TESTIMONY OF
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U.S. ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE
HOUSE COMMITTEE ON OVERSIGHT AND REFORM
SUBCOMMITTEE ON ENVIRONMENT

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Good afternoon, Chairman Rouda, Ranking Member Comer, and members of the Subcommittee. I am David Ross, Assistant Administrator of the U.S. Environmental Protection Agency's Office of Water. Thank you for the opportunity to testify today.

I am here today to share with you the actions the EPA is taking to provide states, tribes, and communities with the tools they need to effectively address PFAS chemicals, particularly where they pose a risk to human health. I will also provide a summary of the agency's recently released PFAS Action Plan, a comprehensive, multi-media Action Plan designed to address PFAS chemicals more holistically.

BACKGROUND

Per- and polyfluoroalkyl substances (PFAS) are a group of man-made chemicals that have been in use since the 1940s and are (or have been) found in a wide array of consumer products like cookware, food packaging, and water-repellant clothing. PFAS chemicals have also been used in aqueous film-forming foams. PFAS chemical manufacturing and processing facilities, airports, and military installations that use firefighting foams are some of the contributors of PFAS chemical releases into the air, soil, and water, including sources of drinking water.

Because of their widespread use, most people have been exposed to PFAS chemicals. Some PFAS chemicals can accumulate and stay in the human body for long periods of time. There is evidence that exposure to certain PFAS chemicals may lead to adverse health effects, including exposure to the more familiar chemicals perfluorooctanoic acid (PFOA), perfluorooctane sulfonate (PFOS), and GenX (HFPO dimer acid). The EPA has been and is continuing to actively work to address the emerging challenges associated with these chemicals.

EPA'S WORK ON PFAS

The EPA has taken steps over the past several years using its statutory authorities to understand and address these chemicals in commerce and in the environment. For example, PFOA and certain PFOA-related chemicals are no longer manufactured in the United States as a result of the EPA's PFOA Stewardship Program in which eight major chemical manufacturers agreed to phase out the use of PFOA and PFOA-related chemicals in their products and as emissions from their facilities. All companies met the PFOA Stewardship Program goals by 2015. In support of this effort, through the EPA's work under the Toxic Substances Control Act (TSCA), the agency has also issued various significant new use rules (SNURs) to guard against the unreviewed reintroduction and new use, through domestic production or import, of certain PFAS chemicals in the United States. However, the SNUR authority did not cover ongoing uses such as low-volume use of some PFAS in limited industrial applications.

The EPA has also worked with the states and local communities to monitor for six PFAS chemicals under the Safe Drinking Water Act (SDWA)'s Unregulated Contaminant Monitoring Rule (UCMR) to understand the nationwide occurrence of these chemicals in our drinking water systems. In 2016, the EPA issued drinking water lifetime health advisories for PFOA and PFOS

of 70 parts per trillion, individually or combined. Health advisories are non-regulatory values that help to provide technical information to state agencies and other public health officials on the level of PFOA and PFOS that would provide Americans, including the most sensitive populations, with a margin of protection from a lifetime of exposure to PFOA and PFOS in drinking water. The EPA is also working to move research forward on other PFAS chemicals to better understand their health impacts, options for treatment, and how information on better-known PFAS (such as PFOA and PFOS) can be applied to inform our knowledge of other PFAS chemical classes.

To build on these actions, in May 2018, the EPA convened a two-day National Leadership Summit on PFAS in Washington, D.C. that brought together more than 200 federal, state, and local leaders from across the country to discuss steps to address PFAS chemicals. The Summit provided an opportunity to share information on ongoing efforts, to identify specific short-term strategies and long-term solutions, and to address risk communication challenges. Following the Summit, the agency hosted a series of visits during the summer of 2018 in communities directly impacted by PFAS. The EPA interacted with more than 1,000 people during community engagement events in Exeter, New Hampshire; Horsham, Pennsylvania; Colorado Springs, Colorado; Fayetteville, North Carolina; and Leavenworth, Kansas, as well as through a roundtable in Kalamazoo, Michigan, and events with tribal representatives in Spokane, Washington. The Action Plan, described in greater detail below, was developed based on feedback from these events. The EPA also provided an opportunity for the public to submit written comments to a public docket, and the agency received approximately 120,000 comments that the EPA also considered when developing the Action Plan.

The EPA continues to provide support to states, tribes, and communities who are addressing PFAS issues. For example, the EPA is working with the State of New York to provide support as they work to address ongoing issues related to PFOA and PFOS at locations such as Hoosick Falls. At federal facility sites on the National Priorities List, the EPA continues to work with states and other federal agencies (such as the Department of Defense and the Department of Energy) pursuant to cleanup agreements referred to as Federal Facility Agreements (FFAs) to ensure that contamination is investigated and to take appropriate steps to protect human health and limit risks from the release of these chemicals from those facilities to the environment.

The agency is also committed to working with our federal partners, including the Department of Defense and the Department of Health and Human Services, on response actions and continuing research into the health and environmental impacts of these substances. For example, the EPA has coordinated with its federal agency partners on the ongoing process to develop toxicity values for GenX and PFBS. The EPA released draft toxicity values on November 14, 2018, sought public input until January 22, and is currently reviewing the input we received. As reflected in our PFAS Action Plan, interagency coordination is key to providing a common federal approach to addressing these substances to best support our state, local, and tribal partners as well as the public. The EPA looks forward to continuing our interagency dialogue and collaboration on PFAS issues.

EPA's NEW ACTION PLAN

On February 14, 2019, the EPA released its PFAS Action Plan. The Action Plan represents the first time the EPA has built a national, multi-media, multi-program, research, management, and risk communication plan to address an emerging class of chemicals of concern like PFAS. The

Action Plan identifies both short-term solutions for addressing PFAS chemicals and long-term strategies that will help provide the tools and technologies states, tribes, and local communities need to clean up sites and to provide clean and safe drinking water to their residents. Major actions described in the Action Plan are highlighted below.

Drinking Water: The EPA is committed to following the MCL rulemaking process as established by SDWA—a process that is designed to ensure public participation, transparency, and the use of the best-available science and other technical information. As its next step, the EPA will propose a regulatory determination for PFOA and PFOS by the end of this year. The EPA is also gathering and evaluating information to determine if regulation under SDWA is appropriate for a broader class of PFAS chemicals.

Cleanup: The EPA has initiated the regulatory development process for proposing to designate PFOA and PFOS as Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) hazardous substances and is developing interim groundwater cleanup recommendations for sites contaminated with PFOA and PFOS. This important work will provide the EPA with additional options to help states, tribes, and local communities address existing contamination and can enhance the ability to hold responsible parties accountable.

Enforcement: The EPA will continue its ongoing enforcement investigations, create tools to help identify potential sources of PFAS releases, and assist states in their potential enforcement activities. Where the EPA finds that there may be an imminent and substantial endangerment to public health, the agency will consider using its response authority under CERCLA section 104,

or its authorities such as SDWA section 1431 or section 7003 of the Resource Conservation and Recovery Act (RCRA).

Monitoring: The EPA will propose to include additional PFAS chemicals in the next round of nationwide drinking water monitoring under the UCMR program. This will improve the EPA's understanding of the frequency and concentration at which these PFAS chemicals occur in drinking water. This additional monitoring will utilize newer methods that will detect more PFAS chemicals and some at lower levels. The EPA will also consider certain PFAS chemicals for listing in the Emergency Planning and Community Right-to-Know Act (EPCRA)'s Toxics Release Inventory (TRI) to help the agency identify where these chemicals are being released.

Research: Through additional research, the EPA will expand the scientific foundation for understanding and managing risk from PFAS. The EPA will develop new analytical methods so that more PFAS chemicals can be detected in drinking water, in soil, and in groundwater. These efforts will improve our ability to monitor PFAS, understand exposures, and assess potential risks. The EPA's research efforts also include developing new technologies and treatment options to remove PFAS chemicals from drinking water and at contaminated sites.

Risk Communications: The EPA will work across the agency—and the federal government—to develop a PFAS risk communication toolbox that includes materials that states, tribes, and local partners can use to effectively communicate with the public. It is imperative that all levels of government communicate accurately with the public about what is known and not known about PFAS chemical exposure and human health impacts.

In summary, the items identified in the PFAS Action Plan will help the EPA and its partners address PFAS and protect public health. To implement the Action Plan, the EPA will continue to work in close coordination with multiple entities, including other federal agencies, states, tribes, local governments, water utilities, the regulated community, and the public.

CONCLUSION

The EPA shares the Subcommittee's concern for communities across the United States that continue to deal with these substances. The emerging PFAS exposure concern is a priority for the EPA, and the agency is working collaboratively with our federal and state partners to address PFAS-related issues in order to better protect human health and the environment.

Once again, Chairman Rouda, Ranking Member Comer, and Members of the Subcommittee, thank you for the opportunity to discuss PFAS and the EPA's ongoing commitment to working to find solutions to address these chemicals. I look forward to answering any questions you may have.