

Congress of the United States

Washington, DC 20510

August 3, 2022

The Honorable Michael Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Regan:

Since your confirmation, the Environmental Protection Agency (EPA) has taken the first truly meaningful actions to protect human health and our environment from per- and polyfluoroalkyl substances (PFAS), and we thank you for your leadership. But aggressive action is still needed to jump start the clean-up of contaminated sites nationwide. Therefore, we urge the EPA to move swiftly to finally designate the two most notorious and common “forever chemicals”—perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS)—as hazardous substances under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

In October 2021, President Biden announced “accelerated efforts” across the government to tackle PFAS, including plans to propose PFOA and PFOS as hazardous substances.¹ We appreciate the urgency with which your agency is recognizing the contamination crisis caused by decades of unregulated releases of these toxic chemicals. Additionally, we were pleased to hear the Environmental Protection Agency (EPA) is on track to decide on CERCLA designation for these chemicals in its PFAS Strategic Roadmap.²

PFAS pollution threatens thousands of communities, including military sites and low-income and communities of color who, through no fault of their own, are confronting harmful health effects and significant clean-up cost. But the EPA has yet to designate PFOA and PFOS as hazardous substances. Further delay will pose unacceptable, continued risks to these communities and the surrounding environment.

As you know, the designation of a substance as hazardous under CERCLA does not ban its use, and many such chemicals to this day remain in commerce and are widely used in commercial products. However, coupled with other broad-based actions needed to tackle additional PFAS, the designation of PFOA and PFOS as hazardous substances is an important first step toward helping hold polluters accountable, encouraging more responsible stewardship of forever chemicals, and cleaning up contaminated sites.

¹ FACT SHEET: Biden-Harris Administration Launches Plan to Combat PFAS Pollution, October 18, 2021. <https://www.whitehouse.gov/briefing-room/statements-releases/2021/10/18/fact-sheet-biden-harris-administration-launches-plan-to-combat-pfas-pollution/>

² House Energy and Commerce Committee hearing entitled, “The Fiscal Year 2023 EPA Budget.” Tuesday, May 17, 2022. <https://energycommerce.house.gov/committee-activity/hearings/hearing-on-the-fiscal-year-2023-epa-budget>

We are grateful for your commitment and efforts to address the PFAS crisis in the United States. As more and more communities nationwide discover PFAS contamination, the greater the need grows for federal action. We urge you and the administration to follow through on your commitment by designating the two most harmful “forever chemicals”—PFOA and PFOS—as the hazardous substances we know they are as expeditiously as possible.

Thank you for your attention and consideration of this important request.

Sincerely,



Debbie Dingell
Member of Congress



Frank Pallone, Jr.
Member of Congress
Chair, Committee on Energy
and Commerce



Paul D. Tonko
Member of Congress



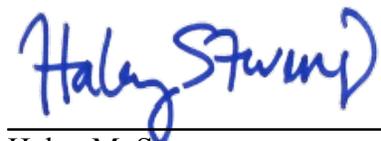
Eleanor Holmes Norton
Member of Congress



Nanette Diaz Barragán
Member of Congress



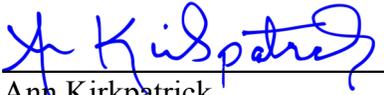
Richard E. Neal
Member of Congress



Haley M. Stevens
Member of Congress



Stephen F. Lynch
Member of Congress



Ann Kirkpatrick
Member of Congress



Rashida Tlaib
Member of Congress



Raúl M. Grijalva
Member of Congress



Lori Trahan
Member of Congress



Ann McLane Kuster
Member of Congress



Jared Huffman
Member of Congress



Carolyn B. Maloney
Member of Congress



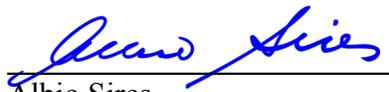
Alan S. Lowenthal
Member of Congress



James P. McGovern
Member of Congress



André Carson
Member of Congress



Albio Sires
Member of Congress



Mark Pocan
Member of Congress



Marcy Kaptur
Member of Congress



John Yarmuth
Member of Congress



Tom Malinowski
Member of Congress



Barbara Lee
Member of Congress



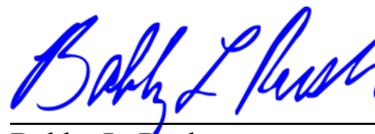
Steve Cohen
Member of Congress



Danny K. Davis
Member of Congress



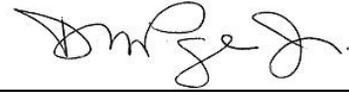
Sheila Jackson Lee
Member of Congress



Bobby L. Rush
Member of Congress



Chris Pappas
Member of Congress



Donald M. Payne, Jr.
Member of Congress



Shontel M. Brown
Member of Congress



Sean Patrick Maloney
Member of Congress



Brian Fitzpatrick
Member of Congress



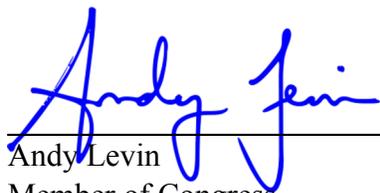
William R. Keating
Member of Congress



Brendan F. Boyle
Member of Congress



Mary Gay Scanlon
Member of Congress



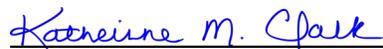
Andy Levin
Member of Congress



Alma S. Adams, Ph.D.
Member of Congress



Anthony G. Brown
Member of Congress



Katherine M. Clark
Member of Congress



John P. Sarbanes
Member of Congress



Madeleine Dean
Member of Congress



Chellie Pingree
Member of Congress



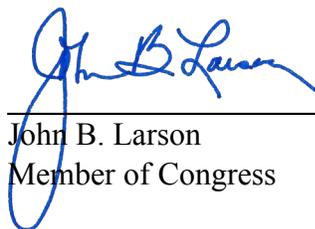
Bonnie Watson Coleman
Member of Congress



A. Donald McEachin
Member of Congress



Andy Kim
Member of Congress



John B. Larson
Member of Congress



Mark DeSaulnier
Member of Congress



Lucille Roybal-Allard
Member of Congress



Kathleen M. Rice
Member of Congress



Tom O'Halleran
Member of Congress



Kathy Castor
Member of Congress



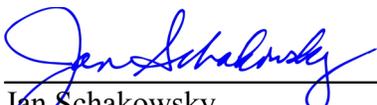
Jamie Raskin
Member of Congress



Jackie Speier
Member of Congress



Mikie Sherrill
Member of Congress



Jan Schakowsky
Member of Congress



Seth Moulton
Member of Congress



Adam Smith
Member of Congress



David J. Trone
Member of Congress



Karen Bass
Member of Congress



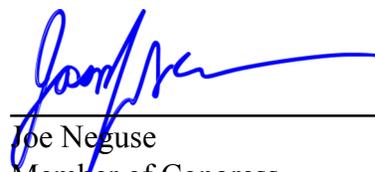
Peter Welch
Member of Congress



Deborah K. Ross
Member of Congress



Dwight Evans
Member of Congress



Joe Neguse
Member of Congress



Robert C. "Bobby" Scott
Member of Congress



Diana DeGette
Member of Congress



Peter A. DeFazio
Member of Congress



Tony Cárdenas
Member of Congress



Brenda L. Lawrence
Member of Congress



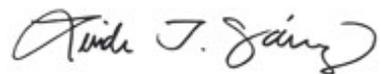
Nikema Williams
Member of Congress



Sean Casten
Member of Congress



Ted W. Lieu
Member of Congress



Linda T. Sánchez
Member of Congress



Jerrold Nadler
Member of Congress



Adriano Espaillat
Member of Congress



Frederica S. Wilson
Member of Congress



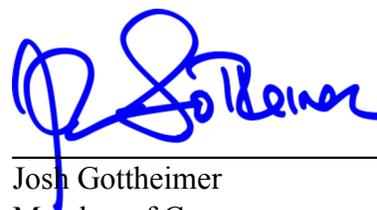
Daniel T. Kildee
Member of Congress



Michael F. Q. San Nicolas
Member of Congress



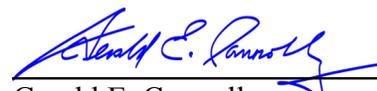
Raul Ruiz, M.D.
Member of Congress



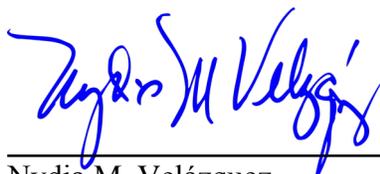
Josh Gottheimer
Member of Congress



Elissa Slotkin
Member of Congress



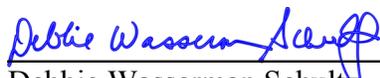
Gerald E. Connolly
Member of Congress



Nydia M. Velázquez
Member of Congress



Bill Foster
Member of Congress



Debbie Wasserman Schultz
Member of Congress



Salud Carbajal
Member of Congress



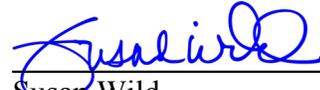
David Scott
Member of Congress



C. A. Dutch Ruppertsberger
Member of Congress



Ron Kind
Member of Congress



Susan Wild
Member of Congress



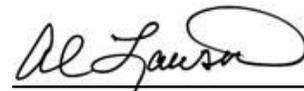
Juan Vargas
Member of Congress



Sharice L. Davids
Member of Congress



Troy Carter
Member of Congress



Al Lawson
Member of Congress



Jamaal Bowman, Ed.D.
Member of Congress



Pramila Jayapal
Member of Congress



Darren Soto
Member of Congress



Lucy McBath
Member of Congress



David N. Cicilline
Member of Congress



Ro Khanna
Member of Congress



Doris Matsui
Member of Congress



Jason Crow
Member of Congress



Zoe Lofgren
Member of Congress



Maxine Waters
Member of Congress



Anna G. Eshoo
Member of Congress



Chrissy Houlahan
Member of Congress



Melanie Stansbury
Member of Congress



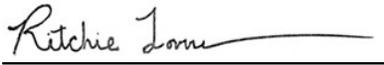
Ruben Gallego
Member of Congress



G. K. Butterfield
Member of Congress



Pete Aguilar
Member of Congress



Ritchie Torres
Member of Congress



Mike Doyle
Member of Congress



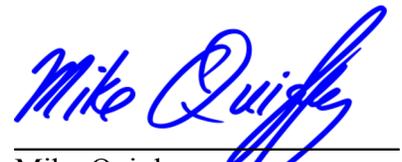
Mark Takano
Member of Congress



Henry C. "Hank" Johnson, Jr.
Member of Congress



Grace Meng
Member of Congress



Mike Quigley
Member of Congress



Jahana Hayes
Member of Congress



Jake Auchincloss
Member of Congress



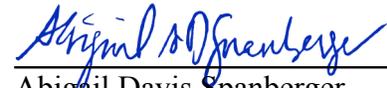
Susie Lee
Member of Congress



Conor Lamb
Member of Congress



Donald Norcross
Member of Congress



Abigail Davis Spanberger
Member of Congress

CC: Shalanda Young, Director, Office of Management and Budget