

September 19, 2023

The Honorable Charles E. Schumer  
Senate Majority Leader  
United States Senate  
Washington, DC 20510

The Honorable Mitch McConnell  
Senate Minority Leader  
United States Senate  
Washington, DC 20510

Dear Majority Leader Schumer and Minority Leader McConnell:

We are writing to urge you to defeat legislation that creates liability exemptions for PFAS, known as the “forever chemicals,” under the Comprehensive Environmental Response, Compensation and Liability Act (or “Superfund”).

PFAS is widespread in the environment, persistent, and toxic at extremely low levels. The threat of PFAS is underscored by a USGS study released on July 5, 2023 that found at least 45 percent of the nation’s tap water is estimated to have one or more PFAS. Based on testing at 716 locations, USGS found PFOA and PFOS, two widespread and harmful PFAS, at levels exceeding EPA’s interim health advisories in *every sample* that detected these chemicals.

We must do more to tackle PFAS and protect public health. Liability exemptions for certain industries are a step backward and unjustified. As implemented by EPA, and as intended by Congress, the law holds polluters accountable for cleanups, and EPA has a long history of using existing enforcement flexibilities to assure that innocent parties and small contributors are not unfairly held liable for cleanup costs.

Superfund has served as the nation’s preeminent “polluter pays” law for over 40 years, and it has facilitated restoration of over 1000 contaminated sites and controlled harmful chemical exposures at hundreds more. Legislation creating Superfund exemptions could reverse recent progress toward addressing the nation’s PFAS crisis, and invite other industries to seek a “free pass” to pollute.

We urge you to support government-wide efforts to tackle PFAS, and to resist efforts by some industries to escape responsibility for cleanups under the Superfund law.

Sincerely,

**Hon. Gina McCarthy**  
EPA Administrator, 2013-2017

**Hon. Christine Todd Whitman**  
EPA Administrator, 2001-2003

**Hon. William Reilly**  
EPA Administrator, 1989-1993

cc:

Congressman McCarthy, Speaker of the House

Congressman Jeffries, House Minority Leader

Congressman Cathy McMorris Rogers, Chair, House Committee on Energy and Commerce

Congressman Frank Pallone, Ranking Member, Committee on Energy and Commerce

Senator Thomas Carper, Chairman, Committee on Environment and Public Works

Senator Shelly Moore Capito, Ranking Member, Committee on Environment and Public Works