

Congress of the United States

Washington, DC 20515

December 14, 2022

The Honorable Michael Regan
Administrator
US Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator Regan:

On September 6th, 2022, the Environmental Protection Agency (EPA) announced a proposed rulemaking to designate the most commonly used chemicals within the categories of Per- and Polyfluorinated Substances (PFAS), perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), as “hazardous substances” under the federal Superfund law, Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). While the intention of this rule is to assign remedial clean up obligations to responsible parties, we are concerned this rule will have devastating impacts on our nation’s farmers and ranchers.

It is important to recognize that farmers are passive receivers, they do not produce or use PFOA or PFOS in their operations. PFOA and PFOS travel naturally through the environment onto farmland. If the EPA finalizes this rulemaking, farmers who have their land become a CERCLA site will have the potential not only to lose the economic value of their land but also the loss of production and profits. In states that have aggressive, anti-PFAS laws and regulations, we have seen farmers experience significant hardships from unintentional contamination. In Michigan, for example, a farmer was effectively driven out of business and left in financial ruin when the state tested his beef cattle and discovered elevated levels of PFAS.

Again, we understand that the intention of this rule is not to harm the agricultural community. We are pleased to know that the EPA does not wish for that outcome. However, as the EPA considers this rulemaking, it is imperative that it account for the significant loss in property value that farmers – through no fault of their own – may face. This threat of contamination, especially on family-owned farms, will significantly harm the agricultural community at a time when the production of food, fiber, and fuel has never been more important.

We ask that the EPA reconsider its proposed rulemaking and work to solve challenges relating to PFAS contamination in a way that does not inadvertently harm farm families.

Sincerely,



Diana Harshbarger
Member of Congress



Andy Harris, M.D.
Member of Congress

Mariannette Miller Meeks
Mariannette Miller-Meeks, M.D.
Member of Congress