Message

From: Lyons, Troy [lyons.troy@epa.gov]
Sent: 4/8/2019 9:24:40 PM
To: Dunn, Alexandra [dunn.alexandra@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]
CC: Kramer, Jessica L. [kramer.jessical@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Greaves, Holly [greaves.holly@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: FY 2020 EPA Budget Hearings: PFAS
Attachments: PFAS Enforcement Talking Points - Nuanced (003).docxOECA OCSPP.docx

With everyone's input. Please let me know ASAP if there are any changes. We need to get this to AW ASAP.

From: Dunn, Alexandra
Sent: Monday, April 8, 2019 3:07 PM
To: Lyons, Troy <lyons.troy@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Kramer, Jessica L. <kramer.jessical@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>
Subject: RE: FY 2020 EPA Budget Hearings: PFAS

Sorry for the delay. Hard to answer simply.

SAC HEARING (April 3): https://www.c-span.org/video/?459448-1/epa-administrator-wheeler-testifies-agencys-fiscal-year-2020-budget-request

Tester (29:40): Has PFAS been banned? Senator mentions firefighting foam specifically.
Administrator: Yes, the worst ones, but there are thousands of chemicals. We are evaluating a SNUR for PFOA/PFAS.

Deliberative Process / Ex. 5

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
(202) 564-2910

dunn.alexandra@epa.gov

From: Lyons, Troy
Sent: Monday, April 8, 2019 2:39 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Kramer, Jessica L. <kramer.jessical@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>
Subject: Re: FY 2020 EPA Budget Hearings: PFAS

Anything?

Sent from my iPhone

On Apr 8, 2019, at 11:27 AM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

> Will do.
>
> _____
> Nancy B. Beck, Ph.D., DABT
> Principal Deputy Assistant Administrator, OCSPP
> P: 202-564-1273
> beck.nancy@epa.gov
>
> **From:** Lyons, Troy
> **Sent:** Monday, April 8, 2019 10:27 AM
> **To:** Beck, Nancy <Beck.Nancy@epa.gov>
> **Cc:** Kramer, Jessica L. <kramer.jessical@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>
> **Subject:** RE: FY 2020 EPA Budget Hearings: PFAS
>
> Thanks, Nancy. Please send them along once you have the points
>
> **From:** Beck, Nancy
> **Sent:** Saturday, April 6, 2019 9:06 AM
> **To:** Lyons, Troy <lyons.troy@epa.gov>
> **Cc:** Kramer, Jessica L. <kramer.jessical@epa.gov>; Ross, David P <ross.davidp@epa.gov>
> **Subject:** Re: FY 2020 EPA Budget Hearings: PFAS
>
> I've asked our team for the bullets by 10am Monday.
>
> **********
> Nancy B. Beck, Ph.D., DABT
> Principal Deputy Assistant Administrator
> Office of Chemical Safety and Pollution Prevention
> P: 202-564-1273
> beck.nancy@epa.gov
>
> On Apr 5, 2019, at 11:01 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:
>
>> Adding Nancy.

Nancy—let us know if you are taking the lead, or if Jess should.
Sent from my iPhone

On Apr 5, 2019, at 5:56 PM, Kramer, Jessica L. <kramer.jessical@epa.gov> wrote:

> Hi Troy,
>
> It looks like Susan has addressed two of the three issues we (OW) identified while reviewing the Administrator's testimony – the HA not being a regulatory standard and the number of enforcement actions EPA has assisted with.
>
> The third item we identified for clarification is the Administrator's statements on whether PFOS and PFOA have been banned. We assume Nancy Beck is taking a run at this one, but please let us know if that is not the case or if there is anything else we can do to help with this.
>
> Thanks and have a great weekend!
>
> Jess Kramer
>
> Jessica L. Kramer
> Policy Counsel to the Assistant Administrator
> Office of Water
> (202) 564-6322
>
> ---
>
> **From:** Ross, David P
> **Sent:** Friday, April 5, 2019 5:29 PM
> **To:** Kramer, Jessica L. <kramer.jessical@epa.gov>
> **Subject:** Fwd: FY 2020 EPA Budget Hearings: PFAS
>
> Sent from my iPad
>
> Begin forwarded message:
>
> > **From:** "Bodine, Susan" <bodine.susan@epa.gov>
> > **Date:** April 5, 2019 at 5:25:37 PM EDT
> > **To:** "Lyons, Troy" <lyons.troy@epa.gov>, "Wehrum, Bill" <Wehrum.Bill@epa.gov>, "Ross, David P" <ross.davidp@epa.gov>, "Dunn, Alexandra" <dunn.alexandra@epa.gov>, "Dunlap, David" <dunlap.david@epa.gov>, "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Wright, Peter" <wright.peter@epa.gov>, "McIntosh, Chad" <mcintosh.chad@epa.gov>, "Greaves, Holly" <greaves.holly@epa.gov>, "Schiermeyer, Corry" <schiermeyer.corry@epa.gov>, "Beck, Nancy" <Beck.Nancy@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>
> > **Cc:** "Bolen, Brittany" <bolen.brittany@epa.gov>,

"Jackson, Ryan" <jackson.ryan@epa.gov>, "Molina, Michael" <molina.michael@epa.gov>, "Darwin, Henry" <darwin.henry@epa.gov>
Subject: RE: FY 2020 EPA Budget Hearings: PFAS

Attached are updated talking points with some nuance on enforcement.

I am assuming OGC is providing talking points on our inability to help NM with the state's offensive litigation against the United States. I added a note saying that was not included under the "working with states" bullet point.

We help states and local governments get action from federal facilities through our data collection, persuasion, CERCLA authorities if listed on the NPL, and also our emergency order authorities.

Also, for Nancy and Alex on PFAS bans. I note that fire fighting foam is still required by DOD's military specs and by FAA at commercial airports. Recent legislation on these uses:

The FY 2018 NDAA (P.L. 115-91) at section 1059 requires DOD to report to the Armed Services committees on DOD's progress *in "developing a new military specification for safe and effective alternatives to aqueous film forming foam (hereinafter referred to as ''AFFF'') that do not contain perfluorooctanoic acid (hereinafter referred to as ''PFOA'') or perfluorooctanesulfonic acid (hereinafter referred to as ''PFOS'')."*

The FAA Reauthorization Act of 2018 (P.L. 115-254) directs FAA to stop requiring commercial airports to use the foam with perfluorinated compounds.
SEC. 332. AIRPORT RESCUE AND FIREFIGHTING.
(a) FIREFIGHTING FOAM.—Not later than 3 years after the date of enactment of this Act, the Administrator, using the latest version of National Fire Protection Association 403, ''Standard for Aircraft Rescue and Fire-Fighting Services at Airports'', and in coordination with the Administrator of the Environmental Protection Agency, aircraft manufacturers and airports, shall not require the use of fluorinated chemicals to meet the performance standards referenced in chapter 6 of AC No: 150/5210–6D and acceptable under 139.319(l) of title 14, Code of Federal Regulations.

From: Lyons, Troy
Sent: Thursday, April 4, 2019 3:01 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Dunlap, David

<dunlap.david@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Wright, Peter <wright.peter@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Molina, Michael <molina.michael@epa.gov>; Darwin, Henry <darwin.henry@epa.gov>
Subject: FY 2020 EPA Budget Hearings: PFAS
Importance: High

Colleagues: please find below the time slots indicating when PFAS was brought up in the budget hearings. The person who usually formats these into clips is out of town, so you will need to fast forward to the times listed below.

A link to the Senate Interior Approps hearing may be found here

1. Murkowksi: 46:00—50:45
2. Tester: 53:13—54:33
3. Udall: 1:59:00—2:01:32

_____

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
202-309-2490 (cell)

<PFAS Enforcement Talking Points - Nuanced.docx>