

United States Senate

WASHINGTON, DC 20510

April 13, 2021

The Honorable Janet Yellen
Secretary
U.S. Department of Treasury
1500 Pennsylvania Avenue, NW
Washington, D.C. 20220

Dear Secretary Yellen:

Contamination from per- and polyfluoroalkyl substances (PFAS) has emerged as a serious issue for state, tribal, and local governments, impacting public and private drinking water and contaminating farmland. Around the country, there is a critical need for resources to better determine, assess, and mitigate PFAS contamination, as well as support those with contaminated lands and/or water. As the Department of Treasury (Treasury) establishes rules and guidance for allocating American Rescue Plan (ARP) state, tribal, and local fiscal recovery funds, we request that those funds allocated for making ‘necessary investments in water, sewer, or broadband infrastructure’ be eligible for state, tribal, and local governments to use in their PFAS remediation plans.

As you are aware, in addition to the COVID-19 pandemic, state and local governments around the country are struggling to respond to widespread issues relating to PFAS contamination. While the long-term impacts that PFAS contamination may have on human health are still being examined, contamination has been associated with a number of health effects, including birth defects, various forms of cancer, and immune system dysfunctions. Recent studies have even suggested that individuals with elevated levels of PFAS have an increased risk of a more severe course of COVID-19 than those who do not have elevated levels of PFAS.¹

PFAS has been found in public drinking water systems and residential wells throughout the United States. Addressing this contamination requires significant investment and proactive efforts to remediate. Ensuring states, tribes and local governments have flexibility to use ARP infrastructure funds to support their PFAS work will help combat this pervasive and ongoing public health threat that impacts so many Americans.

In addition to the human health impacts, PFAS contamination is having a major impact on agriculture and our food supply chain across the nation. For instance, some milk processors have stopped sourcing from farmers that have passed the PFAS threshold of 210 parts per trillion (ppt) for milk. Several farms across the country have confirmed PFAS contamination and now face financial ruin, their crops and products unable to be sold safely. The devastating impact to these farms cannot be overstated. They are saddled with enormous debt and cannot realistically

¹ <https://www.hsph.harvard.edu/news/hsph-in-the-news/pfas-exposure-linked-with-worse-covid-19-outcomes/>

salvage their crops or livestock—no technology exists that can remediate PFAS contamination in soil. There are also no existing state or federal programs that offer emergency or long-term assistance due to PFAS impacts. These farms need robust financial support.

The ARP established two fiscal recovery funds to distribute money to states, local governments, tribal governments and U.S. territories—\$219.8 billion in aid for a Coronavirus State Fiscal Recovery Fund and \$130.2 billion for a Coronavirus Local Fiscal Recovery Fund. The funds may be used only to cover costs incurred by each applicable jurisdiction by December 21, 2024, for several purposes, including “to make necessary investments in water, sewer or broadband infrastructure.” If deemed eligible, state, tribal and local governments would be able to utilize these funds for the following activities:

- Ramp up efforts to protect citizens from exposure to unsafe levels of PFAS, including by addressing PFAS in wastewater treatment plant residuals, landfill leachate, fire-fighting foam, or other sources;
- Expand sampling and analysis of water, soil, milk, animal feed, and other media;
- Expand live and post-mortem sampling and analysis of livestock;
- Provide funding to install water treatment to remove PFAS from impacted drinking water sources;
- Provide direct financial support so farms facing PFAS contamination can remain viable and citizens can obtain water treatment systems and support; and
- Partner with our land grant and other research universities to expand PFAS research and PFAS-mitigation and remediation strategies.

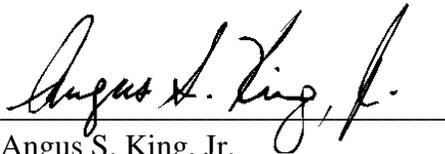
President Biden has pledged to “improve water quality in a comprehensive way”² and tackling PFAS pollution by designating PFAS as a hazardous substance, setting enforceable limits for PFAS in the Safe Drinking Water Act, prioritizing substitutes through procurement, and accelerating toxicity studies and research on PFAS would help achieve this goal. Additionally, during Environmental Protection Agency (EPA) Administrator Michael Regan’s testimony before the Senate Committee on Environmental and Public Works during his nomination hearing, he stated that, “PFAS, PFOA, perfluorinated compounds will be a top priority for this [President Biden’s] administration.”³

Given the administration’s commitment to addressing PFAS issues, we respectfully request that ARP state and local fiscal recovery funds allocated for water, sewer, and broadband infrastructure be eligible for state, tribal, and local governments to use in their PFAS remediation plans. The health and environmental threats posed by PFAS are significant. We thank you for considering this request.

Sincerely,

² [joebiden.com/environmental-justice-plan](https://www.joebiden.com/environmental-justice-plan)

³ https://www.epw.senate.gov/public/_cache/files/b/b/bb8ad566-12ca-4ff6-adb5-e3f61d44b3ab/736007F6C59AEDCCF63FD6C63517DAD5.spw-02032021-nomination-hearing.pdf



Angus S. King, Jr.
United States Senator



Jeanne Shaheen
United States Senator



Susan M. Collins
United States Senator



Gary C. Peters
United States Senator



Richard Blumenthal
United States Senator

/s/ Thomas R. Carper

Thomas R. Carper
United States Senator



Margaret Wood Hassan
United States Senator



Chris Van Hollen
United States Senator