

# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

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April 25, 2019

The Honorable Gene Dodaro  
Comptroller General of the United States  
U.S. Government Accountability Office (GAO)  
441 G Street, NW  
Washington, DC 20548

Dear Mr. Dodaro:

Thank you for testifying earlier this year before the Committee on Homeland Security and Governmental Affairs about the GAO's 2019 High Risk List. We appreciate GAO's key role in helping identify federal government programs that are vulnerable to fraud, waste, abuse, and mismanagement, or are in need of transformation.

In the 2019 High Risk List, GAO identified that the federal government needs to take steps to address its environmental liabilities. One such possible liability relates to per- and polyfluoroalkyl substances (PFAS), man-made chemicals that have been used in a wide range of household and industrial products in the United States since the 1940s because of their ability to repel heat, water, stains, and oil. There are more than 4,700 different PFAS chemicals that, at various times, have been found in everyday items—such as food packaging and non-stick cookware, as well as in fire-fighting foams used by the Department of Defense (DOD).

Certain studies have associated these highly fluorinated chemicals with harmful health effects in humans and animals.<sup>1</sup> Most highly fluorinated chemicals, including the most commonly studied perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) are fairly biopersistent.<sup>2</sup> PFAS chemicals have been found in people, animals, and drinking water, and they typically originate from a nearby facility, such as a manufacturing plant, landfill, wastewater treatment plant, military installation, or firefighter training facility.

Many of these facilities are on federally-owned or operated property. In particular, U.S. service members and their families are likely to have been disproportionately exposed to PFOA/PFOS because of the military's use of Aqueous Film Forming Foam (AFFF), which contains the highly fluorinated chemicals as a fire-fighting agent. DOD has identified 401 active or closed installations with known or suspected releases.<sup>3</sup>

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<sup>1</sup> Agency for Toxic Substances and Disease Registry, *Per- and Polyfluoroalkyl Substances (PFAS) and Your Health: What are PFAS*, January 10, 2018.

<sup>2</sup> *Id.*

<sup>3</sup> GAO, *Drinking Water: Status of DOD Efforts to Address Drinking Water Contaminants Used in Firefighting Foam*, GAO-18-700T (Washington, D.C.: Sept. 26, 2018), and GAO, *Drinking Water: DOD Has Acted on Some*

It is also estimated that as many as 110 million Americans could have PFAS concentrations of at least 2.5 parts per trillion in their drinking water.<sup>4</sup> A number of federal laws provide the EPA and other agencies with tools to address contaminated drinking water as necessary. To date, EPA has issued some significant new use rules under the Toxic Substances Control Act for certain PFAS substances,<sup>5</sup> and has also required public water systems to monitor and report on concentration levels of six perfluorinated compounds, including PFOA and PFOS at 20 and 40 parts per trillion respectively.<sup>6</sup>

DOD, local government entities, and EPA have taken initial action to address potential PFAS contamination. DOD has undertaken efforts to address PFAS exposure in and around military communities. States, tribes, and local governments have requested help from EPA in identifying, monitoring, cleaning up, and reducing PFAS occurrence in drinking water, soil, air, and groundwater sources at sites around the country. In 2016, EPA issued drinking water lifetime health advisories for PFOA and PFOS.<sup>7</sup> In August 2018, EPA submitted a regulatory proposal to the Office of Information and Regulatory Affairs within the Office of Management and Budget for inter-agency review that is still under evaluation.<sup>8</sup> And earlier this year, EPA announced an action plan that outlines steps the agency is considering taking to address PFAS contamination.<sup>9</sup>

As federal entities undertake these cleanup efforts, Congress must ensure that taxpayer dollars are used effectively. In this context, we would like GAO to examine the following:

1. The known geographic distribution of PFAS contamination in the United States.
2. The extent to which federal agencies have addressed known human health and environmental impacts of PFAS chemicals and the challenges/limitations these agencies have faced.
3. The extent to which states have taken action to address PFAS, how these actions have informed federal efforts, and how federal efforts have helped or hindered state actions.
4. Available information concerning the estimated cost to the federal government to cleanup PFAS contamination where it is the purveyor of drinking water systems, broken down by agency.
5. Actions any agencies or departments responsible for cleaning up PFAS contamination have taken to minimize the federal government's financial liabilities.
6. The research needs, if any, that exist to understand and address the environmental and health effects of PFAS, as well as disposal methods.

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<sup>4</sup> David Andrews, *Report: Up to 110 Million Americans Could Have PFAS-contaminated Drinking Water*, Env'tl. Working Grp. (May 22, 2018), <https://www.ewg.org/research/report-110-million-americans-could-have-pfas-contaminated-drinking-water>.

<sup>5</sup> See 67 Fed. Reg. 11,008 (Mar. 11, 2002); 67 Fed. Reg. 72,854 (Dec. 9, 2002); 72 Fed. Reg. 57,222 (Oct. 9, 2007); 78 Fed. Reg. 62,443 (Oct. 22, 2013). See also, a proposed rule at 80 Fed. Reg. 2,885 (Jan. 21, 2015).

<sup>6</sup> U.S. Env'tl. Protection Agency, *The Third Contaminant Monitoring Rule (UCMR 3): Fact Sheet for Assessment Monitoring (List 1 Contaminants) 2* (May 2016), <https://www.epa.gov/sites/production/files/2016-05/documents/ucmr3-factsheet-list1.pdf>.

<sup>7</sup> U.S. Env'tl. Protection Agency, *Fact Sheet: PFOA & PFOS Drinking Water Health Advisories* (Nov. 2016).

<sup>8</sup> Letter from Sens. Ron Johnson and Gary Peters to Mick Mulvaney, OMB Director (March 22, 2019), [https://www.hsgac.senate.gov/imo/media/doc/190322\\_Letter\\_HSGACPFASInteragencyReviewOversight.PDF](https://www.hsgac.senate.gov/imo/media/doc/190322_Letter_HSGACPFASInteragencyReviewOversight.PDF)

<sup>9</sup> U.S. Env'tl. Protection Agency, *EPA's Per- and Polyfluoroalkyl Substances (PFAS) Action Plan* EPA 823R18004 (Feb. 2019), [https://www.epa.gov/sites/production/files/2019-02/documents/pfas\\_action\\_plan\\_021319\\_508compliant\\_1.pdf](https://www.epa.gov/sites/production/files/2019-02/documents/pfas_action_plan_021319_508compliant_1.pdf).

7. The extent to which there are alternatives to using PFAS chemicals in firefighting foam and the progress DOD and others have made on finding an alternative.

Thank you for your prompt attention to this matter. Please contact Satya Thallam of Chairman Johnson's staff at (202) 224-4751 and Yogin Kothari of Ranking Member Peters' staff at (202) 224-2627 to discuss details of this review.

Sincerely,



Ron Johnson  
Chairman  
Senate Committee on Homeland Security  
and Governmental Affairs



Gary C. Peters  
Ranking Member  
Senate Committee on Homeland Security  
and Governmental Affairs



Tom Carper  
Ranking Member  
Senate Committee on Environment  
and Public Works