

September 18, 2019

The Honorable James Inhofe
Chairman
Senate Armed Services Committee
218 Russell Senate Office Building
Washington, D.C. 20510

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

The Honorable Jack Reed
Ranking Member
Senate Armed Services Committee
218 Russell Senate Office Building
Washington, D.C. 20510

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

Dear Chairman Inhofe, Ranking Member Reed, Chairman Smith and Ranking Member Thornberry:

As you instruct your conferees to consider the Fiscal Year (FY) 2020 National Defense Authorization Act (NDAA), we, the undersigned governors, would like to highlight several key provisions related to per- and polyfluoroalkyl substances (PFAS) and urge you to include them in the final legislation.

PFAS are used in many nonstick coatings in consumer products, industrial processes, and firefighting foams often used by the military and at airports. These chemicals, which break down extremely slowly or not at all, can accumulate in our environment and in our bodies, and those that have been studied are associated with adverse health effects, such as liver damage, thyroid disease, and kidney and testicular cancers. Provisions in the current House and Senate measures will ensure the U.S. Department of Defense (DoD) mitigates the impacts of PFAS contamination, require the U.S. Environmental Protection Agency (EPA) to move more quickly to set PFAS health standards and protections, and provide much-needed resources and guidance as the federal government, states, and communities work to address contamination from these persistent substances.

At current and former military bases across the country, firefighting foam containing PFAS has been in use for many years to meet FAA firefighting standards at FAA controlled airports, and by extension at

military airports. In many of these locations, PFAS have leached into groundwater, surface water, and nearby private wells used for drinking water. According to the Government Accountability Office, there are at least 401 military sites with known or suspected PFAS contamination.¹

As governors, we are evaluating responses appropriate for our states, including in some cases developing or setting drinking water standards for PFAS, and deploying state funds to test, investigate, and remediate PFAS contamination caused by government and industrial uses. Nevertheless, federal action is needed to address PFAS, including contamination in and around military sites.

Our Congressional delegations have worked diligently to include important provisions in the House and Senate bills to require the DoD and EPA to investigate, monitor and clean up PFAS contamination originating from DoD activities. It is clear that many members of Congress on both sides of the aisle understand the urgent need to act to address these toxic PFAS chemicals. As governors whose residents are affected by these toxics, we urge development of a package that includes the strongest provisions from both the House and Senate bills, including the following that would:

- Require EPA to set an enforceable, nationwide drinking water standard under the Safe Drinking Water Act for PFOA and PFOS within two years of enactment, while preserving states' authority to enact their own, more stringent standards.
- Require the EPA to list PFAS chemicals as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) within one year.
- Require the EPA to revise the list of toxic pollutants under the Federal Water Pollution Control Act (commonly known as the Clean Water Act) to include PFAS and publish effluent and pretreatment standards.
- Phase out the use of PFAS in aqueous film forming foam (AFFF) as quickly as possible.
- Urge the DoD to finalize cooperative agreements with states and partner with governors to test, monitor, remove, and remediate PFAS contamination originating from DoD activities, including at decommissioned military installations and National Guard facilities. Require that if a cooperative agreement is not reached within one year of the request from a state, the Secretary of Defense must report to Congress with an explanation of why an agreement has not been reached. Remediation should satisfy both federal and state/local remediation targets.
- Grant the National Guard Bureau access to specific environmental remediation program funding in FY 2020.
- Authorize the U.S. Geological Survey (USGS) to develop advanced testing methods capable of detecting PFAS, and to conduct nationwide sampling for these chemicals – focusing first on areas near drinking water with known or suspected PFAS contamination.
- Require the DoD to treat and clean PFAS-contaminated water used for agricultural purposes.
- Require public disclosure, as part of Toxic Release Inventory (TRI) annual reports, when environmental releases of about 200 PFAS chemicals occur – including PFOS and PFOA.

The FY2020 NDAA presents an opportunity to take historic steps forward to address PFAS contamination that is harming our states, and we ask you to include the strongest PFAS-related provisions in the final bill.

Sincerely,

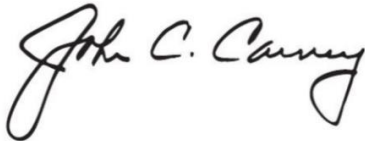
¹ <https://www.gao.gov/products/GAO-18-700T>



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State of Michigan



Governor Ned Lamont
State of Connecticut



Governor John Carney
State of Delaware



Governor Charlie Baker
Commonwealth of Massachusetts



Governor Tim Walz
State of Minnesota



Governor Chris Sununu
State of New Hampshire



Governor Phil Murphy
State of New Jersey



Governor Michelle Lujan Grisham
State of New Mexico



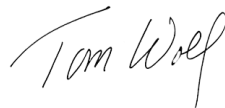
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Governor Tom Wolf
Commonwealth of Pennsylvania



Governor Phil Scott
State of Vermont



Governor Ralph Northam
Commonwealth of Virginia

A handwritten signature in blue ink, appearing to read "Jay Inslee".

Governor Jay Inslee
State of Washington

A handwritten signature in black ink, appearing to read "Tony Evers".

Governor Tony Evers
State of Wisconsin