# PFAS OUT Cannot Replace Broad Drinking Water Protections

By **David Meldofsky** (April 28, 2026)



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The U.S. Environmental Protection Agency is sending a mixed message on per- and polyfluoroalkyl substances in drinking water.

On April 14, the EPA launched PFAS OUT, short for PFAS Outreach, a program designed to help public water systems address perfluorooctanoic acid, or PFOA, and perfluorooctane sulfonate, or PFOS, in drinking water before federal compliance deadlines arrive. But PFAS OUT is not a new binding rule.

The EPA describes it as an outreach effort that will identify water systems with elevated PFOA or PFOS levels, contact them directly, invite them to webinars, and connect them with treatment guidance, funding information and technical-assistance resources.

The EPA also says PFAS OUT does not itself provide direct funding or direct technical assistance, and its webpage says the agency expects to begin contacting eligible systems this summer.

That limited role matters because the name PFAS OUT sounds broader than the program really is. It suggests a sweeping effort to get PFAS out of drinking water.

In practice, though, the initiative is focused on helping systems respond to PFOA and PFOS, and it works mainly by directing them to existing support channels. PFAS OUT may be useful as an implementation tool, but it is not a substitute for enforceable regulatory protections — and it does not resolve the uncertainty the EPA has introduced elsewhere in its PFAS drinking water framework.

The legal backdrop makes the message harder to read.

On May 14, 2025, the EPA announced that it would keep the national drinking-water standards for PFOA and PFOS.

At the same time, the agency said it intended to rescind and reconsider the regulations for perfluorohexanesulfonic acid, or PFHxS; perfluorononanoic acid, or PFNA; hexafluoropropylene oxide dimer acid, or HFPO-DA, commonly known as GenX; and the EPA's hazard index framework.

The EPA also said it would pursue a rulemaking to extend the compliance deadline for PFOA and PFOS. Importantly, that announcement was not itself a completed rescission.

It was an announced plan to revisit those other parts of the rule through further rulemaking. The significance of that planned rescission is substantial.

Under the EPA's 2024 drinking water rule, the federal framework reached beyond PFOA and PFOS. The agency set individual limits for PFNA, PFHxS and HFPO-DA, and it also adopted a hazard index approach for mixtures containing two or more of PFHxS, PFNA, HFPO-DA, and perfluorobutanesulfonic acid, or PFBS.

The EPA explained that the hazard index was meant to address additive health concerns when these PFAS co-occur in drinking water.

That structure reflected an important point: PFAS contamination does not always present itself as a one-chemical problem. In many real-world settings, exposure concerns arise from multiple compounds appearing together — sometimes at lower levels individually, but in ways that may still create combined health concerns.

That means the EPA is not merely reconsidering a few obscure chemicals on the margins of the rule. It is reconsidering protections for specific PFAS that the agency previously concluded were important enough to regulate in drinking water, both individually and, in some cases, in combination.

The move matters not only for water systems and compliance lawyers, but also for communities that say they were harmed by PFAS exposure.

A narrower federal rule leaves firmer national limits in place for PFOA and PFOS, but it introduces more uncertainty around other PFAS, and around mixture-based exposure — precisely where some plaintiffs may argue the real-world harm is broader than two chemicals viewed in isolation.

That does not erase claims by injured plaintiffs. But it can affect the litigation environment in meaningful ways.

A current federal standard can serve as a powerful reference point in contamination cases because it helps show that the EPA regarded a chemical or mixture as serious enough to regulate nationwide. If the agency rescinds those parts of the rule, defendants may argue that the agency itself stepped back from that broader framework.

Plaintiffs, by contrast, may have to work harder to show why PFHxS, PFNA, GenX or combined PFAS exposure should still be treated as a serious health and legal issue even without the same federal rule in force. The legal questions would not disappear, but the evidentiary landscape could become more contested.

That is what makes PFAS OUT significant in a narrower way than its name might suggest.

PFAS OUT shows the EPA is still pushing implementation and readiness on PFOA and PFOS. It also shows the agency is trying to help water systems prepare through direct outreach, webinars, guidance and referrals to existing assistance programs.

But PFAS OUT does not eliminate the legal uncertainty created by the EPA's decision to reconsider the other PFAS components of the rule.

If anything, the program highlights the split in the EPA's current position: The agency is emphasizing urgency and action for certain PFAS, while reconsidering whether other parts of its broader drinking water protections should remain in place at all.

The better way to describe the EPA's current position is this: The agency is pairing targeted implementation support with a narrower regulatory commitment than the one it previously announced.

It is projecting concern about PFAS risk, but it is doing so through a framework that is firmer for some chemicals than for others.

That may be a manageable distinction for regulators working through administrative priorities. It is a much harder distinction for water systems, regulated companies, outside counsel and affected communities trying to understand what the government's long-term position on PFAS risk actually is.

For regulated entities, the practical takeaway is not to treat PFAS OUT as a sign that broader PFAS risk has faded.

Public water systems, manufacturers, airports, municipalities, landowners and other organizations with potential PFAS exposure still face a complicated environment in which compliance obligations, operational decisions, reputational concerns and litigation risk may not move in lockstep.

A narrower federal rule would not necessarily reduce scrutiny from state regulators, private plaintiffs, insurers or the public. In some settings, it may simply shift where the pressure comes from.

This is especially true where sampling results, historical site use, product records or disposal practices already create a factual basis for future claims. Those issues do not become less important simply because the EPA narrows one part of the federal framework. They may instead become more contested and more dependent on case-specific proof.

There are several practical steps regulated entities should be considering now.

First, they should review whether their current compliance planning assumes too much stability in the federal rule. Even if the EPA ultimately rescinds portions of the broader framework, that does not eliminate state law requirements, site-specific response obligations, permit-related issues, contractual exposure or private suits tied to PFAS contamination.

Second, organizations should make sure they are preserving the right records now. Sampling data, consultant reports, treatment evaluations, internal communications, purchasing records, product use histories, waste handling information and public-facing statements may all matter later in enforcement, cost recovery or civil litigation.

Third, this is a moment for coordination across functions that are often siloed. Environmental personnel, regulatory counsel, litigation counsel, risk managers and communications teams should not be treating PFAS as separate issues depending on the department involved.

A shift in federal posture may alter compliance assumptions while leaving tort exposure and evidentiary risk very much alive.

Finally, organizations should be cautious about how they characterize regulatory change. If the EPA rescinds parts of the broader rule, some may be tempted to frame that as proof the underlying concerns were overstated.

That would be a mistake. A change in regulatory posture is not the same as a finding that the chemicals or mixtures at issue are safe — and that distinction could matter in court, in negotiations with agencies and in communications with affected communities.

And that is why PFAS OUT does not resolve the deeper problem the EPA has created.

For water systems, the issue is compliance. For regulated companies, it is cost, planning and exposure. But for communities and plaintiffs who say they were injured by contaminated drinking water, the stakes are also evidentiary and practical.

Rescinding the broader parts of the rule would not mean those chemicals are safe. It would mean that some of the federal standards the EPA once used to recognize and organize that risk would no longer speak as clearly.

PFAS OUT may help certain systems prepare for PFOA and PFOS obligations, but it is a support initiative, not a substitute for the broader protections the EPA now plans to withdraw. In PFAS litigation, that distinction could matter a great deal.

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