

United States Senate

WASHINGTON, DC 20510

August 2, 2019

The Honorable James Inhofe
Chairman
Senate Armed Services Committee
228 Russell Senate Office Building
Washington, DC 20510

The Honorable Jack Reed
Ranking Member
Senate Armed Services Committee
228 Russell Senate Office Building
Washington, DC 20510

Dear Chairman Inhofe and Ranking Member Reed:

We write to express our strong support for the provisions in Title LXVII related to per- and polyfluoroalkyl substances (PFAS) in the Senate-passed (S. 1790) Fiscal Year 2020 National Defense Authorization Act (FY 2020 NDAA). These provisions, which enjoy widespread bipartisan support in the Senate and were unanimously reported out of the Senate Environment and Public Works Committee, would address the urgent issue of PFAS under the Safe Drinking Water Act (SDWA), the Toxic Substances Control Act (TSCA), and the Emergency Planning and Community Right-To-Know Act (EPCRA). As you begin conference negotiations with the House of Representatives to reconcile the House and Senate-passed NDAAs, we request that you insist on including the Senate's provisions in the final conference bill.

Title LXVII, Subtitle A, *PFAS Release Disclosure*, amends EPCRA to (1) require EPA to list certain PFAS on the Toxics Release Inventory (TRI) including perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS), any PFAS subject to an existing or future Significant New Use Rule (SNUR) under TSCA, and any PFAS subject to a finalized toxicity value, (2) direct the Environmental Protection Agency (EPA) decide whether to add several additional specific PFAS for addition to the TRI within two years, (3) set the reporting threshold for PFAS by entities subject to TRI reporting at a level of 100 pounds and revisit these thresholds after five years, and (4) protect confidential business information (CBI) from publication while still including relevant PFAS compounds in TRI reporting and maximizing transparency, among other provisions;

Title LXVII, Subtitle B, *Drinking Water*, amends SDWA to (1) require the EPA to promulgate an enforceable primary national drinking water regulation and set standards for certain PFAS, (2) authorize states to use their Drinking Water State Revolving Funds (DWSRF) to provide grants to public water systems for PFAS treatment, and (3) require monitoring for additional PFAS as analytical methods become available, among other provisions;

Title LXVII, Subtitle D, *Safe Drinking Water Assistance*, requires federal agencies to coordinate research on emerging contaminants and directs EPA to develop a technical assistance program to help states address emerging contaminants in drinking water, among other provisions; and

Title LXVII, Subtitle E, *Miscellaneous*, amends TSCA to require manufacturers to submit additional data on PFAS and requires EPA finalize significant new use rules for long-chain PFAS. Subtitle E also requires EPA to publish guidance on PFAS disposal.

As you prepare the Conference Report, we urge you to include these important provisions to help remediate and prevent further contamination of PFAS chemicals in the drinking water of communities across the nation.

We thank you for your leadership, and appreciate your consideration of our requests.

Sincerely,



Kirsten Gillibrand
United States Senator



Shelley Moore Capito
United States Senator