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**The Honorable Tom Carper Chairman
Committee on Environment and Public Works
Washington, DC 20510**

**The Honorable Shelley Moore Capito Ranking
Member
Committee on Environment and Public Works
Washington, DC 20510**

Dear Chairman Carper and Ranking Member Capito,

I am writing on behalf of Pender County Utilities (PCU) and our 12,500 water and sewer customers to request your support for crucial statutory protections for our utility.

As you are aware, the U.S. Environmental Protection Agency (EPA) has been actively pursuing the regulation of per- and polyfluoroalkyl substances (PFAS), including the designation of perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This designation, currently under final review at the U.S. Office of Management and Budget (OMB), could have significant implications for water systems like ours.

PCU serves the entirety of Pender County in southeastern North Carolina, an area that has long been affected by pollution from upstream chemical manufacturing facilities, notably those owned by DuPont (later Chemours). The production of PFOA at the Fayetteville Works Site has been a primary source of PFAS pollution in our region. It would be unjust if the CERCLA designation allowed Chemours/DuPont to shift cleanup liability onto downstream victims like our utility.

We therefore urge your support for statutory protections for water systems from liability under CERCLA for PFAS contamination. Such protections are essential to ensure that polluters, not the public or water utilities, bear the responsibility and cost of cleanup.

CERCLA was established on the principle of "polluter pays," holding companies accountable for the cleanup of hazardous substances they produce and release into the environment. However, the designation of PFOA and PFOS as hazardous substances means that water systems like ours could face cleanup liability simply because they passively receive these substances from upstream polluters.

This designation would expose water utilities to potential litigation from the polluters themselves, placing an unfair financial burden on ratepayers. Even if utilities successfully defend themselves in court, the cost of litigation alone could exacerbate existing challenges related to water affordability.

Furthermore, CERCLA liability would add to the significant treatment costs utilities already incur to meet Safe Drinking Water Act and Clean Water Act regulations related to PFAS. It is unjust to burden ratepayers with the remedial costs that should rightfully be borne by the companies responsible for producing and profiting from PFAS.

With the proposed rule under final review, it is imperative that Congress take swift action to ensure that water systems and their ratepayers are not unfairly punished for PFAS contamination they did not cause. We therefore urge your support for S. 1430, the Water Systems PFAS Liability Protection Act, to preserve the "polluter pays" principle under CERCLA and allow water utilities to focus on maintaining water quality without undue financial strain.

In conclusion, we respectfully request your support for S. 1430 and the inclusion of statutory liability protections for PFAS under CERCLA in any relevant legislative package. Thank you for your attention to this critical issue.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Anthony Colon', is positioned above the typed name.

Anthony Colon

Executive Director- PCU

CC: Tom Tillis, U.S. Senator for North Carolina
Ted Budd, U.S. Senator for North Carolina
Brad George, Board of Pender County Commissioners, Chairman