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Policy Principles on PFAS Chemicals

Per- and polyfluoroalkyl substances (PFAS) are a broad class of thousands of different chemicals receiving increased public attention amid federal and state efforts to address emerging issues with varying levels of concern. This diverse family of important chemical substances is used throughout a wide cross-section of industries, including first responder services, aerospace, energy, automotive, health care, construction, telecommunications, textiles, and electronics. Examples of products enabled by PFAS technologies include semiconductors, solar panels, high-performance electronics, medical devices and garments, and fuel-efficient technologies, and certain fluorinated firefighting foams that are critical for national security, public safety, and emergency response.

The Environmental Protection Agency (EPA), the Department of Defense (DoD), and other federal agencies are advancing additional actions to assess and examine specific PFAS chemicals. These efforts build upon existing regulations that address the associations between different specific PFAS and their potential effects on human health and the environment. It is also important to recognize that the PFAS substances receiving the most attention are no longer manufactured in the U.S., Europe, or Japan.

We are committed to partnering with key stakeholders on pragmatic and effective solutions to PFAS challenges. These approaches include risk-based federal regulation of specific PFAS chemicals that use strong science as well as collaboration on effective treatment and disposal technologies. Such regulation is important to all stakeholders and should be based on the following principles:

- **The Federal Government Should Implement a Consistent Approach for Assessing and Regulating Specific PFAS With Clear Timelines.** The appropriate interagency processes should be used to coordinate regulatory actions among all interested agencies so that government regulations, actions, and communications are consistent and coordinated for maximum effectiveness. Clear timelines will ensure that policy decisions and regulatory outcomes are harmonized and implemented in a timely fashion.

- **Regulations Should Be Based on the Best Available Science**. Any regulatory action addressing different PFAS chemicals should be based on sound, peer-reviewed science and a transparent and well-informed record. Agencies should identify sources of uncertainty and the research needed to reduce those uncertainties. Likewise, regulations should also remain flexible to accommodate emerging science.

- **Specific PFAS Should Be Regulated Based on Risk to Protect Human Health and the Environment.** A quantitative, risk-based approach considers both hazard and levels of exposure. Risk-based approaches are necessary for forming a basis for directing limited societal resources for risk mitigation only to those chemicals and use patterns that pose risks of concern. This rational, quantitative approach is superior to decisions made of the basis on exposure alone (e.g. the mere presence or persistence of a substance). Chemicals of low concern should be treated accordingly.

- **Regulatory Outcomes Should Not Be Predetermined**. Regulatory decisions should be made using existing regulatory frameworks, which have been developed carefully based on sound science and guided by the notice and comment procedures within the Administrative Procedure Act to ensure that all relevant public policy goals are considered.

- **PFAS Chemistries Should Be Regulated Independently, or Appropriate Sub-Categories, Not as a Single Group**. Risk estimates require consideration of both hazard and exposure. PFAS chemicals have a wide variety of different properties and uses. Due to this variation, it is inappropriate to regulate all PFAS chemicals as a single group, and broadly restrict different PFAS chemistries through wide-reaching bans. Rather, each individual chemistry or "well defined" specific small groups of chemicals should be regulated based on the specific risks posed, not simply on structural or physical / chemical similarities. Risks associated with one member of the PFAS class should not be attributed to other members of the PFAS class without clear scientific justification. Any grouping of PFAS for risk assessment should also be scientifically justified. Suitable substitutes for critical-use applications should be identified prior to instituting regulatory restrictions. Additionally, wherever possible, the federal government should strive to minimize patchwork regulations and instead develop nationwide standards that limit regulatory uncertainty, reduce confusion, provide clarity, and improve cleanup outcomes for stakeholders and the public.

- **Agencies Should Provide Meaningful Risk Communication and Regulatory Transparency.** Agencies should ensure that the public can easily understand the magnitude of the risks associated with specific PFAS chemicals and exposures. This includes candid discussions regarding the processes associated with evaluating those chemicals as well as any scientific uncertainties in those analyses.

- **EPA and Other Federal Agencies Should Establish Regular Consultation With Stakeholders**. Since PFAS regulation affects many parties, EPA should consult with local government, state officials, tribal governments, federal agencies, and other stakeholders, including the business community prior to regulatory decisions.

- **Congress Should Provide Regulatory Agencies With the Proper Oversight and Funding Necessary to Evaluate and Address Specific Priority PFAS.** Congress should provide oversight to ensure a coordinated and timely government response and must appropriate the funding necessary to invest in peer-reviewed scientific research and the management, mitigation, and ongoing monitoring of specific PFAS.

We recognize that the Administration has announced its intention to designate PFOA and PFOS as hazardous substances under CERCLA. This action could have significant adverse implications for existing cleanups and for the CERLCA program unless EPA establishes proper guardrails for any hazardous substance designation. The following additional guardrails should be considered:

- **National issue.** EPA should demonstrate that releases of the specific substance of concern are occurring in many parts of the country and in multiple states.
- **Addressing environmental levels that pose risk of concern that require immediate cleanup or removal.** Theoretical or potential exposure or risk can be addressed through other statutes and programs. Cleanup or removal activities will mitigate risks of concern that have been identified via sound science and robust risk assessment frameworks.
- **Ensuring that CERCLA's unique tools are necessary before listing individual PFAS as hazardous substances.** CERCLA is a statute of last resort and can have significant unintended consequences for a broad range of stakeholders including public entities and local governments. EPA should demonstrate that existing state and

federal programs are not available to address the identified sites as CERCLA may not be the best tool.

- **Utilizing best available science.** Available hazard and exposure evidence should meet EPA's highest standards for scientific integrity and transparency. EPA's hazard and risk assessments should undergo a public, independent scientific peer review.
- **Ensuring no delay on current cleanups.** EPA should demonstrate that designating new hazardous substances will not delay cleanup activity for existing CERCLA sites (including five-year reviews) due to limited funding and/or EPA resources.

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