

June 29, 2023

The Honorable Thomas Carper
Chairman
Senate Committee on Environment & Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Shelley Moore Capito
Ranking Member
Senate Committee on Environment & Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Cathy McMorris Rodgers
Chair
House Committee on Energy & Commerce
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Frank Pallone, Jr.
Ranking Member
House Committee on Energy & Commerce
2322 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Carper, Ranking Member Capito, Chair Rodgers, Ranking Member Pallone:

On behalf of our millions of members and supporters concerned about the serious health threats posed by toxic “forever chemicals” known as PFAS, we urge you to reject legislation that would weaken the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), or Superfund law, by exempting certain responsible parties from liability for polluting the environment with PFAS.

A strong Superfund law is needed as much today as when it was created by bipartisan support in Congress in 1980 in the wake of the Love Canal tragedy and other chemical-related environmental crises. We have an on-going PFAS crisis now, with widespread contamination and scientific consensus concerning the health dangers of PFAS. *We ask that Congress support the battle against PFAS*, not surrender the Superfund law’s core principle of “polluter pays.”

Decades after industry began releasing PFAS into the environment, the EPA is moving to harness Superfund authority to jumpstart long-overdue cleanups. The potential for Superfund cleanups gives hope to hundreds of communities impacted by PFAS-polluted land and water. These forever chemicals are extremely long-lived and scientific evidence suggests adverse health effects at extraordinarily low levels, including cancer of the kidneys and testicles, thyroid disease, pregnancy-related hypertension, damage to the liver and immune system and developmental harm.

For over 40 years, Superfund has served as the nation’s preeminent “polluter pays” law, and it has facilitated restoration of over 1000 contaminated sites to support new and ongoing uses, and controlled harmful chemical exposures at hundreds more. Over this period, thousands of chemicals have been introduced and used in commerce at thousands of locations, but Congress has never amended the law to exempt specific chemicals from Superfund chemical coverage. To exempt any industry, including wastewater treatment plants, from PFAS liability is unjustified and unwise, could delay cleanups and prolong health risks from PFAS, and could open the door to additional industries demanding exemptions from this bedrock environmental law. Liability exemptions undercut CERCLA’s “polluter pays” principle.

EPA uses enforcement authority judiciously to hold polluters accountable, and has successfully worked to ensure that small contributors and innocent parties are not unfairly held responsible. The law creates an

incentive for responsible environmental stewardship and promotes voluntary compliance, just as Congress envisioned.

It's no surprise that certain industries and publicly owned facilities are lobbying Congress to weaken the nation's preeminent "polluter pays" law. But Congress should stand with those who have been harmed by PFAS pollution, which are toxic regardless of the source of pollution, and reject any legislation or amendments that create liability loopholes for polluters.

Sincerely,

Manish Bapna

President and CEO
Natural Resources Defense Council

Raul Garcia

Vice President of Policy and Legislation
Earthjustice

Regina Jackson

Chief Executive Officer
Center for Environmental Health

Fred Krupp

President
Environmental Defense Fund

Marc Yaggi

Chief Executive Officer
Waterkeeper Alliance

Ken Cook

President and Co-Founder
Environmental Working Group

DJ Gerken

President and Executive Director
Southern Environmental Law Center

Gene Karpinski

President
League of Conservation Voters

Erich Pica

President
Friends of the Earth

Cc: Leader Schumer, Leader McConnell, Speaker McCarthy, Leader Jeffries