

November 19, 2021

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

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

Dear Chairman Reed and Ranking Member Inhofe:

The undersigned organizations have a strong interest in ensuring the safety of members of the armed services, 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 that is the bedrock of long-standing U.S. environmental law and policy. Several PFAS-related amendments proposed to the Senate FY22 National Defense Authorization Act ("NDAA") are contrary to these principles and fail to recognize the broad-based and bipartisan PFAS programs codified within the FY20 NDAA, which the Department of Defense (DoD), the Environmental Protection Agency (EPA), and other agencies are currently implementing. This includes amendments that would further restrict the procurement of PFAS-containing products and call for disposal restrictions by the Department of Defense on AFFF used for firefighting foam that could hamper timely cleanups.

PFAS are a diverse universe of chemistries that make a wide variety of everyday products possible, including semiconductors, cellphones, textiles, aircraft, alternative energy sources, and medical devices that Americans rely on. 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 experts at DoD and EPA to implement those provisions and the measures identified in EPA's new PFAS Roadmap.

DoD also recognized that going outside the regulatory process can result in unintended consequences, as reflected in the September 21, 2021 Statement of Administration Policy:

Modification of Restriction on Department of Defense Procurement of Certain Items Containing Perfluorooctane Sulfonate or Perfluorooctanoic Acid.

The Administration is committed to working with Congress to address the challenges posed by per- and polyfluoroalkyl substances (PFAS). However, it is concerned with section 317 which would prohibit DOD from procuring a wide range of items that may contain PFAS. If implemented in its current form, it would not be feasible for DOD to test all of these items to determine if they contain PFAS. In addition, some of these products may not have PFAS-free alternatives available. The Administration will continue to work with Congress to both address PFAS contamination and find alternative products and solutions ([page 4](#)).

DoD, the career scientists at EPA, and other relevant agencies should retain their authority to study and determine how to regulate certain PFAS chemistries and further research on AFFF used in firefighting foam. We urge policy makers to defer to these scientists and regulators. We also urge policy makers to defer to 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 and finalizes the guidance on PFAS disposal and destruction.

We stand ready to work with you and other Senators to ensure a firm policy foundation for the timely cleanup of PFAS. We urge that these provisions are not included within the NDAA package when it advances to the Senate floor.

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 Chemical Distributors

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

U.S. Footwear Manufacturers Association

cc: Members of the Senate Committee on Armed Services