

June 20, 2023

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

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

The Honorable Cathy McMorris Rodgers
Chair
House Committee on Energy & Commerce
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Frank Pallone, Jr.
Ranking Member
House Committee on Energy & Commerce
2322 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Carper, Ranking Member Capito, Chair Rodgers, Ranking Member Pallone:

We strongly urge you to reject proposals to weaken the Superfund law's protections by exempting certain responsible parties from liability. Such legislation represents another injustice for communities already harmed by PFAS.

Communities of color and low-income communities historically have received disproportionate chemical exposures and other environmental harms, and often do not receive vigorous protection under federal and state environmental laws.

For these reasons we strongly oppose industry-supported liability loopholes designed to exempt certain industries from their responsibility to clean up "forever chemicals" known as PFAS (per- and polyfluoroalkyl substances) under the Superfund law, formally CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act).

EPA's proposal to designate two widespread "forever chemicals" as hazardous substances has given hope to communities impacted by PFAS contamination. EPA's designation, while long overdue, would provide an avenue for holding polluters responsible for recklessly fouling the environment with PFAS chemicals.

The principle of "polluter pays" is particularly important for low-income communities and communities of color who, as a consequence of historical environmental injustice, are facing not only health threats, but insurmountable costs for remediation or water treatment.

Efforts to undermine long-standing precedents for liability under Superfund are misguided, unjustified, and self-serving. Industry associations, often purporting to represent water utility ratepayers or impacted communities, assert that liability under the law will harm innocent parties. This argument ignores 40 years of history under CERCLA. The law works as intended. Proposals to exempt certain industries would disrupt long-standing precedent under CERCLA in resolving complex, fact-based, site-specific questions of liability.

There's no "fix" for a problem that doesn't exist.

It's no surprise that certain industries are lobbying Congress to weaken the nation's preeminent "polluter pays" law. Congress should stand with those who have been harmed by polluters and resist any categorical exemptions from Superfund liability.

Sincerely,

Active San Gabriel Valley
Alamosa Riverkeeper
Alaska Community Action on Toxics
Alliance of Nurses for Healthy Environments
Anacostia Riverkeeper
Atchafalaya Basinkeeper
Ban Single Use Plastic
Buxmont Water
Cahaba Riverkeeper
Cape Fear River Watch
Center for Environmental Health
Choctawhatchee Riverkeeper
Clean Cape Fear
Clean Water Action Minnesota
Clean Water Task Force at Windsor Climate Action
Coastal Carolina Riverwatch
Congaree Riverkeeper
Coosa River Basin Initiative
Delaware Riverkeeper Network
Democracy Green
Endangered Species Coalition
Environmental Justice Task Force
Environmental Stewardship
Fight for Zero
Grand Riverkeeper
Great Lakes PFAS Action Network
Green Science Policy Institute
GreenLatinos
Greenpeace USA
Gunpowder RIVERKEEPER
Hackensack Riverkeeper
Haw River Assembly
Hurricane Creekkeeper
Kissimmee Waterkeeper
Long Island Soundkeeper
Los Angeles Waterkeeper
Lower Susquehanna Riverkeeper Association
Matanzas Riverkeeper
Milwaukee Riverkeeper

Missouri Confluence Waterkeeper
Nantucket PFAS Action Group
National Stewardship Action Council
Need Our Water (NOW)
Newburgh Clean Water Project
Norwalk River Watershed Association
Nuclear Information and Resource Service
NY/NJ Baykeeper
Ogeechee Riverkeeper
Oscoda Citizens for Clean Water
PfoaProject NY
Potomac Riverkeeper Network
Puget Soundkeeper
RE Sources
Rio Grande Waterkeeper
Rogue Riverkeeper
San Antonio Bay Estuarine Waterkeeper
San Diego Coastkeeper
SEE (Social Eco Education)
Seneca Lake Guardian
Songbird Farm
South Carolina Indian Affairs Commission
Spokane Riverkeeper
Suncoast Waterkeeper
Tampa Bay Waterkeeper
Tar Creekkeeper
Tennessee Riverkeeper
Testing for Pease
The National PFAS Contamination Coalition
Three Rivers Waterkeeper
Toxic Free North Carolina
Tualatin Riverkeepers
Upper Allegheny Waterkeeper
Waccamaw Indian People
Waterkeeper Alliance
Westfield Residents Advocating For Themselves (WRAFT)
Windsor Climate Action
Women for a Healthy Environment
Women's Indigenous Alliance of SC
Wurtsmith Community Member
Yellow Dog Watershed Preserve