

September 21, 2021

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES:

The undersigned associations strongly support strong, science-based policies that are protective of human health and the environment. However, we oppose the provisions of National Defense Authorization Act for Fiscal Year 2022 that would circumvent the existing regulatory process for PFAS. This includes provisions that would further restrict the procurement of PFAS-containing products and call for disposal restrictions by the Department of Defense that could hamper timely cleanups.

PFAS are a diverse universe of chemistries that make possible a wide variety of everyday products, including semiconductors, cellphones, textiles, aircraft alternative energy sources, and medical devices that Americans use every day. However, not all PFAS are the same. Individual chemistries have their own unique properties and uses, as well as environmental and health profiles. We are committed to safe, innovative, and sustainable technologies and products that provide essential benefits to consumers, while protecting human health and the environment. Product safety provides the foundation of consumer trust, and our member companies devote significant resources toward this effort.

Any federal action should not address PFAS as a class or with predetermined outcomes that circumvent the regulatory process. Instead, regulation of any PFAS chemical should be based on the weight of the scientific evidence as it relates to potential health effects and environmental protection. The National Defense Authorization Act for Fiscal Year 2020 contained provisions that took pivotal steps toward meeting those goals. In fact, many of the PFAS-related provisions in the current bill and proposed amendments were already addressed in the 2020 and 2021 NDAA's. We urge Congress to give sufficient time for the Department of Defense (DoD) and the Environmental Protection Agency (EPA) to implement those provisions.

DoD, the career scientists at EPA, and other relevant agencies should retain their historical authority to study and determine how to regulate certain PFAS chemistries. We urge policy makers to defer to these scientists and regulators and their assessments of methods that ensure the safe disposal and destruction of PFAS. Incineration can serve as a safe and efficient mode of PFAS destruction through properly designed, operated, and permitted incinerators. We encourage DoD to collaborate with EPA as the PFAS Council stands up its work.

The business community remains committed to working with legislators, regulators, and all stakeholders to establish risk-based approaches that enable the protection of human health and the environment. We urge you to oppose amendments and language that would circumvent the regulatory process or ban procurement and incineration in the FY22 NDAA.

Sincerely,

American Apparel & Footwear Association

American Chemistry Council
American Coatings Association
American Forest & Paper Association
American Fuel and Petrochemical Manufacturers
American Petroleum Institute
Flexible Packaging Association
Fluid Sealing Association
National Association of Manufacturers
National Association of Printing Ink Manufacturers
National Association for Surface Finishing
National Council of Textile Organizations
National Mining Association
National Oilseed Processors Association
Plastics Industry Association
PRINTING United Alliance
U.S. Chamber of Commerce