

United States Senate

WASHINGTON, DC 20510

October 7, 2020

The Honorable James Inhofe
Chairman
Senate Committee on Armed Services
228 Russell Senate Office Building
Washington, DC 20510

The Honorable Jack Reed
Ranking Member
Senate Committee on Armed Services
228 Russell Senate Office Building
Washington, DC 20510

The Honorable Adam Smith
Chairman
House Committee on Armed Services
2120 Rayburn House Office Building
Washington, DC 20515

The Honorable Mac Thornberry
Ranking Member
House Committee on Armed Services
2120 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Inhofe, Ranking Member Reed, Chairman Smith and Ranking Member Thornberry:

As House and Senate conferees negotiate the final Fiscal Year 2021 National Defense Authorization Act (NDAA), we write to you to include several sections that work towards preventing and addressing potential harm caused by per- and polyfluoroalkyl substances (PFAS).

PFAS chemicals, like perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS), have emerged as a widespread contaminant to the drinking water sources of military bases across the country due to their use in aqueous firefighting foam (AFFF) used by the military. The number of military installations with known or suspected contamination from PFAS continues to rise. In March, the Defense Department's PFAS Task Force released a report updating the count of military installation impacted by these materials from 401 to 651, while other studies suggest this as a conservative estimate. PFAS materials are classified as "emerging contaminants" as their long-term cumulative effects on human health is not yet known. However, initial analyses have linked PFAS materials with birth defects, various forms of cancer and immune system dysfunction. Moreover, on June 11, the Agency for Toxic Substances and Disease Registry (ATSDR) issued a statement expressing concern about how PFAS exposure can impact the risk of COVID-19 infection. The uncertainty associated with the health impacts of these materials has caused great public concern for members of the military and veterans who have served at the hundreds of bases found to be contaminated with these materials.

The ties between PFAS and a number of adverse health impacts are also of concern to our nation's firefighters, many of whom experience prolonged occupational exposure to PFAS due to

the use of AFFF in firefighting and fire-training exercise. However, research has demonstrated that these chemicals are not only found in firefighting foam, but also in the personal protective equipment firefighters wear on the job. There is a critical need to better understand how PFAS exposure from personal protective equipment may affect the health and safety of these brave men and women.

We acknowledge the ongoing efforts of the Department of Defense (DOD); however, additional action is needed to address the immediate concerns of citizens near these military bases who are desperate to know what exposure to these contaminants means for their health and the health of their families. Therefore, we request that the following provisions are retained in the final version of the NDAA for Fiscal Year (FY) 2021:

- Sec. 322 of the Senate-passed bill would increase the authorized amount for the ongoing PFAS health study from \$10 million to \$15 million and make a similar adjustment to DOD's authority to transfer funds to ATSDR for the purposes of the study. The FY18 NDAA authorized the ATSDR to conduct a five-year nationwide study on the human health implications of PFAS contamination in drinking water and other sources of water. Due to COVID-19, ATSDR expects to incur additional costs associated with continuing the study as well as a one-year delay in finalizing the results. To ensure that the PFAS health study continues without delay, we urge that no less than \$15 million be included for the study in the FY21 NDAA.
- Sec. 703 of the House-passed bill, which would require PFAS blood testing for service members during their annual periodic health assessment (PHA) if it is determined they were stationed at one of the more than 600 military installations contaminated by PFAS. We request that this provision be retained and expanded to include testing for military families and veterans who served on contaminated bases.
- Sec. 341 of the House-passed bill, which would authorize a comprehensive study of the personal protective equipment worn by firefighters to determine the prevalence and concentration of PFAS, as well as firefighters' risk of exposure to these chemicals from the gear. The provision would also establish a federal grant program to advance the development of safe alternatives to PFAS chemicals in personal protective equipment.
- Sec. 311 of the Senate-passed bill would modify the authority for environmental restoration projects of the National Guard and provide technical corrections to the statute governing the Defense Environmental Restoration Program to ensure restoration of contamination by PFOS and PFOA.
- Sec. 313 of the Senate-passed bill would require the Secretary of Defense to conduct a survey and market research of available firefighting technologies or substances available to be adapted for use by the Department of Defense to facilitate the phase-out of fluorinated aqueous film-forming foam. The Secretary would be required to brief the congressional defense committees on the results of the survey and market research within 180 days of enactment.

We appreciate your attention to these issues and look forward to working with you to ensure these bipartisan provisions are included in the final version of the FY2021 NDAA.

Sincerely,



Jeanne Shaheen
United States Senator



Todd Young
United States Senator



Maria Cantwell
United States Senator



Shelley Moore Capito
United States Senator



Richard Blumenthal
United States Senator



Lisa Murkowski
United States Senator



Margaret Wood Hassan
United States Senator



Elizabeth Warren
United States Senator



Debbie Stabenow
United States Senator



Gary C. Peters
United States Senator



Michael F. Bennet
United States Senator



Edward J. Markey
United States Senator



Amy Klobuchar
United States Senator



Tina Smith
United States Senator



Kirsten Gillibrand
United States Senator



Bernard Sanders
United States Senator



Robert Menendez
United States Senator



Cory A. Booker
United States Senator



Richard J. Durbin
United States Senator

/s/ Martin Heinrich

Martin Heinrich
United States Senator

/s/ Robert P. Casey, Jr.

Robert P. Casey, Jr.
United States Senator