



City of

**Apple
Valley**

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March 7, 2024

The Honorable Shelley Moore Capito
Ranking Member
Senate Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

Dear Ranking Member Capito:

We are writing today with growing concerns about PFAS (Per- and Polyfluorinated Substances). The Senate Environment and Public Works (EPW) Committee is currently developing bipartisan legislation to improve the mitigation and remediation of PFAS contamination. We are writing to urge you to support the addition of language that would provide units of local government a narrow exemption from liability under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Cities deliver essential public services that do not involve the manufacture or distribution of PFAS. Local governments, through the provision of drinking water, wastewater and stormwater utilities 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, we wish to express our 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.

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,

CITY OF APPLE VALLEY

Clint Hooppaw
Mayor

Ruth Grendahl
Councilmember and Chair of the National
League of Cities Energy, Environment and
Natural Resources Committee



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

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