Letter to Congress:

As Congress continues to address the very important issue of per- and polyfluoroalkyl substances (PFAS) in water, I want to bring to your attention the unintended consequences and problematic nature that the Rep. Dingell and Rep. Pappas amendments included in the House-passed version of the Fiscal Year 2020 National Defense Authorization Act (NDAA) (HR 2500) pose to wastewater utilities in your congressional district.

The mission of wastewater utilities is to protect public health and the environment of the communities we serve, and the public clean water sector is committed to working with Congress, the Environmental Protection Agency, and state regulators to ensure PFAS to not harm our communities and citizens. Unfortunately, while the Dingell and Pappas amendments are well intentioned in trying to address PFAS concerns, the practical implications of these two amendments could be to impose serious, unintended challenges on public clean water utilities.

If these amendments are passed into law as written, Congress would be circumventing the scientific and regulatory process by mandating that EPA add all PFAS as a hazardous substance under CERCLA and list PFAS as toxic pollutants under the Clean Water Act. These amendments bypass the process by which EPA first assesses which PFAS chemicals pose public health concerns and then sets evidence-based risk levels and cleanup thresholds. In short, these amendments would put the “cart before the horse” by mandating certain action before the appropriate scientific and risk analyses have been made.

Not only do important scientific determinations first need to be made, the focus needs to remain on the parties responsible for PFAS being in water, such as manufacturers and industrial users. Utilities and their customers should not bear the high costs of remediating PFAS. The bipartisan Senate version of NDAA (S. 1790) led by Sens. Barasso and Carper does not include the language from the Dingell or Pappas amendment.

As a water professional and constituent from your congressional district, I urge that as House and Senate begin the NDAA conference, you take these concerns into account and work to ensure that the final conferenced bill addresses these concerns regarding the unintended consequences of the Dingell and Pappas amendments on the clean water sector. To be clear, public clean water utilities are willing to do our part to address PFAS issues. But we can’t allow policy to outpace science.

If you would like additional information about the PFAS policy recommendations of the municipal wastewater sector, please review these [joint statement](https://www.nacwa.org/docs/default-source/resources---public/epw-pfas-statement-for-the-record-nacwa-wef-pdf.pdf?sfvrsn=2) and [one-pager](https://www.waterweek.us/wp-content/uploads/2019/04/pfas-3-onepager-1-FINAL-web.pdf) documents produced by the Water Environment Federation and National Association of Clean Water Agencies.

Sincerely,