



THE UNITED STATES
CONFERENCE OF MAYORS



July 13, 2023

The Honorable Tom Carper
Chairman
Senate Committee on Environment and
Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member
Senate Committee on Environment and
Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Capito:

On behalf of the nation's mayors, cities, and counties, the U.S. Conference of Mayors (USCM), the National League of Cities (NLC) and the National Association of Counties (NACo) sincerely appreciate your leadership and efforts to draft bipartisan legislation to address the issue of per- and polyfluoroalkyl substances (PFAS) in our environment.

Our organizations support federal efforts to prevent further pollution and contamination from PFAS and to remove PFAS chemicals from the environment. The legislation, however, omits a key local government priority: the issue of liability protection for passive receivers. As mentioned in our earlier letter (also attached), any PFAS legislation must include a specific provision to ensure that local governments are explicitly recognized as "passive receivers" of PFAS and therefore provided a narrow exemption from liability under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Our organizations represent local governments who are responsible for operating drinking water, wastewater and stormwater facilities, solid waste and recycling systems, and firefighting teams at both airports and in our communities. These are essential public services that are paid for by constituents. If local governments are not provided a liability exemption, communities will be caught up in CERCLA's liability web and the costs of cleanup will be borne by our residents. This is the exact opposite of the "polluter pays" principle and leaves ratepayers on the hook to pay twice – once to remove PFAS from water supplies and again to clean up PFAS contamination at a Superfund site.

Senator Cynthia Lummis's liability protection bills, including the Water Systems PFAS Liability Protection Act (S. 1430) and the Resource Management PFAS Liability Protection Act (S. 1429), are a good starting point for protecting local governments that neither caused nor contributed to PFAS contamination. We welcome the opportunity to work with your offices to develop language that protects communities and avoids passing costs onto residents and businesses.

Additionally, we urge you to ensure that the definitions of PFAS included in the legislation are consistent across the federal government, particularly those used by the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Defense.

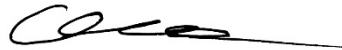
Finally, our organizations oppose provisions that would require EPA to set National Primary Drinking Water Regulations for PFAS and other chemicals. In general, our organizations support provisions in the 1996 Amendments to the Safe Drinking Water Act, which require that drinking water standards be based on sound science, public health protection and occurrence of contaminants in drinking water supplies at levels of public health concern to reduce risk while balancing costs. Congress should not circumvent this process in any way for select contaminants.

We look forward to working with your offices as you move forward on this legislation. Thank you for this opportunity to provide comments and for your consideration of the local perspective. If you have any questions, please contact us: Judy Sheahan (USCM) at 202-861-6775 or jsheahan@usmayors.org; Carolyn Berndt (NLC) at 202-626-3101 or Berndt@nlc.org; or Sarah Gimont (NACo) at 202-942-4254 or sgimont@naco.org.

Sincerely,



Tom Cochran
CEO and Executive Director
The U.S. Conference of Mayors



Clarence E. Anthony
CEO and Executive Director
National League of Cities



Matthew D. Chase
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National Association of Counties