



September 7, 2023

President Joe Biden
The White House
1600 Pennsylvania Ave NW
Washington, D.C.
TRANSMITTED VIA EMAIL

RE: Protect Local Communities and Take PFAS Actions that Reinforce Polluter Pays Principle

Dear President Biden,

Per- and polyfluoroalkyl substances (PFAS) have been manufactured, used, and released to the environment for nearly eight decades. Their use in a wide variety of products including aircraft firefighting foam, industrial products, and commercial products like stain and water-resistant coatings have led to the detection of PFAS in the environment and in some drinking water supplies in the United States. Both Congress and the Environmental Protection Agency (EPA) have identified PFAS as an environmental priority and PFAS were included as part of your Environmental Justice Plan in 2020.

The water sector has been engaged on PFAS issues for more than a decade. As stewards of their communities, public clean water and drinking water utilities stand ready to do their part to protect public health and the environment but addressing PFAS will require manufacturers and industrial users to be held accountable. The water sector requests that the Biden Administration hold polluters – not local communities and their water ratepayers – responsible for PFAS pollution and contamination. This can be achieved by expeditiously establishing effluent discharge and waste management requirements for manufacturers and industrial users of PFAS and exempting water systems from liability for contaminated sites. We ask that your administration move quickly on these two goals, including support of federal legislation to make PFAS manufacturers pay for needed cleanups and protect local communities from these costs.

In 2019, EPA published its PFAS Action Plan that outlined key actions for addressing PFAS holistically by addressing environmental contamination, ongoing releases to the environment, and closing the knowledge gap on PFAS toxicity. The Biden Administration took the PFAS Action Plan a step further in 2021 by publishing the Strategic Roadmap of PFAS Actions, further committing to these actions. To-date, EPA's progress towards protecting the public from PFAS has been limited to two significant actions: (i) a proposed drinking water standards for these and other PFAS and (ii) a proposed designation of two PFAS as hazardous substances under the Superfund law.

The proposed drinking water standards are expected to cost local communities upwards of \$3.2 billion annually. The proposed hazardous substance designations will drive up waste management, liability, and legal costs for nearly all communities. Moreover, communities with PFAS in their drinking water supplies will have to pay twice for PFAS they played no role in creating, once for costly water treatment facilities and then again for increased waste management costs for the treatment media. Many of these

communities are small and already facing other environmental justice challenges related to lead, affordability, and climate change.

In working towards protecting Americans from PFAS, EPA has committed to an expedited timeline to set drinking water standards for PFAS. With the current timeline set out by EPA, thousands of communities across the country will collectively spend billions on drinking water treatment before any manufacturer, industrial facility, or polluter is subject to any regulatory action to mitigate PFAS releases. In fact, one of the manufacturing facilities at the center of the PFAS discussion – Washington Works Plant in Parkersburg, West Virginia – was subject to enforcement action for unlawful PFAS discharges to the Ohio River just this year, nearly 25 years after the famous lawsuit against the facility dramatized by the movie *Dark Waters*. We encourage the Biden Administration to direct EPA to expedite regulations for effluent discharges and wastes generated by manufacturers and industrial users of PFAS.

Additionally, while the proposed designation of PFAS as hazardous substances may facilitate the cleanup and remediation of some contaminated sites, local communities that played no role in creating the chemicals will be caught in the crossfire between EPA and manufacturers or other polluters. EPA does not have the authority to protect water systems from liability related to Superfund site cleanups. While EPA is developing an enforcement discretion policy for water systems under Superfund, this will not prevent local communities from being at risk of being held financially responsible for thousands of sites across the U.S. as a consequence of the installation of drinking water treatment to prevent public health risks from PFAS.

The “Water Systems PFAS Liability Protection Act” was recently introduced in Congress to protect water systems and communities from liability related to PFAS under Superfund and to ensure that only polluters are held responsible. To protect Americans from carrying the burden of PFAS pollution for polluters, it is critical that the Biden Administration strongly support this bill, along with any other legislative effort that will protect local communities and their water ratepayers from unfair PFAS costs and advance the “polluter pays” approach.

The undersigned associations recognize that these requests are significant, but we believe that each of these will play an immense role in the protection of public health and will ensure that innocent, disadvantaged communities are not left with the bill for PFAS cleanups as polluters continue to shirk their responsibilities.

We thank you for your time and consideration of these requests.



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