

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

Dear Administrator Regan,

We urge you to provide the funds needed to fulfill President Biden's pledge to address the "forever chemicals" known as per- and polyfluoroalkyl substances, or PFAS, and to meet the milestones established in the EPA's PFAS Roadmap. The president's budget for FY 2022 included \$75 million to address PFAS. The EPA should supplement these resources, as needed, using available funding flexibilities to ensure the agency meets all PFAS Roadmap commitments.

Full funding for the roadmap is critically important for fulfilling the president's environmental justice campaign pledge to tackle PFAS. But Congress failed to identify specific resources for PFAS in the EPA's FY 2022 appropriations bill, while urging the agency to "continue to take action" on PFAS. Instead of providing specific funding for PFAS, Congress required EPA to develop a "spend plan," due May 15, 2022, that details the EPA's PFAS-related actions.

The "spend plan" required by Congress presents a critical test of the EPA's commitment to fulfilling the president's pledge and delivering on PFAS Roadmap actions and milestones.

As you develop the "spend plan" for Congress, we urge you to place a priority on funding for the Office of Water's efforts to control discharges of PFAS into the nation's waters. Based on EPA's enforcement data, we estimate there could be nearly 30,000 dischargers of PFAS nationwide, including 750 in North Carolina alone. Effluent limitation guidelines, or ELGs, developed under the Clean Water Act form the foundation of EPA and state controls on pollution from industrial dischargers and sewage treatment plants. ELGs are among the most powerful tool available to the EPA to address ongoing PFAS pollution.

Despite ELGs' importance for controlling PFAS, they are one of the most neglected activities identified in the roadmap. We anticipate that the data collection and rulemakings alone for the 11 industry categories identified in the roadmap could require at least an additional \$12 million in funding for the EPA's Office of Water for FY22, with additional increases in future years.

We also urge you to make a priority of efforts to finalize drinking water standards for PFOA and PFOS under the Safe Drinking Water Act, as well as efforts to advance regulations and health advisories for other PFAS for which toxicity values have been established.

Action to protect against the health threats of PFAS from air emissions is another area of significant EPA underinvestment. Additional funds are needed in FY 22 to support air quality characterization, air monitoring, and the development of regulations.

We also urge you to set aside the necessary funding within the Office of Land and Emergency Management to continue the work needed to designate PFOA, PFOS and other PFAS as hazardous substances under section 102 of CERCLA. This designation is critically important for speeding up government-wide contaminated site cleanup and helping to protect community water supplies.

Much of the agency's new research and data collection efforts needed to support future PFAS regulations will be carried out by the Office of Chemical Safety and Pollution Prevention. At least \$25 million in funding is needed in FY 2022 to develop and enforce test orders and analyze new research under the PFAS testing strategy announced in October 2021, as well as other activities – such as collecting and analyzing Toxics Release Inventory data, closing the door on abandoned uses of PFAS, and developing guidelines to help federal agencies avoid products made with PFAS.

Research and regulatory support by the Office of Research and Development is crucial to building the EPA's capacity to tackle PFAS. Congress has appropriated significant funds to EPA's "Science and Technology" account to accelerate toxicity studies and other research used to inform regulatory developments. We urge the agency to use spending flexibilities to prioritize funding the PFAS work by ORD and other EPA offices. This includes the research and analysis for developing safe drinking water standards, effluent guideline limitations, biosolids risk assessment, PFAS disposal and destruction guidance, and regulatory action under the Toxic Substances Control Act.

Finally, the EPA roadmap emphasized the importance of helping communities directly affected by PFAS, which includes prioritizing the protection of disadvantaged communities. The PFAS spend plan should explicitly address how the agency will incorporate equity concerns into its ongoing PFAS work.

The EPA's ability to meet future PFAS Roadmap milestones hinges on actions underway or planned for FY 2022. Full funding in the spend plan for PFAS is critical to fulfilling the administration's ongoing commitment to tackling PFAS.

We request an opportunity to meet with you at your earliest convenience to discuss the EPA's funding before agency's FY 2022 PFAS funding plan is finalized.

Thank you for considering these views and our request to meet.

Sincerely,

Center for Environmental Health
Consumer Reports
EarthJustice
Environmental Working Group
Safer Chemicals Healthy Families
Union of Concerned Scientists