United States Senate
WASHINGTON, DC 20510

February 14, 2020

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

Dear Administrator Wheeler:

It has been one year since the Environmental Protection Agency (EPA) released its agency-wide plan to address contamination from per- and polyfluoroalkyl substances (PFAS). We write to request information regarding the status of the various commitments the EPA made in the PFAS Action Plan and an updated timeline for when the American people can expect these commitments to be met, because we are concerned that many of these commitments appear to be delayed.

As you are aware, communities across the country are struggling to respond to the widespread issue of PFAS contamination. The human health risks from this class of chemicals, which include birth defects, various forms of cancer, and immune system dysfunction, are still being examined, and the uncertainty has caused great concern among our constituents. Private and public sector analyses continue to uncover PFAS contamination around the country. On several occasions we have shared these concerns with you and urged this administration to work with Congress to develop effective solutions that will address the emerging threat of PFAS.

We believe that the PFAS Action Plan is, alone, insufficient to address the scope and urgency of the problems associated with PFAS, and is merely a first step towards doing so. This compounds our disappointment that several of these commitments made by the agency remain unfulfilled.

In particular, the PFAS Action Plan included a commitment to make a proposed regulatory determination on whether to write a drinking water rule for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) in 2019, but that proposal has yet to be released to the public. Even if EPA immediately published a proposal that concluded a drinking water rule was needed, it would still likely take several more years before EPA was able to finalize an actual drinking water rule for these chemicals. Without federal standards in place, many states have stepped in to fill the void by establishing their own regulations.

Establishing a maximum contaminant level (MCL) or treatment technique for PFAS at the federal level is critical for protecting public health, especially since many states lack the capacity to promulgate their own drinking water rules, and regulations to set those standards should move forward without further delay. The prevalence of PFAS in drinking water sources across the country and the potential serious health impacts associated with chronic exposure to these chemicals demand moving forward with sound regulations for drinking water.

Furthermore, through its PFAS Action Plan, the EPA committed to initiating the "regulatory development process to designate PFOA and PFOS as 'hazardous substances' under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), which would extend CERCLA order and cost recovery authorities to address communities affected by PFOA and PFOS contamination." This would allow for the mobilization of assistance to communities affected by contamination from these materials from both industrial and military uses. Yet, despite then-Administrator Scott Pruitt committing the EPA to designating these materials as hazardous substances in May 2018, the EPA has not even sent a proposal to the Office of Management & Budget for interagency review, let alone published it for public comment.

Therefore, we respectfully request that you provide us with a clear status update on the progress of each commitment made in the EPA's PFAS Action Plan along with an updated estimate for when you expect each applicable commitment, regulatory determination or other action to be completed.

The health and environmental threats posed by PFAS are significant. Communities across America demand that the EPA help protect them from PFAS exposure. They deserve the confidence that their water is safe and free of harmful levels of PFAS contamination.

We look forward to a timely and detailed response on the Agency's path forward in addressing PFAS contamination. Thank you for your attention to this important matter.

Sincerely,

Jeanne Shaheen
United States Senator

Kirsten Gillibrand
United States Senator

Charles E. Schumer
United States Senator

Tom Carper
United States Senator

Debbie Stabenow
United States Senator

Robert P. Casey, Jr.
United States Senator

Tina Smith
United States Senator

Jack Reed
United States Senator

Sherrod Brown
United States Senator

Richard Blumenthal
United States Senator

Margaret Wood Hassan
United States Senator

Jeffrey A. Merkley
United States Senator

Angus S. King, Jr.
United States Senator

Edward J. Markey
United States Senator

Dianne Feinstein
United States Senator

Tammy Baldwin
United States Senator

Sheldon Whitehouse
United States Senator

Richard J. Durbin
United States Senator

Amy Klobuchar
United States Senator

Michael F. Bennet
United States Senator

Patty Murray
United States Senator

Cory A. Booker
United States Senator

Bernard Sanders
United States Senator

Tammy Duckworth
United States Senator

Elizabeth Warren
United States Senator

Joe Manchin, III
United States Senator

Benjamin L. Cardin
United States Senator

Kamala D. Harris
United States Senator

Christopher A. Coons
United States Senator

Maria Cantwell
United States Senator