

United States Senate

WASHINGTON, DC 20510

February 13, 2023

The Honorable Joseph R. Biden, Jr.
President
1600 Pennsylvania Ave., NW
Washington, D.C. 20500

Dear President Biden:

We appreciate your focus on accelerating government-wide efforts to prevent and respond to per- and polyfluoroalkyl substances (PFAS) that threaten our health and the environment. We encourage you to provide detailed funding plans for a broad range of agencies and programs in your budget request to Congress for Fiscal Year 2024 to address the scale and scope of the challenges presented by PFAS.

PFAS chemicals have emerged as widespread contaminants affecting thousands of communities across the country, causing significant concern for those drinking contaminated water or facing significant exposures through their work or military service. These chemicals, which persist in the environment and accumulate over time, have been used for decades in a wide variety of consumer products, various industrial applications, firefighting foam and the personal protective equipment firefighters wear on the job, presenting numerous pathways of exposure.

The prevalence of PFAS combined with the adverse health impacts associated with exposure—including developmental effects, changes in liver, immune and thyroid function and increased risk of some cancers—requires a comprehensive approach. Specifically, we ask that your budget request include dedicated funding to close gaps in data and research to better inform responses and drive innovation. Second, we urge prioritization of regulatory work necessary to enhance protections for public health and the environment. Finally, we encourage robust funding to support ongoing testing and cleanup of existing contamination nationwide.

Our nation's response to PFAS must be guided by sound science. The budget should invest in research that will:

- **Advance scientific understanding of exposure pathways, toxicities, health and ecological impacts.** The budget request for the Environmental Protection Agency (EPA) should support research priorities outlined in the PFAS Strategic Roadmap,¹ including increasing understanding of PFAS exposures and toxicities, human health and ecological effects and effective interventions. Additionally, the National Science and Technology Council's National Emerging Contaminant Research Initiative² and updated plan for addressing critical research gaps related to emerging contaminants in drinking water³ should inform budget requests for research activities at the National Institutes of Health

¹ United States Environmental Protection Agency. (2021). *PFAS Strategic Roadmap: EPA's Commitments to Action 2021-2024*. Retrieved from https://www.epa.gov/system/files/documents/2021-10/pfas-roadmap_final-508.pdf.

² National Science and Technology Council. *National Emerging Contaminants Research Initiative*. August 2022. Retrieved from: <https://www.whitehouse.gov/wp-content/uploads/2022/08/08-2022-National-Emerging-Contaminants-Research-Initiative.pdf>.

(NIH), EPA, the U.S. Geological Survey (USGS), National Science Foundation (NSF), National Institute of Standards and Technology (NIST) and other federal agencies. The budget should also support ongoing efforts to evaluate PFAS exposure on human health like the multi-site PFAS health impacts study being undertaken by the Centers for Disease Control and Prevention (CDC) and Agency for Toxic Substances and Disease Registry (ATSDR).⁴ The budget should also prioritize better utilization of data collected through the Department of Defense's (DoD) PFAS blood testing program for DoD firefighters⁵ and provide blood testing to current and former service members—and their families—who served at one of the more than 700 military installations confirmed or suspected to have PFAS contamination. Additionally, studies at the National Institute for Occupational Safety and Health (NIOSH) looking at specific risks of chemical manufacturing workers, firefighters and other occupations and work at NIST to identify risks to firefighters from PFAS in their protective gear are critical to addressing specific risks to our first responders and other critical workers. Efforts to provide physician education on best practices for caring for patients with PFAS exposure should also be prioritized, including implementing guidance from the National Academies of Science, Engineering, and Medicine.⁶

- **Accelerate development of tools and technologies to clean up and ultimately destroy PFAS.** As contaminated sites are cleaned up and PFAS containing materials are phased out of use in firefighting foams, more needs to be done to accelerate technologies to test, treat and ultimately fully destroy PFAS so that disposal does not simply transfer harmful substances from one medium to another—a practice that too often adds environmental burden to already disadvantaged communities.
- **Promote transitions to safer materials.** In addition to using federal procurement to prioritize purchasing products without added PFAS, the budget should support innovation in finding suitable replacements for essential items such as personal protective firefighting equipment and firefighting foam.

Our regulatory framework must also catch up to the risks posed by PFAS. Accordingly, we request that the budget include sufficient funding and staffing to:

- **Undertake and expedite regulatory work outlined in the EPA's PFAS Strategic Roadmap.** The EPA needs sufficient funds and staff to establish drinking water standards, establish a framework to hold responsible parties accountable and undertake other regulatory actions to reduce PFAS pollution into the air, soil and water, including dedicating specific funding to expediting work on effluent limitation guidelines to address industrial discharges of PFAS and meeting the requirements of the bipartisan

³National Science and Technology Council. *Update to the Plan for Addressing Critical Research Gaps Related to Emerging Contaminants in Drinking Water*. January 2022. Retrieved from https://www.whitehouse.gov/wp-content/uploads/2022/01/01-2022_CECPlan_Update.pdf.

⁴ As established by Section 316(a)(2)(B)(ii) of the National Defense Authorization Act for Fiscal Year 2018 (P.L. 115–91) and extended by Section 342 of the National Defense Authorization Act for Fiscal Year 2022 (P.L. 117–81).

⁵ Inspector General, U.S. Department of Defense. (2021). *Evaluation of the Department of Defense's Actions to Control Containment Effects from Perfluoroalkyl and Polyfluoroalkyl Substances at Department of Defense Installations* (Report No. DODIG-2021-105). Retrieved from <https://media.defense.gov/2021/Jul/23/2002809965/-1/-1/1/DODIG-2021-105.PDF>.

⁶National Academies of Sciences, Engineering, and Medicine. *Guidance on PFAS Exposure, Testing, and Clinical Follow-Up*. 2022. Retrieved from <https://nap.nationalacademies.org/catalog/26156/guidance-on-pfas-exposure-testing-and-clinical-follow-up>.

Frank R. Lautenberg Chemical Safety for the 21st Century Act. This work should emphasize increasing engagement with representatives from communities most impacted by PFAS pollution to promote partnership in addressing PFAS contamination across the nation and facilitating access to clear, easy to understand information for the general public.

- **Address PFAS in agriculture, the food supply and consumer products.** The United States Department of Agriculture (USDA) and Food and Drug Administration (FDA) have important roles in protecting consumers from undue risk from PFAS in the food supply and products like cosmetics.
- **Facilitate the end of use of PFAS-containing firefighting foam at airports, local fire departments and military installations.** The budget should prioritize necessary research and regulatory updates, including a new firefighting foam military specification, to ensure the military and civilian airports transition away from the use of fluorinated aqueous film-forming foam (AFFF) as required by Congress.⁷

Finally, we urge the budget request to support monitoring, testing, cleanup and support for impacted parties. Specifically, we encourage the budget request to:

- **Support PFAS monitoring and sampling in water and wildlife.** The budget should support USGS efforts to sample for PFAS in estuaries, lakes, streams, springs, wells, wetlands and soil nationwide, as well as work to understand groundwater vulnerability. The budget should also support research through the National Oceanic and Atmospheric Administration's National Sea Grant College program into the prevalence, transportation, accumulation and effects of PFAS within coastal waters.
- **Ensure the DoD can meet testing requirements and accelerate cleanup activities.** Congress has required DoD to establish a PFAS task force, complete testing at DoD and National Guard installations within two years, develop a proposed schedule for PFAS remediation and report on the status of cleanup at 50 PFAS sites nationwide.⁸ The budget should significantly increase funding for testing and cleanup activities to address the needs of the more than 700 sites with known or suspected contamination from PFAS as required by the Fiscal Year 2022 National Defense Authorization Act, while ensuring the timely buyout of contaminated lands and dispersal of relocation assistance authorized in the FY 2020 NDAA. This work should emphasize increasing direct outreach and engagement with impacted communities on and around affected installations. We also request that the budget include cost estimates for future PFAS investigation and cleanup, including their scope and any limitations, as recommended by the U.S. Government Accountability Office (GAO).⁹
- **Prioritize implementation of funding for PFAS and emerging contaminants under the bipartisan Infrastructure Investment and Jobs Act.** Congress provided a total of \$10 billion to address PFAS and other emerging contaminants through the Drinking Water State Revolving Fund, the Clean Water State Revolving Fund and the EPA's small and disadvantaged communities program that includes a critical state response to

⁷See Section 332 of the Federal Aviation Administration Reauthorization Act of 2018 (P.L. No. 115-254) and Sec. 322 of the National Defense Authorization Act for Fiscal Year 2020 (P.L. 116-92).

⁸ See Subtitle D of the National Defense Authorization Act for Fiscal Year 2022 (P.L. 117-81).

⁹ United States Government Accountability Office. (2021). *Firefighting Foam Chemicals: DOD is Investigating PFAS and Responding to Contamination, but Should Report More Cost Information* (GAO-21-421). Retrieved from <https://www.gao.gov/assets/gao-21-421.pdf>.

contaminants program. We encourage your budget request to prioritize implementation of these funds, including providing technical assistance, information sessions, grant workshops, as well as extensive advertising and outreach to ensure states, tribes and local entities are aware of and can fully participate in opportunities to address PFAS and other emerging contaminants provided by the bipartisan infrastructure law.

- **Support funding for agricultural producers harmed by PFAS contamination.** The budget should support robust funding to help monitor and detect PFAS in the food supply. Many farmers, producers and growers, at no fault of their own, have found alarmingly high levels of PFAS in their food products. Therefore, the budget should also take into consideration the financial support that farmers, producers, and growers need when they are forced to remove their products from the commercial market. Existing programs like the Dairy Indemnity Payment Program have been a lifeline to farmers across the country who have been forced to remove milk and cattle from the commercial market due to PFAS contamination.

We look forward to working with you to meet the promise of providing all Americans clean air, clean water and safe food, free of harmful chemicals. Thank you for your consideration.

Sincerely,



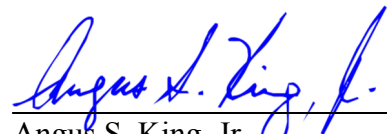
Jeanne Shaheen
United States Senator



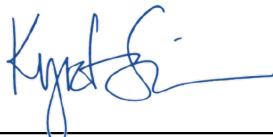
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Jack Reed
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United States Senator



Kyrsten Sinema
United States Senator



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Tammy Baldwin
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Margaret Wood Hassan
United States Senator



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Kirsten Gillibrand
United States Senator



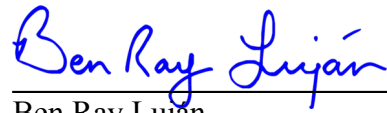
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Gary C. Peters
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Sherrod Brown
United States Senator



Ben Ray Lujan
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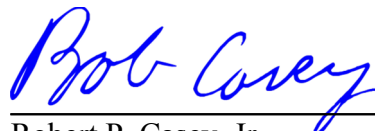
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Christopher S. Murphy
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Robert P. Casey, Jr.
United States Senator



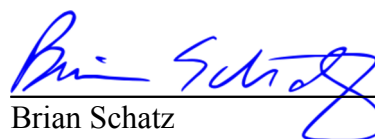
Cory A. Booker
United States Senator



Thomas R. Carper
United States Senator



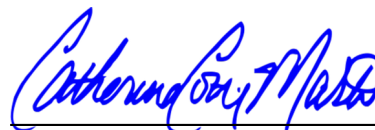
Sheldon Whitehouse
United States Senator



Brian Schatz
United States Senator



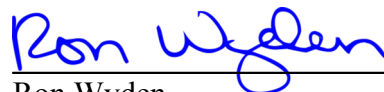
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United States Senator



Catherine Cortez Masto
United States Senator



Elizabeth Warren
United States Senator



Ron Wyden
United States Senator



Mark Kelly
United States Senator



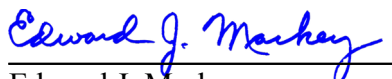
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