



# Public Employees for Environmental Responsibility

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March 27, 2019

Honorable John Barrasso  
United States Senate  
Chairman  
Committee on Environment & Public Works  
410 Dirksen Senate Office Bldg.  
Washington, DC 20510-6175

Honorable Thomas Carper  
United States Senate  
Ranking Minority Member  
Committee on Environment & Public Works  
456 Dirksen Senate Office Bldg.  
Washington, DC 20510-6175

**Re: Federal response to the risks associated with per- and polyfluoroalkyl substances (PFAS)**

Dear Senator Barrasso and Senator Carper:

I am writing to you on behalf of Public Employees for Environmental Responsibility (PEER) to alert you to a key development concerning per- and polyfluoroalkyl substances, collectively called PFAS that deserves your attention.

Despite growing evidence of the serious health and environmental harms of PFAS, the number of new short-chain and other PFAS chemicals produced and imported in the U.S. is approaching new records. This critical fact must be taken into account in devising a cogent response to this emergent source of contamination.

Last month shortly before his confirmation, EPA Administrator Andrew Wheeler offered a PFAS “Action Plan” that, among other things, discussed the need for “Understanding PFAS in Commerce” and stated:

The EPA has the responsibility for reviewing new chemical substances before they enter commerce. The EPA’s TSCA New Chemicals program functions as a “gatekeeper” to help manage the potential risk to human health and the environment from chemicals new to the marketplace. TSCA requires the EPA to make risk determinations on new industrial chemicals and provides the EPA with a range of regulatory options to address risks.

Despite this claim by EPA to possess regulatory authority to stop new uses of PFAS following a risk determination, EPA apparently has not done so, because the number of PFAS chemicals in use is ratcheting up sharply.

Due to a recognition of their toxicity and bio-persistence, industry voluntarily agreed to begin

phasing out one version of the chemical, PFOS, in 2002 and to phase out another, PFOA, by 2015. However, industry immediately began replacing PFOA and PFOS with new unregulated short-chain PFAS chemicals (a slight variation of chemical formula) and continue to do so at a high rate.

Data from EPA's Chemical Data Reporting database and analyzed by PEER shows that the number of new PFAS chemicals produced in volumes in excess of 25,000 pounds a site per year increased by 30 from 2012 to 2016. The data shows that there are now 118 PFAS chemicals made or imported in very large quantities, compared with just 76 in 2002. [See attached graph and data display]

One major concern is that this rapid rate of PFAS substitution makes it impossible for public health agencies to keep up with toxicology assessments in time to protect the public.

Another concern is that EPA's approach is way too narrow and ignores the market forces now at work.

In his PFAS Action Plan Administrator Wheeler proposes to set Maximum Contaminant Levels only for PFOA and PFOS – the two chemicals already being phased out. The EPA approach ignores the vast majority and fastest growing types of PFAS now in use.

In light of this new data, PEER would urge this Committee to consider legislation that would—

1. Impose a moratorium on the manufacture and importation of PFAS chemicals until there is sufficient scientific information on the toxic effects of these short-chain chemicals on humans and their persistence in the environment; and
2. Require industries that manufacture or use these short-chain chemicals to contribute to a research fund for human health risk assessment by expert toxicologists without ties to those industries.

Given the belated, limited, and halting steps taken and proposed, it is clear that EPA has no handle on this mounting chemical crisis. It is incumbent upon the Congress to enact a coherent plan for keeping these chemicals out of our environment, our drinking water, or our bloodstreams.

Should you desire any further information, please do not hesitate to contact me.

Sincerely,



Timothy Whitehouse  
Executive Director

Attachments