

May 2025 (Volume 1, Edition 2)

In this edition of GableGotwals' *PFAS Pulse*, we examine recent EPA developments that signal a continued – and potentially expanded – regulatory focus on PFAS under the Trump administration and Administrator Zeldin's Environmental Protection Agency (“EPA”). While at first glance this regulatory momentum may seem at odds with the administration's broader deregulatory posture, it reflects a consistent throughline from the first Trump EPA: a recognition that per- and polyfluoroalkyl substances (“PFAS”) present unique, persistent risks that demand targeted oversight.

For our clients, these developments reinforce the need for proactive risk identification and legal risk management across a range of operational domains – real estate portfolios, supply chains, industrial and manufacturing processes, product composition, and waste management practices. PFAS-related liabilities are increasingly intersecting with corporate governance, ESG considerations, and contractual risk allocation, particularly in transactions, disclosures, and insurance.

[GableGotwals' Environmental and Natural Resources](#) team continues to partner with clients to anticipate regulatory shifts, evaluate compliance exposure, and develop legally sound, business-aligned strategies to ensure operational continuity while managing PFAS-related risks.

Background: What are PFAS?

PFAS are a broad class of human-made compounds characterized by a strong carbon-fluorine bond that makes them heat resistant and gives them surfactant qualities capable of repelling water, oil, and grease. Those durable qualities that give PFAS such a high utility for industrial and consumer applications also make them persistent and highly mobile in the environment (e.g., soil and groundwater), and in some cases bioaccumulative and toxic in humans and animals, hence the nickname, “forever chemicals.” For more than 10 years, the EPA has been laying the groundwork for a broad PFAS regulatory regime. 2024 represented a significant milestone in those efforts, as EPA finalized and continued to expand PFAS regulations under a number of federal environmental laws, including designating two PFAS (PFOA and PFOS) as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA” or Superfund) and setting drinking water standards for six PFAS (PFOA, PFOS, PHxS, PFNA, HFPO-DA, and PFBS).

EPA Extends Comment Period on Draft Sewage Sludge Risk Assessment for PFOA and PFOS

The land application of PFAS-containing biosolids remains a hot-button issue. [See *PFAS Pulse*, Volume 1, Ed. 1](#) (February 2025). On April 17, 2025, EPA announced an extension of the public comment period for its draft risk assessment evaluating the potential human health risks associated with PFOA and PFOS in biosolids, also referred to as sewage sludge. [90 Fed. Reg. 16128](#). The new deadline for public comment is August 14, 2025. According to EPA, the draft assessment reflects the agency's current scientific understanding of the risks posed by PFOA and PFOS when biosolids are land-applied as fertilizers or soil amendments, disposed of on the surface, or incinerated. These pathways are of particular concern due to the potential for long-term exposure among populations living near application or disposal sites and among those who rely on potentially impacted resources such as food crops, livestock products, and groundwater.

The draft risk assessment underwent an independent external peer review, and EPA incorporated feedback into its current version. Once finalized, the risk assessment will provide a scientific basis for evaluating the risks associated with various biosolids management practices and is expected to inform

future regulatory decisions under the Clean Water Act. EPA emphasized that it is extending the comment period to allow stakeholders – including regulated entities, scientists, and the public – sufficient time to conduct a thorough review and submit informed input. Comments previously submitted do not need to be resubmitted. Clients in agriculture, wastewater treatment, land development, or waste disposal should closely monitor this issue to anticipate regulatory changes and consider commenting.

Past is Prologue Under the Second Trump Administration and Administrator Zeldin's EPA

During President Trump's first term, EPA took significant steps to address PFAS contamination through stakeholder engagement and policy development efforts. This began with a high-profile National Leadership Summit on PFAS in 2018 and was followed by considerable community outreach across multiple PFAS-impacted regions. In 2019, EPA released its first-ever [PFAS Action Plan](#) – an integrated, cross-agency initiative that combined research, regulatory development, and communication strategies. The Action Plan initiated much of the foundational regulatory work that resulted in current PFAS regulations (e.g., designation of PFOA and PFOS as hazardous substances under CERCLA, and establishing drinking water standards for six PFAS). For more on the current status of PFAS regulations, please refer to our recent [PFAS Pulse, Volume 1, Ed. 1](#) (February 2025).

Picking up where it left off, the Trump Administration and Administrator Zeldin's EPA look poised to move forward with addressing a number of PFAS issues. On [April 28, 2025](#), EPA announced upcoming agency action to address PFAS, including establishing effluent limitation guidelines (“ELGs”) for certain PFAS to stop those chemicals from entering public water systems, and initiatives to engage Congress and industry to establish a “clear liability framework that ensures the polluter pays and passive receivers are protected.” Below is a list of the actions outlined by EPA:

Strengthening Science:

- Designate an agency lead for PFAS to better align and manage PFAS efforts across agency programs.
- Implement a PFAS testing strategy under the Toxic Substances Control Act (“TSCA”) Section 4 to seek scientific information informed by hazard characteristics and exposure pathways.
- Launch additional efforts on air-related PFAS information collection and measurement techniques related to air emissions.
- Identify and address available information gaps where not all PFAS can be measured and controlled.
- Provide more frequent updates to the PFAS Destruction and Disposal Guidance – changing from every three years to annually – as EPA continues to assess the effectiveness of available treatment technologies.
- Ramp up development of testing methods to improve detection and strategies to address PFAS.

Fulfilling Statutory Obligations and Enhancing Communication

- Develop ELGs for PFAS manufacturers and metal finishers and evaluate other ELGs necessary for reduction of PFAS discharges.
- Address the most significant compliance challenges and requests from Congress and drinking water systems related to national primary drinking water regulations for certain PFAS.
- Determine how to better use Resource Conservation and Recovery Act authorities to address releases from manufacturing operations of both producers and users of PFAS.
- Add PFAS to the Toxic Release Inventory in line with Congressional direction from the 2020 National Defense Authorization Act.
- Enforce the Clean Water Act and TSCA limitations on PFAS use and release to prevent further contamination.

- Use Safe Drinking Water Act authority to investigate and address immediate endangerment.
- Achieve more effective outcomes by prioritizing risk-based reviews of new and existing PFAS chemicals.
- Implement TSCA section 8(a)(7) to smartly collect necessary information as Congress envisioned and consistent with TSCA, without overburdening small business and article importers.
- Work with Congress and industry to establish a clear liability framework that operates on polluter pays and protects passive receivers.

Building Partnerships

- Advance remediation and cleanup efforts where drinking water supplies are impacted by PFAS contamination.
- Work with states to assess risks from PFAS contamination and the development of analytical and risk assessment tools.
- Finish public comment period for biosolids risk assessment and determine path forward based on comments.
- Provide assistance to states and tribes on enforcement efforts.
- Review and evaluate any pending state air petitions.
- Resource and support investigations into violations to hold polluters accountable.

Conclusion

In sum, EPA's recent announcements signal that PFAS will remain a regulatory priority under the Trump administration and Administrator Zeldin's EPA, with emphasis on air emissions, PFAS in biosolids, responsible waste management, and collaborative legislative efforts over the high-profile drinking water and hazardous substance designations advanced under the Biden administration. The appointment of a PFAS lead at EPA, along with signals of flexibility around TSCA Rule 8 reporting and SDWA compliance indicates a more pragmatic, stakeholder-sensitive approach to regulation.

Thank you for reading this edition of PFAS Pulse. Feel free to reach out to our GableGotwals' [Environmental and Natural Resources](#) team with any questions.



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