



The New York Water Environment Association, Inc.
The Water Quality Management Professionals

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25 October 2019

Congressman Adam Smith
2264 Rayburn Office Building
Washington, DC 20515

Congressman James Inhofe
205 Russell Senate Office Building
Washington, DC 20515

Subject: Amend HR 2500 – National Defense Authorization Act

Dear Congressman Smith and Congressman Inhofe,

The New York Water Environment Association (NYWEA) would like to express our concern for House amendment 48 submitted to HR 2500, the National Defense Authorization Act. NYWEA, a member association of the Water Environment Federation, represents 3,000 wastewater industry professionals and works to achieve its mission to serve the best interest of the public by promoting sustainable clean water quality management. We feel that the Amendment language put forward by Congressmen Pappas and Dingell does not support the nation's clean water needs and we urge you to remove these amendments from the final bill.

In recent years, the issue of per- and polyfluoroalkyl substances (PFAS) in water has become a national issue as more and more places across the country find these emerging contaminants in their water sources. New York especially has been experiencing the harmful effects of PFAS in its water bodies and drinking water sources and has worked hard since the initial discovery to take action. Since 2016 and the initial discovery of these chemicals in New York drinking water, the state has adopted maximum contaminant levels for PFAS chemicals and assisted communities in remediation and contamination prevention efforts. Thoughtful action and research based decision making is allowing New York to take reactive and proactive action against further and future contamination, and we urge the federal government to do the same. However, the amendment proposed by Congressman Pappas would not do this.

While well intentioned, we are concerned that Congressman Pappas' amendment will rush the standard rule making process and, while it will allow us to have a maximum contaminant level for these harmful chemicals, it will need to be changed later as more

research on this topic is done. Creating effluent and pretreatment standards for PFAS is extremely important and we appreciate the Congressman's understanding of the urgency of the situation. However, we need to be sure that we are setting the right standards, and that requires research, which takes time. By setting a two year deadline for the EPA to develop a mandated standard, we are risking legislating the wrong standard. While we agree fast action must be taken to remediate, with 5,000 PFAS chemicals and limited research on them and possible treatment methods for wastewater effluent, including an amendment such as this one in the final bill could have unintended consequences. We want to make sure we are making the right decision, not one right now.

NYWEA understands the dangers of PFAS, and that is why we have consistently pushed for early action to remediate signs of PFAS in drinking water sources and wastewater effluent. However, this is an expensive task and many utilities do not have the discretionary funds to do this. It should not be the responsibility of the entity that has had this issue thrust upon them to pay this cost. This is what Congressman Dingell's proposed amendment would do. By mandating additional PFAS regulations for water under CERCLA (also known as the Superfund law), this amendment would put the responsibility and cost of remediating the contamination on the utilities and their ratepayers, rather than the industrial producers and users that introduced the compounds in the first place. We should not be subjecting those being harmed by these carcinogenic chemicals to the high cost of remediation and prevention. This amendment would unfairly burden the utilities and their ratepayers and allow those who created these chemicals to keep their profits while externalizing the cost of clean-up.

Congressional committee staff has already determined that Rep. Pappas' amendment would create a PFAS standard that would declare the chemicals as hazardous substances under the Clean Water Act and CERCLA law. Therefore, it is not a matter of if the issues these amendments present will occur, but when. If both of these amendments remain in this bill, we are at risk of creating uninformed requirements and putting an undue burden on utilities and their ratepayers to pick up the pieces of the chemical industry's mistake.

Do not let this happen. Please remove amendment 48 from the final version of the NDAA legislation.

Thank you for your service and time on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Wither". The signature is fluid and cursive, with the first name "Robert" being larger and more prominent than the last name "Wither".

Robert E. Wither, P.E.
President, NYWEA