



Submitted via email to

October 15, 2019

CA Congressional Delegation

Subject: CASA Comments on PFAS Provisions in the NDAA

Dear Members of the California Congressional Delegation:

The California Association of Sanitation Agencies (CASA) appreciates the opportunity to comment on PFAS provisions within the Fiscal Year 2020 National Defense Authorization Act (NDAA) (HR 2500). CASA is dedicated to protecting public health and the environment through effective wastewater treatment. We promote sustainable practices such as water recycling, biosolids management, and renewable energy production. We represent over 120 public agencies in California serving more than 90% of the California sewered population. We urge you to work with your colleagues to develop federal policy to address PFAS as detailed below.

As Congress continues to address the very important issue of per- and polyfluoroalkyl substances (PFAS) in water, we want to bring to your attention the adverse consequences of Representatives Debbie Dingell and Chris Pappas's amendments included in the House-passed NDAA pending before a House Senate Conference Committee.

The mission of wastewater utilities is to protect public health and the environment in the communities we serve. The public clean water sector is committed to working with Congress, the Environmental Protection Agency, and state regulators to ensure PFAS do not harm our communities. Unfortunately, while the Dingell and Pappas amendments are well-intentioned in trying to address PFAS concerns, the practical implications of these two amendments could be to impose serious, unintended challenges on public clean water utilities.

If these amendments are passed into law as written, Congress would circumvent the scientific and regulatory process by mandating that EPA add all PFAS as a hazardous substance under CERCLA and list PFAS as toxic pollutants under the Clean Water Act. These amendments bypass the process by which EPA first assesses which PFAS chemicals pose public health concerns and then sets evidence-based risk levels and cleanup thresholds. In short, these amendments would put the "cart before the horse" by mandating certain action before the appropriate scientific and risk analyses have been made.

Not only do important scientific determinations need to be made before identifying PFAS as a hazardous substance under CERCLA and listing PFAS as toxic pollutants under the Clean Water Act, but the focus needs to remain on the parties responsible for PFAS being in water, such as

manufacturers and industrial users. Utilities and their customers should not bear the high costs of remediating PFAS.

The bipartisan Senate version of NDAA (S. 1790), led by Senators John Barasso and Tom Carper, does not include the language of the Dingell or Pappas amendments. CASA supports the Senate approach as preserving the priority to develop environmental mandates underpinned by science and consistent with the authorities of the Safe Drinking Water Act. Since 1956, CASA has represented the interests of California's wastewater community, including constituents from your congressional district, I urge that you take into account our concerns regarding the unintended consequences of the Dingell and Pappas amendments. Public clean water utilities are willing to do our part to address PFAS issues, but we cannot allow policy to outpace science.

If you would like additional background information about PFAS as it relates to the municipal wastewater sector, please see the attached fact sheet as well as [documents](#) produced by the Water Environment Federation and National Association of Clean Water Agencies. If you have any questions or concerns, please do not hesitate to reach out to me directly at (916) 446-0388 or jgauger@casaweb.org. Thank you.

Sincerely,

A handwritten signature in blue ink, reading "Jessica Gauger".

Jessica Gauger
Director of Legislative Advocacy

cc: Roberta Larson, Executive Director, CASA
Adam Link, Director of Operations, CASA
Eric Sapirstein, Federal Lobbyist, ENS Resources