

March 14, 2024

Honorable Senator Maria Cantwell
United States Senate
511 Hart Senate Office Building
Washington, DC 20510

Honorable Senator Patty Murray
United States Senate
154 Russell Senate Office Building
Washington, D.C. 20510

Senator Cantwell and Senator Murray:

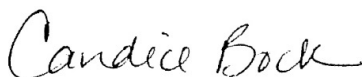
Addressing contamination of PFAS in the environment is top of mind for local leaders. As the Senate Environment and Public Works (EPW) Committee is developing bipartisan legislation to improve the mitigation and remediation of PFAS contamination, I am writing to urge you to support the addition of language that would provide local governments a narrow exemption from liability under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Cities, towns and villages deliver essential public services that do not involve the manufacture or use of PFAS. Local governments, including drinking water, wastewater and stormwater utilities and municipal landfills and solid waste facilities, serve as passive receivers of PFAS chemicals and did not cause or contribute to contamination, and therefore should not be held liable for PFAS contamination or cleanup costs. Additionally, local governments, including municipal airports and fire departments, were required by federal law to use firefighting foam containing PFAS chemicals, and therefore should not be held liable for PFAS contamination or cleanup costs. Local government liability protection is essential to ensuring adherence to a “polluter pays” model, rather than shifting the financial burden onto the community and taxpayers.

Additionally, I wish to express my support for provisions in the EPW draft legislation that would prevent further pollution and contamination from PFAS through research and development for the prevention, detection and destruction of PFAS and support for provisions to help remove PFAS chemicals from the environment. These provisions can help ensure that the federal government does not pass the costs of addressing PFAS contamination onto local governments and taxpayers.

The draft bipartisan legislation is a positive step forward toward holistically addressing PFAS contamination in communities across the country, yet it must include a key provision of municipal liability protection to ensure local governments can affordably provide essential public services to our residents and businesses.

Sincerely,



Candice Bock
Government Relations Director
Association of Washington Cities

cc: Senator Tom Carper (D-DE), Chair, Senate Environment and Public Works Committee
Senator Shelley Moore Capito (R-WV), Ranking Member, Senate Environment and Public Works Committee