



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

January 7, 2020
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

H.R. 535 – PFAS Action Act of 2019
(Rep. Dingell, D-MI, and 66 cosponsors)

The Administration strongly opposes passage of H.R. 535, the PFAS Action Act of 2019. This legislation would require the Environmental Protection Agency (EPA) to issue certain regulations regarding perfluoroalkyl and polyfluoroalkyl substances (PFAS). This bill would supersede existing statutory requirements that require EPA, when regulating chemicals in the environment, to evaluate and weigh the available scientific and technical information about the occurrence of exposures, the health effects of exposures, the treatment options available, the opportunities for meaningful improvement in public health protection, and the significant potential effects on public safety. By doing so, the bill would create considerable litigation risk, set problematic and unreasonable rulemaking timelines and precedents, and impose substantial, unwarranted costs on Federal, State, and local agencies and other key stakeholders in both the public and private sectors.

The Administration is aware of the public concern regarding PFAS and is committed to responding to this important public health issue. The EPA, through its PFAS Action Plan, is taking extensive efforts to help communities address PFAS nationwide. In this work, the EPA, along with other Federal agencies, continues to follow the statutorily mandated regulatory processes to evaluate and determine the appropriate actions needed to protect the health of the American people, including actions to protect the safety of our drinking water.

H.R. 535 would require the Administration to bypass well-established processes, procedures, and legal requirements of the Nation's most fundamental environmental laws, including the Comprehensive Environmental Response, Compensation, and Liability Act; the Safe Drinking Water Act; the Toxic Substances Control Act; the Clean Air Act; and the Solid Waste Disposal Act. These laws establish valuable processes to ensure public participation and transparency and ensure that appropriate, scientifically sound actions are taken to protect the American people. Rather than allow EPA to regulate PFAS in accordance with the carefully devised processes set forth in these and other laws, the bill would simply require EPA to put certain regulatory measures in place.

The regulatory process works best when EPA and other agencies are free to devise regulations based on the best available science and careful consideration of all the relevant facts. By truncating the rulemaking process, this legislation risks undermining public confidence in the EPA's decisions, and also risks the imposition of unnecessary costs on States, public water systems, and others responsible for complying with its prescriptive mandates.

This bill also disregards implementation challenges. H.R. 535 would impose a heavy burden on States, local governments, and other potentially responsible parties by placing them in the difficult position of having to implement stringent regulations before any consideration of whether such implementation is even feasible. Given the lack of available, effective, low-cost treatment, disposal, and replacement options for PFAS, States, local governments, public water systems, and other potentially responsible parties are likely to encounter barriers to compliance and unintended negative consequences, such as significantly reduced effectiveness of firefighting capabilities.

Additionally, sections 6 and 8-12 of H.R. 535 are duplicative of provisions recently enacted into law under the National Defense Authorization Act for Fiscal Year 2020. Enacting duplicative statutory requirements such as these, which pertain to PFAS data calls and reporting, PFAS destruction and disposal, and cooperative agreements with States, could generate significant confusion among stakeholders, and could waste valuable resources in administering redundant or perhaps even conflicting provisions.

If H.R. 535 were presented to the President, his senior advisors would recommend that he veto the bill.

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