



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

September 19, 2023

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Betty McCollum
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman McCollum:

Thank you for your letter of April 28, 2023, regarding the destruction and disposal of PFAS and PFAS-containing materials and how EPA's actions relate to those of the Department of Defense. We share your belief that it is critically important to safely and effectively store, destroy and dispose of PFAS-containing materials.

Your leadership has been important to enacting legislative language focused on helping to reduce PFAS exposures in the military, spur information collection on these forever chemicals, and fund investigations and cleanups at federal facilities, among other key actions.

EPA is using its existing authorities to create powerful safeguards against dangerous PFAS exposures and to hold polluters accountable. This March, the Agency proposed the first-ever national drinking water standard for six PFAS, taking a major step to protect public health from PFAS pollution. We have ordered PFAS manufacturers to provide EPA with information needed to better confront these chemicals and have moved to eliminate certain loopholes allowing less than full safety reviews. EPA is also deploying its Clean Water Act tools to get upstream of the PFAS problem through restricting PFAS discharges at their source and collecting important data on PFAS discharges, while working to set nationwide technology-based limits for PFAS dischargers.

Additionally, EPA has taken bold action under its Superfund authority to propose designating PFOA and PFOS as CERCLA hazardous substances. The proposed designations are central to EPA's strategy for cleaning up PFAS contamination around the country. EPA also is working to develop the scientific and technical basis for a broader set of safeguards against PFAS contamination, because federal permit requirements that apply to privately run facilities that dispose of PFAS do not generally include provisions that cover such chemicals. Meanwhile, consistent with our mission to protect public health and the environment and in response to the National Defense Authorization Act for Fiscal Year 2020, EPA developed and published *Interim Guidance on the Destruction and Disposal of Perfluoroalkyl and Polyfluoroalkyl Substances and Materials Containing Perfluoroalkyl and Polyfluoroalkyl Substances* (December 18, 2020).

In developing the interim guidance, EPA identified and assessed the limited existing information from published, publicly available sources relevant to destruction and disposal technologies. The intent of the interim guidance was to identify and describe technologies that may control and prevent future releases of PFAS, to consider protections for human health, including vulnerable populations living near destruction and disposal facilities, and to provide guidance on testing and monitoring. This guidance is a technical document rather than a rulemaking.

The interim guidance discussed the use of three destruction and disposal technologies: thermal treatment, landfilling, and underground injection. The document identified information gaps and uncertainties with the technologies and identified existing research and development activities which were designed to address some of the information gaps and uncertainties. As a result of these scientific uncertainties, EPA's guidance recommended interim storage of PFAS containing materials until more definitive guidance on these technologies is developed. As EPA becomes aware of additional research, it may inform more specific recommendations in the future.

EPA is committed to continued research and collaboration with DoD and across the federal family to address PFAS pollution and protect public health and the environment. The Agency participates in several interagency working groups across the federal government to collaborate on scientific and policy issues. The Agency will continue to develop new science and regulatory tools to help safeguard communities and the environment from PFAS, especially in overburdened communities. EPA is applying the best available, though limited, data to update its interim guidance as the science of PFAS destruction and disposal continues to evolve. EPA anticipates publishing an updated version of the guidance in December 2023.

EPA would welcome the opportunity to brief your office on the specific questions outlined in your letter and to discuss these crosscutting issues. If you have further questions, please contact me or your staff may contact Carolyn Levine in EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or (202) 564-1859.

Sincerely,

A handwritten signature in blue ink, appearing to read 'B. N. Breen', followed by a horizontal line.

Barry N. Breen

Principal Deputy Assistant Administrator