreditation, and operator training; and the regulated community has begun planning capital investments in PFAS treatment. The level of protection "actually provided" by the existing NPDWR includes those implementation activities and the consumer expectation that the standards will be in place when compliance deadlines arrive. Rescission would reduce that protection in measurable ways.

Third, EPA has chosen to proceed with this rescission while the 2024 PFAS NPDWR is under active judicial review.[6] Washington respectfully suggests that proceeding by administrative rescission rather than allowing the litigation to resolve the legal questions before the D.C. Circuit risks creating regulatory whiplash for primacy agencies, public water systems, and water consumers, all of whom have already invested in implementing the 2024 rule. If the D.C. Circuit ultimately upholds EPA's 2024 interpretation of SDWA Section 1412(b)(1)(E), the rescission would have caused substantial wasted compliance effort and lost public health protection in the interim.

EPA Fails to Analyze the True Health and Economic Costs of Rescission

The rescission cannot be defended as economically justified once the acknowledged but unquantified developmental, reproductive, immunologic, hepatic, thyroid, and carcinogenic effects are accounted for. EPA's prior health effects determinations in support of the 2024 PFAS NPDWR are not being reopened in this rulemaking and remain the agency's scientific position.[7] The quantified ratio of $11.6 million in cost savings to $6.7 million in forgone benefits is therefore plainly an undercount of the true health and economic costs of rescission.

---

[5] *State of Arizona v. EPA*, 77 f.4th 1126 (D.C. Cir. 2023)

[6] *American Water Works Association v. EPA*, No. 24-1188 (D.C. Cir.)

[7] See 2024 PFAS NPDWR at 89 Fed. Reg. 32567–32608 (Section V—Health Effects and Risk Assessment); Proposed Rescission at 91 Fed. Reg. 29417 ("The EPA's proposal is not based on any reassessment of the substantive findings included in its regulatory determinations or associated NPDWR provisions."). https://www.federalregister.gov/documents/2024/04/26/2024-07773/pfas-national-primary-drinking-water-regulation

Washington-Specific and Interstate Public Health Concerns

Although Washington has adopted state-level standards substantively aligned with the 2024 PFAS NPDWR, three state-specific concerns warrant EPA's attention:

(1) Military and firefighter training site exposures. PFHxS, PFNA, and the Index PFAS mixture occur in Washington drinking water sources principally near military bases and firefighter training facilities where aqueous film-forming foam was historically used. The Agency for Toxic Substances and Disease Registry (ATSDR) multi-site PFAS Exposure Assessment found that residents of Airway Heights, Washington, near Fairchild Air Force Base, had higher average serum PFHxS levels than residents at seven other sites studied.[8] Rescission would withdraw federal recognition of PFHxS and PFNA as regulated drinking water contaminants at the precise moment when affected communities are seeking remedies, monitoring, and treatment.

(2) Interstate exposure through food and drinking water. Even with Washington's own drinking water standards in place, Washingtonians are exposed to PFAS through food, beverages, and drinking water produced or processed in other states where drinking water sources may be PFAS-contaminated and unregulated. Federal drinking water standards play an important role in reducing PFAS in source water across the country. Rescission undermines this national-protection function of the SDWA.

(3) PFAS waste management and disposal. Ecology has invested in research, environmental impact assessment, and regulatory development on appropriate disposal pathways for PFAS-contaminated treatment residuals. Rescinding the federal MCLs for the four PFAS at issue creates uncertainty about the volume, timing, and geographic distribution of PFAS treatment waste streams nationally, and complicates state-level waste planning for interstate disposal flows.

Recommendations

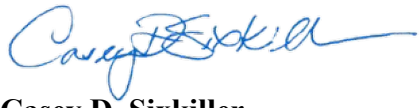
We recommend that EPA:

1. Withdraw the Proposed Rescission and retain the 2024 PFAS NPDWR provisions for PFHxS, PFNA, HFPO-DA, and the Hazard Index mixture in full.
2. In the alternative, defer any final action on the Proposed Rescission until the D.C. Circuit has resolved the pending consolidated petitions for review in *American Water Works Ass'n v. EPA*.
3. If EPA proceeds with any final action notwithstanding these objections, expressly preserve state authority to maintain or adopt more protective state-level standards for the four PFAS, and clarify primacy program implications for states that have already adopted regulations conforming to the 2024 NPDWR.

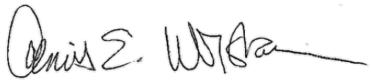
[8] Agency for Toxic Substances and Disease Registry (ATSDR), PFAS Exposure Assessment, Airway Heights (near Fairchild Air Force Base) PFAS Exposure Assessment: Spokane County, Washington | PFAS and Your Health | ATSDR

Americans deserve clean drinking water. The 2024 PFAS NPDWR represents the result of years of scientific assessment, public comment, and careful regulatory work. Washington supported it as a public health advance when it was proposed and supports it now. EPA's reinterpretation of the State Drinking Water Act is not compelled by the statutory text, and the resulting loss of federal public health protection is not justified by the modest quantified cost savings EPA has identified. Washington urges EPA to withdraw the Proposed Rescission and instead prioritize healthy and safe communities.

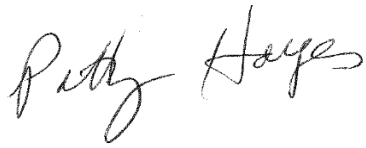
Sincerely,



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

Enclosures:
Washington State Department of Ecology, Comment Letter on PFAS National Primary Drinking Water Regulation Rulemaking, Docket ID No. EPA-HQ-OW-2022-0114
Washington State Department of Health, Comment Letter on PFAS National Primary Drinking Water Regulation Rulemaking, Docket ID No. EPA-HQ-OW-2022-0114