



ENVIRONMENTAL RISK & PFAS LITIGATION CONFERENCE

The New York City Bar Association | June 16-17, 2026

Managing Corporate Risk Through Large Regulatory Shifts



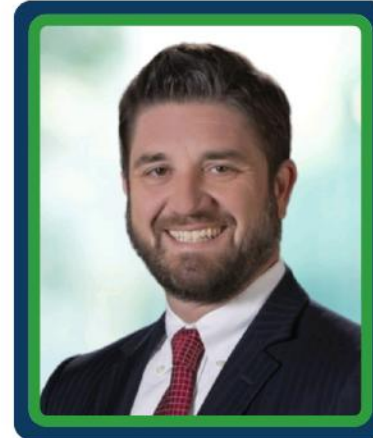
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Managing Corporate Risk Through Large Regulatory Shifts



- Whether the present deregulatory push is the most dramatic of our lifetimes
- Whether deregulation functions as a “free pass” or warrants caution
- How best to navigate the risks and opportunities that accompany deregulatory shifts

Proposed Specific Regulatory Changes – 2025



PFAS

EPA ADMINISTRATOR LEE ZELDIN ANNOUNCES MAJOR EPA PFAS ACTIONS

April 28, 2025

SAFE DRINKING WATER ACT

Compliance deadline on new PFOA and PFOS MCL moved from 2029 to 2031

EPA rescinding and reconsidering the MCLs for the other four PFAS compounds (PFHxS, PFNA, HFPO-DA/GenX, and PFBS), citing the need to ensure the regulatory process follows the Safe Drinking Water Act

CERCLA

PFOA and PFOS designation as hazardous substances not rescinded but court actions to be stayed

EFFLUENT LIMIT GUIDELINES

PFAS limits rule was withdrawn before it could be finalized, effectively halting new federal discharge limits for PFAS in industrial wastewater

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

EPA proposal to list nine PFAS compounds as RCRA hazardous constituents (on hold)

DRAFT NATIONAL RECOMMENDED WATER QUALITY CRITERIA PROTECTIVE OF HUMAN HEALTH

Public comment period ended April 29, 2025

DRAFT RISK ASSESSMENT FOR PFOA AND PFOS IN SEWAGE SLUDGE

Public comment period ended August 14, 2025 (extended from the original March 17, 2025 deadline)

Specific Regulatory Change Status – 2026



PFAS

EPA ADMINISTRATOR LEE ZELDIN ANNOUNCES MAJOR EPA PFAS ACTIONS

April 28, 2025

SAFE DRINKING WATER ACT

May 2026 OMB review of EPA Rules to pare back Biden-era PFAS drinking water standards; extends compliance deadline for two compounds, and rescinds limits for four others

CERCLA

PFOA and PFOS designation as hazardous substances not rescinded; allows EPA to initiate cleanup and hold RP's responsible

EFFLUENT LIMIT GUIDELINES

May 2026 EPA proposes rescinding wastewater limits for coal plants

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

May 2026 EPA withdraws, partially, Biden-era plan to address PFAS under RCRA

TSCA REPORTING RULE

November 2025 EPA issued proposed rule to amend TSCA PFAS reporting requirements to include numerous exemptions (de minimis and article exemptions)

Effect on Claims – Shift in the Mix of Claims



State Action

- States with aggressive environmental enforcement, like CA, MA, NJ, NY
- Collaboration between state and fed counterparts is slowed, leading to more drawn-out resolutions, whether that be related to long-standing enforcement, permitting, or regulatory development
- Potential legislative expansion of state authorities (i.e. product bans, environmental justice)
- NRD Claims

Private Actions

Private Parties forced to seek redress in courts rather than rely on Federal Enforcement

Business Policies

- Fragmented regulatory landscape
- Contractual risk transfer for M&A?
- Delayed federal clarity = retroactive liability risk
- Geographic claim variability
- Expect Rise in Certain Sectors:
 - Oil & Gas Exploration
 - Mining
 - Fishing
 - Energy

Blue State vs Red State Approach



- **Do the State's interests align with the federal approach?**
- **State legislative oversight**
 - **Regulatory safeguards**
 - **Codification of state priorities in statute**
- **Aggressive states' Attorneys General**
- **Expanded use of sue and settle?**

Federal v. State Regulatory Enforcement



- **Dramatic pendulum swings of regulations and enforcement should be considered the new normal**
- **Federal regulations likely to have most significant swings**
- **State regulatory schemes are more consistent**

Deregulation or Increased Regulation?



- **Be prepared for both**
- **Under current federal administration, deregulation in certain areas and stricter oversight in others**
- **Interest groups and citizen suits seek to fill regulatory changes**



- **Rapid regulatory shifts lead to mistrust of regulatory bodies**
- **Political polarization effects public support for regulatory enforcement**
- **Social media fuels rise of distrust**
- **Mistrust impacts jury deliberations**

How can corporations manage this evolving risk



- **C-suite level oversight of regulatory changes**
- **Understand the jurisdictions in which you operate**
- **Maintain the right insurance to manage risk exposure**

Strategies For Dealing With Regulatory Risk



- **Risk Avoidance**
- **Risk Reduction through Operational controls**
- **Building Regulatory Margins**
- **Active Regulatory Monitoring and Scenario Planning**
- **Portfolio Diversification**

Strategies For Dealing With Regulatory Risk



- **Setting Financial Reserves / Captives**
- **Contractual Risk Transfer for M&A/Property Transactions**
- **Environmental Insurance**
- **Strategic Engagement with trade associations**
- **Adaptive Risk Management**



THANK YOU