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Both the House and Senate held separate subcommittee hearings this month to address the emerging health and environmental impacts of per- and polyfluoroalkyl substances (PFAS). PFAS are a group of manufactured chemicals used in a variety of industries around the world, including in firefighting foam and many household products.

According to the Environmental Protection Agency (EPA), exposure to PFAS can lead to adverse human health effects. Studies indicate that PFAS can cause reproductive and developmental, liver and kidney, and immunological effects in laboratory animals. Though PFAS have been employed since the 1940s, a 2016 EPA drinking water health advisory has led to a recent increase in state regulation and litigation to limit their usage.

The House Energy and Commerce Subcommittee on Environment held a hearing on September 6, 2018, entitled “Perfluorinated Chemicals in the Environment: An Update on the Response to Contamination and Challenges Presented.” The hearing aimed to initiate a governmental dialogue on PFAS and included seven witnesses from environmental advocacy groups and federal and state agencies and departments.

“[This hearing] means taking stock of what the government knows about PFAS, what efforts to contain its contamination have promised [sic], and what is preventing people from being helped with cleanup or avoid contamination of the air, soil, and water,” Subcommittee Chairman John Shimkus (R-IL-5) said.

In his opening statement, Dr. Peter Grevatt, director of the Office of Ground Water and Drinking Water at the EPA, identified protecting America’s drinking water as one of the EPA’s top priorities. According to Dr. Grevatt, under the Toxic Substances Control Act, the EPA has issued significant new use rules (SNURs) for PFAS chemicals to guard against their reintroduction into products. Under the Safe Drinking Water Act, the EPA has monitored the presence of six PFAS since 2012 to understand the occurrence of these chemicals in drinking water systems. The EPA is also working to push research forward on PFAS to better understand their health impacts.

The Senate Homeland Security and Governmental Affairs Subcommittee on Federal Spending Oversight and Emergency Management held their respective PFAS hearing three weeks later on September 26, 2018. The hearing, entitled “The Federal Role in the Toxic PFAS Chemical Crisis,” featured two of the same witnesses, Dr. Grevatt and Maureen Sullivan, the deputy assistant secretary of defense for environment at the Department of Defense (DOD).

Instead of leading the hearing as the top-ranking majority member, Subcommittee Chairman Rand Paul (R-KY) yielded to Ranking Member Gary Peters (D-MI) to lead the meeting because of Senator Peters’ personal connection to the subject: according to the Environmental Working Group, Michigan has the most known PFAS contamination sites in the United States.

Sullivan said during introductory remarks at the Senate hearing that the DOD has been leading the way to address the use of PFAS. After the EPA advisory in 2016, the DOD tested 524 drinking water systems that serve two million people on DOD installations worldwide. The DOD then followed recommendations to provide bottled water or additional treatment in those locations.

Prior to the two hearings, Senator Debbie Stabenow (D-MI) introduced two bills on August 23, 2018, that seek to address the PFAS crisis.

S. 3382, the PFAS Detection Act of 2018, would require the U.S. Geological Survey to perform a nationwide survey of PFAS contamination. S. 3381, the PFAS Accountability Act of 2018, would encourage federal agencies to coordinate with states on cleaning up PFAS pollution. Both bills have support from senators on both sides of the aisle.

Sources: American Bar Association; E&E News; Environmental Working Group; U.S. Environmental Protection Agency; U.S. House of Representatives, Committee on Energy and Commerce; U.S. Senate, Committee on Homeland Security and Governmental Affairs.
