

**October 5, 2020**

**ATTORNEY GENERAL RAOUL URGES CONGRESS TO PROTECT SERVICE MEMBERS FROM TOXIC  
"FOREVER" CHEMICALS**

**Chicago** — Attorney General Kwame Raoul today joined a coalition of 20 attorneys general urging Congressional leadership to include protective provisions already passed by the House of Representatives in the final version of the fiscal year 2021 National Defense Authorization Act (NDAA).

[In a letter](#), Raoul and the coalition call on Congressional committee leaders to protect service members, defense communities and the general public from PFAS (per- and polyfluoroalkyl substances) contamination associated with defense installations when they finalize the NDAA. The letter was sent to House Armed Services Committee Chairman Rep. Adam Smith and Ranking Member Rep. Mac Thornberry, along with Senate Committee on Armed Services Chairman Sen. James M. Inhofe and Ranking Member Sen. Jack Reed.

"Contamination resulting from these dangerous 'forever chemicals' is not easily remediated, and exposure is dangerous for the environment and public health," Raoul said. "Congress must act to protect our residents, particularly service members and those who live on and around military bases where these chemicals are more prevalent."

PFAS contamination in groundwater and surface water has been identified in areas near military installations. Exposure to PFAS has been shown to cause developmental defects, kidney cancer and liver damage, and negatively impacts the thyroid and immune system. PFAS chemicals are used in a variety of consumer products including nonstick cookware; waterproofing treatments for fabrics, carpeting and upholstery; food packaging; and firefighting foam. They are known as "forever chemicals" because PFAS chemicals do not break down easily in the environment

When the House of Representatives finalized its version of the NDAA, it included the following protective provisions that Raoul and the coalition are urging Congressional leadership to include in the final version:

- Limiting the information that can be shared with a patient visiting a Title X clinic.
- Prohibiting referrals for abortion, even when a patient specifically requests one.
- Mandating prenatal care for all patients, even if care is not requested.
- Prohibiting providers of Title X-funded services from being housed in facilities that also provide abortion care.

In 2019 Attorney General Raoul, with a coalition of attorneys general, [urged Congress to pass legislation](#) to help states address and prevent PFAS. Raoul has also [urged the U.S. Environmental Protection Agency](#) to propose final drinking water standards for PFAS that reflect current science and protect public health.

Joining Raoul in submitting the letter are the attorneys general of Colorado, Connecticut, Delaware, the District of Columbia, Guam, Iowa, Maine, Maryland, Massachusetts, Michigan, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Virginia, Washington and Wisconsin.

STATE OF MICHIGAN  
DEPARTMENT OF ATTORNEY GENERAL



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LANSING, MICHIGAN 48909

DANA NESSEL  
ATTORNEY GENERAL

October 5, 2020

The Honorable Adam Smith  
Chairman  
House Armed Services Committee  
2216 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable James M. Inhofe  
Chairman  
U.S. Senate Committee on Armed Services  
Russell Senate Building, Room 228  
Washington, D.C. 20510

The Honorable Mac Thornberry  
Ranking Member  
House Armed Services Committee  
2216 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Jack Reed  
Ranking Member  
U.S. Senate Committee on Armed Services  
Russell Senate Building, Room 228  
Washington, D.C. 20510

Re: PFAS Legislation

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

As you work to finalize the Fiscal Year 2021 National Defense Authorization Act (FY2021 NDAA) conference report, we urge you to include important provisions adopted in the House bill that build upon progress made in the Fiscal Year 2020 NDAA (FY2020 NDAA) and help safeguard the public and environment against the highly persistent and toxic class of chemical compounds known as per- and poly-fluoroalkyl substances (PFAS). The provisions in this funding bill that we highlight below are important, but we also encourage you to act to further regulate these harmful chemical compounds, including to designate them as “hazardous substances” under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

We were pleased to see that some of the recommendations made in a July 30, 2019, letter to Congressional leadership, joined by attorneys general from twenty-two states and sovereigns and attached hereto at Appendix A, addressing the FY2020 NDAA were adopted in last year’s bill, including provisions limiting and ultimately prohibiting the use of aqueous film forming foam (AFFF) on military installations. (Sec. 322-324.) We hope to see other recommendations included in this year’s final bill.

First and foremost, we urge you to include Section 332, Standards for Removal or Remedial Actions With Respect to PFOS or PFOA Contamination, of H.R. 6395, the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, in the final version of the FY2021 NDAA. Section 332 requires the Department of Defense (DOD), when conducting removal or remedial actions relating to PFAS, to meet the PFAS standards established in the state in which the installation is located, when those standards are more stringent than Federal standards or health advisory levels for the remediation of sites contaminated with the PFAS chemical compounds perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS). Currently, there are approximately at least 678 active or closed military installations with known or suspected PFAS contamination on- or off-site, requiring prompt attention to protect military personnel and surrounding communities. See <https://www.ewg.org/interactive-maps/2019-pfas-crash-training-military-sites-March2020/map/>.

We also encourage your respective committees to include the many other important provisions in the House bill focused on protecting our communities from PFAS, including those that provide DOD with the tools necessary to conduct appropriately protective remediation and removal of PFAS contamination. Those tools include additional funding and authorization for PFAS clean-up, robust resources for ongoing and new studies, innovative research and development of safe PFAS disposal mechanisms, and alternatives to PFAS-laden firefighting AFFF. We also urge you to include the other provisions in the House-passed version of the FY2021 NDAA that support service members, their families, and defense communities, by requiring DOD to offer PFAS blood testing for all interested service members as part of their routine physicals; further limit the PFAS-containing products DOD's Defense Logistics Agency may procure; and engage in meaningful stakeholder notification and prompt publication of the results of drinking, surface, or ground water PFAS testing.

We were also pleased to see that the FY2020 NDAA, consistent with our previous letter, includes a provision directing DOD to work expeditiously to finalize or amend a cooperative agreement with a state "to address testing, monitoring, removal, and remedial actions relating to contamination or suspected contamination of drinking, surface, or groundwater from PFAS originating from activities of the Department of Defense." PL 116-92, Sec. 332(a)(1). This provision will expedite the cleanup of DOD sites that are not on the National Priorities List and require that a cooperative agreement "meet or exceed the most stringent" of an enforceable state or federal standard for drinking, surface, or groundwater or a health advisory of the Safe Drinking Water Act. We strongly support a Congressional mandate that requires DOD to meet the most stringent state standards during site remediation, regardless of whether a state and DOD are able to reach a cooperative agreement.

We also encourage Congress to act beyond the FY2021 NDAA to create more stringent federal standards. That is why we previously recommended and still believe that Congress should designate at least PFOA, PFOS, and so-called GenX PFAS as “hazardous substances” under CERCLA. To start, Congress should direct the EPA to study additional PFAS compounds and, as appropriate, designate additional PFAS compounds as “hazardous substances” under CERCLA. This was the first recommendation in our previous letter and Congress has not yet required the EPA to take these crucial steps.

Thank you for once again making PFAS remediation and the protection of our communities a priority for the work of your committees. We urge Congress to maintain focus on PFAS remediation as a crucial priority in crafting the final version of the FY2021 NDAA and to keep the goal of developing strong federal regulation of PFAS compounds at the forefront for Congress.

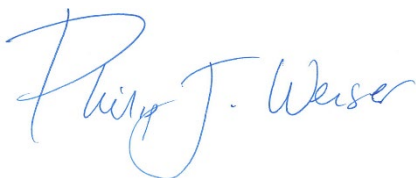
Sincerely,



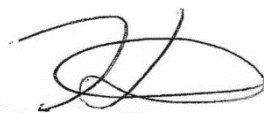
Dana Nessel  
Attorney General of Michigan



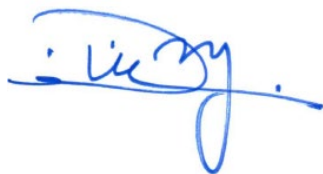
Kathleen Jennings  
Attorney General of Delaware



Philip J. Weiser  
Attorney General of Colorado



Karl A. Racine  
Attorney General of District of Columbia



William Tong  
Attorney General of Connecticut



Leevin Camacho  
Attorney General of Guam



Kwame Raoul  
Attorney General of Illinois



Gurbir S. Grewal  
Attorney General of New Jersey



Tom Miller  
Attorney General of Iowa



Letitia James  
Attorney General of New York



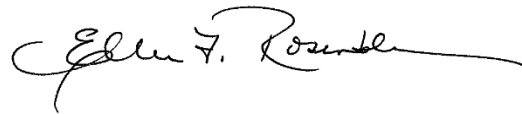
Aaron M. Frey  
Attorney General of Maine



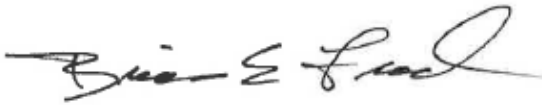
Hector Balderas  
Attorney General of New Mexico



Maura Healey  
Attorney General of Massachusetts



Ellen Rosenbloom  
Attorney General of Oregon



Brian E. Frosh  
Attorney General of Maryland



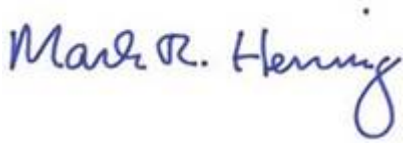
Josh Shapiro  
Attorney General of Pennsylvania



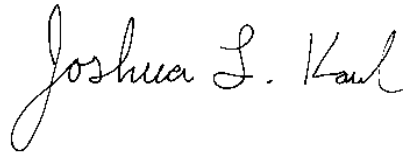
Peter Neronha  
Attorney General of Rhode Island



Bob Ferguson  
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Mark R. Herring  
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Joshua L. Kaul  
Attorney General of Wisconsin

EM:jg  
Enclosure



July 31, 2019

## ATTORNEY GENERAL RAOUL URGES CONGRESS TO ACT ON TOXIC 'FOREVER' CHEMICALS

**Chicago** — Attorney General Kwame Raoul, as part of a coalition of 22 attorneys general, urged Congress to pass legislation to aid states in addressing the public health threat of toxic “forever” chemicals.

[In the letter](#) sent Tuesday to Senate and House of Representatives leadership, Raoul and the coalition call for action to help states address and prevent the growing dangers of a family of chemicals known as per- and polyfluoroalkyl substances (PFAS), a group of super-resilient, man-made chemicals contaminating drinking water systems throughout the nation. Raoul also urged Congress to provide financial assistance to help state and local governments offset the high cost burden of cleaning up drinking water supplies.

“PFAS pose a serious health threat to our communities,” Raoul said. “Federal legislation and financial assistance are urgently needed to fight this contamination and give residents peace of mind.”

The two most studied types of PFAS contaminants are perfluorooctane sulfonic acid/perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid/perfluorooctanoate (PFOA). PFAS chemicals resist degradation in the environment and accumulate in the body. Those contaminants are also linked to serious adverse health effects in humans and animals. Human health effects associated with exposure to PFOA include kidney and testicular cancer, thyroid disease, liver damage, and preeclampsia; exposure to PFOS affects the immune system, causes changes in liver enzymes and thyroid hormones, and other conditions.

Across the country, PFAS contamination is most often associated with military bases, firefighting training centers, civilian airports, and industrial facilities. Some states with significant PFAS contamination are currently spending tens of millions of dollars to address the contamination in public drinking water systems, and to investigate numerous areas and sources of potential contamination.

While both the U.S. Senate and House of Representatives have advanced legislation that addresses issues related to PFAS contamination, Raoul and the coalition urge Congress to deal with “the most urgent legislative needs” of states as they work on a final agreement on this legislation, including:

- Designating certain PFAS chemicals as “hazardous substances” under the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Such designation is a key to cleaning up some of the most dangerous PFAS-contaminated sites in the country, including U.S. Department of Defense sites and so-called orphan sites, where the responsible parties have not been identified or located, or have simply failed to act.
- Adding the entire class of PFAS chemicals to the U.S. Environmental Protection Agency’s Toxic Release Inventory (TRI), which requires certain industrial facilities to report annually the amount of specific toxic chemicals released into the environment. This would provide critical information about new potential sources of these chemicals, as well as the areas of potential contamination.
- Providing funding for remediation of PFAS-contaminated drinking water supplies – particularly those in disadvantaged communities, where many face severe water affordability issues. Municipalities struggling to afford the high costs associated with cleaning up PFAS contamination in turn may raise water rates on local residents.
- Prohibiting the use and storage of firefighting foam containing PFAS at military bases and other federal facilities as soon as possible and in the meantime, providing immediate protective measures, especially when firefighting foam is used.
- Providing medical screening of PFAS exposure for appropriate personnel and members of the public, including but not limited to firefighters.

Joining Raoul in the letter are the attorneys general of California, Connecticut, Delaware, the District of Columbia, Guam, Hawaii, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Jersey, New Mexico, New York, Oregon, Rhode Island, Virginia, Washington and Wisconsin.



June 10, 2020

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**ATTORNEY GENERAL RAOUL URGES EPA TO PROTECT DRINKING WATER FROM TOXIC “FOREVER” CHEMICALS**

**Chicago** — Attorney General Kwame Raoul, as part of a coalition of 22 attorneys general, today [submitted comments](#) to the U.S. Environmental Protection Agency (EPA) supporting the agency’s plan to regulate perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA), under the federal Safe Drinking Water Act. PFOS and PFOA are two members of a broad class of substances commonly known as PFAS. The states also asked the EPA to propose final drinking water standards for those specific chemicals and other PFAS that reflect current science and protect human health.

“As the nation continues to fight the impact of a global respiratory pandemic, we must act to protect residents from the dangers of pollutants and chemicals that accumulate in the body over time, causing potentially serious health problems,” Raoul said. “I am committed to protecting Illinois’ water sources and ensuring that federal regulations help our residents access safe water.”

PFAS are commonly called “forever” chemicals because they resist degradation in the environment and accumulate in the body over long periods of time. These contaminants may be linked to serious adverse health effects in humans and animals. Human health effects associated with exposure to PFOA may include kidney and testicular cancer, thyroid disease, liver damage, and preeclampsia. Exposure to PFOS is associated with immune system effects, changes in liver enzymes and thyroid hormones, and other conditions.

Across the country, PFAS contamination is most often associated with military bases, training centers for firefighters, civilian airports and industrial facilities. PFAS chemicals tend to be persistent in the environment and have been used for decades as ingredients in firefighting foam and many common consumer products. Some states with significant PFAS contamination are currently spending millions of dollars to address the contamination in public drinking water systems, and to investigate numerous areas and sources of potential contamination.

In the letter, Raoul and the coalition state, “[...] without treatment, PFOA and PFOS contamination will continue to worsen and will persist in drinking water sources indefinitely.

Due to the harmful effects of PFOA and PFOS in drinking water, swift promulgation of stringent final drinking water standards is crucial to enable EPA to take effective regulatory enforcement actions to address PFAS contamination.”

Joining Raoul in filing the comments are the attorneys general of California, Colorado, Connecticut, Delaware, the District of Columbia, Iowa, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Virginia, Washington and Wisconsin.

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