July 11, 2019

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES:

We, the undersigned associations, believe that Congress should act to address contamination associated with per- and polyfluoroalkyl substances (PFAS) in a manner that prioritizes cleanups over bureaucracy. For this reason, we oppose Amendment 440 offered by Reps. Kildee and Dingell, and Amendment 48, offered by Rep. Pappas, to H.R. 2500, the "National Defense Authorization Act for Fiscal Year 2020."

PFAS are a large and diverse class of chemicals with unique properties that have been used in a broad number of beneficial applications for decades. Heightened attention to potential health effects of certain PFAS chemicals has understandably led to increased public concern and interest in new regulatory protections in this area.

We support action to address these concerns, and are committed to proactively working with Congress, regulators, and other stakeholders to establish risk-based standards for PFAS that protect human health and the environment.

We applaud the leadership of Reps. Kildee, Dingell, and Pappas for pushing Congress to address PFAS contamination. Amendments 440 and 48, however well-intentioned, are unproductive approaches to expeditiously address PFAS contamination.

Amendment 440 would require the Environmental Protection Agency (EPA) to designate all PFAS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), or Superfund, within one year. Similarly, Amendment 48 would require EPA to add all PFAS to the list of toxic pollutants regulated by the Clean Water Act and establish effluent and pretreatment standards, which could trigger "back door" CERCLA designations.

CERCLA listing decisions are not political questions that Congress is best positioned to address. EPA should retain its traditional authority to study potentially hazardous substances and to ascertain whether they should be designated under CERCLA. The Superfund program has a strong track record, and EPA's career scientists have the requisite expertise to examine PFAS.

Moreover, Amendments 440 and 48 would likely lead to slower cleanups because of an overwhelmed EPA and the potentially needless reopening of vast amounts of remediated sites. Such an approach could also undermine the nascent progress towards clean up at some of the prevalent, known contaminated sites.

We are disappointed that an amendment proposed by Rep. Fitzpatrick, with Reps. Boyle, Upton, McKinley, Rouda, and Blunt Rochester, will not come up for a vote in the House. The approach of this bipartisan amendment, which mirrors provisions of the defense authorization bill passed by the full Senate, would have encouraged the development of a consistent approach and clear timelines for assessing and regulating specific PFAS across all relevant federal agencies to ensure that government regulations, actions, and communications are consistent and coordinated for maximum effectiveness.

Congress's goal should be to create conditions for cleanups to occur as expeditiously as practicable. While we oppose Amendments 440 and 48, we applaud the work of the amendments' sponsors and the other leaders of PFAS issues in both parties for their important contributions. We look forward to working with you on this important matter as the legislative process continues.

Sincerely,

Airlines for America
Airports Council International - North America
Alliance of Automobile Manufacturers
American Chemistry Council
American Forest & Paper Association
Council of Industrial Boiler Owners
Flexible Packaging Association
International Liquid Terminals Association
National Association of Chemical Distributors
Plastics Industry Association
Petroleum Marketers Association of America
Society of Chemical Manufacturers and Affiliates
TRSA, the Linen, Uniform, and Facility Services Association
U.S. Chamber of Commerce