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April 28, 2023

The Honorable Michael Regan
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Regan,

I write you today regarding the Department of Defense's (DoD) incineration of per- and polyfluoroalkyl substances (PFAS). As you know, the National Defense Authorization Act for Fiscal Year 2022 (PL 117-81) imposed a moratorium on the incineration of materials containing PFAS until the DoD issues guidance implementing the EPA's interim guidance on the destruction and disposal of PFAS. In April 2022, the DoD released a memorandum implementing this ban.

The EPA's interim guidance on the destruction and disposal of PFAS states that insufficient information exists regarding the deleterious impacts that incineration has on the environment. Specifically, it states that "there is a current need to continue research activities investigating incineration of PFAS. After sufficient research has been completed to address the related knowledge and data gaps, EPA can make a more informed recommendation" on incineration. It is critically important to safely and effectively dispose of PFAS chemicals that are contaminating our water and air. It is equally crucial that we do not contaminate our environment in this process. Therefore, before any incineration of PFAS and PFAS-containing substances continues, I request that you provide detailed answers to the following questions:

1. What is EPA's plan or requirement for validating that incineration processes are safe and effective to levels below EPA limits?
2. Does EPA's plan include capturing and testing all air emissions and liquid by-products resulting from incineration, such that all materials must be confirmed to be PFAS-free or below a specific concentration before being allowed to be released into the environment?
3. Will EPA ensure that any PFAS disposal or destruction technology, including incineration and non-incineration methods, is evaluated using the same standards and analytical analysis?
4. Which PFAS will be included in air emissions monitoring to ensure any incineration does not transfer the exposure concerns associated with PFAS from waste to air? How does

- EPA take into account non-targeted PFAS, short-chain fluorocarbons, or other byproducts with a long atmospheric half-life, like fluoroalkanes?
5. The locations of incinerators disproportionately burden environmental justice communities. How is the agency incorporating these concerns into its regulations and PFAS disposal guidance?
 6. Will incineration destruction criteria be established based on what is being treated since different waste materials will involve different mixtures and levels of PFAS?
 7. I understand EPA is currently conducting research to evaluate the safety and effectiveness of incineration of PFAS-containing waste:
 - a. What is the status of these studies, and when will the data be released?
 - b. How many incinerator types and waste types are being evaluated to ensure the results are representative?
 - c. What are the lengths of these studies to ensure that the data are representative?
 - d. What methods is EPA using to evaluate incineration processes, and are they taking a holistic approach to monitoring, including developing a mass balance to determine fluorine mass flow from influent to effluent to ensure complete destruction?
 - e. What are the challenges or limitations to EPA's publication of evaluation criteria for PFAS destruction technologies, and when are the criteria expected to be finalized and published?
 8. How is EPA coordinating with the DoD on aqueous film forming foam (AFFF) storage and disposal?
 9. There is another important issue concerning PFAS that involves both the defense industrial base and EPA. PFAS is currently used in many manufacturing processes essential to our economic and national security, including semiconductor manufacturing. There are currently no alternatives for these PFAS. How is EPA coordinating with the DoD on uses of PFAS critical to national security to ensure that these PFAS are used safely while alternatives are developed? Is EPA coordinating with other agencies on PFAS essential uses and working on alternatives?

Thank you for your attention to this important public health and safety matter. Please provide an update on the answer to these questions within 60 days.

Sincerely,



The Honorable Betty McCollum
US Congresswoman

Cc:

The Honorable Dr. William LaPlante, Under Secretary of Defense for Acquisition and Sustainment

The Honorable Richard Kidd, Deputy Assistant Secretary of Defense for Environment & Energy Resilience, Department of Defense