

June 10, 2019



The Honorable John Barrasso
Chairman
Committee on Environment and Public
Works
United States Senate
307 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Tom Carper
Ranking Member
Committee on Environment and
Public Works
United States Senate
513 Hart Senate Office Building
Washington, DC 20510



RE: Federal Action on PFAS

Dear Chairman Barrasso and Ranking Member Carper:



The Northeast Committee on the Environment (NECOE) brings together environmental commissioners from all six New England states – Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont – and New York in order to work together and find solutions to environmental challenges facing our region.



As you know, per- and polyfluoroalkyl substances (PFAS) are a group of compounds resistant to heat, water, and oil. For decades, they have been used in hundreds of industrial applications and consumer products such as carpeting, apparel, upholstery, food paper wrappings, fire-fighting foams and metal plating. The Northeast has been at the forefront of this issue due to early detections of PFAS contamination in Vermont, New York, and New Hampshire. As the chair and ranking member of the U.S. Senate Committee on Environment and Public Works (EPW), we are writing to support your work and require immediate federal action on five specific matters.



First, EPA should establish a national maximum contaminant level (MCL) that fully protects the public health from PFAS exposure in drinking water as soon as possible. In the absence of federal leadership, many states are moving ahead with establishing their own drinking water standards and guidance. It is evident in the May 22, 2019 EPW hearing, which examined all six legislative bills proposed to address the risks associated with PFAS, that this is a national concern. Collectively these bills represent a significant start to Congressional efforts to deal with these serious contaminants.



Second, given that PFAS constitute a class of compounds with common characteristics, we believe they should be regulated accordingly. Developing and implementing individualized approaches to the regulation of each of the thousands of PFAS chemical formulations is impracticable, unnecessary and inconsistent with the need for swift



action. We ask that the EPW support and recommend a class-based approach to PFAS regulation at the federal level.

Third, the demands on our states to test various environmental media for PFAS contamination, and to remediate contaminated sites, are increasing dramatically. We request a corresponding increase in access to federal funds to perform this work. Toward that end, we ask that the EPW require the EPA to amend its regulations to treat PFAS compounds as hazardous substance under CERCLA, make available low-cost supplemental loans for regional cleanup efforts using a model similar to the Water Infrastructure and Innovation Act, and fully fund the important research necessary to ensure that EPA and the States can appropriately manage risks associated with PFAS and other emerging contaminants.

Fourth, complicating these demands on states is the need for uniform federal laboratory methods for PFAS analysis in surface water, groundwater, soil, sediment and air, which are important to consistently and accurately quantify the impacts of PFAS on human health and the environment. There exists, moreover, a similar need for PFAS treatment technologies for soil and air, especially at facilities that continue to manufacture PFAS-containing products. We ask that the EPW urge EPA to expedite the development and dissemination of analytical methods and treatment technologies that extend beyond drinking water.

Finally, but importantly, we strongly urge more aggressive and responsible federal regulation of the use of PFAS compounds and other emerging contaminants throughout our economy. We ask that the EPW support and recommend that EPA address source control and minimize or eliminate outright the use of PFAS compounds in commercial and industrial applications.

Thank you for your work on these important issues and for your consideration of our requests.

Sincerely,



Katie Dykes
Commissioner
Connecticut Department of Energy and
Environmental Protection



Jerry Reid
Commissioner
Maine Department of Environmental Protection

The Honorable John Barrasso
The Honorable Tom Carper

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Martin Suuberg
Commissioner
Massachusetts Department of Environmental
Protection



Robert Scott
Commissioner
New Hampshire Department of Environmental
Service



Basil Seggos
Commissioner
New York State Department of
Environmental Conservation



Janet Coit
Director
Rhode Island Department of Environmental
Management



Julie Moore
Secretary
Vermont Agency of Natural Resources

cc: Senate Minority Leader Chuck Schumer
Senator Richard Blumenthal
Senator Chris Murphy
Senator Elizabeth Warren
Senator Ed Markey
Senator Susan Collins
Senator Angus King
Senator Maggie Hassan
Senator Jeanne Shaheen
Senator Kirsten Gillibrand
Senator Jack Reed
Senator Sheldon Whitehouse
Senator Bernie Sanders
Senator Patrick Leahy