NLC RESOLUTION #14

CALLING ON THE FEDERAL GOVERNMENT TO TAKE ACTION TO ADDRESS PFAS CONTAMINATION

WHEREAS, Per- and polyfluoroalkyl substances (PFAS) are a class of nearly 5,000 man-made chemicals that includes PFOA, PFOS, PFBS and GenX manufactured and used in a variety of industries; and

WHEREAS, PFAS chemicals are known as "forever" chemicals because they are persistent in the environment and in the human body; and

WHEREAS, PFAS chemicals have been known to cause adverse health outcomes in humans including effects on prenatal development, low infant birth weights, early onset of puberty, negative effect on the immune system, cancer, liver damage, and thyroid disruption[1]; and

WHEREAS, in 2016 the U.S. Environmental Protection Agency (EPA) established a lifetime exposure health advisory level of 70 parts per trillion for the combined concentration of PFOA and PFOS in drinking water;[2] and

WHEREAS, in 2018 the U.S. Department of Health and Human Services Agency for Toxic Substances and Disease Registry released a draft report warning that PFAS chemicals could pose a health risk at levels lower than currently recommended by the EPA;[3] and

WHEREAS, in 2019 EPA announced a comprehensive nationwide action plan for addressing PFAS, including identifying both short-term solutions for addressing these chemicals and long-term strategies that will help states, tribes and local communities provide clean and safe drinking water to residents and address PFAS at the source – before it gets into the water;[4] and

WHEREAS, the EPA action plan notes that the agency will make a formal decision on whether to set a Maximum Contaminant Level under the Safe Drinking Water Act by the end of 2019; and

WHEREAS, there are significant technical challenges in detecting and measuring PFAS in water and other environmental media at the levels where health effects can occur, and analytical methodologies are still under development or are not yet generally available; and

WHEREAS, while science predicts that the entire class of PFAS chemical may be associated with adverse health effects and many such chemicals are in industrial and commercial use, only a small

[1] Fact Sheet: PFOA & PFOS Drinking Water Health Advisories, U.S. Environmental Protection Agency (Nov. 2016); *available at:* https://www.epa.gov/sites/production/files/2016-06/documents/drinkingwaterhealthadvisories_pfoa_pfos_updated_5.31.16.pdf

[2] Ibid

[3] Toxicological Profile for Perfluoroalkyls, Draft for Public Comment, U.S. Department of Health and Human Services, Agency for Toxic Substances and Disease Registry (June 2018); *available at:* https://www.atsdr.cdc.gov/toxprofiles/tp200.pdf

[4] EPA's Per- and Polyfluoroalkyl Substances (PFAS) Action Plan, U.S. Environmental Protection Agency (Feb. 2019); *available at:* https://www.epa.gov/sites/production/files/2019-02/documents/pfas_action_plan_021319_508compliant_1.pdf

fraction of these chemicals have been investigated sufficiently to establish quantitative measures of toxicity; and

WHEREAS, the Environmental Working Group and the Social Science Environmental Health Research Institute at Northeastern University updated an interactive map of known contamination of communities from PFAS; and

WHEREAS, as of March 2019, the interactive map shows at least 610 locations in 43 states are known to be contaminated, including drinking water systems serving an estimated 19 million people;[5] and

WHEREAS, in February 2019, EPA and United States Geological Survey scientists published results on analysis for 17 PFAS compounds in water samples from 25 public drinking water supplies in 24 states (locations confidential) that detected PFAS in every sample tested, suggesting that PFAS is ubiquitous in our water;[6] and

WHEREAS, PFAS chemicals were widely used in firefighting foams, particularly for airports, and were used in frequent training exercises at military air bases; and

WHEREAS, PFAS chemicals were required in firefighting foams used at airports to meet federal performance standards for extinguishing agents, but currently the Federal Aviation Administration is updating its standards to allow for a non-fluorinated option for airports; and

WHEREAS, the U.S. Department of Defense has ended its use of the foam in training exercises; and

WHEREAS, PFAS contamination is found at and around military bases, airports, manufacturing sites, landfills, and in local water supplies obtained from both rivers and groundwater; and

WHEREAS, local governments are responsible for protecting the health, safety and welfare of residents, including providing clean and safe water; and

WHEREAS, while treatment technology for removing PFAS from water is not well-developed, the more effective methods use technologies that are not conventionally available in existing water treatment plants, so removing these PFAS chemicals from water could require costly investments by local governments and other local water suppliers, which would be passed onto ratepayers; and

WHEREAS, local governments are owners and operators of airports and landfills and employ firefighters, some of whom may have been exposed to PFAS chemicals on the job through inhalation or skin absorption, and therefore present a pension and liability concern for local budgets; and

WHEREAS, PFAS contamination not only poses health risks, but also economic impacts on communities, including in the agriculture and fishing industries by contamination of food sources; and

WHEREAS, a number of states have adopted PFAS policies pertaining to prohibiting use, monitoring and reporting, cleanup, health studies, testing, liability provisions, and contamination limits, including

[5] *EWG: PFAS Chemicals Must be Regulated as a Class, Not One by One* (May 6, 2019), *available at:* https://www.ewg.org/release/mapping-pfas-contamination-crisis-new-data-show-610-sites-43-states
[6] "Per- and polyfluoroalkyl substances in source and treated drinking waters of the United States," Science of the Total Environment, Volume 653 (February 25, 2019), pages 359-369, *available at:* https://www.sciencedirect.com/science/article/pii/S004896971834141X

Michigan, New Jersey and Vermont that have set maximum contamination levels lower than EPA health advisory levels;[7] and

WHEREAS, a number of bills have been introduced in both the U.S. House of Representatives and U.S. Senate to survey, regulate, mitigate and phaseout the use of PFAS.

NOW, THEREFORE, BE IT RESOLVED, that the National League of Cities (NLC) calls on Congress and the administration to holistically examine PFAS contamination and to take comprehensive action to address the problem, including through nationwide testing, monitoring, mapping, public education, and water supply treatment; and

BE IT FURTHER RESOLVED, that NLC calls on the federal government to ensure that the parties responsible for PFAS contamination, including the federal government, are held fully accountable for costs of cleanup and mitigation and to ensure that sites are cleaned up in a timely manner and to standards sufficiently stringent to permit reuse of the site and to obviate the need for additional cleanup and mitigation costs by affected local governments; and

BE IT FURTHER RESOLVED, that local governments, including drinking water and wastewater utilities, municipal airports and municipal landfills, should not be held liable for PFAS contamination or cleanup costs; and

BE IT FURTHER RESOLVED, that NLC calls on the federal government to accelerate research and technology development to advance the science needed to understand the health consequences of exposure to PFAS chemicals, detect and measure PFAS chemicals in water and other environmental media, treat water supplies to remove these substances, and find safe substitutes for PFAS chemicals; and

BE IT FURTHER RESOLVED, that NLC calls on the federal government to set drinking water standards, including for PFAS chemicals, based on sound science, public health protection, occurrence of the contaminant in drinking water supplies at levels of public health concern, risk reduction and cost; and

BE IT FURTHER RESOLVED, that NLC calls for the federal government to avoid passing costs onto local ratepayers and to provide financial and technical assistance to communities for testing, monitoring, mapping, public education, water supply treatment, and pursuit of alternative water supplies if necessary; and

BE IT FURTHER RESOLVED, that NLC calls on the federal government to prevent further exposure to PFAS through multiple means, including promoting and funding the development and use of firefighting alternatives and the phasing out the use of PFAS; and

BE IT FURTHER RESOLVED, that NLC should update the "Assessing the State Firefighter Cancer Presumption Laws and Current Cancer Firefighter Cancer Research" that it conducted in 2009 to determine what linkages there are between firefighting and an elevated incidence of cancer.

[7] States Forge Ahead with PFAS Regulations, PoliticoPro Datapoint on Energy (Feb. 28, 2019)