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States Step Up as Federal PFAS Regulations Retreat

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Federal Rollbacks Prompt State Action

The Environmental Protection Agency (EPA) under the Trump Administration has announced plans to rescind and reconsider key portions of the 2024 PFAS (per- and polyfluoroalkyl substances) drinking water standard. These changes – which include the delayed implementation of PFOA (perfluorooctanoic acid) and PFOS (perfluorooctane sulfonic acid) limits in drinking water until 2031 and the rescission of the limitations and reconsideration of the regulatory determinations for PFHxS (perfluorohexane sulfonic acid), PFNA (perfluorononanoic acid), HFPO-DA (hexafluoropropylene oxide dimer acid, also known as GenX), and the Hazard Index mixture of these three plus Perfluorobutanesulfonic acid (PFBS) – have created regulatory uncertainty for state agencies and water utilities. EPA has also canceled grants for research regarding PFAS contamination and encouraged states pursuing primacy for implementation of PFAS drinking water regulation to request additional time from EPA to prepare their applications.

Despite these federal rollbacks, states are actively responding. In 2025 alone, over 250 PFAS-related bills have been introduced across 36 states. These legislative efforts aim to ban PFAS in consumer products, establish state-specific maximum contaminant levels in drinking water, and allocate funds for cleanup. States such as Maine and Delaware have already enacted laws that mirror or exceed the 2024 federal standards, anticipating further federal deregulation.

New Jersey's Landmark Settlement with DuPont

New Jersey has taken a leading role in PFAS enforcement. On August 4, 2025, the state announced a historic settlement with DuPont and related entities that includes total payments of up to \$2.5 billion. *New Jersey Department of Environmental Protection et al. v. E.I. du Pont de Nemours and Co. et al.*, 1:19-cv-14766 (U.S. District Court for the District of New Jersey).

The state accused DuPont of knowingly discharging hazardous substances – including PFAS, polychlorinated biphenyls, metals, and pesticides – over a 125-year period, particularly at its Chambers Works facility in Salem County, which is now owned by Chemours, a spin-off of DuPont. In addition to resolving allegations of wrongdoing at the Chambers Works facility, the settlement also resolves three additional lawsuits and statewide claims related to firefighting foam contamination. The agreement includes \$875 million in damages and abatement funds, \$1.2 billion in remediation funding, and a \$475 million reserve to protect taxpayers in case of corporate default – all to be paid by DuPont and its related entities over the next 25 years. In May, the state resolved related claims against 3M Co. in a settlement with total payments of up to \$450 million over the same 25-year period.

This marks the largest environmental settlement ever achieved by a single state and underscores New Jersey's assertive regulatory stance toward PFAS substances.

Patchwork Regulation and Legal Risk

While state-level initiatives are addressing gaps, they also introduce complexity. Industry groups have expressed concerns about a patchwork of state regulations, which will undeniably lead to confusion, increased

compliance costs, and potential legal conflicts with federal and international standards. Nonetheless, many states view their actions as essential in the absence of consistent federal oversight.

Implications for Regulated Entities

Given the growing trend of state-level PFAS regulation, companies operating across multiple jurisdictions should anticipate varying standards and reporting requirements. This fragmented landscape increases the likelihood of litigation from state attorneys general and private plaintiffs, while also inviting closer scrutiny of historical contamination and remediation efforts. We recommend that entities with legacy PFAS liabilities actively monitor state enforcement developments and engage proactively with regulators to manage risk and maintain compliance.

Looking Ahead

The evolving PFAS regulatory landscape highlights the importance of staying informed and agile. As states continue to assert their authority, regulated entities must navigate a dynamic and increasingly decentralized compliance environment.

For more information or to discuss how these developments may impact your operations, please contact [Noelle Wooten](#) or [Elizabeth Haskins](#) of Baker Donelson's [Environmental team](#).