



Committee on Transportation and Infrastructure
U.S. House of Representatives

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Chairman

Washington, DC 20515

Peter A. DeFazio
Ranking Member

July 9, 2018

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The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, Mail Code 1101A
Washington, D.C. 20460

The Honorable Patrick Breyse
Director
Agency for Toxic Substances and Disease Registry
4770 Buford HWY NE
Atlanta, Georgia 30341

Acting Administrator Wheeler and Director Breyse:

We write to convey our concern about the manner in which the Agency for Toxic Substances and Disease Registry (ATSDR) made available the Draft Toxicological Profile for Perfluoroalkyls for review and comment on June 21, 2018, in the Federal Register.¹ We are particularly concerned by recent press reports that political aides in the White House and aides to former Administrator Pruitt sought to block the release of the study, warning that it would cause “a public relations nightmare.”²

Perfluoroalkyl substances, or PFAS, are man-made chemicals that have been used in industry and consumer products since the 1950s. They can be found in non-stick cookware, firefighting foams, cosmetics, and stain-resistant fabrics and carpets. ATSDR defines the toxicological profile of PFAS to include 14 separate chemical compounds, including perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS). PFOA and PFOS have been found in air, water, and soil in and around fluorochemical facilities in as many as 15 states. They have even been detected in surface water, ground water (including drinking water), and food. Studies have shown connections between PFAS exposure and a wide range of adverse health outcomes, including liver damage, cancer, and increased risk of pregnancy-induced hypertension and pre-eclampsia, asthma, and decreased fertility.³

¹ Availability of Draft Toxicological Profile: Perfluoroalkyls, 83 Fed. Reg. 28849 (Jun. 21, 2018).

² Annie Snider, *White House, EPA headed off Chemical Pollution Study*, POLITICO (May 14, 2018), <https://www.politico.com/story/2018/05/14/emails-white-house-interfered-with-science-study-536950>.

³ Toxicological Profile for Perfluoroalkyls Draft for Public Comment, 83 Fed. Reg. 28849 (Jun. 2018).

ATSDR was created by Congress, through the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), more commonly known as Superfund, to assist the Environmental Protection Agency (EPA) and other Federal agencies in determining which toxic substances to regulate, and to determine what exposure levels may pose a threat to human health. According to its guidelines, ATSDR develops toxicological profiles for those toxic substances most commonly found at Superfund sites that pose significant potential threat to human health.

The Draft PFAS Toxicological Profile found that PFAS-contaminated groundwater across the country, especially near military bases, was far more toxic and widespread than previously realized. ATSDR, citing EPA's data, reported that 66 public drinking water systems that serve 6 million U.S. residents had at least one sample that exceeded EPA's current health advisory level for PFOA and PFOS, and that 59 out of 4,905, or more than 1 percent, of public water supplies were also identified as having levels of PFOA and PFOS above EPA's health advisory levels.

More alarmingly, however, the study found that EPA's current exposure levels for PFOS and PFOA are not supported by current data, and are not, necessarily, protective of human health. ATSDR's profile set the minimal risk levels, or the levels of how much someone could safely be exposed to, at about 7 parts per trillion for PFOS and 11 parts per trillion for PFOA. The EPA's 2016 health advisory for PFOS and PFOA, however, set the combined safe exposure level for both substances at 70 parts per trillion.

The EPA's mission statement⁴ is "to protect human health and the environment." In furtherance of this mission, EPA states it will ensure that "Americans have clean air, land and water;" that "National efforts to reduce environmental risks are based on the best available scientific information;" and that "all part of society... have access to accurate information sufficient to effectively participate in managing human health and environmental risks."

In our view, any effort by the Trump administration to suppress the ATSDR study would be wholly inconsistent with the stated missions of the EPA and its statutory responsibility to protect public health. As reported by *Politico*, one White House aide wrote in an e-mail dated January 30, 2018, "The public, media, and Congressional reaction to these numbers is going to be huge."⁵ The e-mail added, "The impact to EPA and [the Defense Department] is going to be extremely painful. We (DoD and EPA) cannot seem to get ATSDR to realize the potential public relations nightmare this is going to be."⁶

Reports of political appointees within the administration attempting to suppress ATSDR's draft toxicological profile for PFOS cast serious doubts over the administration's commitment to protecting the American public and environment from harmful toxic chemicals. In light of these reports, and in furtherance of our Congressional oversight of CERCLA, we ask that you respond immediately to the following questions and requests for information:

⁴ See "About EPA – Our Mission and What We Do" <https://www.epa.gov/aboutepa/our-mission-and-what-we-do>.

⁵ Annie Snider, *White House, EPA headed off Chemical Pollution Study*, POLITICO (May 14, 2018).

⁶ *Id.*

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- 1) Please provide us with a copy of all EPA or ATSDR memos, internal communications, emails, or other documents that reference the release of ATSDR's Draft Toxicological Profile for Perfluoroalkyls.
- 2) Please provide us with a list of all other draft toxicological profiles currently under development at ATSDR and a timetable for their expected dates of release.
- 3) Please provide us with your intended schedule for publication and release of ATSDR's Final Toxicological Profile for Perfluoroalkyls and your plans for insulating the release of the final profile from political influences within the administration.
- 4) Please provide us with your intended action plan to address both the exposure concerns raised by the ATSDR report, including ongoing releases of PFAS from manufacturing facilities and firefighting techniques, as well as the Trump administration's action plan to address the health of military families and other communities associated with known contamination of groundwater sites associated with DOD facilities.

Thank you for your prompt attention to this matter. Please reply to this letter as soon as possible, but no later than July 31, 2018. Should you have any questions, please contact the Democratic Staff of the Subcommittee on Water Resources and Environment at 202-225-0060.

Sincerely,



PETER DeFAZIO
Ranking Member



GRACE NAPOLITANO
Ranking Member
Subcommittee on Water Resources
and Environment