

# United States Senate

WASHINGTON, DC 20510

December 5, 2019

The Honorable Robert H. McMahon  
Assistant Secretary of Defense for Sustainment  
Department of Defense  
3500 Defense Pentagon  
Washington, DC 20301-3500

Dear Secretary McMahon:

We write to you regarding your October 15<sup>th</sup> memo directing the military services to use regional screening levels (RSLs) for per- and polyfluoroalkyl substances (PFAS) that are ten times less stringent than the level recommended by the Environmental Protection Agency's (EPA) draft guidance published earlier this year. We appreciate your desire to take action on this issue; however, we seek clarification as to why you would not use the more conservative recommendations proposed by the EPA to better ensure the safety of service members and families who live and work near military installations impacted by contamination.

We understand that under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), RSLs typically employ Hazard Quotients (HQs) of 1.0 for screening when a single contaminant is detected, and a HQ of 0.1 when two or more contaminants are detected. We recognize that your October 15<sup>th</sup> memo follows this practice. However, perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) exhibit additive toxicity, and other PFAS compounds are commonly present with PFOA and PFOS for which there does not yet exist toxicological information. As such, EPA recommends using a HQ of 0.1 to ensure that PFOA- and PFOS-contaminated sites are further evaluated rather than prematurely removed during the screening process.

While the EPA's interim groundwater cleanup recommendations have yet to be finalized, we nevertheless expect the Department of Defense (DOD) to consider the draft screening guidelines, and we strongly urge you to align your practices accordingly. We also seek clarification on the DOD's position with respect to complying with states that have established maximum contaminant levels (MCLs) or other water quality criteria for PFAS that are more stringent than the guidance released by DOD.

As you are aware, PFAS materials are a byproduct of aqueous film forming foam (AFFF), a fire suppressant agent used at military installations, and have been associated with a variety of adverse human health effects, including birth defects and immune system dysfunction. Given the significant public health concerns related to these chemicals, immediate action must be taken to reduce exposure to PFAS and address any potential negative health effects these materials may have on our communities.

We applaud Secretary of Defense Esper's creation of the PFAS Task Force in July 2019 and we look forward to reviewing the final report that is expected to be delivered by the end of this year. However, we remain concerned about the establishment of less stringent guidelines and news

reports that the PFAS Task Force may disband following the completion of its final report. We ask that the PFAS Task Force remain intact given the seriousness of the PFAS contamination issue and the need to urgently develop a fluorine-free firefighting foam that does not put our men and women in uniform at risk. As you indicated, the number of military sites identified as having PFAS contamination is expected to increase beyond the 401 sites already identified, which underscores the need for the Task Force to remain intact.

As the DOD official tasked with addressing the PFAS contamination at military installations, we urge you to continue to prioritize the safety and health of our service members, military families and communities impacted by AFFF contamination. We thank you for your attention to this important matter and look forward to your timely response.

Sincerely,



Jeanne Shaheen  
United State Senator



Margaret Wood Hassan  
United States Senator



Jack Reed  
United State Senator



Elizabeth Warren  
United States Senator



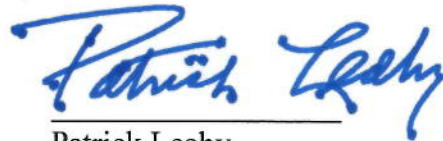
Patty Murray  
United State Senator



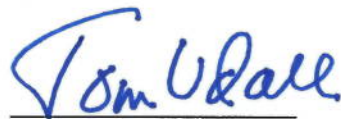
Maria Cantwell  
United States Senator



Tammy Baldwin  
United State Senator



Patrick Leahy  
United States Senator



Tom Udall  
United State Senator



Martin Heinrich  
United States Senator





Robert P. Casey, Jr.  
United State Senator



Bernard Sanders  
United States Senator



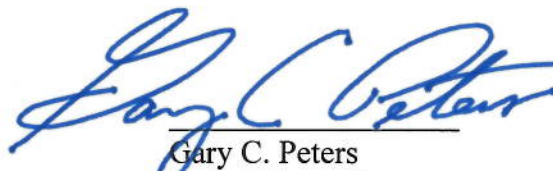
Robert Menendez  
United State Senator



Sherrod Brown  
United States Senator



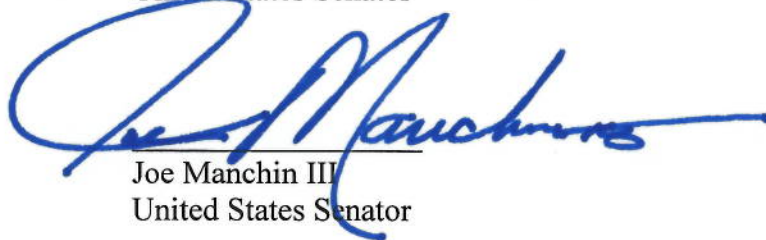
Debbie Stabenow  
United State Senator



Gary C. Peters  
United States Senator



Kirsten Gillibrand  
United State Senator



Joe Manchin III  
United States Senator

CC: The Honorable Mark T. Esper, Secretary of Defense

The Honorable Andrew R. Wheeler, Administrator of the Environmental Protection Agency