

**ATTORNEYS GENERAL OF PENNSYLVANIA, MASSACHUSETTS, STATES OF  
NEW YORK, IOWA, MICHIGAN, MINNESOTA, MAINE, CONNECTICUT,  
OREGON, HAWAII, DELAWARE, WISCONSIN, NEW MEXICO, RHODES ISLAND**

April 13, 2022

*Sent via email*

The Honorable Michael Regan  
Administrator  
US Environmental Protection Agency  
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Washington, DC 20004- Mail Code 1101A

Office of Chief Financial Officer  
US Environmental Protection Agency  
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RE: EPA's Spend Plan for PFAS, FY 2022 funding allocations

Dear Administrator Regan:

The Commonwealths of Pennsylvania, Massachusetts and the states of New York, Iowa, Michigan, Minnesota, Maine, Connecticut, Oregon, Hawaii, Delaware, Wisconsin, New Mexico, Rhodes Island (by and through their Attorneys General), write to share our views relating to the U.S. Environmental Protection Agency's ("EPA's") PFAS<sup>1</sup> "spend plan" for its FY 2022 funding allocations.<sup>2</sup>

While we applaud EPA's FY 2023 budget request of \$57 million in increased funding to address PFAS, we believe that it is essential that the agency direct its existing FY 2022 funding to meet the commitments and deadlines outlined in its PFAS Strategic Roadmap ("PFAS Roadmap").<sup>3</sup> In the PFAS Roadmap, EPA set ambitious plans to further science and research, to restrict these dangerous chemicals from being released into the environment, and to promptly remediate PFAS contamination in communities across the country. However, without making the necessary financial commitment to each of these planned actions, the PFAS Roadmap will not succeed in safeguarding public health, protecting the environment, and holding polluters accountable.

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<sup>1</sup> The term "PFAS" is defined to mean per-and polyfluoroalkyl substances – "forever" chemicals.

<sup>2</sup> As part of Congress' FY 2022 funding allocations, Congress directed EPA to provide a "spend plan" due to House and Senate Committees on Appropriations by May 15, 2022, detailing EPA's funding of PFAS-related actions at the program project level. 168 Cong. Rec. H2489 (March 9, 2022, No. 42 – Book IV)(Explanatory Statement of Rep. DeLauroa)

<sup>3</sup> See [https://www.epa.gov/system/files/documents/2021-10/pfas-roadmap\\_final-508.pdf](https://www.epa.gov/system/files/documents/2021-10/pfas-roadmap_final-508.pdf).

EPA's PFAS Roadmap described EPA's plans for taking action from 2021 through 2024. EPA identified needed actions by its Office of Chemical Safety and Pollution Prevention, Office of Water, Office of Land and Emergency Management, Office of Air and Radiation, and Office of Research and Development. EPA also identified actions requiring cross-program coordination.

These actions—which we view as critically needed— include:

- reviewing previous decisions on PFAS through the Toxic Substances Control Act's New Chemicals program, including revisiting decisions to address those that are insufficiently protective;
- finalizing Safe Drinking Water Act drinking water standards for PFOA and PFOS, publishing health advisories for GenX and PFBS, and considering regulation of groups of PFAS;
- developing an understanding of how PFAS contribute to the cumulative burdens of pollution in communities with environmental justice concerns;
- publishing validated laboratory analytical methods to measure and monitor PFAS;
- designating PFAS (broadly defined and with well-considered liability exemptions) as hazardous substances under Section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act;<sup>4</sup>
- establishing Clean Water Act effluent limitations guidelines for discharges from industrial dischargers and sewage treatment plants and leveraging National Pollutant Discharge Elimination System permits to reduce PFAS discharges;
- finalizing a risk assessment for PFAS in biosolids; and
- publishing guidance on destroying and disposing of PFAS.

We urge the EPA to exercise increased and sustained leadership in its spend plan to accelerate progress to clean up PFAS contamination, prevent new contamination, and make game-changing breakthroughs in the scientific understanding of PFAS. The risks posed by PFAS demand that the agency attack the problem simultaneously on multiple fronts. Because of their duration and breadth of use, PFAS can be found in surface water, groundwater, soil, and air across every corner of our nation—from remote rural areas to densely-populated urban centers. A growing body of scientific evidence shows that exposure to specific PFAS at small concentrations can adversely impact human health, other living things and the environment. Human exposure has been associated with an increased risk of cancers, ulcerative colitis, adverse of immune system effects, as well as changes in liver enzymes and in thyroid hormones, and is associated with low birthweight. Despite these concerns, PFAS are still used in a wide range of consumer products and industrial applications.

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<sup>4</sup> New Mexico also encourages EPA to fund and expeditiously follow through on its separate commitment to promulgate regulations clarifying that the statutory definition of hazardous waste as contained in RCRA Section 1004(5) applies for purposes of RCRA Corrective Action and to identify certain PFAS as RCRA hazardous constituents in Appendix VIII to 40 CFR Part 261.

EPA must leverage the full range of its statutory authorities to confront the human health and ecological risks of PFAS. EPA's PFAS Roadmap represents a critical step forward in safeguarding communities from PFAS contamination. However, the success of each of the actions described in the PFAS Roadmap depends on full funding. We urge EPA to ensure that its spend plan for allocating its FY 2022 funding fully meets the commitments and deadlines in its PFAS Roadmap.

Sincerely,



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COMMONWEALTH OF PENNSYLVANIA



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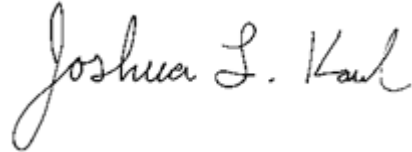
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