United States Senate

WASHINGTON, DC 20510

April 13, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

We write regarding the serious public health concerns related to groundwater contamination from Per- and Polyfluoroalkyl Substances (PFAS) in communities and on Department of Defense (DOD) installations across our states, and to urge you to take swift action to address these concerns.

Some of these chemicals are included in the manufacture of aqueous film forming foam (AFFF), which has been used in training exercises and to extinguish fires in places such as commercial airports and military installations. Two types of PFAS, Perfluorooctanoic Acid (PFOA) and Perfluorooctyl Sulfonate (PFOS), are included on the Environmental Protection Agency's (EPA) Contaminant Candidate List (CCL), which lists potentially harmful contaminants, but does not require them to be regulated under the Safe Drinking Water Act.

In 2016, the EPA established a lifetime health advisory (LHA) of 70 parts per trillion for concentrations of PFOA and PFOS in drinking water. However, the LHA is not legally enforceable and cannot be used to determine remediation responsibilities and transfers of surplus DOD property under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

At this time, a handful of states have established their own cleanup standards that are more stringent than those under the LHA. While we applaud these states for taking action, we are concerned that the EPA has not yet declared a federal maximum contaminant level (MCL). A science-based MCL would provide a clear and enforceable nationwide standard for permissible levels of these contaminants. An MCL would also inform remediation decisions for sites under CERCLA. DOD has identified military installations for cleanup and remediation, yet is unable to move forward under CERCLA without an MCL. DOD has also highlighted the need for the Office of Land and Emergency Management to determine a cleanup number, which we strongly support. Without an MCL and cleanup number, the unintended result is that many military communities across the country remain in limbo.

In December 2017, the EPA announced a cross-agency effort to address PFAS contamination, saying that it would "build on the work that the Agency has done to establish non-regulatory drinking water health advisories for PFOA and PFOS." While we are encouraged that the agency recently announced its intention to convene a National Leadership Summit on PFAS, more urgent action is still needed. We urge you, as a part of your efforts, to expeditiously declare an MCL for all PFAS, based on rigorous scientific evidence, as well as a cleanup number from the Office of Land and Emergency Management. This will provide all states, and our local communities, with much-needed certainty to move forward on remediation activities and protection regimes for drinking water systems.

Thank you for your prompt attention to this important matter.

Sincerely,

Jack Reed
U.S. Senator

Debbie Stabenow
U.S. Senator

Elizabeth Warren
U.S. Senator

Richard J. Durbin
U.S. Senator

Joe Manchin III
U.S. Senator

Kamala D. Harris
U.S. Senator

Kirsten Gillibrand
U.S. Senator

Patty Murray
U.S. Senator

Thomas R. Carper
U.S. Senator

Christopher A. Coons
U.S. Senator

Robert P. Casey, Jr.
U.S. Senator

Tammy Duckworth
U.S. Senator

Gary C. Peters
U.S. Senator

Charles E. Schumer
U.S. Senator

Maria Cantwell
U.S. Senator

Bernard Sanders
U.S. Senator

Richard Blumenthal
U.S. Senator

Edward J. Markey
U.S. Senator

Chris Van Hollen
U.S. Senator

Tammy Baldwin
U.S. Senator

Jeffrey A. Merkley
U.S. Senator

Margaret Wood Hassan
U.S. Senator

Robert Menendez
U.S. Senator

Jeanne Shaheen
U.S. Senator

Sherrod Brown
U.S. Senator