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Protecting PFAS Drinking Water Limits

A.8634-B (Lee) / S.3207-B (Kavanagh)

Explanation:
PFAS, also known as "forever chemicals," are a class of over 15,000 toxic chemicals that persist for thousands of years in the environment and build up in the human body. PFAS have been linked to harmful health effects like kidney cancer, preeclampsia, and low birth weight. New York has been an epicenter of the PFAS crisis, with major drinking water contamination found in Hoosick Falls, Newburgh, and many other communities.

In 2024, the US Environmental Protection Agency (EPA) finalized the first ever federal limits on PFAS in drinking water. EPA concluded that there is no safe level of PFOA or PFOS exposure, and set Maximum Contaminant Levels (MCLs) of 4 ppt each for these chemicals, which are more health-protective than New York's current 10 ppt MCLs. EPA also recognized the dangers posed by other PFAS, and set MCLs of 10 ppt for PFNA, PFHxS, and GenX, which New York does not currently regulate. Finally, EPA established a Hazard Index to address cumulative exposure to PFNA, PFHxS, GenX, and PFBS.

However, in May 2026, EPA issued proposed regulations to roll back these science-based public health protections, a year after it announced its intent to do so. EPA plans to allow water utilities to apply for a 2-year delay to the 2029 compliance deadline for the PFOA/PFOS MCLs. EPA also plans to scrap entirely the MCLs and Hazard Index covering PFNA, PFHxS, GenX, and PFBS, leaving New Yorkers completely unprotected from these dangerous chemicals.

EPA's plan will leave New Yorkers at risk from harmful contamination. At least 1.3 million New Yorkers have PFOA and/or PFOS in their drinking water at levels that would likely exceed EPA's limits; these New Yorkers may face prolonged toxic exposure every time they turn on the tap. The costs to New Yorkers' health from PFAS are massive, with studies estimating $2.7 to $4.4 billion in statewide health costs per year.

This bill protects New Yorkers' health by codifying the current federal PFAS MCLs, maintaining the 2029 compliance deadline, and requiring DOH to determine if additional protections against cumulative PFAS exposure are needed, insulating our state from the worst of the Trump administration's rollback. Significant state grant funding is available through the Water Infrastructure Improvement Act to help utilities install new filtration to comply with these MCLs.

Maine, Vermont, and Wisconsin have already adopted the current federal PFAS limits; it's time for New York to follow suit. New Yorkers need certainty that no matter what happens in Washington, they will not lose protections for their drinking water.

Summary:
This bill amends the public health law to codify the current federal Maximum Contaminant Levels on PFAS in drinking water, with compliance required no later than 2029.