

JAMES M. INHOFE, OKLAHOMA  
SHELLEY MOORE CAPITO, WEST VIRGINIA  
KEVIN CRAMER, NORTH DAKOTA  
MIKE BRAUN, INDIANA  
MIKE ROUNDS, SOUTH DAKOTA  
DAN SULLIVAN, ALASKA  
JOHN BOOZMAN, ARKANSAS  
ROGER WICKER, MISSISSIPPI  
RICHARD SHELBY, ALABAMA  
JONI ERNST, IOWA

THOMAS R. CARPER, DELAWARE  
BENJAMIN L. CARDIN, MARYLAND  
BERNARD SANDERS, VERMONT  
SHELDON WHITEHOUSE, RHODE ISLAND  
JEFF MERKLEY, OREGON  
KIRSTEN GILLIBRAND, NEW YORK  
CORY A. BOOKER, NEW JERSEY  
EDWARD J. MARKEY, MASSACHUSETTS  
TAMMY DUCKWORTH, ILLINOIS  
CHRIS VAN HOLLEN, MARYLAND

# United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR  
MARY FRANCES REPKO, MINORITY STAFF DIRECTOR

March 13, 2019

The Honorable Andrew Wheeler  
Administrator  
U.S. Environmental Protection Agency (EPA)  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Wheeler,

I write with grave concerns regarding the delay in the finalization of EPA's groundwater cleanup guidelines for PFOS and PFOA, two types of per- and poly-fluoroalkyl substances (PFAS). These guidelines have been held up at OMB since August 2018 due to an interagency dispute<sup>1</sup> related to determining the stringency of the guidelines. Specifically, I have learned that the reason for the lengthy delay is that the Department of Defense (DOD), National Aeronautics and Space Administration (NASA) and the Small Business Administration (SBA) are urging for the adoption of a much less stringent clean-up standard. I urge you to resist these or any other efforts to weaken the clean-up standards and quickly finalize guidelines that are sufficiently protective of human health and the environment.

EPA is currently developing its Interim Recommendations for Addressing Groundwater Contaminated with PFOA and PFOS to help provide support to site-specific cleanup efforts, including efforts at military and other federal sites. According to a March 2018 DOD presentation<sup>2</sup> to Congress, DOD identified 90 military installations and 1,621 groundwater wells whose levels of PFOA and PFOS exceeded EPA's drinking water lifetime health advisory of 70 parts per trillion (ppt). EPA's groundwater cleanup guidelines would be expected to be used as base standards for remediation of contamination at these and other sites. In May 2018, former Administrator Scott Pruitt announced<sup>3</sup> that EPA would complete these guidelines by fall 2018, but they have neither been released for public comment nor finalized.

My office has recently obtained some disturbing information that may be related to the reasons for the delay in the release of these guidelines:

- My office has been informed that EPA's draft proposed guidelines recommended that contaminated sites be cleaned up to a level equivalent to EPA's current drinking water lifetime health advisory of 70 ppt of PFOA/PFOS. Additionally, EPA recommended that emergency measures, such as the provision of alternative drinking water, be taken when levels of PFOA/PFOS exceed 400 ppt.
- According to sources, DOD, along with NASA and SBA, have objected to EPA's proposed clean up and emergency levels. These agencies instead urged for the adoption of a much higher 400 ppt clean-up standard and 1200 ppt emergency level. Such levels would, among other consequences, subject fewer sites that were contaminated through the military's use of PFOA/PFOS from having to be remediated in the first place. Additionally, although EPA recommended that the clean-up and

<sup>1</sup> <https://subscriber.politicopro.com/energy/article/2019/01/epa-ignores-cdc-guidelines-in-chemical-cleanup-plan-1067544>

<sup>2</sup> [https://partner-mco-archive.s3.amazonaws.com/client\\_files/1524589484.pdf](https://partner-mco-archive.s3.amazonaws.com/client_files/1524589484.pdf)

<sup>3</sup> <https://www.epa.gov/newsreleases/administrator-pruitt-kicks-national-leadership-summit-pfas>

emergency levels be triggered by individual *or* combined levels of PFOA and PFOS (such that, for example, 25 ppt of PFOA and 50 ppt of PFOS would combine to exceed EPA's proposed 70 ppt clean-up level), some or all of DOD, NASA and SBA may have opposed this recommendation to combine the levels of exposure of individual PFAS chemicals. These agencies instead may have recommended that each PFAS chemical be treated separately, which could mean, for example, that a site that includes levels of 399 ppt each of PFOA and PFOS (for a combined level of 798 ppt, more than ten times EPA's lifetime health advisory level) would be excluded from clean-up and emergency remediation efforts.

- EPA has reportedly resisted these weakening measures. However, my office has learned that DOD and NASA continue to refuse to agree to take any measures to remediate contamination caused by their activities unless the measured levels of PFOA and PFOS exceed 400 ppt. Once such levels are exceeded these Agencies reportedly will agree to clean the contamination down to a level of 70 ppt. However, for any contamination whose PFOA and PFOS levels are under 400 ppt (including contamination that has migrated off the federal sites into the surrounding communities), no action would be taken at all. This means that people who live both on and off contaminated federal sites would not be assured of protection from contamination well in excess of the 70 ppt level that EPA has said<sup>4</sup> is needed to "provide Americans, including the most sensitive populations, with a margin of protection from a lifetime of exposure to PFOA and PFOS from drinking water."

In your confirmation hearing, you said that "It is these Americans that President Trump and his Administration are focused on, Americans without access to safe drinking water or Americans living on or near hazardous sites, often unaware of the health risks they and their families face. Many of these sites have languished for years, even decades. How can these Americans prosper if they cannot live, learn, or work in healthy environments?" Please take prompt action to finalize groundwater clean-up guidelines for PFAS that live up to your stated objectives and reject efforts by other federal agencies to weaken them.

Thank you for your prompt attention to this matter. If you or members of your staff have any questions regarding these requests, please ask your staff to contact Michal Freedhoff of the Environment and Public Works Committee staff at 202-224-8832.

Sincerely yours,



Tom Carper  
Ranking Member

---

<sup>4</sup> <https://www.epa.gov/ground-water-and-drinking-water/drinking-water-health-advisories-pfoa-and-pfos>