Message

From: Esher, Diana [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=44BD082A59CD44FFA0D5B1C054A3E996-DESHER]
Sent: 2/1/2021 6:05:18 PM
To: Paul Leonard [Leonard.Paul@epa.gov]; Dressel, Paul [DRESSEL.PAUL@EPA.GOV]
Subject: FW: PFAS CC: Congressional PFAS Task Force re-launched on Friday + letter to President Biden
Attachments: 1-29-21 - Letter - PFAS TF Priorities (Biden).pdf

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Sent: Monday, February 01, 2021 12:45 PM
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Subject: PFAS CC: Congressional PFAS Task Force re-launched on Friday + letter to President Biden

Thanks Matt Klasen for sharing.

bob

From: Klasen, Matthew <Klasen.Matthew@epa.gov>
Sent: Monday, February 01, 2021 7:52 AM
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Subject: FYI, Congressional PFAS Task Force re-launched on Friday + letter to President Biden

Hi everyone,

FYI, on Friday, the Congressional PFAS Task Force organized a press conference to announce its re-launching in the 117th Congress. (Media reports in Inside EPA and E&E are pasted or linked to below.) The group is expanding in size and becoming increasingly optimistic and ambitious in its bipartisan policy requests.

Of significant note: The Task Force sent the attached letter to President Biden, signed by a bipartisan group of 132 House members. (The Task Force website lists 56 members.)

Here are the specific requests made of the President (copied and pasted from the letter), **with EPA items in bold**:

- **Direct the EPA to quickly finalize a national drinking water standard for PFOA and PFOS.**
- **Direct EPA to quickly restrict industrial releases of PFAS into the air and water by using the tools provided by the Clean Air Act and the Clean Water Act and to expand reporting of these releases through the Toxic Release Inventory.**
- **Direct the EPA to immediately designate two types of PFAS, PFOA and PFOS, as "hazardous substances" under CERCLA and to revise groundwater clean-up standards.**
- **Hold regular meetings with members of the bipartisan Congressional PFAS Task Force** to share information and receive updates on your administration's PFAS-related work. We would welcome agency participation from **EPA**, FDA and DOD.
- **Direct FDA and EPA to phase out non-essential use of PFAS in food packaging, cosmetics, sunscreens and other household projects, and direct EPA to amend the Significant New Use Rule to address all imports.**
- Direct the DOD to accelerate efforts to end the use of fire-fighting foam made with PFAS, to impose a moratorium on the incineration of legacy foam and accelerate PFAS clean-up at DOD and Base Realignment and Closure (BRAC) installations.
- **Direct the EPA to immediately place a moratorium on the introduction of new PFAS chemicals and to use all of use tools provided by the Toxic Substances Control Act to assess the risks posed by PFAS.**
- Direct the U.S. Federal Emergency Management Administration (FEMA) to support efforts to clean up PFAS pollution near fire training centers.
- Direct the DOD to test for PFAS in the blood of all service members and **direct the EPA to test and report on the presence of PFAS biosolids.**

I'll be on the lookout for a video or a transcript of the event and will forward along if I find anything. Let me know if you have any questions.

Thanks,
Matt

Matt Klasen
U.S. Environmental Protection Agency

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https://dankildee.house.gov/media/press-releases/congressional-pfas-task-force-led-rep-kildee-outlines-priorities-biden

CONGRESSIONAL PFAS TASK FORCE, LED BY REP. KILDEE, OUTLINES PRIORITIES FOR BIDEN ADMINISTRATION

January 29, 2021
Press Release
Bipartisan Letter Expresses Need for Strong Executive, Legislative Action to Address PFAS Chemicals
FLINT—Congressman Dan Kildee (MI-05), Chief Deputy Whip of the House Democratic Caucus and co-chair of the Congressional PFAS Task Force, today sent a letter to the Biden administration outlining actions they should take to address harmful per- and polyfluoroalkyl substances (PFAS) chemicals.

The letter, signed by 132 Republican and Democratic Members of Congress, includes actions the administration can take to protect communities from PFAS immediately, including creating a nationwide drinking water standard for PFAS in drinking water and listing PFAS as a hazardous substance to clean up the harmful chemicals and make the polluters pay, not taxpayers.

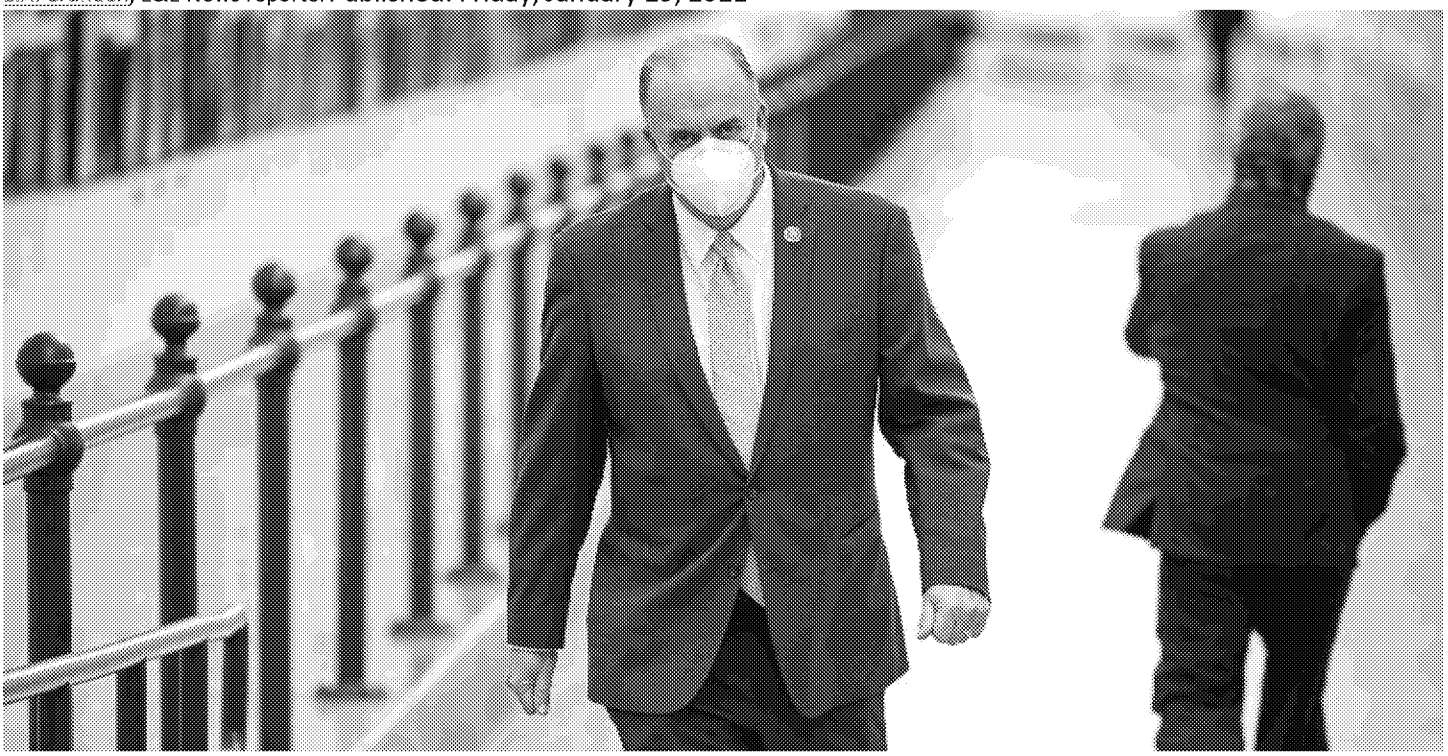
"According to the Environmental Working Group, more than 200 million Americans likely have drinking water and food contaminated with PFAS chemicals. Nevertheless, the U.S. Environmental Protection Agency, Food and Drug Administration and the Department of Defense have been slow to address the risks posed by PFAS. There are currently no limits on PFAS releases and uses and no requirement to clean up PFAS contamination. To address the growing PFAS pollution crisis, we urge you to take immediate steps to reduce PFAS releases, phase out non-essential uses of PFAS in everyday products, and clean up legacy PFAS pollution," the letter reads in part.

Congressman Kildee has worked with Republicans and Democrats at all levels of government to address PFAS chemical contamination. As the founder and co-chair of the bipartisan Congressional PFAS Task Force, Kildee has previously introduced legislation to set a national drinking water standard for PFAS, clean-up efforts and detect PFAS contamination at other sites across the country.

CHEMICALS

House PFAS Task Force relaunches with a bang

E.A. Crunden, E&E News reporterPublished: Friday, January 29, 2021



Rep. Dan Kildee (D-Mich.) is a leader of the House's Congressional PFAS Task Force. Francis Chung/E&E News

A bipartisan group of lawmakers have relaunched a task force dedicated to addressing "forever chemicals," further pushing the issue into the spotlight amid growing scrutiny from legislators and regulators.

Democratic and Republican representatives kicked off the latest iteration of the Congressional PFAS Task Force during a virtual press conference today as they seek to push President Biden and Congress to act on per- and polyfluoroalkyl substances (PFAS).

"[It's] not every day that you have Congress members from both sides of the aisle," said Rep. Dan Kildee (D-Mich.), who shared that the task force had just sent a **letter** to the Biden administration.

That letter, signed by 132 members of Congress, asks the new administration to designate the two most researched PFAS — PFOA and PFOS — as hazardous substances under Superfund law, in addition to moving forward on regulating those chemicals in drinking water.

Other requests include restricting industrial air releases of PFAS and directing the Department of Defense to accelerate its phaseout of PFAS-laden firefighting foam.

Lawmakers laid out similar asks in their morning press conference. The PFAS Task Force now includes more than 55 members, who have an ambitious agenda planned for the 117th Congress.

Rep. Debbie Dingell (D-Mich.) reiterated that she will be reviving legislation targeting PFAS in food containers, as well as introducing a new bill focused on getting the chemicals out of cosmetics. Last session's major PFAS bill, the "PFAS Action Act," is also guaranteed to return.

"We're going to get it done this year," said Dingell, one of multiple Michigan representatives on the call, whose state has been heavily affected by PFAS contamination.

Congress members indicated they expect to have an ally in the White House, as Biden has signaled PFAS will be a priority for his administration. In the final days of the Trump presidency, EPA began the process of regulating PFOA and PFOS under the Safe Drinking Water Act, a long process that the new administration is likely to continue (***E&E News PM***, Jan. 20).

But the Trump EPA punted on regulating any PFAS under Superfund law, despite major pressure to have the chemicals declared hazardous substances.

Biden's EPA is now facing a similar push from communities and advocates to move forward with that process, as well as to extend scrutiny to the wider class of chemicals beyond PFOA and PFOS.

"[We have] very high expectations to finally tackle, sufficiently tackle the issue," said Rep. Brian Fitzpatrick (R-Pa.), who said he was "looking forward to working with this new administration."

Another Republican, Rep. Peter Meijer (R-Mich.), also emphasized support for federal action, citing a patchwork of increasingly varied efforts across states.

That trend of "50 states all coming up with regulations all based on different datasets," he said, is creating problems and speaks to the need for decisive movement at the federal level.

Who pays?

One looming issue facing legislators and regulators regards liability and who will ultimately foot the bill for long-term cleanup costs.

Utilities, waste management interests and other stakeholders have expressed concern over looming costs associated with any cleanup, especially if PFAS are designated hazardous under Superfund. Lawmakers today briefly addressed the issue of carve-outs and who should have to pay.

"We're talking about it," said Dingell, referencing conversations she has had with another task force member, Rep. Fred Upton (R-Mich.).

While lawmakers seemed to acknowledge the cost concerns raised by some stakeholders, they took a hard line on chemical manufacturers. Kildee appeared to single out DuPont and its spinoff Chemours Co., referencing companies seeking to shift costs onto spinoff entities.

"They have to accept some responsibility for cleaning up the mess they created," said Kildee.

Republicans also took an aggressive tone on the issue. "Entities that profited off of this should have to bear the cost of the cleanup," said Fitzpatrick.

Some organizations are already greeting the task force's relaunch. Terry Morse, CEO of the National Ground Water Association, said in a statement that addressing PFAS contamination "deserves nothing less than a fully committed bi-partisan effort" from Congress.

"This is a good day in the fight against PFAS, but it is up to all of us to ensure the goals of this taskforce are realized," said Morse.

Bipartisan Group Pushes Biden For Quick PFAS Rules But Also Readies Bill

https://insideepa.com/daily-news/bipartisan-group-pushes-biden-quick-pfas-rules-also-readies-bill

January 29, 2021

A bipartisan group of 132 House lawmakers is urging President Joe Biden to take immediate steps to regulate per- and polyfluoroalkyl substances (PFAS) while also readying legislation on a range of additional items, part of a three-part strategy to tackle PFAS through legislation, policy-making and public education.

Led by Reps. Dan Kildee (D-MI) and Brian Fitzpatrick (R-PA), lawmakers sent a Jan. 29 letter, signed by 125 Democrats and seven Republicans, urging Biden to take a host of actions on PFAS, recognizing the president's campaign commitments to act on protections from the chemicals.

Among the calls are for EPA to quickly set a drinking water standard for two PFAS and list them as hazardous substances under the Superfund law.
The chemicals -- a class of thousands of non-stick, persistent substances -- have been used in a range of commercial, industrial and consumer products but have also contaminated drinking water systems and other sources across the country.
"According to the Environmental Working Group, more than 200 million Americans likely have drinking water and food contaminated with PFAS chemicals," the lawmakers say. "Nevertheless, [EPA], Food and Drug Administration (FDA) and Department of Defense (DOD) have been slow to address the risks posed by PFAS. There are currently no limits on PFAS releases and uses and no requirement to clean up PFAS contamination."
The lawmakers urge Biden to address "the growing PFAS pollution crisis" by taking immediate steps "to reduce PFAS releases, phase out non-essential PFAS in everyday products, and clean up legacy PFAS pollution."
But Kildee and others also sought to explain during a Jan. 29 press conference that legislation is still needed, even with what appears to be a willing Biden administration to move ahead on regulatory measures.
Biden's campaign last year released an environmental justice plan that pledged to tackle PFAS pollution through setting a Superfund hazardous substance designation, setting drinking water limits, "prioritizing substitutes through procurement, and accelerating toxicity studies and research on PFAS."
Kildee said PFAS will require a "whole-of-government approach," with Congress providing "tools legislatively," and the administration using those tools. While there are a number of steps the administration can take without legislation, he said he believes those "would soon have to be followed with legislation to ensure that they have the policy backing and the financial resources to move as aggressively as possible."
Kildee, Fitzpatrick and other members held the press conference to relaunch the bipartisan Congressional PFAS Task Force, initially started in the last Congress, and to outline priorities for the 117th Congress.
Kildee told reporters that while lawmakers in the last Congress were able to approve significant bipartisan legislation on PFAS, including cleanup funding and a phase-out of PFAS in the military's aqueous firefighting foam, "our work obviously is far from over, and that's why it's important to relaunch the bipartisan PFAS task force today. In this new Congress, the task force is looking forward to working with the Biden Administration to address and quickly clean up these toxic, forever chemicals."
He said that is why one of the group's first actions is a letter to Biden outlining the need for strong executive and legislative action.

'Keep the Pressure On'

During the press conference, Rep. Debbie Dingell (D-MI) -- a primary advocate for PFAS legislation and regulation -- reiterated three priority actions lawmakers will press on this year: the reintroduction soon of comprehensive PFAS legislation that passed in the House last year, working with the Biden administration to "knock out important PFAS mitigation policies immediately that can be done from the regulation process that don't require an act of Congress," and continued public education and inspiring the grassroots movement to act on cleanup using policies grounded in science.
Of the comprehensive legislation, she said the caucus members have the backing of House leadership and the energy committee, noting that it will "keep the pressure on and signal to the incoming administration that this is a top priority."
She added the lawmakers are calling for swift enactment of the legislation and she also hopes to advance separate legislation later this year to ban PFAS in food containers.
The lawmakers signaled they are wrestling with the possibility of legislative carveouts for entities such as drinking water utilities -- which potentially could be held liable for cleanup costs due to their role as a conduit for PFAS getting into the environment, even though they did not generate the chemicals. At

the same time, the lawmakers stressed the need to hold polluters and those who profited off the chemicals responsible.
Dingell said lawmakers are “talking about” potential carveouts for certain entities. But, she added, “It’s a very complicated subject -- one that’s got to be dealt with, and one that we will keep talking about because you can’t let some people off scot free either when they knew they had a forever chemical that was killing people."
Fitzpatrick echoed her comments, noting that the subject over who should pay for cleanups is raised a lot. He noted that chemical companies made hundreds of millions of dollars from the sale of these products and ought to be investigated as to the timing of when they knew about potential harmful consequences from the chemicals.
“If we’re putting the burden on the taxpayers, essentially we could be taxing the very people who are victims."

Biden PFAS Actions

In their letter, the House lawmakers list a host of measures, including that Biden direct EPA to “quickly finalize a national drinking water standard” for the two most studied PFAS -- perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) -- and to immediately designate these two as “hazardous substances” under the Superfund law and revise groundwater cleanup standards.
The letter also seeks other regulatory measures and policy and schedule-related actions. On the regulatory side, the members call on the administration to “quickly restrict industrial releases of PFAS into the air and water by using the tools provided by the Clean Air Act and the Clean Water Act and to expand reporting of these releases through the Toxic Release Inventory.” They also want EPA to be required to test and report on the presence of PFAS in biosolids.
In addition, they call for actions under the Toxic Substances Control Act (TSCA), including requiring EPA to institute an immediate moratorium on the introduction of new PFAS, and to use all of TSCA’s tools to assess the risks posed by PFAS. They also ask that EPA and FDA phase-out non-essential uses of PFAS in food packaging, cosmetics, and sunscreen and that EPA amend the Significant New Use Rule to address all imports.
Also, they urge the administration to direct DOD to speed up efforts to end the use of PFAS in firefighting foams, impose a ban on the incineration of legacy foam and accelerate PFAS cleanup at active and closed military bases.
Further, the lawmakers ask that the congressional PFAS task force receive regular updates on the administration’s PFAS work, particularly from EPA, FDA and DOD.
And they call for the administration to direct DOD to test service members for PFAS in their blood and direct the Federal Emergency Management Administration to back efforts to clean up PFAS pollution near fire training centers.
During the press conference, the lawmakers also called for greater accountability from DOD in complying with cleanup standards, whether set by the federal government or states. Kildee said lawmakers have weighed in with the Biden transition team to say they want to see top-level directives that DOD will seek to apply the highest standard, not minimal standards, on PFAS. -- *Suzanne Yohannan* (syohannan@iwpnews.com)