
Comparative Analysis of State Regulation of PFAS in the Great Lakes and Lake Champlain Regions



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Introduction

Recent research shows that per- and poly-fluoroalkyl substances (PFAS) are pervasive in the environment. The PFAS family of compounds contains thousands of substances that have been used for decades in a wide variety of products and applications, both commercial and industrial. These uses range from applying non-stick or anti-grease coatings on cookware to industrial firefighting applications. The prolific use of these compounds and their extremely slow rate of environmental degradation have led to widespread environmental contamination that is not limited to the site of manufacture. The method of dispersal into the environment occurs generally as a result of manufacturing, firefighting, or disposal of items containing PFAS.¹

Awareness of the potentially detrimental effects of PFAS exposure began with detections in the 1970s in the bloodstream of workers associated with its manufacturing. As detection techniques improved in the 1990s and 2000s, concentrations of PFAS were found to be in the bloodstream of nearly every person in the United States and in people and organisms across the world. PFAS chemicals have been associated with a wide range of severe adverse health effects—such as liver, testicular and kidney cancers, as well as issues with the cardiovascular, reproductive, and endocrine systems—in laboratory animals and humans with long term and acute exposure.²

The growing body of evidence supporting the negative effects of PFAS compounds has led to increased attention from Congress and executive branch federal agencies seeking to limit their uptake by the populace. States within the Great Lakes and Lake Champlain regions have also begun to take regulatory actions to address PFAS contamination. The purpose of this Comparative Analysis is to provide an overview of these steps taken by the federal and state governments to regulate PFAS in the Great Lakes and Lake Champlain region. The Comparative Analysis examines the following aspects of state and federal regulation:

- Defining PFAS
- Firefighting Foam
- Firefighting Personal Protective Equipment
- Drinking Water
- Surface and Groundwater
- Hazardous Substances
- Food Consumption Advisories
- Food Packaging
- Consumer Products

¹ [Our Current Understanding of the Human Health and Environmental Risks of PFAS](#), U.S. ENV'T PROT. AGENCY (last updated November 5, 2025).

² INTERSTATE TECH. REGUL. COUNCIL, [HISTORY AND USE OF PER- AND POLYFLUOROALKYL SUBSTANCES \(PFAS\) FOUND IN THE ENVIRONMENT](#) (2020).

Definition of PFAS

The first regulatory item to examine is how each of the states in the region define PFAS. Most states have a similar definition — a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom. However, Michigan and Wisconsin simply define PFAS as “a perfluoroalkyl or polyfluoroalkyl substance.”³ Further, Pennsylvania does not define PFAS in legislation. Table 1 below provides examples of PFAS definitions for each of the applicable states.

Table 1- Definitions of PFAS

Statute	Definition
415 ILL. COMP. STAT. 170/5	“Perfluoroalkyl substance or polyfluoroalkyl substance” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.
IND. CODE § 36-8-10.7-3	Sec. 3. As used in this chapter, “PFAS chemical” means any chemical of a class of fluorinated organic chemicals, including: (1) perfluoroalkyl substances; and (2) polyfluoroalkyl substances; that contains at least one (1) fully fluorinated carbon atom and is used in firefighting agents.
MICH. COMP. LAWS § 324.14701	“PFAS” means a perfluoroalkyl or polyfluoroalkyl substance.
MINN. STAT. § 116.943	“Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.
NY ENV'T CONSERV. LAW § 37-0203	“Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS substances” shall mean, for the purposes of food packaging, a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.
OHIO REV. CODE ANN. § 3737.52	“PFAS chemicals” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom, including perfluoroalkyl and polyfluoroalkyl substances, that are designed to be fully functional in class B firefighting foam formulations.
VT. STAT. ANN. tit. 9, § 2494a	“Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.
WIS. STAT. § 25.90	“PFAS” means a perfluoroalkyl or polyfluoroalkyl substance.

³ MICH. COMP. LAWS § 324.1470.1; WIS. STAT. § 25.90.

Related to how the states in the region define PFAS is how the states define “Intentionally Added.” This is important because most regulatory provisions in the region refer to items with intentionally added PFAS. While not all the states in the region define intentionally added, Table 2 gives examples of how some of the states define the term.

Table 2- Definitions of Intentionally Added

Statute	Definition
NY ENV'T CONSERV. LAW § 37-0121	“Intentionally added chemical” means a chemical in a product that serves an intended function or technical effect in the product or product component, including the PFAS within intentionally added chemicals and PFAS that are intentional breakdown products of an added chemical that also have a functional or technical effect in the product or product component.
MINN. STAT. § 325F.075	“Intentionally added” means PFAS deliberately added during the manufacture of a product where the continued presence of PFAS is desired in the final package or packaging component to perform a specific function.
VT. STAT. ANN. tit. 9, § 2494a	“Intentionally added” means the addition of a chemical in a product that serves an intended function in the product component.
Wis. Admin. Reg. NR § 159.03	“Foam that contains intentionally added PFAS” means foam in which PFAS is a constituent of the foam added during the manufacturing process.

Firefighting Foam

All states in the Comparative Analysis had statutory provisions related to firefighting foam except Pennsylvania, though legislation was introduced in the state in 2025. All states except Michigan specifically regulate class B firefighting foam, while Michigan simply refers to “firefighting foam concentrate.” Specifically, the enacted provisions related to the use of firefighting foam contain the term intentionally added PFAS in each state.

Table 3 - Definitions of what is covered by the Firefighting Foam Provisions

Citation	Definition/Term Used
415 ILL. COMP. STAT. 170/5	“Class B firefighting foam” means foam designed to extinguish flammable liquid fires or prevent the ignition of flammable liquids.
415 ILL. COMP. STAT. 170/10	“Class B firefighting foam containing intentionally added PFAS”
IND. CODE § 36-8-10.7-1 - Sec. 1.	“As used in this chapter, “Class B firefighting foam” means a foam intended for use in extinguishing flammable liquid fires.”
IND. CODE § 36-8-10.7-6	“Class B firefighting foam that contains an intentionally added PFAS chemical”

Table 3 - Definitions of what is covered by the Firefighting Foam Provisions (Continued)

Citation	Definition/Term Used
MICH. COMP. LAWS § 29.369c	“Firefighting foam concentrate containing intentionally added PFAS”
MINN. STAT. § 325F.072	<p>“Class B firefighting foam” means foam designed to prevent or extinguish a fire in flammable liquids, combustible liquids, petroleum greases, tars, oils, oil-based paints, solvents, lacquers, alcohols, and flammable gases.</p> <p>“class B firefighting foam containing PFAS chemicals”</p>
NY GEN. BUS. LAW § 391-u	<p>“Class B firefighting foam” means foams designed to prevent or extinguish ignitable liquid fires</p> <p>“class B firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS chemicals)”</p>
OHIO REV. CODE ANN. § 3737.52	<p>“Class B firefighting foam” means a foam that is designed to extinguish a fire caused by flammable liquid.</p> <p>“class B firefighting foam containing intentionally added PFAS chemicals”</p>
VT. STAT. ANN. tit. 9, § 2494p	<p>“Class B firefighting foam” means chemical foams designed for flammable liquid fires.</p> <p>“class B firefighting foam that contains intentionally added PFAS”</p>
WIS. STAT. § 299.48	<p>“Class B fire fighting foam” means a foam designed for use on a flammable liquid fire, and may include a dual action Class A and B foam.”</p> <p>“class B fire fighting foam that contains intentionally added PFAS”</p>

Enacted bans on the use of regulated firefighting foam in the states can be categorized into four main types of bans: 1) use, 2) training, 3) testing, and 4) manufacturing, sale, and distribution. Each of these bans can be with or without exceptions. These restrictions are captured in Table 4 below.

Table 4- Types of Class B Firefighting Foam Bans

State	All Uses Banned	Training Ban	Testing Ban	Manufacturing, Sale, & Distribution Ban
IL		Y	Y*	Y
IN		Y	Y*	
MI		Y		
MN	Y*	Y*	Y*	Y*
NY		Y		Y
OH		Y	Y*	
PA				
VT		Y	Y	Y*
WI	Y*			

Y - Ban Contains Exceptions*

Banning all Uses

Minnesota and Wisconsin have both enacted legislation banning all uses of firefighting foam, with certain exceptions. In 2019, the Minnesota state legislature passed a law banning the use of class B firefighting foam by persons, political subdivisions, and state agencies.⁴ The law does provide an exception related to use at airports until the Federal Aviation Administration provides guidance on fluorine-free firefighting foam and an alternative foam is commercially available. In addition, airports must report to the state fire marshal each year regarding transition to alternate foams, disposal of foam with PFAS, and other factors.

Wisconsin also passed a firefighting foam use ban in 2019. The law bans all use of firefighting foam with intentionally added PFAS with two exceptions: emergency firefighting or fire prevention operations and testing, if the facility has appropriate containment, treatment and disposal/storage measures to prevent release. The law requires notification to the state's Division of Natural Resources if class B firefighting foam is used pursuant to these exceptions.⁵

⁴ MINN. STAT. § 325F.072.

⁵ WIS. STAT. § 299.48.

Training Bans

Multiple states in the region ban the use firefighting foam with intentionally added PFAS in training activities without exception: Illinois, Indiana, Michigan, New York, Ohio, and Vermont. For instance, Indiana prohibits a person, unit, or state agency from using for training purposes a class B firefighting foam that contains intentionally added PFAS chemicals.⁶ Likewise, in New York, the state prohibits any person, state agency⁷, or local government⁸ from discharging or otherwise using class B firefighting foam for training purposes.

Minnesota allows the use of class B firefighting foam for training purposes if the user has implemented appropriate containment, treatment, and disposal measures to prevent releases into the environments.⁹

Testing Bans

In the region, Vermont is the only state to completely ban the use of class B firefighting foam that contains intentionally added PFAS for testing. However, Illinois, Indiana, Minnesota, and Ohio have passed legislation only allowing use for testing if certain conditions are met. The provisions have similar requirements that only allow use if the testing facility has containment, treatment, and disposal measures in place.¹⁰ Illinois also includes additional requirements for use in testing exercises, including meeting notification requirements, and training employees of the possible hazards, protective actions, and the disposal plan.¹¹ Further, Ohio allows use for testing purposes if the use is required by law, regulation, or ordinance.¹²

Manufacture, Sale, and Distribution Bans

In the region, Illinois, Minnesota, New York, and Vermont have all enacted manufacture, sale, and distribution bans on firefighting foam with intentionally added PFAS. Illinois, Minnesota, and New York all included in their bans an exception for when federal law requires PFAS to be included in the firefighting foam. Illinois also included an exception for when local building or fire codes require the inclusion of PFAS.¹³ Minnesota's ban also includes an exception for use at airports.¹⁴ Further, New York included an exception for when the state's Office of Fire Prevention promulgates a rule to allow the use of class B firefighting foam to suppress or prevent an ignitable liquid fire.¹⁵

⁶ IND. CODE § 36-8-10.7-6.

⁷ NY GEN. BUS. LAW § 391-u.

⁸ NY GEN. BUS. LAW § 204-g.

⁹ MINN. STAT. § 325F.072.

¹⁰ See IND. CODE § 36-8-10.7-7; MINN. STAT. § 325F.072.

¹¹ 415 ILL. COMP. STAT. 170/10.

¹² OHIO REV. CODE ANN. § 3737.52.

¹³ 415 ILL. COMP. STAT. 170/10.

¹⁴ MINN. STAT. § 325F.072.

¹⁵ NY GEN. BUS. LAW § 391-u(3).

Vermont's ban goes into effect on January 1, 2026. However, terminal operators can ask the state's Department of Environmental Conservation for a one-year exemption from this ban if certain circumstances are met, such as clear and convincing evidence that there is not a commercially available alternative on the market.¹⁶

Notification Requirements

In addition to use bans, some states have notification requirements when a regulated class B firefighting foam is released. Illinois imposes notification requirements on manufacturers of Class B firefighting foam with respect to sales. The state also requires users of Class B firefighting foam that contains intentionally added PFAS chemicals to notify the Illinois Emergency Management Agency of discharges or releases of the regulated firefighting foam.¹⁷

In Minnesota, any person, political subdivision, or state agency that discharges, uses, releases, or knows of a discharge, use, or release of class B firefighting foam that contains intentionally added PFAS chemicals must be reported to the Minnesota Fire Incident Reporting System within 24 hours of the discharge, use, or release.¹⁸

In Wisconsin, if Class B firefighting foam is used under the use ban exceptions, the user must immediately notify the state's Department of Natural Resources when a firefighting foam containing PFAS is discharged into the environment.¹⁹ The state also requires fire departments to retain manufacturers' safety data sheets (SDSs) for all Class B and A/B firefighting foams they possess and make this information available to the Department of Natural Resources when the department is reporting a discharge.²⁰

Additional Programs

Some states have additional programs in the region related to firefighting foam. Illinois amended its PFAS Reduction Act to require the Illinois Environmental Protection Agency to establish a take-back program for fire departments that use and store firefighting foam containing PFAS. The program is to continue for 5 years or until the Office of the State Fire Marshal finds that no firefighting foam containing PFAS is reported by the state's fire departments.²¹ Reports show that the state has collected over 85,000 gallons of regulated foam through 2024.²² Michigan also enacted a law that required the Department of Environment, Great Lakes, and Energy to create a firefighting foam collection program.²³

¹⁶ VT. STAT. ANN. tit. 9, § 2494s.

¹⁷ 415 ILL. COMP. STAT. 170/15.

¹⁸ MINN. STAT. § 325E.072.

¹⁹ WIS. STAT. § 292.11.

²⁰ [PFAS Containing Firefighting Foam](#), WIS. DEPT. OF NATURAL RES. (last visited Nov. 18, 2025.)

²¹ 415 ILL. COMP. STAT. 170/15.

²² Iain Hoey, [US states implement take-back programs to address foam disposal](#), FIRE & SAFETY JOURNAL AMERICAS (Apr. 2, 2024).

²³ MICH. COMP. LAWS § 324.14705.

The state reports that as of 2023, over 60,000 gallons of firefighting foam containing PFAS has been collected and properly disposed.²⁴ Indiana, Ohio, Vermont, and Wisconsin also instituted programs to take back regulated firefighting foam in their states.²⁵

Finally, New York requires manufacturers of class B firefighting foam to recall the regulated firefighting foam. The provisions require manufacturers to collect, transport, treat, store, and safely dispose of the firefighting foam, and to reimburse retailers for the recalled product.²⁶

Enforcement

Finally, the enforcement mechanism for these provisions is usually not clear. Few states have enforcement provisions directly related to their firefighting foam provisions, and penalty provisions can be found in other parts of same chapter, subchapter, etc. However, a couple states have provisions specific to their firefighting foam provisions. Examples include:

- Vermont - “A violation of this chapter shall be deemed a violation of [the Consumer Protection Act, 9 V.S.A. chapter 63]. The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and private parties have the same rights and remedies, as provided under [9 V.S.A. chapter 63, subchapter 1.]”²⁷
- New York - “Any manufacturer or person in violation of the provisions of this section shall be subject to a civil penalty not to exceed five thousand dollars for each violation in the case of a first offense. Manufacturers or persons that are repeat violators of the provisions of this section shall be subject to a civil penalty not to exceed ten thousand dollars for each repeat offense. Penalties collected under this section shall be deposited in the hazardous waste remedial fund created by section ninety-seven-b of the state finance law.”²⁸

Firefighting Personal Protective Equipment _____

Multiple states in the region have passed legislation regarding PFAS in firefighting personal protective equipment (PPE): Illinois, Indiana, New York, and Vermont. Since June 30, 2024, Indiana has prohibited fire departments in the state from purchasing firefighting gear unless the gear has a permanently affixed label that indicated whether the gear contains PFAS.²⁹

²⁴ *Firefighting Foam and PFAS*, MICH. DEPT. OF ENV'T, GREAT LAKES, AND ENERGY (last visited Nov. 19, 2025).

²⁵ Hoey, *supra* note 22.

²⁶ NY GEN. BUS. LAW § 391-u(3).

²⁷ VT. STAT. ANN. tit. 9, § 2494v.

²⁸ NY GEN. BUS. LAW § 391-u(3).

²⁹ IND. CODE § 36-8-27-2.

Illinois, New York, and Vermont all have legislation requiring notice of firefighting PPE containing PFAS. Each state has also enacted provisions prohibiting the sale and distribution of firefighting PPE containing PFAS at a later date. However, unlike the other states, Illinois’s provisions distinguish between clothing and “self-contained breathing apparatuses and other respiratory protection products, hearing protection, protective communication devices, and fall protection products.”³⁰

Notification

Illinois, New York, and Vermont all have similar notice provisions concerning the sale of firefighting PPE containing PFAS, although the Illinois provisions only apply to “firefighting personal protective clothing.” In Illinois, starting on January 1, 2026, the state will require anyone selling firefighting personal protective clothing that contain PFAS to provide written notice to the buyer at the time of sale that the clothing contains PFAS and the reason PFAS were added to the clothing. The buyer and seller must both retain the notice for three years after the sale and, upon the state’s request, provide the notice to the state within 60 days.³¹ The statute defines “firefighting personal protective clothing” as “any clothing designed, intended, or marketed to be worn by firefighting personnel in the performance of their duties, designed with the intent for use in fire and rescue activities, including jackets, pants, shoes, gloves, and helmets.”³²

Vermont has a similar statutory framework for firefighting PPE as Illinois. From now through January 1, 2029, the state will require anyone selling firefighting equipment containing PFAS to provide notice to the buyer about the presence of PFAS and the reason PFAS was added. This notice needs to be retained by the seller and buyer for three years.³³ Personal protective equipment is defined as “clothing designed, intended, or marketed to be worn by firefighting personnel in the performance of their duties, designed with the intent for use in fire and rescue activities, and includes jackets, pants, shoes, gloves, helmets, and respiratory equipment.”³⁴

In 2025, New York also passed legislation regulating firefighting PPE, which the state defines as “any clothing designed, intended, or marketed to be worn by firefighting personnel in the performance of their duties, designed with the intent for the use in firefighting and rescue activities, including jackets, pants, shoes, gloves, helmets, and respiratory equipment.”³⁵ Beginning on January 1, 2028, the seller of firefighting PPE must provide notice to the buyer at the time of sale that the PPE contains PFAS and the reason why PFAS were added. The notice must be retained by both the buyer and seller for three years after the transaction.³⁶

³⁰ 415 ILL. COMP. STAT. 170/5.

³¹ 415 ILL. COMP. STAT. 170/20.

³² 415 ILL. COMP. STAT. 170/5.

³³ VT. STAT. ANN. tit. 18, § 1664 (effective until 1/1/26); VT. STAT. ANN. tit. 9, § 2494s (effective until 1/1/29).

³⁴ VT. STAT. ANN. tit. 18, § 1661 (effective until 1/1/26); VT. STAT. ANN. tit. 9, § 2494p (effective until 1/1/29).

³⁵ NY GEN. BUS. LAW § 391-u.

³⁶ *Id.*

Prohibitions

Illinois and Vermont also both have future prohibitions on the sale or distribution of firefighting PPE containing PFAS. Starting on January 1, 2027, Illinois will prohibit anyone from knowingly selling or distributing in the state any firefighting personal protective clothing containing intentionally added PFAS chemicals.³⁷ Further, starting January 1, 2030, Illinois will prohibit anyone from knowingly manufacturing, selling, or distributing any “auxiliary firefighting personal protective equipment,”³⁸ which is defined as “personal protective equipment other than firefighting personal protective clothing, including self-contained breathing apparatuses and other respiratory protection products, hearing protection, protective communication devices, and fall protection products.”³⁹

Vermont will ban the sale and distribution of firefighting PPE in the state starting on January 1, 2029. However, the ban does not apply to PPE that is either a respirator or respirator protection equipment until July 1, 2032. However, until that date, sellers of these products must still provide notice that these products contain PFAS and the reason the PFAS was added, and this notice must be retained by the seller and buyer for three years.⁴⁰

New York’s law does not provide for a complete prohibition on firefighting PPE containing PFAS. Rather, as of January 1, 2028, the law only bans the knowing sale and distribution of these products “at or above a level” that the state’s Department of Environmental Conservation establishes by regulation.⁴¹

Drinking Water

The Safe Drinking Water Act (SDWA) authorizes the U.S. Environmental Protection Agency (U.S. EPA) to regulate drinking water contaminants that are either naturally-occurring or man-made contaminants. When U.S. EPA determines to regulate a drinking water contaminant, it first sets what is known as a maximum contaminant goal level, or MCGL. The MCGL is not enforceable, but is set at a level for which there are no anticipated adverse health effects.⁴² The U.S. EPA then sets a maximum contaminate level, or MCL. MCLs are enforceable and are the largest allowable concentrations of the contaminant that can be found in a public water system’s water.⁴³ MCLs are then set as close to the MCLGs as feasible.⁴⁴ “Feasible” is a term of art meaning achievable with the best available technology, including consideration of the cost of such technology.⁴⁵

³⁷ 415 ILL. COMP. STAT. 170/20.

³⁸ *Id.*

³⁹ 415 ILL. COMP. STAT. 170/5.

⁴⁰ VT. STAT. ANN. tit. 9, § 2494s (effective on 1/1/29).

⁴¹ NY GEN. BUS. LAW § 391-u.

⁴² 42 U.S.C. § 300g-1(b)(4)(A).

⁴³ § 300f(3).

⁴⁴ § 300g-1(b)(4)(B).

⁴⁵ § 300g-1(b)(4)(D).

Federal PFAS Drinking Water Regulations

In April 2024, the EPA announced its decision to regulate six PFAS in drinking water, listed in Table 5 below.⁴⁶ All values are in parts per trillion (ppt), except for the Hazard Index.

Table 5 - Federal PFAS Drinking Water Standards

PFAS	MCLG	MCL
Perfluorooctanoic Acid (PFOA)	0	4 ppt
Perfluorooctanesulfonic Acid (PFOS)	0	4 ppt
Perfluorohexane Sulfonate (PFHxS)	10 ppt	10 ppt
Perfluorooctanoic Acid (PFOA)	10 ppt	10 ppt
2,3,3,3-Tetrafluoro-2-(heptafluoropropoxy propanoate (GenX Chemicals)	10 ppt	10 ppt
Mixture containing two or more of PFHxS, PFNA, GenX chemicals, and Perfluorobutane Sulfonate (PFBS)	Hazard Index of 1	Hazard Index of 1

To visualize what these MCLs require of public water systems, one part per trillion is the equivalent of one drop of ink in 20 Olympic-sized swimming pools. The Hazard Index is a calculation that compares the sampled concentration of the contaminant to the highest safe level of the contaminant (“health-based value”).⁴⁷ Each contaminant’s concentration is divided by their health-based values, then added together to find the Hazard Index.⁴⁸

On May 14, 2025, the U.S. EPA announced some major changes to the PFAS MCLs,⁴⁹ likely in response to ongoing legal challenges.⁵⁰ In its press release, the EPA revealed its intent to rescind the regulations for PFHxS, PFNA, GenX, and PFAS mixtures in order to ensure the EPA correctly followed the multi-step framework of SDWA.⁵¹ As for PFOA and PFOS, the EPA expressed a desire to extend the deadline for compliance to 2031.⁵² The U.S. EPA in its announcement stated that it expected to propose such a rule in Fall 2025 and issue a final rule in Spring 2026. However, at this time, no new rule has been proposed.

⁴⁶ *Per- and Polyfluoroalkyl Substances (PFAS): Final PFAS National Primary Drinking Water Regulation*, U.S. ENV’T PROT. AGENCY (May 21, 2025).

⁴⁷ ENV’T PROT. AGENCY, *UNDERSTANDING THE FINAL PFAS NATIONAL PRIMARY DRINKING WATER REGULATION HAZARD INDEX MAXIMUM CONTAMINANT LEVEL* (2024).

⁴⁸ *Id.*

⁴⁹ *EPA Announces It Will Keep Maximum Contaminant Levels for PFOA, PFOS*, ENV’T PROT. AGENCY (May 14, 2025) [hereinafter EPA Press Release].

⁵⁰ *See Am. Water Works Ass’n v. U.S. Env’t Prot. Agency*, No. 24-1188 (D.C. Cir. June 07, 2024).

⁵¹ EPA Press Release, *supra* note 49.

⁵² *Id.*

State MCLs

In the region, 5 states enacted MCLs for drinking water prior to the U.S. EPA's finalized 2024 standard. All of the state standards are less stringent than the U.S. EPA's except for Michigan's standard for PFNA. The standards for each state are in Table 6 below.

Table 6 – State and Federal MCLs

State	PFOS	PFOA	PFNA	PFHxA	PFHxS	PFBS	HFPO-DA	PFHpA
MI (2020)	16 ppt	8 ppt	6 ppt	400,000 ppt	51 ppt	420 ppt	370 ppt	
NY (2020)	10 ppt	10 ppt						
PA ¹ (2023)	18 ng/L	14 ng/L						
VT ² (2020)	0.000020mg/L (20 ppt)	0.000020 mg/L	0.000020 mg/L		0.000020 mg/L			0.000020 mg/L
WI ³ (2022)	70 ppt	70 ppt						
EPA* (2024)	4 ppt	4 ppt	10 ppt		10 ppt		10 ppt	

¹ The PA MCL also applies to bottled water.

² The VT MCL for any combination of its regulated PFAS is also 0.000020 mg/L or 20 ppt. The standards also apply to Imported Bottled Water Systems.

³ The WI MCLs apply to each contaminant individually and combined.

* U.S. EPA has also decided to regulate mixtures containing two or more of PFHxS, PFNA, HFPO-DA, and PFBS by using a hazard index.

Michigan enacted its MCLs and related regulations in 2020 and regulates the most PFAS contaminants.⁵³ In 2019, the Michigan legislature had proposed stricter standards for PFOS and PFOA - 5 ppt - but the legislation died in the Senate Committee on Environmental Quality.⁵⁴ Michigan has also established Best Available Technologies (BAT) for the MCLs,⁵⁵ as well as rules related to public notice requirements.⁵⁶ Finally, Michigan has finalized a rule establishing requirements for labs to be certified to test for the regulated PFAS.⁵⁷

⁵³ MICH. ADMIN. CODE r. 325.10604g.

⁵⁴ Michigan Senate Bill 14 (2019).

⁵⁵ MICH. ADMIN. CODE r. 325.10308b.

⁵⁶ MICH. ADMIN. CODE r. 325.10405 (Rule requiring public notice of PFAS MCL violations to contain specific health effects language); MICH. ADMIN. CODE r. 325.10401a (Rule establishing tier of public notice required for PFAS MCL violations).

⁵⁷ MICH. ADMIN. CODE r. 325.12708.

In 2020, [New York](#) enacted MCLs for PFOA and PFOS at 10 ppt.⁵⁸ In 2019, the NY legislature introduced legislation that would have required the NY Department of Health to set MCLs for perfluoroalkyl carboxylic acids (PFCAs) and perfluoroalkyl sulfonic acids (PFSAAs), but the bill was not passed due to inaction.⁵⁹ In 2024, the legislature introduced [a bill](#) that would match U.S. EPA MCLs for PFOS (4 ppt), PFOA (4 ppt), PFNA (10 ppt), PFHxS (10 ppt), and HFPO-DA (10 ppt), as well as a standard of 10 ppt for PFBS. The legislation was referred to the Committee on Health in May 2024. As that legislation has not passed, the NY Department of Health notes that until the U.S. EPA MCLs are effective in 2029, public water systems must still meet the PFOA and PFOS NY MCLs of 10 ppt.

In 2023, Pennsylvania established MCLs for two PFAS – PFOA (14 ppt) and PFOS (18 ppt).⁶⁰ The MCLs became effective on January 14, 2023. Pennsylvania also set MCLGs of 8 ppt for PFOA and 14 ppt for PFOS. The MCLs also impose monitoring and reporting requirements. For systems serving more than 350 people, those requirements began in January 2024. Monitoring for systems serving less than 350 began in January 2025. Like the Michigan rule, the Pennsylvania MCL rule also contains public notice and analytical requirements, as well as treatment techniques. Notably, the Pennsylvania MCLs also apply to bottled, vended, retail, and bulk systems. Therefore, bottled water in the state is required to follow the state’s PFAS monitoring requirements.⁶¹

In 2019, Vermont’s legislature passed a law requiring the state’s Natural Resources Agency to adopt MCLs for PFAS.⁶² In 2020, the state established MCLs for PFHxS, PFHpA, PFNA, PFOS, and PFOA at 20 ppt.⁶³ Further, Vermont has requirements related to Imported Bottled Water Systems, which are public water systems that bottle drinking water for public distribution and all the water sources are located outside of Vermont.⁶⁴ Under the rules, Imported Bottled Water Systems must receive approval to sell water in the state and be subject to drinking water standards equal or more stringent to state standards. Imported Bottled Water Systems must also sample for the regulated PFAS every 3 years at locations representative of each source prior to treatment and from each finished bottled water product type and package size distributed or sold in Vermont.⁶⁵ Vermont is in the process of updating its Water Supply Rule, which will change how the state will regulate PFAS in drinking water. These changes will go into effect on January 1, 2026.⁶⁶

Wisconsin adopted its PFAS MCLs in 2022 — 70 ppt for PFOS and PFOA, and the MCLs apply to each contaminant individually or combined.⁶⁷ The state’s Department of Natural Resources has issued a statement that it will revise its MCLs to include the U.S. EPA’s PFAS MCLs.⁶⁸ The department has started the process to revise the MCLs and expects the new rules to be effective by Summer 2026.

⁵⁸ NY COMP. CODES R. & REGS. tit. 10, § 5-1.51, 5-1.52.

⁵⁹ NY Senate Bill 773 (2019).

⁶⁰ 25 PA. CODE § 109.202(a)(4).

⁶¹ [Pennsylvania’s PFAS MCL Rule](#), PA. DEPT. OF ENV’T PROT. (last visited Nov. 19, 2025).

⁶² Vermont [Senate Bill 49](#) (2019).

⁶³ 16-3 VT. CODE R.. §1500:6.12.

⁶⁴ *Id.* § 500:2-2.

⁶⁵ *Id.* § 500:11.1.

⁶⁶ [Per and Polyfluoroalkyl Substances \(PFAS\) & Drinking Water](#), VT. DEPT. OF ENV’T CONSERVATION (last visited Nov. 19, 2025).

⁶⁷ WIS. ADMIN. CODE NR § 809.20.

⁶⁸ [Federal PFAS Maximum Contaminant Levels](#), WIS. DEPT. OF NATURAL RES. (last visited Nov. 19, 2025).

Some states have taken action in response to the U.S. EPA PFAS MCLs. On March 25, 2025, Illinois Governor Pritzker signed into law [Public Act 103-1077](#). The law requires the Illinois Pollution Control Board to set MCLs "identical in substance" to the U.S. EPA MCLs for PFAS. The law is effective on January 1, 2026 and requires the Illinois Pollution Control Board to enact the MCLs within one year of when the U.S. EPA adopts any MCL for any PFAS.

Ohio EPA's Division of Drinking and Ground Waters has started the rule-making process to establish PFAS MCLs to meet or exceed the U.S. EPA standards. The process will include multiple opportunities for public input. The MCLs are expected to be finalized by spring 2027. The PFAS to be addressed are PFOA, PFOS, PFNA, GenX (HFPO-DA), PFHxS, and PFBS.⁶⁹

Advisory Levels/Guidelines

The Illinois EPA has issued both Health Advisories (HAs) and Health-Based Guidance Levels (HBGLs) for PFAS. The state has issued HAs for 7 types of PFAS, and the HBGLs apply to 15 PFAS compounds.⁷⁰ In Illinois, a HA is a regulatory action to provide guidance to community water supply operators and local officials. The Illinois EPA can issue a HA when it has confirmed detection in the well of a community water supplier and no numeric groundwater criteria exists for the chemical substance. The 7 PFAS HAs were the result of sampling community water supply wells in the state. The state's HBGLs are based on toxicity data from U.S. EPA, the Agency for Toxic Substances and Disease Registry (ATSDR), or the California EPA Office of Environmental Health Hazard Assessments (OEHHA).⁷¹

Minnesota has developed Health Risk Limits (HRLs) for six PFAS,⁷² which the state defines as "the concentration of a groundwater contaminant, or a mixture of contaminants, that can be consumed with little or no risk to health and which has been promulgated under rule."⁷³ The state's Groundwater Protection Act of 1989⁷⁴ directs the state's Department of Health to develop and establish HRLs for drinking water contaminants in order to protect public health.⁷⁵ The Minnesota Department of Health first issued HRLs for PFOS and PFOA in 2002 and has reviewed and updated values as the knowledge surrounding PFAS has evolved. The department has made revisions or added new PFAS in 2006, 2007, 2009, 2013, 2016, 2017, 2019, 2022, and 2024.⁷⁶ In 2023, the Minnesota legislature passed a provision requiring the HRL limit for PFOS to be amended so as not to exceed 0.015 parts per billion. The amendment must be made by July 1, 2026.⁷⁷

⁶⁹ [Ohio's PFAS Action Plan](#), OHIO ENV'T PROT. AGENCY (last visited Nov. 19, 2025).

⁷⁰ [PFAS Statewide Health Advisory](#), ILL. ENV'T PROT. AGENCY (last visited Nov. 19, 2025).

⁷¹ *Id.*

⁷² MINN. R. 4717.7860.

⁷³ [Health-Based Water Guidance Glossary](#), MINN. DEPT. OF HEALTH (last visited Nov. 19, 2025).

⁷⁴ MINN. STAT. § 103H.201.

⁷⁵ [Health Risk Limits](#), MINN. DEPT. OF HEALTH (last updated Sept. 30, 2024).

⁷⁶ [PFAS and Health](#), MINN. DEPT. OF HEALTH (last updated Nov. 19, 2025).

⁷⁷ Minn. HF 2310/ SF 2438 2023.

In 2019 as part of its PFAS Action Plan 1.0, Ohio EPA established Action Levels (ALs) for six types of PFAS. Ohio EPA used U.S. EPA's Health Advisory Levels for PFOA and PFOS and developed ALs for four additional compounds: GenX compound, PFBS, PFHxS, and PFNA. The Ohio PFAS Action Plan indicates that Ohio EPA and the Ohio Department of Health will generate response protocols for public and private water systems if the ALs are exceeded. Ohio EPA updated these ALs in 2024 to match the new federal EPA standards.⁷⁸

Wisconsin has established drinking water health advisories for 18 PFAS. The state's Department of Health Services first established the advisories as public health groundwater enforcement standard recommendations. In assessing the risks from mixtures of PFAS, the Department of Health Services also uses a hazard index approach to assess the risk from mixtures of PFAS to account for the types of PFAS that cause similar health effects when found together. In 2021, the Department of Health Services issued an interim area-wide drinking water health advisory for French Island, allowing the Department of Natural Resources to provide water to residents on the island with private wells.⁷⁹

Table 7: Health Advisories Levels

PFAS	IL HBGL	IL HA	MN HRL ²	OH AL	WI HA
PFOA	2 ppt	1/28/21 ¹	.0079 ppt (2002)	70 ppt	20 ppt*
PFOS	14 ppt	4/16/21	2.3 ppt (2002)	70 ppt	20 ppt*
HFPO-DA	21 ppt			700 ppt	300 ppt
PFNA	21 ppt	7/27/21		21 ppt	30 ppt
PFBS	2,100 ppt	1/28/21, updated 4/16/21	100 ppt (2009)	140,000 ppt	450,000 ppt
PFHxS	140 ppt	1/28/21	47 ppt (2013)	140 ppt	40 ppt
PFHxA	3,500 ppt	1/28/21, updated 4/26/23	200 ppt (2022)		150,000 ppt
PFBA	7,000 ppt	9/16/24	7,000 ppt (2006)		10,000 ppt
PFDoDA	350 ppt				400,000 ppt
PFODA	280,000 ppt				10,000 ppt
PFTeDA	7,000 ppt				
PFPrA	3,500 ppt				

⁷⁸ [Ohio's PFAS Action Plan](#), OHIO ENV'T PROT. AGENCY (last visited Nov. 19, 2025).

⁷⁹ Letter from Mark A. Werner, PhD Director, Bureau of Environmental and Occupational Health, to Christine Haag, Director, Bureau for Remediation and Redevelopment & Steven Elmore, Director, Bureau of Drinking Water and Groundwater (Mar. 25, 2021).

Table 7: Health Advisories Levels (Continued)

PFAS	IL HBGL	IL HA	MN HRL ²	OH AL	WI HA
PFOA	2,100 ppt				3,000 ppt
HQ-115	2,100 ppt				
TFSI	2,100 ppt				
FOSA					20* ppt
NEtFOSA					20* ppt
NEtFOSAA					20* ppt
NetFOSE					20* ppt
PFDA					20 ppt
DONA					20 ppt
PFTeA					10,000 ppt

¹ The health-based guidance level is 0.6 ppt and is calculated with cancer toxicity data published by California EPA Office of Environmental Health Hazard Assessments (OEHHA) August 2019. As the health-based guidance level is less than PFOA's minimum reporting level (MRL) of 2 ng/L for drinking water analysis, the health advisory guidance level is the MRL of 2 nanograms per liter (ng/L) or ppt, per Section 620.605(b)(2).

² Date shown is when HRL was first issued.

* Combined advisory of 20 ng/L for PFOA, PFOS, FOSA, NEtFOSA, NEtFOSAA, and NetFOSE.

Surface Water

In January 2025, the Office of Management and Budget (OMB) withdrew the U.S. EPA's Proposed Rule on "Clean Water Act Effluent Limitations Guidelines (ELG) and Standards for PFAS Manufacturers Under the Organic Chemicals, Plastics and Synthetic Fibers (OCSPF) Point Source Category." The withdrawal was due to President Trump's Executive Order for a Regulatory Freeze Pending Review because the rule had only been proposed and not finalized.

However, on April 28, 2025, U.S. EPA Administrator Zeldin announced a long list of actions to combat PFAS contamination. One of these actions was to develop ELGs for PFAS manufacturers and metal finishers and evaluate other ELGs necessary to reduce PFAS discharges.

In September 2024, the U.S. EPA also published final science-based water quality concentrations for PFOA and PFOS. The levels represent the highest concentrations of pollutants in surface water that would allow fish and other aquatic species to live, grow, and reproduce. The water quality criteria are not enforceable standards. Rather, states and Tribes can use the values to help them develop water quality standards.⁸⁰

⁸⁰ U.S. ENV'T PROT. AGENCY, [FINAL RECOMMENDED AQUATIC LIFE CRITERIA AND BENCHMARKS FOR SELECT PFAS](#) (Sept. 2024).

Table 8: Final Recommended Freshwater Aquatic Life Water Quality Criteria for PFOA and PFOS

Criteria Component	Acute Water Column (CMC) ¹ (mg/L)	Chronic Water Column (CCC) ² (mg/L)	Invertebrate Whole-Body (mg/kg ww ³)	Fish Whole-Body (mg/kg ww ³)	Fish Muscle (mg/kg ww ³)
PFOA Magnitude	3.1	0.10	1.18	6.49	0.133
PFOS Magnitude	0.071	0.00025	0.028	0.201	0.087
Duration	1-hour average	4-day average	Instantaneous	Instantaneous	Instantaneous
Frequency	Not to be exceeded more than once in three years, on average	Not to be exceeded more than once in three years, on average	Not to be exceeded	Not to be exceeded	Not to be exceeded

¹ Criterion Maximum Concentration.

² Criterion Continuous Concentration.

³ Wet Weight.

The U.S. EPA also developed benchmarks for 10 PFAS. Benchmarks are numeric values for select pollutants when there is limited data available on the impact of the pollutant on aquatic organisms.⁸¹ These benchmarks are listed in Tables 9 and 10 below.

Table 9: Acute Saltwater Aquatic Life Benchmarks for PFOA and PFOS

Chemical	PFOA (mg/L)	PFOS (mg/L)
Magnitude	7.0	0.55
Duration	1-hour average	
Frequency	Not to be exceeded more than once in three years, on average	

Table 10: Acute Freshwater Aquatic Life Benchmarks for Eight PFAS

Chemical	PFOA (mg/L)	PFHxA (mg/L)	PFNA (mg/L)	PFDA (mg/L)	PFBS (mg/L)	PFHxS (mg/L)	8:2 FTUCA (mg/L)	7:3 FTCA (mg/L)
Magnitude	5.3	4.8	0.65	0.50	5.0	0.21	0.037	0.012
Duration	1-hour average							
Frequency	Not to be exceeded more than once in three years, on average							

⁸¹ *Id.*

State Actions

In the region, multiple states have taken steps to regulate PFAS in surface water: Michigan, Minnesota, New York, and Wisconsin. While Vermont issued a plan for establishing WQVs for PFAS in 2020, the state has not finalized any surface water standards.⁸²

Michigan

Michigan has developed water quality values (WQVs), also known as Michigan Rule 57 values, for multiple PFAS. Michigan's WQVs depend on whether the surface water source is used for drinking water. Further, the drinking water source WQVs apply to wastewater treatment plant (WWTP) discharges.⁸³ The WQVs aim to protect public health, aquatic life, and the designated uses of the state's waterways. The Michigan Department of Environment, Great Lakes, and Energy notes that WQVs for PFAS are significantly lower to protect human health as opposed to aquatic life. Thus, the agency published the human health WQVs for PFHxS and PFNA while the agency is still preparing the aquatic life values.⁸⁴ The Michigan WQVs are listed in Table 11 below.

Table 11: Michigan Surface Water WQVs

PFAS	Human Noncancer Value (HNV) -Drinking	Human Noncancer Value (HNV) - Nondrinking	Final Chronic Value (FCV)	Aquatic Maximum Value (AMV)	Final Acute Value (FAV)
PFOS (2014)	11 ppt	12 ppt	140,000	780,000	1,600,000
PFOA (2022)	66 ppt	170 ppt	880,000	7,700,000	15,000,000
PFBS (2022)	8,300 ppt	670,000 ppt	24,000,000	120,000,000	240,000,000
PFHxS* (2023)	59 ppt	210 ppt	-	-	-
PFNA* (2023)	19 ppt	30 ppt	-	-	-

* Values listed parts per trillion which is equivalent to in nanograms per liter

- Aquatic Life Values for PFHxS and PFNA are currently under development

⁸² VT. DEPT. OF ENV'T CONSERVATION, [DERIVING AMBIENT WATER QUALITY STANDARDS FOR THE EMERGING CHEMICALS OF CONCERN: PER- AND POLYFLUOROALKYL SUBSTANCES \(PFAS\)](#) (2020); *PFAS in Surface Waters*, VT. DEPT. OF ENV'T CONSERVATION (last visited Nov. 25, 2025).

⁸³ *Regulated Wastewater*, MICH. PFAS ACTION RESPONSE TEAM (last visited Nov. 24, 2025).

⁸⁴ Press Release, Mich. Dept of Env't, Great Lakes & Energy, [EGLE establishes new surface water values for two additional PFAS chemicals](#) (Oct. 25, 2023).

In February 2018, the Michigan Department of Environment, Great Lakes, and Energy instituted an Industrial Pretreatment Program (IPP) PFAS Initiative that required all municipal WWTPs with either federal or state-required IPPs to determine if they were passing PFOA and PFOS to surface water sources. If a WWTP determined that it was passing PFOS and PFOA, it must take steps to identify, reduce, and eliminate the source of PFAS contamination. Reduction efforts are being accomplished through pollutant minimization plans, equipment or tank changes or clean outs, product replacement, and pretreatment installations to remove PFAS prior to discharge.⁸⁵

Minnesota

While the Michigan Department of Environment, Great Lakes, and Energy specifically states that its WQVs are not the same as its PFAS MCLs, in 2024 Minnesota incorporated the U.S. EPA PFAS MCLs as Class 1 WQVs for the state's surface water.⁸⁶ This is because the regulation governing the state's Class 1 WQVs incorporates U.S. EPA's MCLs as Class 1 standards. As such, the Minnesota Pollution Control Agency states that until the standards are changed by the U.S. EPA or due to legal challenges, the U.S. EPA's MCLs are now effective as Class 1 WQV in Minnesota.⁸⁷ At this time it is unclear how the U.S. EPA's decision to modify its PFAS MCLs will affect Minnesota's WQVs.

Minnesota has also developed site-specific water quality criteria for six PFAS in the Bde Maka Ska in Minneapolis and the East Metro area, including portions of the Mississippi and St. Croix Rivers. The state develops these criteria when a surface water pollutant is a particular concern for an area or when the criteria is needed for discharge permits or remediation actions.⁸⁸

In June 2025, the Minnesota Pollution Control Agency finalized the wastewater permit for the 3M Chemical Operations facility in Cottage Grove, MN. The agency states that the permit is one of the most rigorous in state history. The permit sets stringent discharge limits for PFAS and requires 3M to monitor for over 60 types of PFAS. At the facility, 3M has installed an advanced wastewater treatment system that will remove all types of PFAS, not just the PFAS covered by the permit.⁸⁹

New York

In 2023, the New York Department of Environmental Conservation issued final water quality guidance values to regulate PFOA and PFOS. The state had previously issued in 2022 a Technical and Operational Guidance Series (TOGS) 1.3.13: Permitting Strategy for Implementing Guidance Values for PFOA, PFOS, and 1,4-Dioxane. TOGS 1.3.13 established how the PFOA and PFOS (as well as 1,4-Dioxane) guidance values are applied to the state's Clean Water Act discharge permits for industrial discharges. The state has begun modifying discharge permits under TOGS 1.3.13 to require monitoring for PFAS.⁹⁰

⁸⁵ MICH. DEPT OF ENV'T, GREAT LAKES & ENERGY, [ADDRESSING PFAS FROM PUBLIC AND PRIVATE MUNICIPAL GROUNDWATER DISCHARGES](#) (2022); *IPP PFAS Initiative*, MICH. DEPT OF ENV'T, GREAT LAKES & ENERGY (last visited Nov. 25, 2025).

⁸⁶ MINN. R. 7050.0221.

⁸⁷ *Standards for sources of drinking water*, MINN. POLLUTION CONTROL AGENCY (last visited Nov. 25, 2025).

⁸⁸ *Site-specific water quality criteria*, MINN. POLLUTION CONTROL AGENCY (last visited Nov. 25, 2025).

⁸⁹ *Cottage Grove | 3M Chemical Operations*, MINN. POLLUTION CONTROL AGENCY (last visited June 4, 2025).

⁹⁰ *Emerging Contaminants in NY's Waters*, N.Y. DEPT. OF ENV'T CONSERVATION (last visited Nov. 25, 2025).

The state has also released a draft for TOGS 1.3.14 - Publicly Owned Treatment Works (POTWs) Permitting Strategy for Implementing Guidance Values for PFOA, PFOS, and 1,4-Dioxane.⁹¹ The public comment period for the document ended in March 2024.

Table 12: New York Final Ambient Water Quality Guidance Values

PFAS	Human Health Value	Aquatic Life Value - Chronic	Aquatic Life Value - Acute
PFOA	6.7 ppt	N/A	N/A
PFOS	2.7 ppt	160 ppb freshwater 41 ppb saline water	710 ppb freshwater 190 ppb saline water

Wisconsin

In 2022, the Wisconsin Department of Natural Resources finalized water quality criteria for PFOA and PFOS.⁹² The agency instituted lower water quality criteria for PFOS than for PFOA because PFOS bioaccumulates while PFOA does not and a major exposure pathway for PFOS is through fish consumption. The criteria for PFOA also distinguishes between drinking water and non-drinking water sources. In addition, while the PFOA criteria allows for consideration of dilution from a mixing zone if the waterbody has assimilative capacity and is eligible for mixing zone consideration, the PFOS criteria does not allow consideration of dilution.⁹³

Table 13: Wisconsin PFAS Water Quality Criteria

PFAS	Drinking Water Sources	Non-Drinking Water Sources
PFOS	8 ng/L	8 ng/L
PFOA	20 ng/L	95 ng/L

Wisconsin also began to implement the new criteria into Clean Water Act discharge permits in 2022. For a new permit issued after October 1, 2022, the permit holders are required to monitor and report PFOS and PFOA levels for two years, though waivers and reduced testing frequencies are available under the agency’s rules.⁹⁴ If after the monitoring period the agency determines that the permittee’s discharge has the reasonable potential to cause or contribute to an exceedance of the PFOS or PFOA water quality criteria, the permit holder will be required to institute a PFOA/PFOS Minimization Plan.⁹⁵ The Minimization Plan can be included as part of the permit for up to seven years.⁹⁶

⁹¹ N.Y. DEPT. OF ENV’T CONSERVATION, [TECHNICAL AND OPERATIONAL GUIDANCE SERIES \(TOGS\), PUBLICLY OWNED TREATMENT WORKS \(POTWS\) PERMITTING STRATEGY FOR IMPLEMENTING GUIDANCE VALUES FOR PFOA, PFOS, AND 1,4-DIOXANE](#) (2024).

⁹² Wis. Admin. Reg. NR §§ 106.97-106.996.

⁹³ [Water Quality PFAS Initiatives](#), WISC. DEPT. OF NATURAL RES. (last visited Nov. 25, 2025).

⁹⁴ Wis. Admin. Reg. NR § 106.98.

⁹⁵ *Id.* §§ 106.98, 106.99.

⁹⁶ [Water Quality PFAS Initiatives](#), WISC. DEPT. OF NATURAL RES. (last visited Nov. 25, 2025).

Groundwater

The regulation of PFAS in groundwater in the region is closely tied to drinking water. In 2025, the Illinois Environmental Protection Agency adopted health-based groundwater quality standards (WQS) for six PFAS.⁹⁷ The agency noted that people may have an increased risk of PFAS related health effects when the level of PFAS in drinking water exceeds these standards.⁹⁸

In 2022, the Michigan Department of Environment, Great Lakes, and Energy developed groundwater cleanup criteria that are based on the state’s PFAS drinking water standards and apply to groundwater sources used for drinking water. The agency also established groundwater surface water interface criteria (GSI) for PFOA (12 ppb) and PFOS (0.012 ppb).⁹⁹

As it did with surface water, in 2024 Minnesota incorporated the U.S. EPA PFAS MCLs as Class 1 WQS for groundwater.¹⁰⁰ Similarly, in 2024, Pennsylvania also adopted the U.S. EPA’s PFAS MCLs as Health Standard medium-specific concentration (MSC) values for groundwater.¹⁰¹

Vermont adopted its state’s PFAS MCLs as groundwater enforcement standards.¹⁰² However, the state is in the process of updating its groundwater standards from 20 ppt to 4 ppt. The public comment period on the proposed rule ended on November 14, 2025. The Vermont Department of Environmental Conservation hopes to finalize the new rule in early 2026.¹⁰³

Table 14: State Groundwater Actions

State	Type of Action	PFOA	PFOS	HFPO-DA	PFNA	PFBS	PFHxS	PFHxA	PFHxA
IL	WQS	4 ppt	4 ppt	10 ppt	10 ppt	2,000 ppt	10 ppt		
MI	Cleanup Criteria	8 ppt	16 ppt	370 ppt	6 ppt	420 ppt	51 ppt	400,000 ppt	
MN	Class 1 WQS	4 ppt	4 ppt	10 ppt	10 ppt		10 ppt		
PA	MSC	4 ppt	4 ppt	10 ppt	10 ppt		10 ppt		
VT	Enforcement Standards	20 ppt	20 ppt		20 ppt		20 ppt		20 ppt

⁹⁷ ILL. ADMIN. CODE tit. 35, Part 620.

⁹⁸ ILL. DEPT. OF PUBLIC HEALTH, [PFAS IN DRINKING WATER](#) (Mar. 2025).

⁹⁹ [FAQ: PFAS 101](#) MICH. PFAS ACTION RESPONSE TEAM (last visited Nov. 24, 2025).

¹⁰⁰ MINN. R. 7050.0221.

¹⁰¹ [Statewide Health Standards](#), PA. ENV'T PROT. AGENCY (last visited Nov. 24, 2025).

¹⁰² Vt Code R 16-3-502 APPENDIX 1.

¹⁰³ Mark Rondeau, [PFOA updates: A pending state rule change and locally led information gathering](#), BRATTLEBORO REFORMER (Nov. 21, 2025).

Hazardous Substances

In April 2024, the U.S. EPA finalized a rule designating PFOA and PFOS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as the Superfund Law.¹⁰⁴ In addition to the final rule, the agency instituted a separate CERCLA enforcement discretion policy that makes clear that the U.S. EPA will focus enforcement on parties who significantly contributed to the release of PFAS chemicals into the environment.¹⁰⁵

In 2023, U.S. EPA issued an advanced notice of proposed rulemaking seeking public input on possible CERCLA hazardous substance designations for seven other PFAS.¹⁰⁶ In February 2024, U.S. EPA also proposed a rule that would list nine PFAS as 'hazardous constituents' under the Resource Conservation and Recovery Act (RCRA).¹⁰⁷

In the region, only about half of the states have acted to regulate PFAS as hazardous substances: Indiana, Michigan, Minnesota, New York, and Wisconsin. Pennsylvania has introduced multiple bills to list certain PFAS substances as hazardous substances, but none of these proposals have passed.

In 2024, Indiana established published levels for 11 PFAS compounds listed in the Risk-Based Closure Guide (R2) published level table. Published levels are concentration levels specific to individual chemicals, land uses, and media (soil, water, indoor air) that IDEM has determined to be protective of human health and are used to guide site clean-ups. However, the Indiana Department of Environmental Management only has enforcement authority with compounds listed by the U.S. EPA under CERCLA and RCRA. Therefore, currently enforcement authority only applies to PFOA and PFOS.

In 2018, Michigan established generic cleanup criteria for groundwater remediation standards for PFOA and PFOS groundwater sources used as drinking water. However, under state law, the state MCLs for PFOA and PFOS became the generic cleanup criteria when the state adopted those limits in 2020. Although Michigan has MCLs for PFNA, PFHxA, PFBS, and HFPO-DA, the state does not have generic cleanup criteria for these PFAS, and the state's efforts to update its generic cleanup criteria is currently on hold.

Both Minnesota and Wisconsin have made statements that PFAS are hazardous substances without adopting formal regulations. For instance, the Minnesota Pollution Control Agency states:

The State of Minnesota considers PFAS hazardous substances and has developed long-term comprehensive strategies to address PFAS contamination, including a pollution prevention plan that will phase out avoidable PFAS use by 2032.¹⁰⁸

¹⁰⁴ Designation of Perfluorooctanoic Acid (PFOA) and Perfluorooctanesulfonic Acid (PFOS) as CERCLA Hazardous Substances, Fed. Reg. 39,124 (May 8, 2024).

¹⁰⁵ U.S. ENV'T PROT. AGENCY, [PFAS ENFORCEMENT DISCRETION AND SETTLEMENT POLICY UNDER CERCLA](#) (2024).

¹⁰⁶ Addressing PFAS in the Environment, Fed. Reg. 22,399 (Apr. 12, 2023).

¹⁰⁷ Listing of Specific PFAS as Hazardous Constituents, Fed. Reg. 8,606 (Feb. 8, 2024).

¹⁰⁸ [PFAS in Minnesota](#), MINN. POLLUTION CONTROL AGENCY (last visited Nov. 26, 2025).

Wisconsin’s declaration of PFAS as a hazardous substance was challenged in court. The state’s Department of Natural Resources had not formally designated PFAS as hazardous substances in a regulation. Rather, the agency referred to PFAS as hazardous substances on its website and in letters to the plaintiffs in the case. The plaintiffs challenged the informal designation, claiming these communications were regulations in disguise and thus invalid. The Wisconsin Supreme Court found the agency’s communications were merely guidance documents, which described how the Department of Natural Resources would apply the state Spills Law, as opposed to enforceable regulations. Furthermore, the court held that Wisconsin’s Spills Law does not require the agency to adopt regulations designating specific contaminants as hazardous substances before enforcing the law. So long as a contaminant satisfies the required characteristics of hazardous substances, it is considered a hazardous substance under the Spills Law.¹⁰⁹

In 2017, New York added PFOA and PFOS and their salts to the list of hazardous substances in the state.¹¹⁰ Vermont passed legislation authorizing the Agency of Natural Resources to initiate a proceeding to determine if a person who released PFOA is liable for extending a public water system to a property with a well that is failed or likely to fail due to PFOA contamination. The law also amended the definition of “hazardous material” to designate a chemical as hazardous when the chemical poses a risk to human health or living organisms.¹¹¹

Food Consumption Advisories

On the federal level, most food consumption advisories have focused on fish and shellfish. In July 2024, the U.S. EPA updated its list of contaminants that state fish and shellfish advisory programs should monitor for and included 12 PFAS compounds on this list. The list is divided into two categories: “Contaminants to Monitor for Advisories” and “Contaminants to Monitor to Watch.” Contaminants to Monitor for Advisories include contaminants for which the U.S. EPA or another federal agency has released measures of oral toxicity in humans, such as reference doses, for the contaminants. Contaminants to Monitor to Watch include contaminants for which the U.S. EPA or another federal agency has not released an assessment of the effects on human health. The PFAS that were included on each list are included in Table 15.

Table 15: Federal Contaminants to Monitor for Fish Advisories

Contaminants to Monitor for Advisories	Contaminants to Monitor to Watch
<ul style="list-style-type: none"> Perfluorodecanoic acid (PFDA) Perfluorohexane sulfonic acid (PFHxS) Perfluorononanoic acid (PFNA) Perfluorooctanoic acid (PFOA) Perfluorooctane sulfonic acid (PFOS) 	<ul style="list-style-type: none"> Perfluorodecanesulfonic acid (PFDS) Perfluorododecanoic acid (PFDoA) Perfluoroheptanesulfonic acid (PFHpS) Perfluorooctanesulfonamide (PFOSA) Perfluorotetradecanoic acid (PFTeDA) Perfluorotridecanoic acid (PFTrDA) Perfluoroundecanoic acid (PFUdA, PFUnA, PFUnDA)

¹⁰⁹ Wis. Mfrs. and Com., Inc. v. Wis. Nat. Res. Bd., No. 2022AP718 (Wis. June 24, 2025).

¹¹⁰ 6 NYCRR section 597.3.

¹¹¹ VT. STAT. ANN. tit. §§ 1392, 1394, 6602, 6615e, 6652, 6653.

In the region, the Great Lakes Fish Consortium (Consortium) was originally brought together on an ad hoc basis in the early 1980's. While the Consortium's membership changes from time to time, it usually includes fish advisory program managers from health, water quality, and fisheries agencies in the eight U.S. states bordering the Great Lakes - Indiana, Illinois, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin. Recently, the Consortium expanded to include the Ontario Ministry of the Environment and Climate Change and Great Lakes Indian Fish and Wildlife Commission.¹¹²

The Consortium has evolved over its existence. Currently it is operating as a part of a U.S. EPA Great Lakes Restoration Initiative grant, with the following mandates:

- “Provide the primary forum for Great Lakes fish advisory programs to collaborate on data and guidance for developing fish consumption advisories.
- Use, share, and advance credible data and science about contaminants in fish and fish consumption advisories.
- Evaluate the risks and benefits of consuming Great Lakes fish to develop common methods for determining consumption advice and harmonize consistent advice for shared waters of the Great Lakes Basin.
- Develop common educational messaging to incorporate into fish consumption advice.
- Establish and utilize best practices for communicating risks and benefits and influencing the behavior of fish consumers.”¹¹³

The Consortium based its 2019 Best Practice for Perfluorooctane Sulfonate (PFOS) Guidelines (Best Practice) on the 2016 U.S. EPA Drinking Water Health Advisory reference dose (RfD) of 2x10⁻⁵ milligrams per kilogram per day (mg/kg/day). The Consortium's PFOS concentration in fish and the corresponding amount of fish consumption are shown below in Table 16.

Table 16: 2019 Consortium Guidance Levels of PFOS in Fish and Corresponding Meal Advice Categories for all Populations

PFOS in Fish (µg/kg)	Meal Frequency
≤ 10	Unrestricted
> 10-20	2 meals/week
> 20-50	1 meal/week
> 50-200	1 meal/month
> 200	DO NOT EAT

¹¹² GREAT LAKES FISH CONSORTIUM, [BEST PRACTICE FOR PERFLUOROOCTANE SULFONATE \(PFOS\) GUIDELINES](#) (2019).

¹¹³ *Id.* at 5.

In 2025, the Consortium updated its guidance levels, noting that the state of the science had changed since the U.S. EPA issued its 2016 Drinking Water Health Advisory reference dose. In particular, the Consortium relied on the U.S. EPA’s 2024 PFOS toxicity review for the 2024 PFAS MCLs. In updating its guidance, the Consortium also relied on evidence that PFOS in fish tissue is not as bioavailable as in water. As a result, the Consortium adopted U.S. EPA’s 2024 points of departure-human equivalent doses (POD-HEDs) of 1 ng/kg-d as a health protection value and applied a 0.25 bioavailability factor for the fish consumption guidelines.¹¹⁴ The resulting updated guidance values are shown in Table 17.

**Table 17: 2025 PFOS Updated Consortium Best Practice
Fish Consumption Guidelines for all Populations**

PFOS in Fish Fillet (ng/g)	Meal Frequency
0-2.5	4 or More Meals/Week
> 2.5-5	2 meals/week
> 5-10	1 meal/week
> 10-40	1 meal/month
> 40	DO NOT EAT

The Best Practice recommendations are meant to promote consistency among the Consortium’s members. Consortium members have the choice on whether to implement the Best Practices.¹¹⁵ Most states in the region are issuing some type of fish advisory related to PFAS. However, Ohio and Vermont are currently only sampling for PFAS and have yet to issue an advisory.

Illinois

In 2011, the U.S. EPA sampled a small number of fish in Illinois and found PFAS in almost all the samples. After receiving funding from the U.S. EPA in 2021 to purchase an instrument capable of testing for PFAS in fish, Illinois began statewide testing for PFAS in 2023.

Due to the presence of PFAS in fish in the state, Illinois has developed fish consumption advisories guidelines for PFOS and PFUnA.¹¹⁶ In 2024, the state Department of Health issued consumption advisories for PFOS in certain species for the Chicago River, Lake Michigan, Midlothian Reservoir, Sycamore Lake, and Waukegan North Harbor, and for PFUnA contamination in certain species for Crab Orchard Lake, Franklin Creek, Lake Zurich, Wolf Lake, and Indian Creek.¹¹⁷ Illinois’s advisory webpage does not provide further information on the methods used to determine when to issue an advisory.

¹¹⁴ GREAT LAKES FISH CONSORTIUM FOR FISH CONSUMPTION ADVISORIES, [BEST PRACTICE FOR PERFLUOROCTANE SULFONATE \(PFOS\) GUIDELINES](#) (Sept. 2025).

¹¹⁵ *Id.*

¹¹⁶ [Environmental Health Fact Sheet, Illinois PFAS Advisories](#), ILL. DEPT. OF HEALTH (last updated Mar. 2024).

¹¹⁷ [Current Fish Advisory Map](#), ILL. DEPT. OF HEALTH (last visited Nov. 30, 2025).

Indiana

The state's Department of Environmental Management has been testing fish for PFAS since 2017. The state's Department of Health, Department of Environmental Management, and Department of Natural Resources issue fish consumption guidelines for the state's public waters. In 2019, the agencies developed a fish consumption guideline for PFOS for Little Deer Creek and Government Ditch in Cass County and Big Lick Creek and Little Lick Creek in Blackford County. Indiana links to the Best Practices from 2019¹¹⁸ and states that its advisories are based on the 2016 U.S. EPA Drinking Water Health Advisory reference dose.¹¹⁹

Michigan

The state's Department of Health and Human Services, Department of Natural Resources, and Department of Environment, Great Lakes, and Energy coordinate to test the state's fish and wildlife for PFAS.¹²⁰ The Michigan Department of Health and Human Services usually issues its Eat Safe Fish Guidelines in the Spring and provided its 2025 updates on June 2, 2025.¹²¹ However, as the department sets new guidelines for PFOS, those advisories are issued outside the annual guidelines process.¹²² There was no information on the applicable websites on how the guidelines are set for PFOS.

Minnesota

The state's Department of Health first started issuing Fish Consumption Guidance for PFAS in 2005. The Department of Health works collaboratively with the Pollution Control Agency and Department of Natural Resources on the fish contaminant data needed to provide guidance. The Department of Health issues Statewide and Waterbody Specific Safe-Eating Guidelines related to PFOS.¹²³ Minnesota hosts the Consortium's website, though there was no information on the Minnesota-specific fish advisory website about how the state's fish consumption guidance is set.

In March 2024, the Department of Health issued updated fish consumption guidance for PFOA for Mississippi River Pools 2, 3, and 4 and all Minnesota lakes and backwaters. This area includes Ford Dam Parkway in Saint Paul to Wabasha, including Lake Rebecca. Cities associated with these pools include Saint Paul, Saint Paul Park, Inver Grove Heights, Hastings, Red Wing, Lake City, and Wabasha. In September 2024, the Department of Health updated this guidance to include the Vermillion River downstream of the Hastings Dam. The guidance is:

¹¹⁸ *Contaminants in Fish*, IN. DEPT. OF HEALTH (last visited Nov. 30, 2025).

¹¹⁹ *Per- and Polyfluoroalkyl Substances (PFAS) in Fish*, IN. DEPT. OF HEALTH (undated Fact Sheet, last visited Nov. 21, 2025).

¹²⁰ *PFAS in Fish and Wildlife*, MICH. PFAS ACTION TEAM (last visited Nov. 21, 2025).

¹²¹ *Making the Eat Safe Fish Guide*, MICH. DEPT. HEALTH & HUMAN SERV. (undated Fact Sheet, last visited Nov. 21, 2025); *Michigan releases 2025 Eat Safe Fish Guides to help residents learn about and plan for local fish consumption*, MICH. DEPT. HEALTH & HUMAN SERV. (June 2, 2025).

¹²² *PFAS in Fish and Wildlife*, MICH. PFAS ACTION TEAM (last visited Nov. 30, 2025).

¹²³ *Fish Consumption Guidance*, MINN. DEPT. OF HEALTH (last updated April 2025).

- Do Not Eat- sensitive populations, including people who are or may become pregnant, people who are breastfeeding or plan to breastfeed, and children under age 15.
- 1 serving/month- General Population¹²⁴

Minnesota updated its fish consumption guidance in April 2025. The state’s Department of Health determined that people can eat rainbow smelt from Lake Superior more frequently — up to one serving per week, as opposed to the previous guidance of one serving per month.¹²⁵ The state also issued guidance for PFAS in fish, including for PFOS in ten counties in the state.¹²⁶

New York

The state Department of Health issues fish consumption advice based on monitoring done by the Department of Environmental Conservation.¹²⁷ New York’s PFOS fish consumption advice closely follows the Consortium’s Guidelines and it has adopted the new 2025 Consortium guidelines for both the general and sensitive populations. In 2023 and 2024, the state issued water-specific advice for PFOS. For example, in 2023, the Department of Health issued advice for specific water bodies in the Leatherstocking/Central region and the Long Island Region.¹²⁸ In 2025, the Department of Health issued new advice for Fallkill Lake and Creek in Dutchess County, Lake Mahopac in Putnam County, and Carlls River in Suffolk County.¹²⁹

Pennsylvania

In 2021, the state’s Fish Consumption Technical Workgroup adopted the Consortium’s Best Practices with some modifications. The workgroup modified the Consortium’s recommended trigger values for meal frequencies by converting ug/kg to ppm for standardized reporting and by removing the “two meal per week” frequency (10-20 ug/kg or 0.01-0.02 ppm). The decision to remove the original recommendation of “two meals per week” was based on the general statewide advisory being more restrictive at one meal per week.¹³⁰

In 2021, the Department of Agriculture, Department of Environmental Protection, Department of Health, and Pennsylvania Fish and Boat Commission also announced a “DO NOT EAT” advisory for all fish species caught in the Neshaminy Creek basin in Bucks and Montgomery counties due to extremely high levels of PFOS.¹³¹ The advisory remains in place for 2025.¹³²

¹²⁴ [Waterbody Specific Safe-Eating Guidelines—Mississippi River Pools 2, 3, and 4, including all of the Minnesota lakes and backwaters and Vermillion River](#), MINN. DEPT. OF HEALTH (last updated Oct. 14, 2024).

¹²⁵ [Fish Consumption Guidance](#), MINN. DEPT. OF HEALTH (last updated April 2025).

¹²⁶ [Fish consumption guidance updates in some impacted waterbodies by county](#), MINN. DEPT. OF HEALTH (April 2025).

¹²⁷ [Background Information- Fish Advisories](#), N.Y. DEPT. OF HEALTH (last visited Nov. 30, 2025); [New York State Health Advice on Eating Fish You Catch](#), N.Y. DEPT. OF HEALTH (last revised Oct. 2025).

¹²⁸ Press Release, N.Y. Dept. of Health, [New York State Department of Health Issues Updated Fish Advisories for 2023](#) (May 22, 2023).

¹²⁹ [New York State Health Advice on Eating Fish You Catch](#), N.Y. DEPT. OF HEALTH (last revised Oct. 2025).

¹³⁰ PA. DEPT. OF ENV'T PROT., [Assessment Methodology for Streams and Rivers](#) (2021).

¹³¹ [Neshaminy Creek Fish Advisory](#), PA. DEPT. OF ENVTL. (last visited Nov. 30, 2025).

¹³² PA. DEPT. OF ENV'T PROT., [2025 COMMONWEALTH OF PENNSYLVANIA FISH CONSUMPTION ADVISORIES](#) (2025).

Wisconsin

The state's Department of Natural Resources works closely with the Department of Health Services on issuing consumption advisories for PFAS. The state's advisories are based on the Consortium's Best Practices. The Department of Natural Resources has issued general statewide safe-eating guidelines that apply to fish from most Wisconsin waters, but exceptions have been issued due to elevated levels of PFOS.¹³³ The Department of Natural Resource's current fish consumption advisories are available in the state's 2024-2026 Guide Choose Wisely: A Health Guide for Eating Fish in Wisconsin.¹³⁴

Other Wildlife Advisories

In the region, only Michigan and Wisconsin have issued advisories related to PFAS in deer meat. Michigan has been testing deer throughout the state for PFAS. On October 19, 2018, the Michigan Department of Health and Human Services issued a "Do Not Eat" advisory for deer taken within approximately five miles of Clark's Marsh in Oscoda Township. Clark's Marsh borders the former Wurtsmith Air Force Base. That advisory was based on high levels of PFOS found in a single deer taken from Clark's Marsh.¹³⁵ Due to additional testing in 2019 and 2020, the "Do Not Eat" advisory area was reduced in 2021 from a five-mile area to a three-mile area around Clark's Marsh. In September 2025, the state reminded hunters of this advisory.¹³⁶

Michigan has an additional "Do Not Eat" advisory for all fish and aquatic or semi-aquatic wildlife taken from Clark's Marsh. The species covered include fish, aquatic and semi-aquatic mammals (including muskrats), amphibians (including frogs), mollusks (including snails), reptiles (including turtles), and arthropods (including crayfish).

The Wisconsin Department of Natural Resources and Department of Health Services have been working together to test deer for PFAS contamination, including near the Johnson Controls, Inc. – Tyco Fire Products (JCI/Tyco) facilities in Marinette, WI. In September 2020, the agencies issued a "Do Not Eat Advisory" for the liver of white-tailed deer in the Marinette area based on the results of PFAS sampling in deer tissue.¹³⁷ In 2025, the Department of Natural Resources and Department of Health issued PFOS-based consumption advisories for waterfowl harvested on the bay of Green Bay, as well as for deer harvested within 5 miles of the Town of Stella town hall in Oneida County.¹³⁸

¹³³ [Eating Your Catch - Making Healthy Choices](#), WIS. DEPT. OF NATURAL RES. (last visited Nov. 21, 2025).

¹³⁴ WIS. DEP'T OF NATURAL RES., [Assessment Methodology for Streams and Rivers](#) 2021 2-84 (2024, updated 2025).

¹³⁵ [PFAS in Deer](#), MICH. PFAS ACTION RESPONSE TEAM (last visited Nov. 30, 2025).

¹³⁶ Press Release, Mich. PFAS Action Response Team, [MDHHS reminds hunters of 'Do Not Eat' health advisories for Clark's Marsh](#) (Sept. 15, 2025).

¹³⁷ WIS. DEPT. OF NATURAL RESOURCES, [PFAS LEVELS IN WHITE-TAILED DEER HARVESTED AT THE JCI/TYCO FIRE TECHNOLOGY CENTER](#) (undated).

¹³⁸ [Consumption Advisories and PFAS](#), WIS. DEPT. OF NATURAL RES. (last visited Nov. 21, 2025).

Food Packaging

Minnesota, New York, and Vermont are the only states in the region that have passed legislation related to PFAS in food packaging. In 2021, Minnesota passed legislation that would prohibit the use of intentionally-added PFAS in food packaging, with an effective date of January 1, 2024.¹³⁹ In 2019, NY passed legislation prohibiting the distribution or sale of food packaging containing intentionally-added PFAS.¹⁴⁰ In 2020, NY made further amendments to this law.¹⁴¹ In 2021, Vermont banned PFAS in food packaging and in 2022, passed legislation requiring the Agency of Natural Resources to conduct a study on microplastics and PFAS in food packaging and food waste and submit the study to the General Assembly.¹⁴²

Consumer Products

Illinois, Minnesota, New York, and Vermont are the only states in the region to pass legislation related to consumer products.

Illinois enacted legislation in August 2025 regulating the sale and distribution of cosmetics, dental floss, juvenile products, menstrual products, and intimate apparel. The ban on the distribution and sale of these products begins on January 1, 2032, with exceptions for products that federal law requires the inclusion of PFAS or used products offered for sale or resale, among others. Violations of the law are subject to a civil penalty of up to \$5,000 for a first violation and \$10,000 for each subsequent violation.¹⁴³

New York has also passed legislation banning certain consumer products with PFAS. Beginning December 31, 2026, any carpet sold or offered for sale cannot contain or be treated with PFAS substances for any purpose.¹⁴⁴ Carpet is defined to include “commercial or residential broadloom carpet, modular carpet tiles, artificial turf, a pad or underlayment used in conjunction with a carpet.”¹⁴⁵ The law specifically does not include handmade rugs, area rugs, or mats.

New York also prohibits the sale of new apparel containing intentionally-added PFAS as of January 1, 2025. This prohibition will apply to the sale of new outdoor apparel for severe wet conditions containing intentionally-added PFAS on January 1, 2028. The provisions include a wide range of clothing items for regular wear, formal occasions, and outdoor activities, excluding certain professional uniforms and specialized outdoor apparel for severe wet conditions. Retailers in the state must obtain compliance certifications from manufacturers confirming adherence to PFAS restrictions.¹⁴⁶

¹³⁹ MINN. SF 20/ HF 5, (2021) (became Minn. Stat. § 325F.075.)

¹⁴⁰ N.Y. A4739C 2019, became NY Enviro Conser § 37-0203, 37-0209.

¹⁴¹ NY S8817 2020.

¹⁴² VT. S20 2021, H446 (2022).

¹⁴³ 415 ILL. COMP. STAT. 170/45/.

¹⁴⁴ N.Y. ENV'T CONSERV. LAW § 27-3313.

¹⁴⁵ *Id.* § 27-3301.

¹⁴⁶ *Id.* § 27-0121

New York also passed legislation in 2025 that creates a new Title 4 to Article 37 of the state's Environmental Conservation Law. Beginning in 2028, manufacturers of products with intentionally added PFAS need to provide notification to the Department of Environmental Conservation, including a brief description of the product and the reason why PFAS was added.¹⁴⁷ Exemptions to the notification requirement include federal law that governs the presence of PFAS and products that include PFAS as a "currently unavoidable use," which is a use that the Department of Environmental Conservation has deemed "to be essential for health, safety or the functioning of society and for which alternatives are not reasonably available."¹⁴⁸

Beginning on January 1, 2029, New York will ban the sale and distribution of all carpets and rugs (defined as anything marketed and intended to be a floor covering), cookware, cosmetic products, fabric treatments, and personal care products that contain intentionally added PFAS, unless the Department of Environmental Conservation has determined that the PFAS are a currently unavoidable use. The department will publish a list of the products contained in this exemption. The department also has the authority to add products to the sale and distribution ban that it determines "are likely to cause contamination of land or water resources and are a threat to human health or safety."¹⁴⁹

Finally, starting in 2034, the state will ban all products with intentionally added PFAS, unless the department finds that the PFAS are a currently unavoidable use. All violations of the 2025 law are punishable by a maximum civil penalty of up to \$10,000 for first time violations and up to \$25,000 for each additional violation.¹⁵⁰

Minnesota's Amara's Law prohibits the sale, offer for sale, or distribution for sale of products containing intentionally-added PFAS in 11 product categories starting January 1, 2025, with a final prohibition date for all other products (except for those deemed to have a "currently unavoidable use" of PFAS) of January 1, 2032. The 11 categories include carpets and rugs, cleaning products, cookware, cosmetics, fabric treatments, products meant for children under 12 years old, ski wax, textile furnishings, and upholstered furnishings.

For products not prohibited starting January 1, 2025, manufacturers face a reporting requirement that will begin on July 1, 2026. Manufacturers must provide the Pollution Control Agency with a description of the product, the purpose of the PFAS in the product, the amount of PFAS, and contact information for the manufacturer, among other things. The agency can waive the reporting requirement if the information is already publicly available. The manufacturers of pesticides, fertilizers, and agricultural liming material can satisfy the requirements under other reporting statutes. If the Pollution Control Agency reasonably suspects that a product contains PFAS, it can direct the manufacturer within 30 days to test for PFAS and report on the exact quantity of PFAS in their products. If there is PFAS in the products, then the manufacturer must notify those who sell their products. This rule does not affect the resale of these products. The agency was also granted authority under Amara's Law to adopt rules

¹⁴⁷ *Id.* §§ 37-0403.

¹⁴⁸ *Id.* § 37-0401, 37-0405.

¹⁴⁹ *Id.* § 37-0407.

¹⁵⁰ *Id.* § 37-0411.

necessary to implement Amara's Law, which has led to two active rulemakings.¹⁵¹ More information on the background of Amara's Law can be found in the National Sea Grant Law Center's [Case Study](#) on Amara's Law.

Finally, Vermont has also passed legislation regulating consumer products containing PFAS. Beginning on January 1, 2026, the manufacture, sale, and distribution of aftermarket stain and water-resistant treatments, artificial turf, incontinency products, juvenile products, residential rugs and carpets, ski wax, textiles or textile articles, and cosmetics will be prohibited if these products contain intentionally added PFAS.¹⁵² Beginning July 1, 2027, the manufacture, sale, and distribution of cleaning products and dental floss will be prohibited if these products contain intentionally added PFAS.¹⁵³ The manufacture, sale, and distribution of cookware with intentionally added PFAS will be prohibited starting July 1, 2028.¹⁵⁴ The sale and distribution of any of the above regulated products in fluorine-treated containers will be prohibited starting July 1, 2027.¹⁵⁵ Beginning on July 1, 2028, this prohibition will also apply to the manufacturing of any fluorine treated containers and any consumer products in such containers.¹⁵⁶

¹⁵¹ Amara's Law, Minn. Stat. § [116.943](#).

¹⁵² VT. STAT. ANN. tit. 9, § 2494f.

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ *Id.* § 2494f.

¹⁵⁶ *Id.*