

October 2, 2020

The Honorable James Inhofe
Chairman
Committee on Armed Services
United States Senate
Washington, DC 20510

The Honorable Adam Smith
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

The Honorable Jack Reed
Ranking Member
Committee on Armed Services
United States Senate
Washington, DC 20510

The Honorable Mac Thornberry
Ranking Member
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

Dear Chairmen Inhofe and Smith, and Ranking Members Reed and Thornberry:

The undersigned organizations have a strong interest in ensuring the safety of our companies' employees and the communities in which we operate. Our coalition is committed to working with regulators, Members of Congress, and interested stakeholders to establish standards that protect human health and the environment through the risk-based approach enshrined in long-standing U.S. environmental law and policy. Several PFAS-related provisions contained in the House version of the FY21 National Defense Authorization Act ("NDAA") are contrary to these principles and fail to recognize the broad-based and bipartisan PFAS programs from the FY20 NDAA that the Department of Defense (DoD) is in the process of implementing.

We urge you to reject the following language in the House bill:

- Section 331 would impose blanket and arbitrary bans on procurement of PFAS-containing products by DoD not related to adverse impacts on health, national security, and military readiness.
 - Such a prohibition has not been the subject of a hearing and could impede procurement programs, including both current and future programs of record, increasing risk for our warfighters (e.g., personal care, medical devices, and food packages).
 - This arbitrary ban also does not distinguish between and among the many different PFAS chemicals that may be affected, completely ignoring a sound, scientific, risk-based approach to any PFAS regulation.
- Section 1772 would make significant changes to the Toxics Release Inventory (TRI) program—effectively eliminating the TRI program's long-standing exemptions, including the de minimis threshold that ensures chemical substance quantification is practical and compliance is feasible.
 - Preemptively removing these exemptions for PFAS chemicals circumvents the scientific and regulatory review processes, already

underway as EPA initiated a rulemaking in December 2019 to consider on adding certain PFAS substances to the list of toxic chemicals subject to reporting under the Emergency Planning and Community Right-to-Know Act and the Pollution Prevention Act.

- EPA is still implementing the FY 20 NDAA TRI provisions and has ample regulatory authority under existing law to review and expand its review of PFAS, if EPA finds it necessary using sound, risk-based science.

We stand ready to work with you to ensure a firm policy foundation for the timely cleanup of PFAS and again urge that these provisions are dropped from the final NDAA package.

Sincerely,

American Chemistry Council
American Coatings Association
American Forest and Paper Association
American Fuel and Petrochemical Manufacturers
Associated General Contractors of America
American Petroleum Institute
National Association for Surface Finishing
Plastics Industry Association
PRINTING United Alliance
Single Ply Roofing Industry
U.S. Chamber of Commerce

cc: Members of the House and Senate Committees on Armed Services