July 20, 2026

Jessica Kramer
Assistant Administrator
Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RE: Rescission of Regulatory Determinations and Removal of Related Provisions for Four PFAS Substances (Docket No. EPA–HQ–OW–2025– 0654; 91 Fed. Reg. 29413 (May 20, 2026))

Dear Assistant Administrator Kramer:

The undersigned organizations appreciate the opportunity to comment on EPA's proposal to rescind, under Safe Drinking Water Act (SDWA) section 1412, the national primary drinking water regulation (NPDWR) determinations and associated provisions for PFNA, PFHxS, PFBS, and HFPO-DA (collectively, the "four PFAS"), including withdrawal of the hazard index (HI) approach previously used to regulate these substances as a mixture.

We support EPA's proposed rescission. As discussed below, the original approach raises substantial legal, technical, and implementation concerns that warrant reconsideration. Revisiting these determinations in a manner consistent with SDWA requirements for use of the best available science as well as their directions on the practicality and economic and technical feasibility of achieving the proposed standards is critical to ensuring a durable and effective regulatory framework.

We also recognize the ongoing litigation concerning EPA's PFAS drinking water rule. That context further underscores the importance of ensuring that any revised approach is firmly grounded in the statutory requirements of SDWA and supported by a robust scientific and legal record.

Support for Rescission and Restoration of the SDWA Process

EPA's proposal appropriately acknowledges that the prior rulemaking improperly compressed or bypassed key procedural steps required under SDWA. The statute establishes a deliberate, stepwise process: (1) a preliminary regulatory determination

with opportunity for public comment; (2) a final determination based on that input; and (3) proposal of enforceable standards.

In the prior action, EPA simultaneously issued preliminary determinations and proposed MCLs/MCLGs for the same contaminants. This approach curtailed meaningful public engagement on whether regulation was warranted before evaluating how to regulate. The proposed rescission appropriately restores the integrity of SDWA's procedural framework and ensures that stakeholders can comment at each stage.

In addition, SDWA requires consultation with the Science Advisory Board (SAB) prior to proposal of MCLGs and NPDWRs. The absence of SAB review for the four PFAS represents a material procedural deficiency. We support EPA's recognition that this step must occur before moving forward with any future regulatory proposal.

Fundamental Flaws of the Hazard Index Approach

A fundamental concern with the current rule is EPA's use of a HI approach to regulate multiple PFAS as a mixture. This approach is legally, technically, and economically flawed. Details can be found in our coalition comments from when the rule was originally proposed.[1]

Legally flawed.
SDWA requires EPA to establish an MCL as the "maximum permissible level of a contaminant" in drinking water. The statute consistently speaks in terms of setting standards for each contaminant, with a specific numerical concentration that regulated entities can measure and achieve. The hazard index approach, by contrast, does not establish a concentration-based limit for any individual contaminant. Instead, it imposes a unitless, equation-based construct that aggregates multiple substances into a single compliance calculation. This is neither an MCL nor a treatment technique as contemplated by SDWA. Moreover, regulating mixtures through a mathematical formula—rather than setting discrete limits for individual contaminants—has no basis in the statutory text and conflicts with Congress's clear directive to regulate contaminants individually.

Technically flawed.
The HI method proposed relies on a screening-level tool that EPA and its own SAB have characterized as appropriate for initial risk screening, not for setting enforceable

[1] https://www.reginfo.gov/public/do/eoDownloadDocument?pubId=&eodoc=true&documentID=328342

regulatory limits. The HI method compounds this concern by combining disparate toxicological endpoints (e.g., thyroid effects, body weight changes, and liver toxicity) into a single index without demonstrating a common mode of action or scientifically justified basis for additivity. This approach is inconsistent with best scientific practices for mixture risk assessment, which generally require alignment of endpoints or more refined, target-organ–specific analysis.

Further, the HI is inherently unstable and difficult to interpret, as it depends on multiple inputs that can change over time. It creates illogical outcomes in which an entity may be deemed out of compliance even when individual PFAS are present at or below their own health-based levels. In effect, the construct is so conservative that it can trigger violations based on analytical detection alone, rendering meaningful scientific evaluation of risk largely irrelevant.

The HI approach also fails to meet SDWA's section 1412(b)(3)(A) requirements on use of the best available science. More refined methodologies—such as target organ–specific hazard indices or alternative mixture approaches—were available but not employed. Instead, EPA relied on a highly conservative screening framework without adequate justification or SAB validation for its regulatory application.

Economically flawed and infeasible.
The HI approach creates significant implementation challenges for public water systems and the broader business community. Compliance requires ongoing monitoring of multiple PFAS, calculation of ratios against evolving health-based values, and aggregation into a composite index—introducing complexity, uncertainty, and cost far beyond traditional contaminant-specific standards. The absence of clear, concentration-based limits also complicates treatment decisions and capital planning.

In addition, the existing rule includes trigger levels that are below practical quantitation limits, raising serious concerns about analytical feasibility. Regulated entities cannot reliably comply with standards that cannot be consistently measured. This disconnect between regulatory expectations and analytical capabilities underscores the need for a more practical and achievable framework.

Path Forward

Given these substantial legal, technical, and economic deficiencies, the business community supports rescission of the HI–based MCL and MCLG for PFNA, PFHxS, PFBS, and HFPO-DA. If EPA determines that regulation of these substances is

warranted, it should follow the required statutory process under SDWA section 1412, including:

- Issuing and taking comment on preliminary regulatory determinations based on robust occurrence and health data;
- Obtaining SAB review of the underlying science and risk assessment methodologies;
- Beginning proper evaluation of whether proposing contaminant-specific standards that are consistent with statutory requirements and based on best available science is needed; and
- Ensuring that any final standards are measurable, technically feasible, and economically achievable.
- Clarifying that the initial monitoring requirements that are due in April 2027 for the four chemistries and their mixtures would no longer be required were the rescission to become final.

Conclusion

We appreciate EPA's commitment to addressing PFAS in drinking water and share the goal of protecting public health. However, that objective must be pursued within the framework established by Congress and grounded in sound science and practical implementation. The current HI approach does not meet those standards.

We stand ready to work with EPA to develop a more legally durable and scientifically sound path forward. Thank you for your consideration of these comments.

Sincerely,

American Chemistry Council
American Fuel and Petrochemical Manufacturers
American Petroleum Institute
Environmental Technology Council
National Asphalt Pavement Association
National Council of Textile Organizations
National Mining Association
PRINTING United Alliance
U.S. Chamber of Commerce