

Administrator Michael S. Regan
U.S. Environmental Protection Agency
EPA Docket Center, OLEM Docket
Mail Code 28221T
1200 Pennsylvania Avenue NW
Washington, DC 20460

October 24, 2022

Dear Administrator,

Re: Designate PFOA and PFOS as hazardous substance (Docket ID No. EPA-HQ-OLEM-2019-0341)

The undersigned organizations strongly support the designation of perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), including their salts and structural isomers, as hazardous substances under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, or “Superfund”), as proposed by the US Environmental Protection Agency (EPA) on September 6, 2022.

PFOA and PFOS are part of a class of chemicals, per- and polyfluorinated alkyl substances, (PFAS) known as “forever chemicals” because once released into the environment they do not break down, and they build up in our blood and organs due to their persistence in the environment.

The most notorious PFAS compounds are PFOA, formerly manufactured and used by DuPont to make Teflon, and PFOS, formerly an ingredient in 3M’s Scotchgard. For decades these chemicals have been used, largely unregulated, in thousands of applications. These substances are now present in the drinking water of hundreds, if not thousands of community drinking water supplies, often due to avoidable past releases into the environment at contaminated sites. Exposure to PFAS [increases the risk of cancer](#), harms fetal development, and reduces the effectiveness of vaccines. Biomonitoring studies by the federal [Centers for Disease Control and Prevention](#) show that the blood of nearly all Americans is contaminated with PFAS.

PFAS pollution is particularly concerning for low-income communities and communities that face historically disproportionate exposure to pollution, cumulative adverse health effects of multiple co-occurring contaminants, and potentially insurmountable costs of water treatment or remediation. Published research suggests that communities with a majority of people of color may be especially affected by PFAS. EPA’s proposed designation aligns with EPA’s commitment to advance environmental justice by addressing historical contamination and deterring on-going releases of these toxic chemicals into the environment.

EPA’s proposed designation of PFOA and PFOS represents one of the federal government’s first concrete steps toward holding polluters accountable for past PFAS contamination and decades of disregard for the health and safety of communities. EPA’s designation, when it becomes final,

would jumpstart the process of identifying and cleaning up PFAS-polluted sites. A “hazardous substance” designation under Superfund triggers [reporting requirements](#) for releases over a certain threshold, and facilitates consideration of contaminated sites for investigation and potential cleanup. The designation unlocks EPA’s authority to order cleanups, and to recover taxpayer funds from polluters when EPA itself conducts a cleanup. It would authorize private parties conducting cleanup consistent with CERCLA rules to recover costs from responsible parties. In addition, the designation would compel cleanups when federal agencies are responsible for contamination. PFAS has been detected at nearly 400 military sites, and testing has found PFOA and PFOS at 275 military sites at concentrations deemed unsafe according to EPA’s recently updated lifetime health advisory levels.

EPA’s designation of PFOA and PFOS as hazardous substances in an important first step. However, we strongly urge EPA to follow through on its commitment to issue in 2022 a proposed rulemaking seeking comments and data on designating additional PFAS for hazardous substance designation, as EPA pledged to do in its October 2021 PFAS Strategic Roadmap. When seeking comments on designating additional PFAS as hazardous substances, we urge EPA to consider the scientific consensus calling for the entire class of PFAS to be addressed together, especially since many communities are likely exposed to mixtures of multiple PFAS chemicals.

We strongly urge EPA to move expeditiously to finalize the designation of PFOA and PFOS as hazardous substances. Communities impacted by PFAS contamination, through no fault of their own, have suffered too long from the health effects and often insurmountable treatment costs due to PFAS releases into the environment by polluting industries.

Thank you for your consideration of these views.

Sincerely,

Able Differently
Active San Gabriel Valley
Advance Carolina
Alaska Community Action on Toxics
Alaska Environment
Alliance of Nurses for Healthy Environments
American Sustainable Business Network
Arizona PIRG
Breast Cancer Prevention Partners
Buxmont Coalition for Safer Water
California Communities Against Toxics
California Environmental Voters
California Safe Schools
CALPIRG
Cape Fear River Watch
Cease Fire Campaign
Center for Biological Diversity

Center for Environmental Health
Children's Environmental Health Network
Citizens for Safe Water Around Badger (CSWAB)
Clean Cape Fear
Clean Water Action
Clean Water for North Carolina
Clearya
Clements Environmental
Commonweal Biomonitoring Resource Center
Community Action Works
Community Water Center
Conservation Alabama
Conservation Minnesota
Conservation Voters for Idaho
Conservation Voters of PA
Consumer Reports
CoPIRG
Defend Our Health
Delaware Riverkeeper Network
Democracy Green
Earthjustice
Ecology Center
Environment America Research & Policy Center
Environment California
Environment Connecticut
Environment Georgia
Environment Massachusetts
Environment New Jersey
Environment Oregon
Environment Texas
Environment Virginia
Environment Washington
Environmental Defense Fund
Environmental Justice Task Force -Tucson
Environmental League of Massachusetts
Environmental Protection Network
Environmental Working Group
Formerly Colorado Medical Waste, Inc.
Freshwater Future
Georgia Conservation Voters
Great Lakes PFAS Action Network
Green Science Policy Institute
GreenLatinos
Harambee House, Inc. / Citizens for Environmental Justice
Highland dairy
Hip Hop Caucus

Hispanic Federation
Illinois Environmental Council
IllinoisPIRG
League of Conservation Voters
Learning Disabilities Association of Alabama
Learning Disabilities Association of America
Learning Disabilities Association of Arkansas
Learning Disabilities Association of California
Learning Disabilities Association of Connecticut
Learning Disabilities Association of Georgia
Learning Disabilities Association of Illinois
Learning Disabilities Association of Indiana
Learning Disabilities Association of Maine
Learning Disabilities Association of Michigan
Learning Disabilities Association of Minnesota
Learning Disabilities Association of New Jersey
Learning Disabilities Association of New York
Learning Disabilities Association of Pennsylvania
Learning Disabilities Association of South Carolina
Learning Disabilities Association of Texas
Learning Disabilities Association of Utah
Learning Disabilities Association of Virginia
Learning Disabilities Association of Wisconsin
Linda S. Birnbaum
Maine Conservation Voters
Maryland PIRG
MASSPIRG
Merrimack Citizens for Clean Water
Michigan League of Conservation Voters
Milwaukee Riverkeeper
Milwaukee Water Commons
Missouri Confluence Waterkeeper
Moms for a Nontoxic New York
Mothers for Safe Air Safe Water Force -Tucson
National PFAS Contamination Coalition
National Stewardship Action Council
National Wildlife Federation
Natural Resources Defense Council
NC League of Conservation Voters
NCPIRG
Need Our Water (NOW) - Oscoda, Michigan
New Jersey LCV
Newburgh Clean Water Project
North Carolina Coastal Federation
North Carolina League of Conservation Voters
Nuclear Information and Resource Service ("for a nuclear-free, carbon-free world")

Ohio Environmental Council
Oregon Environmental Council
Oregon League of Conservation Voters
OSPIRG
Peconic Baykeeper
Penn Environment
PfoaProject NY
Presbyterian Church (USA), Washington Office of Public Witness
Protect Our Aquifer
Safer Chemicals Healthy Families
Safer States
Seneca Lake Guardian
Seventh Generation
Sierra Club
Slingshot
SOH2O
South Carolina Indian Affairs Commission-SC Idle No More
Southern Environmental Law Center
Taproot Earth
Testing for Pease
Three Rivers Waterkeeper
Toxic Free NC
Toxic Free North Carolina
Union of Concerned Scientists
USPIRG
Vermont Conservation Voters
Vermont Natural Resources Council
Virginia League of Conservation Voters
Voices for Progress
Washington Conservation Voters & Washington Environmental Council
WashPIRG
Waterkeeper Alliance
Waterkeepers Chesapeake
Waterway Advocates
WE ACT for Environmental Justice
Wisconsin Conservation Voters
Wisconsin Environmental Health Network
Wisconsin Green Muslims
Women for a Healthy Environment
Women's Voices for the Earth
Zero Waste Washington