

February 14, 2025

The Honorable Lee Zeldin
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
4101 M
Washington, D.C. 20460

RE: Business Coalition PFAS Principles and Policy Recommendations

Dear Administrator Zeldin:

As the Environmental Protection Agency (EPA) explores potential approaches to both recognizing the critical benefits of per- and polyfluoroalkyl substances (PFAS), and ensuring they are used safely and are appropriately cleaned up in the environment, the undersigned organizations urge your consideration of the following principles and policy recommendations:

- **Recognize that PFAS are a broad class of chemistries with very diverse and necessary properties.** It is crucial that regulatory actions recognize this diversity and calibrate the risk that individual PFAS chemistries may pose. Because all PFAS are not the same, they cannot all be regulated in the same way, including chemistries and groups of similar chemistries that would not be expected to be of health or environmental concern. A report¹ from an international panel on regulation and management of PFAS has concluded that, “[m]ost experts agreed that all PFAS should not be grouped together for risk assessment purposes” and “that it is inappropriate to assume equal toxicity/potency across the diverse class of PFAS.” Direction from EPA that PFAS should not be regulated as a class is critical to prevent potentially conflicting state requirements that can cause supply chain and other infrastructure disruptions.
- **Accelerate appropriate cleanup of PFAS in the environment.** The agency should work with all stakeholders, including our organizations, to implement cleanup of PFAS in the environment, consistent with the best science and appropriate consideration of risk, to protect human health and the environment in communities across our nation. We urge the agency to act as appropriate through existing, non-CERCLA authorities,² while considering the resource needs for local governments and the private sector to address other regulations and broader drinking water priorities, especially given the unattainable treatment levels established in the PFAS National Primary Drinking Water Standard, finalized in April 2024. EPA should:
 - Publicly support efforts to cleanup PFAS by finding ways to:

¹ <https://scipinion.com/panel-findings/risk-assessment-of-pfas/>

² <https://www.uschamber.com/environment/u-s-chamber-letter-and-report-on-cercla-alternatives-analysis>

- Provide additional science-based guidance on questions about innovative technologies and methods for PFAS treatment, disposal, destruction, and remediation, including by updates, as appropriate, to the EPA's PFAS Disposal & Destruction Guidance document.
 - Speed up permitting for remediation/cleanup projects at the federal level and encourage and incentivize states to be more efficient with their permitting.
 - Implement a more effective risk communication approach to the public.
 - Explore and identify all viable destruction technologies, including thermal destruction as necessary tools in the PFAS cleanup toolbox.
- **Maintain access to essential chemistries in critical sectors across the economy.** The U.S. Chamber of Commerce released a report on the impacts of essential fluorochemistries, including PFAS, on seven key sectors across the economy in critical products Americans rely on every day, from airplanes to cars, cellphones, medical devices, and emerging technologies that will drive the energy transition. In addition, the Department of Defense (DoD) released a valuable report of critical uses of PFAS, highlighting the complexities and challenges of replacing various PFAS applications. The Department of Energy also evaluated the potential for alternatives to fluoropolymer applications and found similar challenges in any possible transition. These authoritative reports provide particular emphasis on the high value and low hazard of fluoropolymers and should guide the agency's deliberations.
- **Collaborate across the federal interagency community and the agency to ensure consistent regulatory action and prevent unintended consequences.** Drinking water standards, for example, can impact regulations falling under U.S. Department of Agriculture and Food and Drug Administration authority, as well as EPA. DoD, EPA, and the Federal Aviation Administration (FAA), among other agencies should continue to work together on the aqueous film forming foam (AFFF) transition and recognize the need for emergency use when substitutes are not available. While these are just two examples, a lack of agency coordination can create unnecessary confusion across agencies and for regulated industries. Relevant offices within EPA should also coordinate and integrate their approach.
- **Establish regular engagement with the business community.** A regular and consistent dialogue between the agency and the essential chemistry value chain will help inform key policies and promote innovation on the approaches and solutions proposed. This discussion can also foster a more holistic and comprehensive approach to overall PFAS management, which is critical given the interconnectedness of these various regulations and proposals.

We also recommend the agency take the following immediate actions:

- Propose and finalize a new rule that withdraws the previous Administration's decision to designate PFOA and PFOS as hazardous substances under CERCLA.³
- Propose and finalize a new rule that would implement the traditional TSCA exemptions (e.g., de minimis, small business, articles, impurities, research) and remove the IUCLID software requirements for any studies conducted prior to 2007 from the reporting and recordkeeping requirements for PFAS provided by section 8(a)(7) of the Toxic Substances Control Act (TSCA). This streamlining should also include a refocusing of this reporting to provide EPA actionable, high-quality, information to support EPA's regulator assessments while also ensuring compliance with the Paperwork Reduction Act (PRA), the Regulatory Flexibility Act (RFA), and the Unfunded Mandates Reform Act (UMRA) including requirements to collect data with practical utility in the least burdensome manner. Coordinate this rulemaking with an administrative action to again extend the one-time TSCA reporting obligations that begin on July 11, 2025, ending on Jan. 11, 2026 (or July 11, 2026, for small businesses).
- Propose and finalize a new rule that re-instates the de minimis exemption for the Toxics Release Inventory (TRI) and for specific supplier notification requirements and eliminates adding all PFAS that are included in the TRI automatically to list of chemicals of special concern.
- Explore options to appropriately ensure the National Primary Drinking Water Standards for PFOA, PFOS, and additional select PFAS are set at workable levels.
- Withdraw action and reopen stakeholder engagement on EPA's rules proposing to: (1) add nine specific PFAS, their salts, and their structural isomers, to its list of hazardous constituents under RCRA; and (2) amend the definition of hazardous waste applicable to corrective action to address releases from solid waste management units at RCRA-permitted treatment, storage, and disposal facilities.
- Support EPA policies and legislation proposing a U.S. government wide PFAS definition based on the Delaware and West Virginia laws. Bans and restrictions on PFAS should not include fluorinated gases already regulated under the Clean Air Act's SNAP policy and the American Innovation and Manufacturing Act. Propose additional funding to support cleanup of PFAS in the environment.

We believe CERCLA is the wrong policy tool to accelerate cleanup. The endless liability created by CERCLA designations would slow cleanup and create untenable uncertainty for both companies and communities. The U.S. Chamber's April 6, 2023 letter to the Senate Environment and Public Works Committee urged consideration of alternative authorities that would avoid such outcomes. The Chamber also provided a cost analysis highlighting the impact

³ https://www.uschamber.com/assets/documents/Opening-Brief-Chamber-v.-EPA-D.C.-Circuit_2024-11-05-170448_iuil.pdf.

of a CERCLA hazardous substance designation on municipal services in representative local communities. For instance, the likely increase in the costs for a household drinking water bill is expected to be as much \$400 annually, a substantial and unnecessary expense endured by families.

In addition, the cost of cleanup for potentially responsible parties could total over \$17.4 billion for existing non-federal national priority sites alone. Private party cleanup costs at existing non-federal sites could total \$700-\$900 million annually. Despite any existing uncertainties, which are qualitatively and quantitatively discussed in the Cleanup Cost Analysis, these costs are simply too large for EPA to ignore.

Please feel free to contact Chuck Chaitovitz with the U.S. Chamber at cchaitovitz@uschamber.com with any questions. We stand ready to work with you on these important issues.

Sincerely,

Alliance for Automotive Innovation
Alliance for Chemical Distribution
American Chemistry Council
American Coatings Association
American Fuel & Petrochemical Manufacturers
American Petroleum Institute
Cookware Sustainability Alliance
Council of Industrial Boiler Owners
Fuel Cell & Hydrogen Energy Association
Fluid Sealing Association
National Asphalt Pavement Association
National Association of Manufacturers
National Mining Association
National Association for Surface Finishing
National Council of Textile Organizations
PRINTING United Alliance
TRSA - The Linen, Uniform and Facility Services Association
U.S. Chamber of Commerce
Valve Manufacturers Association