



STATE OF MICHIGAN

OFFICE OF THE GOVERNOR
LANSINGGRETCHEN WHITMER
GOVERNORGARLIN GILCHRIST II
LT. GOVERNOR

March 31, 2021

The Honorable Lloyd J. Austin III
Secretary
U.S. Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301-1000

Dear Secretary Austin,

After an over year-long rulemaking process, the State of Michigan now regulates seven per- and polyfluoroalkyl substances – also known as PFAS – making it a national leader in protecting drinking water from “toxic forever” chemicals.ⁱ Our PFAS drinking water standards are practical, science-driven and, most importantly, protective of public health. The regulations also strengthen Michigan’s groundwater clean-up criteria for the seven PFAS. Michigan also has numeric surface water quality criteria and air screening levels for a more limited set of perfluorinated compounds.ⁱⁱ These measures will help deliver on the promise of safe drinking water for businesses and residents statewide. Support from our federal partners is vital to fully protecting our environment, so I write today to invoke the provisions of Section 332 of the 2020 National Defense Authorization Act (NDAA).

Per the provisions of the 2020 NDAA, I request that the Department of Defense amend the current, and all future cooperative agreements, with the State of Michigan to address testing, monitoring, removal, and remedial actions relating to PFAS contamination or suspected contamination of drinking, surface, or groundwater originating from activities of the Department of Defense. I am also asking that the finalized cooperative agreement require these activities meet or exceed the most stringent standards for PFAS in any environmental media which, in this case, would be the enforceable State of Michigan standards.

By invoking the provisions of Sec. 332, I am seeking a commitment from the Department of Defense to meet or exceed Michigan’s standards at all sites of PFAS contamination that originated from Department of Defense activities. I would also like to highlight that on September 18, 2020, the State of Michigan submitted a letter to the Air Force identifying State Applicable or Relevant and Appropriate Requirements (ARARs). It is the State’s expectation that the PFAS standards, as well as all other appropriate ARARs identified by the State for interim remedies and long-term remedies, will be included in decision documents that will guide remedial work at the former Wurtsmith Air Force Base. I ask that the ARARs under consideration for the interim remedies be reviewed and incorporated into work plans in an expedited manner so the military can assure the citizens of Michigan that their families and community will be protected from the PFAS contamination that originated from the military’s operations. This approach is consistent with the requirements in the Comprehensive Environmental Response, Compensation, and



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Liability Act (CERCLA), 42 U.S.C. 9601 *et seq.*, and the provisions of Sec. 332 of the 2020 NDAA, and further is consistent with what Michigan requires from every party responsible for addressing PFAS contamination in Michigan.

The State looks forward to implementing an improved cooperative agreement with the Department of Defense as soon as possible.

Sincerely,

A blue ink signature of "Gretchen Whitmer" in cursive script.

Gretchen Whitmer
Governor of Michigan

ⁱ See Michigan Safe Drinking Water Act, MCL 325.1001 - 325.1023; Admin Rules R. 325.10101- 12820.

ⁱⁱ Mich. Admin. Code R. 323.1057 (Toxic Substances) Water Quality Values spreadsheet; generic groundwater criteria set forth in administrative rules at R 299.44; Generic soil cleanup criteria for residential category R 299.46; health-based screening level requirements for new or modified sources of air toxics R 336.1225.