

# Congress of the United States

Washington, D.C. 20515

September 29, 2020

The Honorable Peter DeFazio  
Chairman  
Transportation and Infrastructure Committee  
2165 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Sam Graves  
Ranking Member  
Transportation and Infrastructure Committee  
2164 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable John Barrasso  
Chairman  
Committee on Environment and Public Works  
410 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Tom Carper  
Ranking Member  
Committee on Environment and Public Works  
456 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman DeFazio, Ranking Member Graves, Chairman and Ranking Member Carper,

As the House and Senate work to come to an agreement on a final Water Resources Development Act for 2020 we urge you to consider including bipartisan provisions passed earlier this year by the House that would restrict industrial releases of toxic PFAS chemicals.

As you know the Senate has marked up S. 3591, the America's Water Infrastructure Act of 2020, which includes Clean Water Act provisions. There was a bipartisan effort during consideration of H.R. 7575, the Water Resources Development Act of 2020, to include Clean Water Act provisions related to PFAS, but the base bill lacked any other Clean Water Act provisions, so the amendment was withdrawn. As you look at addressing water infrastructure and matters under the Clean Water Act in negotiations between the House and Senate, we urge you to include the Clean Water Act provisions of H.R. 535 to restrict industrial releases of PFAS.

According to independent analysis, over 2,500 industrial facilities are likely discharging PFAS directly into waterways or indirectly discharging PFAS to a Publicly Owned Treatment Works (POTW) or wastewater treatment facility through their wastewater. In many communities, industrial discharges of PFAS are the most significant source of PFAS pollution entering drinking water supplies. Because there is no requirement that manufacturers or industrial users of PFAS pretreat their waste before they send PFAS to a POTW, PFAS is also contaminating municipal biosolids applied to farm fields.

In January, the House passed the bipartisan PFAS Action Act (H.R. 535), which would, among other things, establish deadlines for EPA to determine how to regulate industrial discharges of PFAS under the Clean Water Act (CWA).

Specifically, the CWA provisions in H.R. 535 would:

- Require EPA to establish effluent limitation and pretreatment standards for PFAS for priority industry categories like chemical companies and textile mills within four years;
- Ensure priority industries receive a CWA permit before discharging PFAS;
- Ensure priority industries pretreat their PFAS waste before sending PFAS to a POTW;
- Prohibit indirect discharges of industrial PFAS into POTWs without advance notice;
- Require EPA to review sources of PFAS and use that information to set water quality limits within two years;
- Provide grants to POTWs to implement pretreatment standards for PFAS.

It is time for Congress to act to address these discharges, and the Water Resources Development Act of 2020 is the appropriate vehicle to address these water infrastructure issues. These provisions will hold those who discharge PFAS responsible for those discharges and ensure that communities are not left to clean up pollution they did not cause.

Thank you for your consideration of this request.

Sincerely,



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Chris Pappas  
Member of Congress

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Richard E. Neal  
Member of Congress

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Jared Huffman  
Member of Congress

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Stephen F. Lynch  
Member of Congress

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Abigail D. Spanberger  
Member of Congress

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Brendan F. Boyle  
Member of Congress

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Lori Trahan  
Member of Congress

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Jan Schakowsky  
Member of Congress

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Bill Posey  
Member of Congress

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Peter Welch  
Member of Congress

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Madeleine Dean  
Member of Congress

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Deb Haaland  
Member of Congress

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Julia Brownley  
Member of Congress

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Bill Foster  
Member of Congress

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Harley Rouda  
Member of Congress

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Chellie Pingree  
Member of Congress

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Jimmy Gomez  
Member of Congress

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David Rouzer  
Member of Congress

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Betty McCollum  
Member of Congress

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Juan Vargas  
Member of Congress

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Earl Blumenauer  
Member of Congress

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Daniel T. Kildee  
Member of Congress

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Ann McLane Kuster  
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Jerrold Nadler  
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Brian Fitzpatrick  
Member of Congress

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Nanette Diaz Barragán  
Member of Congress

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Tim Ryan  
Member of Congress

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Darren Soto  
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Suzanne Bonamici  
Member of Congress

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TJ Cox  
Member of Congress

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Ro Khanna  
Member of Congress

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Lisa Blunt Rochester  
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Jesús G. "Chuy" García  
Member of Congress

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Antonio Delgado  
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Paul D. Tonko  
Member of Congress

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Jackie Speier  
Member of Congress

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Chrissy Houlahan  
Member of Congress

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Haley M. Stevens  
Member of Congress

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Fred Upton  
Member of Congress

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James P. McGovern  
Member of Congress