

United States Senate
WASHINGTON, DC 20510

October 7, 2021

The Honorable Michael Regan
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Administrator Regan,

First, we want to thank you for your commitment to addressing the PFAS contamination crisis and taking steps to tackle this urgent public health emergency. We recognize that the Environmental Protection Agency (EPA) under the Biden administration has already taken several important steps—issuing a regulatory determination under the Safe Drinking Water Act for PFOA and PFOS, proposing to expand monitoring of PFAS in drinking water, developing new analytical methods, providing more funding for local communities, restoring scientific integrity to the EPA’s review of PFAS, taking steps to close PFAS loopholes, and demanding more data from polluters.

We are writing today to express our concerns regarding the Preliminary Effluent Guidelines Program Plan 15 released by EPA last month which outlines a proposed roadmap to regulate some industrial discharges of toxic PFAS chemicals, and asking that you expand and strengthen your regulatory efforts to address industrial discharges in your forthcoming multi-year strategic plan for the agency, referred to as the PFAS Roadmap. We have serious concerns that this guiding document will fail to urgently address the threats posed by widespread PFAS contamination, including curbing industrial discharges of PFAS into the air and water.

While Preliminary Plan 15 is a positive first step, its regulatory efforts exclude seven out of the nine industry categories that are making the PFAS pollution problem worse, despite the well-documented risks posed by PFAS. Preliminary Plan 15 only includes the Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF) category and part of the Metal Finishing category – chromium electroplating facilities.¹ Furthermore, Preliminary Plan 15 fails to set deadlines for new standards. We find this extremely troubling. It is critical to include the additional industries now because the rulemaking process can take years to complete.

Thousands of communities in states across the country have confirmed the presence of PFAS in their drinking water or groundwater supplies, which leads to increased risk of cancer and other serious health problems as well as adverse impacts on the food supply and agricultural producers. Nevertheless, the EPA has for decades failed to set legal standards for industries that

¹ <https://www.epa.gov/eg/preliminary-effluent-guidelines-program-plan>

discharge their PFAS waste into the nation's waterbodies and air. Experts estimate that 30,000 manufacturers could be discharging PFAS.²

The U.S. House of Representatives has twice passed bi-partisan legislation that would require the EPA to set PFAS standards for nine industry categories within four years. Similar legislation, the Clean Water Standards for PFAS Act of 2021, has been introduced in the Senate. We believe that anything less ambitious than the standards endorsed by the House would fall short of what communities struggling with PFAS pollution expect from the EPA.

As the Biden administration finalizes its plan to tackle the PFAS contamination crisis, we ask that in the final roadmap, you expand the industry category list beyond OCPSF and chromium electroplating facilities to also include: Pulp, paper, and paperboard; Textile mills; Electroplating; Leather tanning and finishing; Paint formulating; Electrical and electrical components; and Plastics molding and forming. The plan should also include deadlines for which the EPA will establish these standards in a manner that reflects the urgency of the problem.

We also ask that you ensure that the PFAS Roadmap includes an immediate designation for PFOA and PFOS as hazardous substances, accelerates efforts to set drinking water and groundwater cleanup standards, addresses ongoing industrial releases of PFAS into the air and water, and makes sure PFAS wastes are properly disposed of in order to meet EPA's obligation to protect public health.

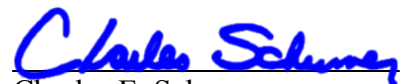
We look forward to working with you on addressing this timely public health issue. Communities living downwind and downstream of industrial PFAS polluters have waited decades for action. We must act now to protect them.

Thank you for your attention to this important issue.

Sincerely,

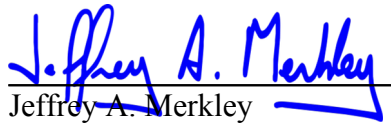


Kirsten Gillibrand
United States Senator



Charles E. Schumer
United States Senator

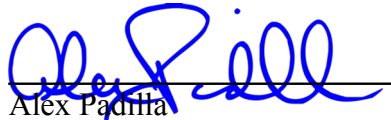
² <https://www.ewg.org/news-insights/news-release/2021/07/twelvefold-increase-suspected-industrial-dischargers-forever>



Jeffrey A. Merkley
United States Senator



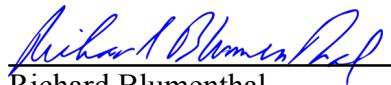
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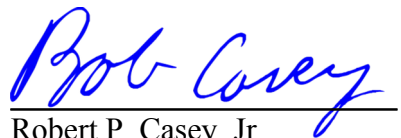
Alex Padilla
United States Senator



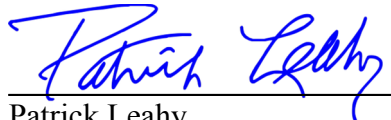
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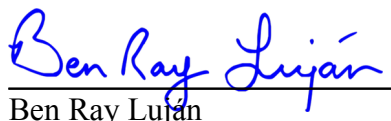
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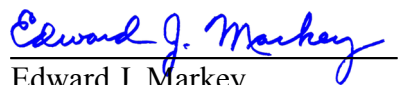
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