

March 11, 2021

The Honorable Michael Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
4101 M
Washington, D.C. 20460

RE: Business Coalition PFAS Principles

Dear Administrator Regan:

Congratulations on your confirmation as administrator of the Environmental Protection Agency (EPA). On behalf of the coalition of trade associations listed below and our member companies, we look forward to working closely with you on a broad range of environmental and public health issues.

We write to urge your consideration of the attached principles related to per- and polyfluoroalkyl substances (PFAS) as you explore potential policies for recognizing the critical benefits of these chemicals and ensuring they are used safely. The members of the coalition are dedicated to ensuring the safety of our companies' employees and the communities where we live and operate. Taking necessary steps for at-risk communities will create a healthier and more sustainable planet for all of us. With these commitments in mind, we are eager to work with you and all stakeholders to implement cleanups and protect human health and the environment through the risk-based approach enshrined in long-standing U.S. environmental law and policy.

PFAS are a broad class of chemicals with very diverse and necessary properties. Some PFAS chemicals are receiving increased industry and public attention amid federal efforts to communicate emerging issues and concerns. It is crucial that regulatory actions recognize this diversity and calibrate the risk that any particular PFAS may pose.

Accordingly, EPA should recognize that PFAS are used in many societally valuable ways by a wide variety of industries, including—but not limited to—first responder services and safety equipment, aerospace, energy, automotive, medical devices and pharmaceuticals, telecommunications, textiles, and electronics. Examples of products enabled by PFAS technologies include greenhouse gas filters, medical products and garments, coatings for medical devices, semiconductors, solar panels, high-performance electronics, and fuel-efficient technologies. Certain fluorinated firefighting foams are still needed for emergency response, public safety, and national security purposes. For these reasons, we hope to partner with you on a risk- and science-based approaches that address any identified concerns.

Based on the president's campaign document titled "The Biden Plan for a Clean Energy Revolution and Environmental Justice," we recognize that EPA may consider designating all PFAS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). We urge you to use the best available science as established by the NAS, follow established regulatory processes, and allow for meaningful public comment. Collaboration and transparency are critical to any such efforts. The government, the scientific community, and other stakeholders (including industry) must work together to share knowledge and focus resources on the highest priorities based on identified risks of concern, while using existing regulatory processes to proactively address such issues. Use of CERCLA raises serious concerns with the likely legal, economic, and practical implications of its use in this context. We believe there are other more effective, timely, and appropriate policy tools that should be pursued, and that this process should start with smart, science-based actions, and expeditious communication between stakeholders and appropriate officials on the public health risks presented.

Critical Priorities

With this background as context, the coalition urges your attention to the following priorities and the attached principles:

- Finalize a national Maximum Contaminant Level (MCL) under the Safe Drinking Water Act for PFOA and PFOS. There are sufficient data and information available to move forward in short order. With more than 20 states considering some type of PFAS regulation, national standards will provide regulatory certainty and consistency for businesses and other impacted stakeholders.
- Fully fund the current EPA research programs to further understand the health and environmental concerns of PFAS. Recent National Academies discussions have demonstrated that we need to know more about the risk of particular chemicals and the environmental and health consequences of PFAS and proposed replacements. Significant additional progress must be made to advance technologically viable and cost-effective cleanup methods based on sound science. We also agree with the proposals in Congress to provide significant funding for PFAS treatment, especially focusing on grants to water utilities in small, disadvantaged communities.
- Fully evaluate and take into consideration the human health, environmental, economic, safety, and other practical impacts of any potential regulatory requirements. These include consideration of broader societal costs and interests, such as national and community security and safety issues that protect lives and property, as well as supply chains of products and uses that are important to the normal functioning of society.
- Utilize appropriate processes and criteria to ensure evaluation of regulatory actions are based on risk and science-based data and information that demonstrate the national impact on public health and the environment.
- Encourage interagency analysis of products and services containing PFAS in use in their procurement and operations.
- Create opportunities for regular engagement among EPA, other federal agencies, the business community, and other stakeholders to ensure input on potential policy actions and provide proactive public education.
- Continue federal research and guidance on effective approaches to disposal and destruction of PFAS materials that minimize environmental releases and facilitate public confidence.

We stand ready to work with you on this important issue. Please do not hesitate to contact any of the undersigned organizations if you have any questions.

Sincerely,

Aerospace Industries Association

Airlines for America

American Chemistry Council

American Coatings Association

American Forest & Paper Association

American Fuel and Petroleum
Manufacturers

American Petroleum Institute

Coalition of Automotive Innovation

Flexible Packaging Association

National Association of Chemical
Distributors

National Association of Manufacturers

National Association of Surface Finishing

National Association of Printing Ink
Manufacturers

National Council of Textile Organizations

National Mining Association

National Oilseed Processors Association

Plastics Industry Association

U.S. Chamber of Commerce