



December 17, 2025

The Honorable Brett Guthrie  
Chairman  
Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Gary Palmer  
Chairman  
Subcommittee on Environment  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Frank Pallone  
Ranking Member  
Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Paul Tonko  
Ranking Member  
Subcommittee on Environment  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairs Guthrie and Palmer, and Ranking Members Pallone and Tonko:

Thank you for holding tomorrow's hearing entitled "**Examining the Impact of EPA's CERCLA Designation for Two PFAS Chemistries and Potential Policy Responses to Superfund Liability Concerns**" and for continuing your engagement on a very complex and challenging issue for communities and companies across the U.S. We support accelerating effective and appropriate cleanup of PFAS in the environment, based on the best science and risk management. We believe strongly, however, that applying the joint and several liability regime of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to PFOA and PFOS, via EPA's novel 2024 rule that listed PFOA and PFOS as CERCLA hazardous substances, would only delay those efforts.

We believe CERCLA is the wrong policy tool to address this issue:

- The EPA rule is unlawful for several reasons.<sup>1</sup> Among other things, EPA did not properly consider costs and consequences in deciding whether to utilize a

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<sup>1</sup> The Chamber and other trade groups are parties to litigation challenging the rule; our briefs and other materials can be found at <https://www.uschamber.com/cases/energy-and-environment/cerclarule>. See also, <https://www.uschamber.com/regulations/coalition-comments-epas-proposed-rule-designation-perfluorooctanoic-acid-pfoa-and>

never-before-used provision of CERCLA to designate the two substances as hazardous.

- The rule is not consistent with President Trump's policy agenda for economic growth and prosperity, which includes rolling back excessively costly regulations, promoting U.S. manufacturing and national economic security, and unleashing America's energy dominance.
- The rule triggers major costs and unintended consequences with far-reaching impacts for farmers, landowners, businesses, the U.S. economy, and our supply chains.<sup>2,3</sup> These costs are associated with, among other things, conducting response activities, complex litigation and protracted cost allocation proceedings, delaying closure of sites or reopening existing sites that have PFOS or PFOA or adding additional sites to the National Priorities List, and the opportunity costs every individual, business, or property owner potentially affected by the rule may incur.
- The listing would affect every real estate transaction for properties where PFOA and PFOS are potentially present.
- Litigation, and cost recovery disputes and activities, do not equate to actual cleanup. CERCLA is a particularly ineffective tool for driving cleanup of substances that the Agency has concluded are widespread.

We urge the Committee to consider more workable solutions that:

- Utilize alternative authorities that are more targeted for real, timely cleanup and that better fit with policy goals of both the Administration and Members of Congress from both sides of the aisle, including the key objective of helping communities affected by PFAS contamination.
- Streamline the cleanup process to ensure timely and predictable approaches, and appropriate protection from the consequences of the rule for all parties. We believe that replacing the rule with alternative, more targeted regulatory approaches to PFOA and PFOS would be fairer and more beneficial for the environment and the economy.
- Make clear that all relevant costs and consequences need to be considered.

Finally, not all PFAS are the same. Production and import of PFOA and PFOS have largely been phased out in the U.S. for more than a decade. By imposing CERCLA

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<sup>2</sup> <https://www.uschamber.com/environment/pfos-and-pfoa-private-cleanup-costs-at-non-federal-superfund-sites>

<sup>3</sup> [New Chamber Report Highlights High Costs for Communities Associated with EPA's Approach to PFAS | U.S. Chamber of Commerce](#)

liabilities on properties that include PFOA and PFOS, the rule triggered concern that EPA would do so for other chemistries with far different profiles, thus creating a 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. DoD, for example, recently released an updated report on critical uses of PFAS, highlighting the complexities, timeframes, and challenges of transitioning from various PFAS applications.<sup>4</sup> The Chamber has developed research corroborating the importance of such essential chemistries to critical sectors across the economy.<sup>5</sup>

We stand ready to assist you as this issue advances.

Sincerely,

A handwritten signature in black ink, appearing to read "Chuck Chaitovitz". The signature is fluid and cursive, with a long horizontal stroke at the end.

Chuck Chaitovitz  
Vice President,  
Environmental Affairs and Sustainability  
U.S. Chamber of Commerce

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<sup>4</sup> [chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://www.denix.osd.mil/cmrrmp/denix-files/sites/14/2025/07/2025-DoD-Update-on-PFAS-Critical-Uses.pdf](https://www.denix.osd.mil/cmrrmp/denix-files/sites/14/2025/07/2025-DoD-Update-on-PFAS-Critical-Uses.pdf)

<sup>5</sup> <https://www.uschamber.com/major-initiative/essential-chemistry-for-america>