



Congress of the United States
House of Representatives
Washington, DC 20515

April 28, 2021

Representative Rosa DeLauro
Chairwoman
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Representative Kay Granger
Ranking Member
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Chairwoman DeLauro and Ranking Member Granger,

Thank you for your continued support for funding efforts to protect our communities from harmful per- and polyfluoroalkyl substances (PFAS).

As you finalize priorities for the upcoming Fiscal Year 2022 (FY 22), we strongly encourage you to build on the progress made in last year's appropriations bills by making PFAS a priority across FY22 appropriations bills.

It is estimated that PFAS likely contaminate the drinking water of more than 200 million Americans.^[1] To date, there are more than 700 active or closed military installations with known or suspected PFAS chemical contamination.^[2]

Recently, Congress has taken steps, through annual appropriations legislation as well as the National Defense Authorization Act (NDAA), to increase funding for PFAS cleanup efforts, as well as adopt important bipartisan reforms to better protect our communities, firefighters and our military service members and their families from exposure to PFAS chemicals. However, much more needs to be done to support critical PFAS infrastructure, scientific, regulatory and cleanup needs.

To build on the progress we have made, we propose the following provisions for inclusion in FY22 appropriations:

FY22 Defense Appropriations Bill

- **Increase dedicated funding for PFAS remediation in the Defense Environmental Restoration Account and Operation and Maintenance Account.** The Department of

^[1] <https://www.ewg.org/release/study-more-200-million-americans-could-have-toxic-pfas-their-drinking-water>

^[2] <https://www.ewg.org/release/update-toxic-forever-chemicals-likely-contaminate-more-700-military-sites>

Defense (DoD) must accelerate its slow pace of PFAS testing and cleanup at military installations and National Guard facilities across the country. To date, DoD has yet to test for PFAS in the groundwater or surface water at over 300 active or closed military installations that it lists as suspected of having PFAS contamination.

On March 24, 2021, Paul Cramer, Principal Deputy Assistant Secretary of Defense for Sustainment, testified that it would cost approximately \$2-3 billion to fully clean up PFAS contamination at and around current and former military bases. The problem will not go away, it is just a question of how much longer we want to kick the can down the road. Previous statements by DoD officials have suggested that at the current pace it could take 30 years to clean up PFAS at contaminated installations, which is completely unacceptable for our servicemembers, veterans and communities that live near contaminated installations. Therefore, we encourage the FY22 Defense appropriations bill to include additional dedicated funding and direction to expedite the testing and cleanup at and around contaminated installations across the country.

- **Fully fund the nationwide PFAS health study.** The NDAA for FY 2021 authorized an additional \$15 million for the continuation of the Centers for Disease Control and Prevention's Agency for Toxic Substances and Disease Registry's study on health exposure of defense communities affected by PFAS authorized by the NDAA for FY 2018. Where feasible, we fully support increasing funding levels for this critical study to expand the number of communities that are eligible to participate.
- **Increase funding for responsible AFFF disposal and remediation and prohibit funding for the incineration of AFFF until guidance is completed.** We remain concerned that DoD continues to rush to incinerate [legacy Aqueous Film Forming Foam \(AFFF\)](#) before the provisions of the NDAA for FY 2020 are fully implemented. We urge the Subcommittee to build upon last year's FY 21 Defense appropriations bill by making additional funding available for the development and deployment of responsible AFFF disposal and remediation techniques, and urge the Subcommittee to include language prohibiting funds being used for the incineration of AFFF until DoD promulgates regulations implementing section 330 of the NDAA for FY 2020.
- **Fund the rapid development of a PFAS-free firefighting agent.** The 2021 NDAA contained numerous provisions related to the development and deployment of PFAS-free firefighting agent that support the 2020 NDAA requirement that DoD publish an updated mil spec for a fluorine-free firefighting agent by January 31, 2023 and phase out the military's use of fluorinated AFFF by October 1, 2024 (with the exception of shipboard use). DoD, working alongside other agencies like the National Institute of Standards and Technology, will need significant resources to ensure that a fluorine-free firefighting agent, and associated hardware, is developed and available by the deadlines Congress set in the FY 2020 NDAA.
- **Fund the notification of farmers affected by PFAS pollution in groundwater.** The 2021 NDAA requires DoD, in consultation with the U.S. Department of Agriculture (USDA), to notify agricultural operations located within one-mile down gradient of a DoD location

where PFAS has been detected in the groundwater as a result of DoD activities. The FY22 Defense appropriations bill should make additional funds available so that DoD can notify farmers beyond the one mile whose operations may too be at risk of PFAS contamination.

FY22 Military Construction and Veterans Affairs Appropriations Bill

- **Increase dedicated funding for PFAS chemical remediation in the Base Realignment and Closure Account (BRAC).** Just as with active military installations, DoD must accelerate its slow pace of PFAS testing and cleanup at BRAC sites. In his testimony before the MilCon/VA Subcommittee on March 24, Paul Cramer, Principal Deputy Assistant Secretary of Defense for Sustainment (Installations), suggested that DoD didn't yet have a list of closed BRAC sites that would be a priority for PFAS cleanup because not enough BRAC sites had been fully tested yet for PFAS. Therefore, we encourage the FY22 MilCon/VA appropriations bill to include additional dedicated funding and direction to expedite the testing and cleanup at and around contaminated installations across the country.
- **Provide funding for the Department of Veterans' Affairs to research the health effects of PFAS.** Similar to DoD, the VA relies far too much on other agencies to monitor and research the health effects from PFAS exposure. Given its expertise and resources, we urge the FY22 MilCon/VA appropriations bill to direct the VA to expand its research into PFAS and health monitoring as it relates to our veterans.

FY22 Interior-Environment Appropriations Bill

- **Provide additional funding to support EPA's regulatory and cleanup work on PFAS chemicals.** The Environmental Protection Agency (EPA) has more PFAS-related scientific, regulatory and standard setting matters than any other federal agency. In particular, EPA will need considerable resources to support its regulatory and monitoring work involving the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Safe Drinking Water Act (SDWA), Toxic Substances Control Act (TSCA), Clean Water Act (CWA), Emergency Planning and Community Right-to-Know Act (EPCRA), Resource Conservation and Recovery Act (RCRA) and Clean Air Act (CAA).
- **Provide additional funding for PFAS infrastructure needs.** We encourage the FY22 Interior appropriations bill to fully fund dedicated PFAS funding within the EPA's Drinking Water State Revolving Fund, as authorized by the NDAA for FY2020, as well as expand dedicated PFAS funding through other grantmaking programs, including the Clean Water State Revolving Fund and EPA's Multipurpose Grants to States and Tribes, that may further assist our community water systems, municipalities and Publicly Owned Treatment Works respond PFAS contamination. Finally, we encourage the FY22 Interior appropriations bill to ensure that funding programs adequately support the needs of households on private wells whose groundwater is contaminated with PFAS, including assisting with the purchase and installation of validated point-of-use and point-of-entry drinking water filtration systems.

- **Provide additional funding to support the EPA’s scientific, research and development and standard setting activities related to PFAS.**
- **Provide additional funding for the U.S. Geological Survey’s efforts to monitor for PFAS.** We encourage the FY22 Interior-Environment appropriations bill to provide additional funding for the U.S. Geologic Survey’s (USGS) work to conduct a nationwide sample for PFAS in lakes, streams, wells, rivers and soil, within five years as required by the 2020 NDAA. While previous appropriations legislation has provided resources to USGS related to its PFAS work, additional resources are necessary to meet the statutory deadlines.
- **Provide funding to continue studying the relationship between PFAS exposure and susceptibility to COVID-19.**

FY22 Agriculture-Rural Development-Food and Drug Administration Appropriations Bill

- **Provide funding to support the FDA’s review of the safety of PFAS chemicals in food packaging, food contact substances and other consumer goods.**
- **Provide funding for USDA and FDA to conduct regional as well as nationwide sampling of foods and agricultural commodities for PFAS.**
- **Encourage USDA to help rural communities impacted by PFAS contamination.** We recommend the FY22 Agriculture-Rural Development-FDA appropriations bill include report language encouraging the USDA to make better use of the authority provided by the 2018 Farm Bill to utilize its Water and Wastewater Loan and Grant Program to help address the needs of rural communities impacted by PFAS pollution.

Thank you for your work on the Appropriations Committee and for your consideration of this request.

Sincerely,



Daniel T. Kildee
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