

October 25, 2019

The Honorable Mitch McConnell
Senate Majority Leader
U.S. Senate
Washington, D.C. 20510

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Charles E. Schumer
Senate Minority Leader
U.S. Senate
Washington, D.C. 20510

The Honorable Kevin McCarthy
House Minority Leader
U.S. House of Representatives
Washington, D.C. 20515

Dear Leader McConnell, Speaker Pelosi, Minority Leader Schumer and Minority Leader McCarthy:

We, the undersigned organizations, appreciate your efforts to include several provisions related to per- and poly- fluoroalkyl substances, or PFAS, in the National Defense Authorization Act for FY 2020 (NDAA).

Not only does PFAS pose a potential public health risk but there could also be detrimental impacts to family farms, as we have already seen in West Virginia, New Mexico, Michigan, and Maine. For example, a PFAS finding last year effectively shut down a fourth-generation dairy operation in New Mexico. Therefore, we ask that you protect American agriculture and the families who produce our nation's food from undue harm throughout cleanup discussions and actions.

To that end, as Congress finalizes the FY2020 NDAA, we urge you to retain provisions that would:

- Require the military to provide clean water supplies to agricultural operations
- Allow for the military to acquire property that has been contaminated due to military activities via voluntary sale
- Provide guidance to ensure the safe and effective destruction and disposal of PFAS wastes, including incineration
- Accelerate PFAS cleanups at military facilities through the use of cooperative agreements
- Provide funding for additional studies, data sharing, and remediation

We would also like to address and provide deeper insight into the following considerations proposed within the NDAA:

Designating PFAS chemicals as a class

As Congress develops legislation on PFAS, we recommend the initial focus be on Perfluorooctonic Acid (PFOA) and Perfluorooctanesulfonic Acid (PFOS). With more than 5,000 chemicals within the PFAS class, much is still unknown about those remaining chemistries and we are apprehensive about treating all PFAS chemicals equally as a class. Therefore, we support the language in S. 1790 that identifies those chemicals of which scientific studies have been conducted, including PFOA and PFOS.

Designating PFAS chemicals under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

We understand there are provisions within the NDAA to designate PFAS chemicals under CERCLA. While we appreciate your efforts to expeditiously address contamination sites and hold the Department of Defense accountable for their actions, we have serious concerns about the impact a CERCLA designation could have on agricultural operations. First and foremost, agricultural operations, including landowners, producers, and lenders, should not be held liable for reporting requirements and/or environmental cleanup responsibilities caused by the actions of PFAS polluters. Additionally, it is critical that the current exemptions for normal farming practices related to the application of fertilizer remain intact and that a PFAS finding will not nullify those exemptions. Furthermore, agricultural operations should not be listed as Superfund sites if a PFAS detection is found in the groundwater or soil.

We do not endorse Congress listing PFAS under CERCLA. A potential alternative would be to modify and expand existing indemnity programs to further assist farmers. We urge Congress to work closely with the U.S. Environmental Protection Agency, the Food and Drug Administration, the Center of Disease Control and Prevention, the Department of Agriculture and other federal agencies and provide robust funding to protect not only America's farming and ranching families, but the general public as well.

Again, we appreciate your leadership on this critical issue and your consideration of our concerns to address PFAS contamination through the NDAA for FY 2020.

Sincerely,

California Farm Bureau Federation
Florida Farm Bureau Federation
National Milk Producers Federation
New Hampshire Farm Bureau Federation
New Mexico Farm and Livestock Bureau