

June 7, 2019

The Honorable Andrew Wheeler
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20004

Re: Comments of Senator Joe Manchin III on Addressing Groundwater Contaminated with PFOA and PFOS; Docket ID No. EPA-HQ-OLEM-2019-0229

Dear Administrator Wheeler,

I appreciate this opportunity to formally comment on the Environmental Protection Agency's (EPA) draft interim recommendations for addressing groundwater contamination¹ from Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS), two perfluoroalkyls and polyfluoroalkyl (PFAS) substances. Unfortunately, I remain concerned that the EPA is not taking this threat seriously nor dedicating the necessary time and resources to the response effort. Specifically, this guidance should include an emergency removal level to ensure that impacted communities are eligible for bottled water while they work to implement a more permanent solution. It also needs to provide explicit clarification that the Department of Defense and other federal agencies can and will be held accountable for the contamination for which they are responsible. West Virginians and all Americans deserve access to clean drinking water.

In 2016, after the EPA recommended a new 70 parts per trillion (ppt) threshold for PFOA and PFOS chemicals in drinking water², the West Virginia Bureau for Public Health immediately issued 'Do Not Drink' advisories for three communities – Vienna, Parkersburg, and Martinsburg – until additional testing and evaluation could take place.³ While Parkersburg and Martinsburg were fortunate to have additional sources available for non-contaminated groundwater shortly after the advisory was issued, the residents of Vienna relied on bottled water for nearly three months until a more permanent solution was available. The final guidance must include an emergency removal level for PFOA and PFOS and an assurance that these impacted communities will not have to foot the bill for the provision of bottled water or other essential emergency measures to protect public health and safety.

¹ Draft Interim Recommendations for Addressing Groundwater Contaminated with PFOA and PFOS, Environmental Protection Agency; Available at <https://www.epa.gov/pfas/draft-interim-recommendations-addressing-groundwater-contaminated-pfoa-and-pfos>; Date Accessed: April 25, 2019.

² EPA Drinking Water Health Advisories for PFOA & PFOS. Available at https://www.epa.gov/sites/production/files/2016-06/documents/drinkingwaterhealthadvisories_pfoa_pfos_updated_5.31.16.pdf. Last accessed May 27, 2019.

³ West Virginia Department of Health and Human Resources. "Perfluorinated Compounds Drinking Water Health Advisory". Available at: https://www.wvdhhr.org/oehs/documents/BPH_pfoa%20pfos_FL.pdf. Last accessed June 5, 2019.

It is well known that a high percentage of the areas with contaminated drinking water and ground water are near military bases where a particular firefighting foam has been, and in some cases continues to be, used for fire suppression activities. The final guidance should explicitly clarify that the Department of Defense (DOD) will be held liable for the contamination for which they are responsible. While I am proud that I was able to secure just under \$5 million in the Fiscal Year 2019 National Defense Authorization Act (P.L. 115-232)⁴ to reimburse the City of Martinsburg for the costs they incurred rebuilding the city's water treatment plant to prevent further PFAS contamination, it should not take an act of Congress to hold our federal partners accountable.

On May 10, 2019, I was proud to join Senator Stabenow (D-MI) and Senator Rubio (R-FL), among others, in introducing the *PFAS Accountability Act*. This legislation would hold not only the DOD, but all federal agencies accountable for addressing the PFAS contamination for which they are responsible. These communities should not be forced to foot the bill for remediating the damages inflicted upon them by their federal partners.

I continue to believe that the best way for you to understand the long-term challenges posed by PFAS contamination is to host a public meeting in West Virginia, and I reiterate my invitation to personally host you in my home state for that event.

Every man, woman, and child in this – the greatest country on earth – needs and deserves access to safe and reliable drinking water. It is my sincere hope that your final guidance will include the resources necessary to achieve that most basic goal.

Sincerely,



Joe Manchin III
United States Senator

⁴ John S. McCain National Defense Authorization Act for Fiscal Year 2019, P.L. 115-874.