

Congress of the United States
House of Representatives
Washington, DC 20515–2201

April 2, 2020

The Honorable Adam Smith
Chairman
House Armed Services Committee
2216 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Mac Thornberry
Ranking Member
House Armed Services Committee
2216 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Smith and Ranking Member Thornberry:

As members of the bipartisan Congressional PFAS Task Force, we are writing in regard to policies that we would like to see included in the 2021 National Defense Authorization Act (NDAA) to address harmful per- and polyfluoroalkyl substances (PFAS) chemicals impacting our communities and service members. Using DOD data, experts have now identified [678 DOD installations](#) with confirmed or suspected PFAS contamination.

Thank you for taking important steps in the 2020 NDAA to address harmful PFAS chemicals. Despite the progress we made, we still must take bolder steps in this year's NDAA.

We recommend including the following in this year's legislation.

The H.R. 535, *PFAS Action Act*. The *PFAS Action Act* passed the House of Representatives with bipartisan support in January. The *PFAS Action Act* would:

- Protect drinking water from PFAS by requiring the EPA to create a drinking water standard for two types of PFAS, PFOA and PFOS, within two years.
- Protect the lakes, rivers and streams from PFAS pollution by listing PFOS and PFOA under the Clean Water Act within two years.
- Require corporate polluters clean up their PFAS contamination by listing PFOA and PFOS as hazardous substances under the CERCLA Act or the Superfund Law.

Increase dedicated funding for PFAS remediation in Defense Environmental Remediation and Base Realignment and Closure accounts. PFAS remediation currently accounts for a small share of annual Department of Defense (DOD) spending – over \$200 million in FY 2020 – and DOD recently announced it could take up to 30 years to clean up contaminated PFAS sites. Dedicated PFAS remediation funding would ensure that DOD cleans up PFAS pollution more quickly, protecting our communities and service members from these harmful chemicals.

Blood testing for all DOD personnel and dependents who may have been exposed to PFAS, including retired personnel and their dependents. We applaud the committee's inclusion in the 2020 NDAA of a requirement to allow for active duty military firefighters to have their blood

tested. Other active duty personnel, their dependents, and retired DOD personnel, however, are not eligible for PFAS blood testing. Service members and their families deserve to know whether their PFAS blood levels increase their risk of cancer, reproductive problems, or other diseases.

Increase Protections for Military Firefighters. Military firefighters not only have exposure to PFAS in firefighting foam, but it also is in the protective gear that they wear. We must protect our firefighters from PFAS by eliminating it safely from their gear, and also supporting those firefighters who have already been exposed to high levels of this harmful chemical.

A registry to notify DOD personnel and dependents that they may have been exposed to PFAS. There should be a PFAS registry similar to the registries established for service members exposed to other environmental hazards and would also require DOD to create an easy-to-use web site to allow current and retired service members to see whether they were exposed to PFAS during the service. A registry would alert service members about new science related to PFAS, including the risks of health effects.

Phase out of other non-essential PFAS uses by DOD. We thank the Committee for their work in the 2020 NDAA to end the use of PFAS in DOD's food packaging. We would like to build on that progress by phasing out other non-essential DOD uses of PFAS, such as PFAS in DOD textiles and DOD cosmetics. Because servicemembers are disproportionately exposed to PFAS, Congress should take steps to limit needless PFAS exposures.

Prohibit incineration of firefighting foam containing PFAS until DOD finalizes guidance required by the 2020 NDAA. According to Sec. 330 of the 2020 NDAA, DOD is required to create guidance on proper disposal of firefighting foam containing PFAS. DOD, however, has issued contracts to incinerate these legacy products before completing guidance. If these legacy firefighting foam products are not properly incinerated, PFAS will be discharged into the air and can contaminate our communities. DOD must not try to circumvent Congressional intent by incinerating these products before proper disposal guidance is created.

Thank you for your continued attention to PFAS and the impact these harmful chemicals are having on our communities. We look forward to working with you in a bipartisan manner to address these issues.

Sincerely,



Daniel T. Kildee
MEMBER OF CONGRESS



Brian Fitzpatrick
MEMBER OF CONGRESS

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