

May 12, 2025

The Honorable Russell Vought  
Director  
Office of Management and Budget  
725 17th Street NW  
Washington, DC 20503

RE: Notice of Request for Information to identify rules to be rescinded and provide detailed reasons for their rescission

Dear Director Vought:

The undersigned organizations are pleased to provide recommendations for rescission of two key, related Biden Administration rules to help ensure per- and polyfluoroalkyl substances (PFAS) are regulated in a durable and commonsense manner.<sup>1</sup> We have advocated for the Environmental Protection Agency (EPA), other federal agencies, and Members of Congress to establish and implement policies that appropriately accelerate cleanup of PFAS in the environment, based on the best science and risk management, while maintaining access to essential chemistries in key sectors across the economy.

In summary, we recommend that the Administration take steps to durably rescind (1) the previous Administration's rule designating PFOA and PFOS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and (2) the previous Administration's rule setting National Primary Drinking Water Standards for PFOA, PFOS, and additional select PFAS under the Safe Drinking Water Act (SDWA). In addition, the Administration should take appropriate steps to ensure that standards for these PFAS are appropriately and lawfully set at reasonably achievable levels.

These recommendations for regulatory rescission are described in more detail as follows:

- **Propose and finalize a new rule that withdraws the previous Administration's [rule designating](#) PFOA and PFOS as hazardous substances under CERCLA.** The U.S. Chamber of Commerce, together with our allied coalition of companies, trade associations, and other stakeholders has expressed our strong concern that the novel listing of PFOA and PFOS as hazardous substances will only delay any commitments to cleanup. Litigation and cost recovery do not equate to actual cleanup. Moreover, as we explained in detailed comments on the previous Administration's proposed designation rule, the listing was unlawful; would result in significant costs, impacts, and unintended consequences for both companies and affected communities; and would have serious

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<sup>1</sup> This particular letter focuses on two interrelated rules that pertain to PFAS. In separate communications, the Chamber is making recommendations to the Administration regarding other rules that pertain to other regulatory domains.

adverse implications for other chemistries beyond PFAS. Further challenges have materialized following the previous Administration's issuance of its final rule.

CERCLA is the wrong policy tool to address this issue. [The U.S. Chamber's April 6, 2023 letter](#) to the Senate Committee on Environment and Public Works highlighted existing alternative authorities that would avoid such outcomes.

In [our comments](#) to EPA on the proposed designation rule, we underscored the importance of considering costs, which the agency largely ignored in the final rule. The Chamber provided the following analysis of the costs and economic impact:

- A [cost analysis](#) of the impact of a CERCLA hazardous substance designation on municipal services in representative local communities shows, for example, . that the likely increase in the costs for a household drinking water bill is expected to be as much \$400 annually. These are real and unnecessary impacts on people and communities.
- A [cleanup cost analysis](#) for potentially responsible parties reveals costs of more than \$17.4 billion for existing non-federal national priority sites alone. Private party cleanup costs at existing non-federal sites could total \$700-\$900 million annually. Despite any existing uncertainties, which are qualitatively and quantitatively discussed in the report, these costs are simply too large for EPA to overlook.

Additionally, our comments emphasized that businesses are actively engaged in PFOA and PFOS remediation. The removal of this rule would ensure that these efforts can proceed efficiently without being encumbered by burdensome and unnecessary regulations.

The Chamber and allied associations have challenged the Biden Administration's CERCLA rule in the D.C. Circuit.<sup>2</sup> As explained in the petitioners' opening brief in that litigation, the rule is unlawful on multiple grounds, including the previous Administration's failure to consider the full costs and consequences of its action before regulating, in violation of the core holding of *Michigan v. EPA*, 576 U.S. 743 (2015).

As explained in President Trump's Presidential Memorandum ("Directing the Repeal of Unlawful Regulations") of April 9, 2025 (implementing Executive Order 14219, Ensuring Lawful Governance and Implementing the President's "Department Of Government Efficiency" Deregulatory Initiative (February 19, 2025)), regulatory decisions of the previous Administration that run afoul of *Michigan* and other key Supreme Court decisions should be prioritized for re-examination by this Administration.<sup>3</sup> For this and other reasons, the rule warrants rescission in light of the

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<sup>2</sup> See <https://www.uschamber.com/cases/energy-and-environment/cerclarule> .

<sup>3</sup> See <https://www.whitehouse.gov/presidential-actions/2025/04/directing-the-repeal-of-unlawful-regulations/> .

mandates and principles embodied in Executive Order 14219 and other recent Executive Orders.<sup>4</sup>

- **Revisit the previous Administration’s rule setting National Primary Drinking Water Standards for PFOA, PFOS, and additional select PFAS under SDWA. This effort should include addressing shortcomings in the scientific and technical rationales underlying the rule and appropriate steps to ensure that standards are set at reasonably achievable levels.** Our coalition was among the first stakeholder groups during the first Trump Administration to call for national standards for drinking water regulations of PFAS, rather than a patchwork of state approaches. Nevertheless, as we stated in [our comments](#) to EPA on the previous Administration’s proposed rule to set [National Primary Drinking Water Standards](#) for PFOA, PFOS, and additional select PFAS, the Biden Administration’s final rule failed to follow the well-established statutory process to develop maximum contaminant levels; failed to appropriately use robust, peer-reviewed science; and did not appropriately consider costs.

The Chamber also [modeled](#) the costs for various Maximum Contaminant Levels (MCLs) to compare against the \$10 billion provided in the Infrastructure Investment and Jobs Act for communities to cleanup emerging contaminants. The analysis found that the costs for the 4 ppt scenario selected by EPA totaled \$32.5 billion or more than \$1.6 billion annually, which is significantly more conservative than the American Water Works Association’s evaluation, which found costs of more than \$3.8 billion annually.<sup>5</sup> Both evaluations demonstrate the unworkable and excessively costly nature of this rule, which runs contrary to Safe Drinking Water Act requirements.<sup>6</sup>

Water utility and business associations have challenged the Biden Administration’s SDWA rule in the D.C. Circuit. Like the CERCLA rule, the rule is unlawful<sup>7</sup> and should be prioritized for reexamination and rescission, given its massive impacts, in light of the mandates and principles embodied in Executive Order 14219 and other recent Executive Orders.<sup>8</sup>

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<sup>4</sup> See, e.g., <https://www.federalregister.gov/documents/2025/02/25/2025-03138/ensuring-lawful-governance-and-implementing-the-presidents-department-of-government-efficiency> ; <https://www.federalregister.gov/documents/2025/02/06/2025-02345/unleashing-prosperity-through-deregulation>.

<sup>5</sup> <https://www.awwa.org/AWWA-Articles/awwa-statement-on-proposed-pfas-drinking-water-standards/>

<sup>6</sup> There are also costs associated with limited accredited laboratories that can perform the testing methods required under the MCL.

<sup>7</sup> See, e.g., <https://www.uschamber.com/cases/energy-and-environment/american-water-works-association-v-epa>.

<sup>8</sup> See, e.g., <https://www.federalregister.gov/documents/2025/02/25/2025-03138/ensuring-lawful-governance-and-implementing-the-presidents-department-of-government-efficiency> ; <https://www.federalregister.gov/documents/2025/02/06/2025-02345/unleashing-prosperity-through-deregulation>.

It is important to note that the U.S. Chamber conducted [research](#)<sup>9</sup> on the impact of essential chemistries, including PFAS, on key sectors across the economy as part of its “Essential Chemistry for America” initiative intended to highlight the many societally valuable uses of fluorochemistries in products Americans rely on every day. Not all PFAS are the same. PFOA and PFOS have been out of commerce for more than a decade. By imposing CERCLA liabilities and unworkable drinking water limits on PFOA and PFOS, EPA would create a strong disincentive to use many safe and effective fluorochemistries in critical products from airplanes to cars, cellphones, medical devices, and emerging technologies that will drive American energy dominance and are critical for American manufacturing. By failing to acknowledge the differences in potential hazards, EPA would restrict or ban the beneficial use of many substances. DoD, for example, released a [report of critical uses of PFAS](#), highlighting the complexities and challenges of replacing various PFAS applications.

Finally, aside from the two rules discussed in this letter, we note that our coalition identified additional issues for regulatory “right sizing” in a February 14, 2025 letter to EPA (see, for example, page 3 of the letter, recommending several specific actions, including a new TSCA 8(a)7 reporting and recordkeeping rule that implements traditional exemptions and reinstating the de minimis exemption for the TRI and specific supplier notification requirements).<sup>10</sup> We respectfully submit that those additional issues are also appropriate for deregulatory action by the Administration.

We stand ready to assist you as these matters move forward.

Sincerely,

Alliance for Chemical Distribution  
American Chemistry Council  
American Fuel & Petrochemical Manufacturers  
American Petroleum Institute  
Council of Industrial Boiler Owners  
Fuel Cell & Hydrogen Energy Association  
National Asphalt Pavement Association  
National Association for Surface Finishing  
National Council of Textile Organizations  
National Mining Association  
National Waste & Recycling Association  
Printing United Alliance  
The Fertilizer Institute  
TRSA – The Linen, Uniform and Facility Services Association  
U.S. Chamber of Commerce

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<sup>9</sup> <https://www.uschamber.com/environment/essential-chemistries-providing-benefits-across-the-u-s-economy>

<sup>10</sup> <https://www.uschamber.com/environment/business-coalition-on-pfas-principles-policy-recommendations>

Cc: Kelsi Feltz, Office of Information and Regulatory Affairs