

S. 1790/H.R. 2500 - PFAS: Industry Comments on Federal Legislation



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A number of industry trade associations submitted an August 26th letter to the Chairmen of the Senate and U.S. House of Representatives Committees on Armed Services along with the Ranking Members addressing the provisions in S. 1790 and H.R. 2500 which is denominated the:

National Defense Organization for Fiscal Year 2020 (collectively "Legislation")

The Legislation addresses the regulation of per- and polyfluoroalkyl substances ("PFAS").

The trade associations executing the letter include:

- U.S. Chamber of Commerce
- Airlines for America
- Airports Council International –North America
- American Chemistry Council
- American Coatings Association
- American Forest & Paper Association
- American Fuel & Petrochemical Manufacturers
- American Petroleum Institute
- Flexible Packaging Association
- International Liquid Terminals Association
- National Association of Chemical Distributors
- National Association of Manufacturers
- Petroleum Marketers Association of America
- Plastics Industry Association (PLASTICS)
- Society of Chemical Manufacturers and Affiliates
- TRSA, the Linen, Uniform, and Facility Services Association
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PFAS have been used in various industrial applications and consumer products such as:

- Fabrics for furniture
- Paper packaging for food and other materials resistant to water, grease or stains
- Firefighting at airfields
- Utilization in several industrial processes

PFAS properties include resistance to heat, water, and oil. Further, they are described as persistent in the environment and resist degradation.

Several states have initiated rulemaking or issued guidance to establish ambient groundwater standards.

The August 26th letter recommends that Congressional action enable the appropriate agencies to “carry-out the risk-based approach established in existing U.S. environmental law and policy.” They express support for regulation of specific PFAS chemicals but ask that Congress prioritize the cleanup of contaminated sites. As Congress deliberations begin opposition is expressed to:

. . . those provisions that would circumvent existing, well-established regulatory processes, predetermine outcomes using inadequate scientific data, and potentially inhibit effective cleanup of those PFAS that are of the greatest concern.

The following actions are recommended:

- Reject Provisions that Circumvent Existing Regulatory Authorities and Regulate PFAS as a Single Class
- Support Provisions that Provide Regulatory Agencies with the Proper Oversight and Funding Necessary to Evaluate and Address Specific Priority PFAS
- Adopt an Extended Timeline for the Phase Out of Aqueous Film-Forming Foam

A copy of the letter can be downloaded [here](#).