

Environment & Climate

As PFAS settlement funds trickle in, lawmakers weigh immunity for water utilities

Central Florida Public Media | By [Molly Duerig](#)

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Among public water systems in Florida with full test results available, 34% detected PFAS above federal limits, according to the latest data released by the EPA.

Discussions are happening in Congress about the potential to shield water utilities from liability for two specific types of PFAS, or forever chemicals, linked to cancer and other serious health issues.

PFAS are widely-used, long-lasting chemicals, made up of compounds that break down very slowly over time. The forever chemicals proliferate across the environment, ending up in the blood of people and animals all over the world, [according to the Environmental Protection Agency](#).

Thousands of different types of PFAS exist. The EPA previously regulated six of them. But earlier this year, after President Donald Trump began his second term, the agency [announced](#) it would uphold drinking water standards for only two of the most pervasive types: PFOS and PFOA.

Additionally, the EPA rolled back the deadline for public water systems to comply with federal limits on PFOS and PFOA. Originally, utilities had until the year 2029; now the deadline is 2031.

RELATED: [More time, fewer regulations for water utilities on PFAS](#)

Also earlier this year, Trump’s EPA announced it would maintain existing designations for PFOS and PFOA as hazardous substances under the federal [Comprehensive Environmental Response, Compensation, and Liability Act \(CERCLA\)](#), most commonly known as Superfund.

“It is a very powerful piece of legislation,” said environmental attorney James Ferraro Jr., who represents about 20 Florida utilities in litigation against manufacturers of products containing PFAS.

Under CERCLA or Superfund, “the polluter pays. There's defenses that basically can't be wielded,” Ferraro said.

That’s why the EPA’s announcement earlier this year triggered concern among many public water systems and other “passive receivers” of PFAS, Ferraro said.

“They are truly passive receivers,” Ferraro said. “They did not put PFAS into the environment, they didn't create PFAS. They're not putting it into a product, directly (or) indirectly. They're truly just trying to, at their core, provide clean drinking water.”

“They're not the ones who discharge PFAs into the environment. They're treating raw water, from various sources, that may already have PFAs in it,” Ferraro said of water utilities. “If they would be subject to actions by citizens that they serve drinking water to, I think that would be misguided.”

Ferraro said he supports the concept of immunity carve-outs for water utilities, as long as utilities could still be held liable in cases of gross negligence. When it comes down to it, he said, it’s companies like 3M and DuPont that should be held most responsible, as mass manufacturers of products containing the harmful chemicals.

Right now, settlement payouts from 3M and DuPont are trickling out to water utilities across the country. The payments will come in installments, in some cases, over a period of many years. Two Central Florida utilities Ferraro represents, in DeLand and Deltona, will receive their payments starting in 2027.

Sanford received several payouts earlier this year, most recently a \$555,000 payout from DuPont in November. Before that, the next-most recent payment was \$2.2 million from 3M in October.

Among public water systems in Florida with full test results available, 34% detected PFAS above federal limits, according to [the latest data](#) released by the EPA. That’s a much larger percentage than the 12% at the national level.

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Molly Duerig

Molly is an award-winning reporter with a background in video production and investigative journalism, focused on covering environmental issues for Central Florida Public Media.

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