



July 20, 2026

**Re: Public Comment on the Proposed PFOA and PFOS Compliance Extension Rule
Docket ID: EPA-HQ-OW-2025-1742**

Dear EPA Administrator and Staff:

In 2020, the National Tribal Water Council (NTWC) formed an ad hoc working group named the Tribal PFAS Working Group (NTWC-TPWG) to assist in outreach on per- and polyfluoroalkyl substances (PFAS) to Tribes and Tribal members and to advocate for inclusion of Tribal lifeways in policy decisions regarding PFAS risks and risk management. The NTWC-TPWG is supported by and works in collaboration with the National Tribal Toxics Council (NTTC), the Tribal Science Council (TSC), and the Tribal Waste and Response Steering Committee (TWRSC). These Tribal Partnership Groups (TPGs) are all supported by the U.S. Environmental Protection Agency (EPA).

On behalf of the NTWC-TPWG, we appreciate the opportunity to comment on EPA's Proposed PFOA and PFOS Compliance Extension Rule. However, it may not be the case for many Tribes as the July 20, 2026, deadline gives Tribal environmental offices — often single-staff programs — limited time to review two complex, interrelated rulemakings filed under separate dockets to prepare substantive comments.

For Tribal Nations, PFAS contamination extends far beyond drinking water compliance. PFAS contamination has the potential to affect drinking water supplies, traditional foods, culturally important plants, fish and wildlife, ceremonial resources, and the natural resources that Tribal communities have relied upon since time immemorial. Decisions regarding implementation of drinking water standards therefore have long-term implications for Tribal health, environmental stewardship, cultural practices, and Tribal sovereignty.

We appreciate EPA's continued commitment to maintaining the national Maximum Contaminant Levels (MCLs) for PFOA and PFOS and recognize the significant effort required to assist public water systems in achieving compliance.

Support for Maintaining the National Drinking Water Standards

The Tribal PFAS Working Group supports EPA's decision to retain the federal drinking water standards for PFOA and PFOS. These standards are based on current scientific understanding of

the health risks associated with exposure to these persistent chemicals and represent an important step toward protecting public health.

Maintaining these standards provides regulatory certainty and demonstrates EPA's continued commitment to reducing exposure to PFAS nationwide. Tribal communities have long advocated for health-protective drinking water standards, and we appreciate EPA's decision to preserve these protections.

Concerns Regarding the Proposed Compliance Extension

While we recognize that many public water systems face financial, engineering, and operational challenges, we are concerned that extending the compliance deadline until 2031 may unintentionally delay important public health protections.

Many Tribal communities already experience disproportionate environmental burdens due to aging infrastructure or infrastructure gaps, limited financial resources (chronic underfunding), historical contamination, and geographic isolation. An additional two-year compliance extension could result in prolonged exposure to PFOA and PFOS for Tribal citizens who may already experience cumulative exposure from multiple environmental sources.

For Tribal Nations, exposure does not occur solely through drinking water. Many communities also rely upon fish, wildlife, medicinal plants, traditional foods, groundwater, and surface water that may already be affected by PFAS contamination. Delaying reductions in drinking water concentrations may further contribute to cumulative exposures that disproportionately affect Tribal communities.

While flexibility may be appropriate for systems facing legitimate implementation challenges, compliance extensions should not become a substitute for timely public health protection, and funding and technical assistance should be provided to Tribes to meet the original 2029 deadline.

Public Notification and Transparency

The Tribal PFAS Working Group strongly supports EPA's requirement that drinking water systems receiving a compliance extension continue monitoring for PFOA and PFOS and provide public notification regarding their exemption status. Tribal communities have the right to know when their drinking water exceeds federal health-based standards.

However, we encourage EPA to strengthen public notification requirements during the exemption period. Notifications should clearly communicate current PFAS concentrations, explain that the federal Maximum Contaminant Levels remain **4 parts per trillion (ppt)**, describe why a compliance extension has been granted, identify actions the water system is taking to achieve compliance, and provide information on practical steps consumers may take to reduce exposure.

For Tribal communities, timely and transparent communication is essential. Many residents rely on their public water systems as their primary source of drinking water and may not have access to alternative water supplies or treatment options. Clear and understandable public notification

allows Tribal citizens to make informed decisions regarding their health and the health of their families.

Concerns Regarding the 12 ppt Interim Mitigation Threshold

The Tribal PFAS Working Group is also concerned with the proposed requirement that water systems operating under a compliance extension implement mandatory short-term mitigation measures only when PFOA or PFOS concentrations reach **12 ppt**. Although EPA has retained the enforceable Maximum Contaminant Level of **4 ppt**, the proposed interim mitigation threshold is three times higher than the established federal drinking water standard.

This approach may create confusion among water systems and the public regarding what constitutes a protective level for drinking water. Tribal citizens may reasonably question why a drinking water system that exceeds the legally established MCL would not be required to implement immediate exposure reduction measures until contaminant levels reach 12 ppt.

If EPA has determined through scientific evaluation that **4 ppt** is the appropriate health-based drinking water standard for PFOA and PFOS, then public health protections during the exemption period should remain consistent with that determination. Waiting until contaminant concentrations reach **12 ppt** before requiring interim mitigation may unnecessarily prolong exposure to PFAS for communities already experiencing disproportionate environmental and public health burdens.

The Tribal PFAS Working Group respectfully recommends that EPA evaluate whether interim mitigation actions should be triggered whenever concentrations exceed the established MCL of **4 ppt**, particularly for systems serving Tribal communities and other populations that may experience cumulative PFAS exposure through multiple environmental pathways.

Importance of Federal Trust Responsibility and Tribal Consultation

EPA's implementation of this rule should reflect the federal government's trust responsibility to Tribal Nations. Tribal governments should not experience delayed protection because of infrastructure limitations that often result from decades of underinvestment rather than a lack of commitment to compliance.

We encourage EPA to continue meaningful government-to-government consultation throughout implementation of this rule in accordance with Executive Order 13175 and EPA's Policy on Consultation and Coordination with Indian Tribes. Tribal governments possess unique knowledge regarding local environmental conditions, cultural resources, and community priorities that should continue informing implementation decisions.

Need for Additional Technical and Financial Assistance

The proposed compliance extension recognizes that many water systems require additional time to achieve compliance. For Tribal Nations, additional time alone will not resolve the challenges associated with PFAS treatment.

Many Tribal water systems continue to experience limited staffing, aging infrastructure, insufficient technical capacity, and financial constraints. EPA should ensure that compliance extensions are accompanied by meaningful federal assistance that enables Tribal communities to achieve compliance as quickly as possible.

We encourage EPA to prioritize:

- Technical assistance for Tribal public water systems;
- Infrastructure funding for PFAS treatment and system upgrades;
- Engineering support for treatment selection and implementation;
- Operator training and long-term technical assistance;
- Annual progress reporting for systems receiving compliance extensions; and
- Continued public notification and monitoring throughout the extension period.

Providing these resources will help ensure that Tribal communities receive the same level of protection intended by the national drinking water standards.

Importance of Protecting Tribal Communities

Clean drinking water is fundamental to the health and well-being of Tribal communities. Beyond household use, water supports cultural practices, traditional foods, ceremonies, medicinal plants, subsistence activities, and the exercise of Tribal sovereignty.

Reducing PFAS exposure as quickly as practicable is essential to protecting current and future generations. While implementation flexibility may be appropriate under certain circumstances, it should be accompanied by measurable progress toward compliance, continued monitoring, transparent communication, and adequate federal investment.

Conclusion

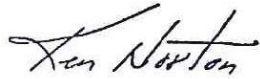
The Tribal PFAS Working Group appreciates EPA's efforts to maintain protective drinking water standards while recognizing the implementation challenges faced by public water systems.

At the same time, extending compliance deadlines may result in continued PFAS exposure for Tribal communities that already experience disproportionate environmental and public health burdens. We encourage EPA to balance implementation flexibility with strong accountability measures, meaningful Tribal consultation, robust technical and financial assistance, and continued progress toward achieving full compliance.

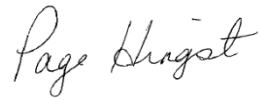
We appreciate the opportunity to provide comments on this important proposed rule and look forward to continued collaboration with EPA to protect Tribal communities, strengthen Tribal drinking water infrastructure, and reduce PFAS exposure across Indian Country.

Thank you for the opportunity to provide these comments.

Respectfully,



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