

January 27, 2022

The Honorable Joseph R. Biden, Jr.  
President of the United States  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20500

The Honorable Kamala D. Harris  
Vice President of the United States  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20500

Dear President Biden and Vice President Harris,

We appreciate your administration's commitments to address toxic "forever chemicals" known as per- and polyfluoroalkyl substances, or PFAS.

As you finalize your priorities for the upcoming Fiscal Year (FY) 2023 Budget, we strongly encourage you to build on the progress made last year by making PFAS a government-wide priority, significantly increase dedicated PFAS funding above the levels set in your FY 2022 Budget and ensure that PFAS priorities are reflected in each agency's specific budget request to Congress.

PFAS chemicals pose grave dangers to human health and our environment. To date, there are nearly 700 active or closed military installations with known or suspected PFAS contamination.<sup>1</sup> Meanwhile, nearly 30,000 industrial sites could be discharging PFAS into the air and water.<sup>2</sup> It is estimated that PFAS likely contaminate the drinking water of more than 200 million Americans.<sup>3</sup>

In 2021, the Biden-Harris Administration took important steps to address PFAS, including the release of the Environmental Protection Agency's PFAS Roadmap on October 18, incorporating the purchase of products without intentionally added PFAS in your December 8<sup>th</sup> executive order on federal procurement policy, and moving forward with several standards-setting, scientific and regulatory actions.

Congress also took important steps through annual appropriations, bipartisan infrastructure legislation, budget reconciliation as well as the National Defense Authorization Act (NDAA) for Fiscal Year 2022 to increase funding for PFAS as well as adopt important bipartisan reforms to better protect our communities, firefighters and our military servicemembers and their families from exposure to toxic PFAS. However, much more needs to be done.

Therefore, we strongly urge your FY 2023 Budget to build on the progress made last year and significantly increase dedicated PFAS funding for the critical scientific, regulatory, infrastructure and cleanup needs. Specific priorities for additional funding and authorizations are described in the attachment to this letter.

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<sup>1</sup> <https://www.ewg.org/release/update-toxic-forever-chemicals-likely-contaminate-more-700-military-sites>

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

<sup>3</sup> <https://www.ewg.org/release/study-more-200-million-americans-could-have-toxic-pfas-their-drinking-water>

Respectfully submitted,

Alaska Community Action on Toxics  
Breast Cancer Prevention Partners  
Center for Environmental Health  
Clean Cape Fear  
Clean Water Action  
Consumer Reports  
Defend Our Health  
Delaware Riverkeeper Network  
Earthjustice  
Ecology Center  
Environmental Working Group  
Fight For Zero, Inc.  
Green Science Policy Institute  
League of Conservation Voters  
Mamavation  
Merrimack Citizens for Clean Water  
Natural Resources Defense Council  
NC Conservation Network  
Safer Chemicals Healthy Families  
Safer States  
Southern Environmental Law Center  
Toxic Free NC

Cc: The Honorable Shalanda Young, Acting Director of the Office of Management and Budget  
The Honorable Lloyd J. Austin III, Secretary of Defense  
The Honorable Denis Richard McDonough, Secretary of Veterans Affairs  
The Honorable Michael S. Regan, Administration of the Environmental Protection Agency  
The Honorable Deb Haaland, Secretary of the Interior  
The Honorable Thomas J. Vilsack, Secretary of Agriculture  
The Honorable Dr. Janet Woodcock, Acting Commissioner Food and Drug Administration  
The Honorable Pete Buttigieg, Secretary of Transportation  
The Honorable Stephen M. Dickson, Administrator for Federal Aviation Administration  
The Honorable Lawrence A. Tabak, Acting Director of the National Institutes of Health  
The Honorable Sethuraman Panchanathan, Director of National Science Foundation  
The Honorable Dr. James Olthoff, Director of the National Institute of Standards and Technology  
The Honorable John Howard, Director of the National Institute for Occupational Safety and Health

## **ATTACHMENT: Agency FY 2023 Budget Priorities**

### **Department of Defense FY 2023 Budget:**

**Request no less than \$517 million in funding for PFAS remediation in the Defense Environmental Restoration Account and Operation and Maintenance Account.** The Department of Defense (DOD) must accelerate its slow pace of PFAS testing and cleanup at military installations and National Guard facilities across the country. Congress has made clear that it is willing to increase funding levels dedicated to PFAS cleanup activities on military installations, which will help move more contaminated bases along in the cleanup process governed by CERCLA, the federal Superfund law. The NDAA for FY 2022 authorized \$517 million in dedicated PFAS cleanup funding. Meanwhile, the Senate Defense Appropriations Bill for FY 2022 in October 2021 included \$760 million in dedicated PFAS cleanup funding.

Last year, DOD officials testified that the initial estimated cost to investigate and clean up PFAS (as of the end of FY2020) is \$2.1 billion. Because this is a preliminary estimate, DOD expects the cost of cleaning up PFAS to increase as the initial assessments are completed and more information is known about the extent of the cleanup required.

Pentagon officials have previously testified that it could take roughly 30 years to clean up PFAS at all military installations across the country at the current pace, which is simply unacceptable for military families and defense communities who are living near polluted bases. The FY 2023 Budget must include no less than \$517 million in dedicated PFAS cleanup funding.

**Request funding to expand and support PFAS blood testing for servicemembers.** The NDAA for FY2020 requires that active duty military firefighters have their blood tested for PFAS during annual physicals. DOD's FY 2023 Budget should outline the need for additional funds to be available so that DOD can test the blood of other active duty personnel for PFAS if they believe they have been exposed and want to get tested as part of their annual physical. Service members and their families deserve to know whether their PFAS blood levels increase their risk of cancer, reproductive problems, or other diseases.

**Request additional funding for the ongoing PFAS health study.** The NDAA for FY 2022 authorized \$15 million in the Defense-wide O&M account 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. Requesting additional funding could allow CDC and ATSDR to increase the number of communities that are eligible to participate in this critical study.

**Request additional resources for PFAS remediation and disposal technology.** The NDAA for FY 2022 placed a moratorium on the unsafe incineration of firefighting foam containing PFAS and materials contaminated by PFAS and authorized \$15 million within the Environmental Security Technical Certification Program for the development of alternative PFAS remediation and disposal technologies. We encourage the FY 2023 Budget to request additional funding to build on these investments.

**Request additional resources to support the procurement of PFAS-free products and personal protective equipment for firefighters and first responders.** The DOD's FY 2023 Budget should include specific requests for additional funding to implement the President's executive order (E.O. 14057) requiring federal agencies to prioritize the purchase of alternatives to PFAS containing products with a focus on goods like food packaging and cookware, upholstered furniture, carpets, rugs and personal care products as well as firefighter turnout gear and personal protective equipment for first responders. The NDAA for FY 2020 and FY 2021 have prohibited the Pentagon from procuring certain non-essential uses of PFAS. Your budget should also request additional resources to support the research and rapid development of firefighter turnout gear made without intentionally added PFAS where commercially available products may not be readily available.

**Request additional resources to support the rapid development of a PFAS-free firefighting agent.** The NDAA for FY 2022 authorized \$15 million for PFAS-based firefighting foam replacement, disposal and cleanup technology, however we encourage DOD to request levels above the FY 2022 authorization levels to encourage the development of a PFAS-free firefighting agent ahead of the October 1, 2024 phase out deadline established by the NDAA for FY 2020.

#### **Department of Veterans Affairs FY 2023 Budget:**

**Request funding for the Department of Veterans Affairs (VA) to research and monitor the health effects of PFAS in veterans.** Similar to DOD, the VA relies far too much on other agencies to monitor and research the health effects from PFAS exposure. For instance, the National Cancer Institute is currently analyzing PFAS blood levels using the DOD's Serum Repository and comparing rates of testicular cancer among Air Force servicemembers based on levels of PFAS in their blood. Given its expertise and resources, we urge the VA's FY 2023 Budget to include dedicated funding to support PFAS research, provide blood testing at no additional cost to veterans and provide PFAS-specific health monitoring for veterans.

#### **Environmental Protection Agency FY 2023 Budget:**

EPA's funding under the previous administration reached its lowest levels since 1987, and the Agency's funding levels are now less than half the level of funding in 1980 in real dollars.<sup>4</sup> While Congress has provided substantial funds through EPA for environmental investments under the Infrastructure Investment and Jobs Act, nearly all that funding is targeted for state grants, and the set asides provided for EPA's management of these funds does not help rebuild EPA's capacity for meeting commitments in the Agency's PFAS Roadmap. We urge the administration to request ambitious funding levels above the FY 2022 funding request of \$2 billion to continue restoring EPA's ability to protect public health and the environment. EPA's FY 2023 Budget should seek to significantly increase dedicated PFAS funding to meet its regulatory, cleanup and standards-setting obligations, including those outlined in the PFAS

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<sup>4</sup> <https://thehill.com/opinion/energy-environment/586999-epa-needs-an-annual-appropriation-that-will-fund-the-biden>

Roadmap, and accelerated implementation of the President's directive to curb federal procurement of products containing intentionally added PFAS.

More specifically, we urge the EPA's FY 2023 Budget to reflect the following programmatic priorities:

**Office of Water:**

- Development of Effluent Limitation Guidelines. We strongly urge the EPA's FY 2023 Budget to include additional resources to expedite the development of effluent limitation guidelines and pretreatment standards for the industry categories outlined in the PFAS Roadmap. Uncontrolled industrial discharges of PFAS pose a major threat to drinking water supplies across the country. We anticipate that the data collection and rulemakings alone for the eight industry categories likely to discharge PFAS could require an additional \$12 million in FY 2023 above EPA's FY 2022 Budget levels for this activity, with additional funding needed beyond FY 2023. The FY 2023 Budget should include a specific request for additional full time employees (FTEs) for the Effluent Limitation Guideline development and should outline a plan for how additional resources could expedite data collection and rulemakings to better protect communities living downstream from industrial discharges of PFAS.
- Development of National Primary Drinking Water Regulations (NPDWR). We strongly urge the EPA's FY 2023 Budget to request sufficient resources to finalize national primary drinking water regulations for PFOA and PFOS under the SDWA by the fall of 2023 as outlined in the PFAS Roadmap and ensure that additional funding is requested to establish drinking water regulations for other PFAS chemicals, including those for which toxicity values have been established, and for total PFAS or total organic fluorine.
- Monitoring of Smaller Community Water Systems for PFAS. Under the Safe Drinking Water Act, the 90 percent of U.S. community water systems (those that serve fewer than 10,000 people each) will not have to test for PFAS unless Congress appropriates funds for EPA to fund such monitoring under the Unregulated Contaminant Monitoring Rule 5. Full funding for this monitoring is urgently needed and should be included in EPA's FY 2023 Budget. See 86 Fed.Reg. 73131 (Dec. 27, 2021)
- Development of Guidance on Case-By-Case Technology Based Limits. We strongly urge the EPA's FY 2023 Budget to request additional resources to support the development of guidance on case-by-case technology-based limits for PFAS, outline steps EPA will take to use the process outlined in its NPDES permit writers manual to develop a template that guides states through the process to control PFAS discharges as referenced in the PFAS Roadmap and use its existing authority to require dischargers to install existing, economical technology to control their PFAS discharges.
- Development of Standards for Sewage Sludge or Biosolids. The use of municipal and industrial sewage sludge contaminated with PFAS as a fertilizer on farm fields is one of the ways PFAS chemicals find their way into crops grown for food and animal feed as well as milk and meat. Unfortunately, EPA's Biosolids Program is significantly understaffed and increasingly reliant on industry for data collection and oversight. To make matters worse, EPA's current plan to finalize a risk assessment for PFOA and PFOS in biosolids & make a regulatory determination by Winter of 2024 falls far short. We urge EPA's FY 2023 Budget to include a request for additional FTEs for the Biosolids Program to support data

collection and development of standards for PFAS chemicals (not just limited to PFOA and PFOS) in biosolids ahead of the proposed Winter 2024 deadline.

**Request even more funding for the Office of Land and Emergency Management (OLEM) to support CERCLA and RCRA work.** The House-passed Interior and EPA Appropriations Act for FY 2022 proposed providing EPA with \$2.5 million above FY 2021 enacted levels within the Superfund program, to support regulatory work needed to designate PFAS chemicals as hazardous substances under section 102 of CERCLA. The FY 2023 Budget should build upon this investment by requesting even more funding to support EPA's ongoing work to designate PFAS chemicals as hazardous substances under CERCLA and to list PFAS as hazardous waste under RCRA. Additional resources would allow the Agency to conduct greater oversight and enforcement over PFAS cleanups at federal facilities, including military installations and National Guard facilities. Additional resources will accelerate OLEM's work, in coordination with the Office of Research and Development, in developing guidance on the destruction and disposal of PFAS and PFAS containing materials.

**Request no less than \$25 million in additional funding for PFAS-related actions by the Office of Chemical Safety and Pollution Prevention.** OCSPP is driving much of the agency's new research and data collection efforts that will inform future PFAS regulations. The previous Administration did not request any additional funding for OCSPP's implementation of the 2016 Frank R. Lautenberg Chemical Safety for the 21st Century Act, which significantly strengthened EPA's authorities under TSCA, including enhanced authority under Section 4 to order chemical manufacturers to fund human health and environmental testing of PFAS. OCSPP needs additional resources to develop and enforce test orders and analyze new research under the PFAS Testing Strategy announced in October 2021.

The office will also need significant new resources above the FY 2022 requested amounts to finalize the TSCA data collection rulemaking required by the NDAA for FY 2020, create new reporting mechanisms, conduct outreach with stakeholders to maximize compliance, and analyze the significant data set collected under rule. OCSPP will also need significant additional funds to expand reporting under the Toxics Release Inventory by adding additional PFAS to the inventory and closing reporting loopholes. Finally, OCSPP needs many more resources to support its ongoing work to protect consumers from new PFAS chemistries, close the door on abandoned uses of PFAS, review and strengthen previous TSCA PFAS decisions, and review and update its definition of PFAS chemicals to reflect the evolving international and scientific consensus.

**Request additional funding for PFAS-related actions under the Office of Research and Development (ORD).** The list of PFAS-related work under ORD has grown considerably with the release of EPA's PFAS Roadmap. While EPA made progress in 2021 to publish risk assessments and human health toxicity values for certain PFAS chemicals, additional resources are needed to accelerate this work at EPA. Additionally, ORD needs funds to collect and store analytical reference standards for PFAS. Finally, additional resources are needed to accelerate efforts to better characterize and model routes of PFAS exposure, develop and expand validated methods to detect and quantify a much wider array of PFAS including an improved total organic fluorine method, as well as update EPA's disposal and destruction guidance for PFAS.

**Request additional funding for PFAS infrastructure needs.** We were encouraged that the bipartisan infrastructure bill passed by Congress in 2021 included \$10 billion for EPA's Drinking Water State Revolving Fund (DWSRF) and Clean Water State Revolving Fund (CWSRF). We encourage your budget request to prioritize implementation of these funds, including providing technical assistance, information sessions, grant workshops and outreach to ensure states, tribes and local entities are aware of, and can fully participate in, opportunities to address PFAS. We encourage the EPA FY 2023 Budget to request additional resources through the DWSRF and CWSRF as well as EPA's Multipurpose Grants to States and Tribes to further assist communities impacted by PFAS. Lastly, we are concerned that EPA's current infrastructure programs do not 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 and would encourage EPA to request funds and additional authorizations, if needed, to support households on private wells.

**Request additional resources to support EPA's ongoing work outlined in the PFAS Roadmap to consider listing PFAS as hazardous air pollutants under the Clean Air Act.** Air emissions are a significant but underreported source of PFAS exposure. The PFAS Roadmap committed to exploring air mitigation options, including potential listing as hazardous air pollutants, by Fall 2022. The EPA will need resources to finalize and expand an analytical method, conduct air monitoring, explore regulatory options, and initiate rulemakings. Additional funding will accelerate this work.

**Request significant funding above current levels for EPA's implementation of the President's executive order (E.O. 14057) requiring federal agencies to purchase alternatives to PFAS containing products.** These funds will support the assessment of third party Specifications, Standards, and Ecolabels needed for prioritizing alternatives to PFAS in procurement across the government, assessing environmental performance of products based on advancements in science, forming partnerships, and providing technical assistance to other federal agencies and institutional purchasers under EPA's Environmentally Preferable Purchasing Program and Safer Choice Program.

#### **U.S. Geological Survey FY 2023 Budget:**

**Request additional funding for the U.S. Geological Survey's efforts to monitor for PFAS.** We encourage the U.S. Geological Survey to request additional funding beyond what has been enacted or proposed to conduct a nationwide sample for PFAS in lakes, streams, wells, rivers and soil, within five years as required by the NDAA for FY 2020. While previous appropriations legislation has provided resources to USGS related to its PFAS work, additional resources are necessary to meet the statutory deadline.

### **Food and Drug Administration FY 2023 Budget:**

**Request funding to support the FDA's review and regulation of PFAS chemicals in food packaging, food contact substances, cosmetics and personal care products, and other consumer goods.**

- *PFAS in Cosmetics.* Public health experts remain concerned over the effects of toxic chemicals used in cosmetics, including PFAS. To promote safety, we encourage FDA to request funding to examine the health effects of PFAS chemicals and evaluate efforts to phase out their use in cosmetic and personal care products.
- *PFAS in Food.* FDA should request additional resources to investigate PFAS in our national diet and take regulatory actions to address needless exposures to PFAS in food packaging and other food contact substances.

### **U.S. Department of Agriculture FY 2023 Budget:**

**Request funding for the Water and Wastewater Loan and Grant Program to help rural communities impacted by PFAS contamination.** The USDA FY 2023 Budget should provide Congress with a plan for how it will employ the authority provided by the 2018 Farm Bill to utilize the Water and Waste Disposal Loan and Grant Program to help address the needs of rural communities impacted by PFAS, including requesting additional dedicated funding if necessary.

**Request funding for USDA to conduct regional as well as nationwide sampling of foods and agricultural commodities for PFAS.**

### **Other Federal FY 2023 Budget Priorities:**

We encourage the FY 2023 Budget to provide additional resources for the National Institutes of Health (NIH), National Science Foundation (NSF), National Institute of Standards and Technology (NIST), National Institute for Occupational Safety and Health (NIOSH) and other federal agencies who are addressing critical research gaps, including addressing specific risks for frontline communities and as well as identifying risks and seeking to mitigate occupational exposures for firefighters, first responders and other frontline workers.

We encourage the Federal Aviation Administration's FY 2023 Budget to assist airports with costs related to transitioning to PFAS-free firefighting foams for equipment testing, training exercises, or general use.