



THE UNITED STATES
CONFERENCE OF MAYORS



July 20, 2026

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

- 1. *Re: Rescission 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); Docket ID No: EPA-HQ-OW-2025-0654***
- 2. *RE: Extending the Compliance Deadline for PFOA and PFOS Maximum Contaminant Levels; Docket ID No: EPA-HQ-OW-2025-1742***

Dear Assistant Administrator Kramer,

On behalf of the nation's mayors, cities and counties, we appreciate the opportunity to submit comments on two U.S. Environmental Protection Agency (EPA) proposed rules related to the PFAS National Primary Drinking Water Regulation (NPDWR), which was finalized in 2024. Our comment letter addresses both proposed rules on rescinding certain PFAS chemicals as well as the so-called Hazard Index and extending the compliance deadline for PFOS and PFOA, and is submitted into both Federal Register dockets.

Our organizations represent the nation's 3,069 counties, 19,000 cities, towns and villages and the mayors of the 1,400 largest cities throughout the United States. For the past several years, all levels of government, including the counties and cities we represent, have become increasingly concerned about drinking water contamination from PFAS. Created by private industry for use in a variety of sectors and applications around the globe, these chemicals have made their way into drinking water systems across the country and are heavily concentrated in communities near military installations or industrial sites.

Meanwhile, the federal government has moved forward with finalizing federal drinking water standards for several PFAS chemicals, and water systems are now making the necessary operational adjustments to fall into compliance. These adjustments include implementing new testing and monitoring protocols, adhering to public reporting requirements, and installing new treatment and technologies. As EPA moves forward with these two proposed rules to modify the 2024 PFAS National Primary Drinking Water Regulation, we appreciate the opportunity to provide feedback and offer the following comments below.

1. Rescission of Regulatory Determinations and Removal of Related Provisions for Four PFAS Substances

Local leaders are dedicated to protecting the health, safety and welfare of their residents and communities and are therefore highly interested in and concerned about the public health impact of PFAS substances in local drinking water supplies and systems.

It is critical, however, that drinking water regulations follow the legal directives of the Safe Drinking Water Act (SDWA). Specifically, under the SDWA, EPA may propose a regulation concurrently with a *final* determination to regulate, but it lacks the authority to do so concurrently with a *proposed* regulatory determination. We support EPA's determination in this proposed rule that the proper statutory and regulatory procedures were not followed in the development of the drinking water regulations for four specific per- and polyfluoroalkyl substances (PFAS) chemicals, namely PFHxS, PFNA, HFPO-DA/GenX, and Hazard Index mixtures of these three PFAS and PFBS. Therefore, we support the EPA's proposal to rescind the regulatory standards for these PFAS chemicals and the Hazard Index mixture. Moving forward, we support EPA's efforts to reconsider drinking water standards for these chemicals through proper regulatory and statutory procedures, which will allow for a final rule that is implementable, cost efficient, and grounded in sound science.

2. Extending the Compliance Deadline for PFOA and PFOS

EPA is proposing a rule that would allow drinking water systems to request two additional years to comply with the enforceable Maximum Contaminant Levels (MCL) of 4 parts per trillion (ppt) for PFOS and PFOA. In our [previous comment letter](#) to EPA on its national primary drinking water regulation for PFOS and PFOA, we urged EPA to consider longer compliance timeframes as a way to provide local governments with maximum flexibility. We therefore appreciate EPA's actions in moving forward with this recommendation and support the proposal to offer drinking water utilities the opportunity for a longer compliance timeframe in meeting the MCL, recognizing the cost and implementation burden on some communities.

We appreciate EPA's recognition that some local governments may be unable to afford the compliance costs under the current MCL compliance deadline of April 2029. Research data from subject matter experts, such as the American Water Works Association, estimate this mandate alone could cost public water systems \$3.5 billion dollars annually.

On the issue of affordability, according to the U.S. Census data, in 2024 alone, local combined water and sewer annual spending rose to a historic \$179 billion. During this period, however, Congress has kept the premiere federal financial assistance program—the Clean Water and Drinking Water State Revolving Funds—at a comparatively low level. Combined annual appropriations for the SRFs have barely increased since 2000,

from \$2.2 billion to \$2.8 billion in 2024, far below the growth in local utility spending and infrastructure needs. While the Infrastructure Investment and Jobs Act (IIJA) allocated \$10 billion over five years to address emerging contaminants, this funding is insufficient to cover the total compliance costs of the PFAS drinking water rule. Furthermore, because IIJA funding expires in FY26, these resources will not be available going forward as communities continue to work toward the compliance deadlines.

There are a number of key factors that continue to drive rising costs, including aging infrastructure, rapid inflation and population growth—all of which are largely outside of EPA's control. A fourth factor contributing to the cost burden for local utility customers is fully under EPA's control - the cost of the myriad of water related regulations, and this is where flexibility is critical. We agree with EPA's assertion that an extended compliance timeline will help lower or spread out the regulation's costs over a longer period. It also allows more time for alternative treatment options to become widely available and for supply chain disruptions to ease.

National Exemptions Framework Implementation and Primacy Considerations

According to the proposed rule, the “federal exemption framework” would allow water systems in states that have not obtained primacy for the PFAS NPDWR to request a two year federal exemption for complying with the MCL. Likewise, water systems located in states that have primacy for the PFAS NPDWR would be able to request an exemption from their state drinking water agency.

Public water systems need certainty that any granted extension of the compliance deadline, whether provided by the state or by EPA, will be applied uniformly. Importantly, we urge EPA to reconsider the proposed exemption framework that allows states to reconsider a federal exemption if they assume primacy after one has been granted by EPA. As proposed, this provision would create considerable uncertainty for water systems and potentially place them in noncompliance at a moment's notice. Alongside our local water partners, we urge EPA to ensure state primacy agencies fully recognize and uphold federal exemptions.

Criteria for Extension

In considering “financial limitations” as a compelling factor that warrants an exemption, we urge EPA to also consider the increased economic burden on ratepayers as a criteria for extension. The proposed rule states that exemptions would be granted only due to compelling factors, which includes economic factors, such as those that prevent the system from complying with the MCLs or developing an alternative source of water supply. In the final rule, we urge EPA to be explicit that financial limitations include direct household impacts on water rates. If additional time is needed to keep water rates within local affordability threshold ranges, EPA should consider this as a factor acceptable for an exemption for extending the compliance deadline.

Control Measures

Finally, we support EPA's proposed PFOA or PFOS 12 ppt threshold for required control measures for water systems that request a two-year compliance extension. We agree that this threshold is appropriate, and the proposed control measures will effectively help the most at-risk systems minimize exposure during the exemption period. We encourage EPA to provide additional technical assistance and resources to communities that are in this situation, particularly small communities, to ensure that the requirements are implementable and do not cause an undue financial or administrative burden.

Public Notification

Under the SDWA, the Public Notification Rule establishes requirements that water systems must follow regarding the form, manner, frequency and content of a public notice. We support the proposed rule's adherence to the Public Notification Rule, which designates that water systems operating under a compliance exemption should follow the Tier 3 public notification requirements. As EPA moves forward in finalizing the rule, we urge EPA to maintain this provision as a Tier 3 notification requiring annual public notice. We do not recommend that EPA require a Tier 2 notification, which is reserved for more urgent violations and requires public notification within 30 days.

Conclusion

Overall, we support EPA's efforts through these two proposed rules to provide additional flexibility to communities in addressing PFAS in drinking water. As EPA moves forward, we urge EPA to ensure the proposed rules are legally sound, clear, and implementable, without compromising public health protections. This includes **expanding the financial limitation criteria for an exemption, ensuring federal exemptions are honored by state primacy agencies, and identifying and providing federal funding opportunities or technical assistance to struggling water systems.**

On behalf of America's mayors, cities, and counties, we appreciate the opportunity to share the local government viewpoint regarding these critical matters. Local leaders look forward to working with EPA to ensure communities have the information and resources needed to comply with federal PFAS requirements in an efficient and cost-effective manner. If you have any questions, please reach out to our representatives: Judy Sheahan (USCM) at 202-355-8540 or jsheahan@usmayors.org; Carolyn Berndt (NLC) at 202-626-3101 or Berndt@nlc.org; or Charlotte Mitchell (NACo) at 202-661-8826 or cmitchell@naco.org.

Sincerely,



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