

Oak Ridge, Tennessee – March 17, 2024

## PFAS Legislation Must Include Municipal Liability Protection

Dear Honorable Senator Hagerty:

Addressing contamination of PFAS in the environment is a big concern for local government leaders. Oak Ridge, where I serve on the City Council, has not yet faced serious issues from PFAS, but other cities have, and no place is immune. While 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 with 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, have been passive receivers of PFAS chemicals from industrial sources, military facilities, and other external sources. They did not cause or contribute to contamination, and therefore should not be held liable for PFAS contamination or cleanup costs. Recently in our state of Tennessee, we have had disturbing news about PFAS in Bristol's water, which probably has spread contamination to other lands and waters. Bristol and its citizens should not be held liable for the city's being the innocent recipient of someone else's PFAS, and neither should other cities that have had the bad luck of receiving this contamination. 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 that local governments can affordably provide essential public services to our residents and businesses.

Sincerely,



Ellen Smith, Member of Oak Ridge City Council  
PO Box 1, Oak Ridge, Tennessee 37830  
esmith@oakridgetn.gov

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

Joe Brown, [Joe.Brown@epw.senate.gov](mailto:Joe.Brown@epw.senate.gov)  
John Kane, [John.Kane@epw.senate.gov](mailto:John.Kane@epw.senate.gov)