

Congress and the Biden Administration must **adopt a “polluter pays” approach to controlling and remediating pollution from per- and polyfluoroalkyl substances (PFAS)**. PFAS legislation and rules must ensure that **water, wastewater, and water recycling utilities are shielded from having to cover the cost of PFAS cleanup** under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Water, wastewater, and water recycling utilities provide essential public services and are not manufacturers or primary sources of PFAS. Water recycling facilities meet additional public interest needs by generating alternative water supplies and supporting communities’ climate resiliency. The water recycling community is helping to tackle the PFAS crisis.

Absent a “polluter pays” approach and a liability shield for receivers of PFAS, however, EPA’s designation of certain PFAS as CERCLA hazardous substances will shift the “polluter pays” principle of the law to that of a “community pays” model, placing the burden of compliance and cleanup on ratepayers and the public at-large.

### **PFAS and Water Recycling:**

- Absent a polluter pays approach to PFAS cleanup, essential public services may be undermined as water utilities are forced to divert scarce public dollars to defend against litigation from polluters seeking to make local agencies financially responsible for cleanup costs.
- Many water recycling facilities employ technologies such as nanofiltration, reverse osmosis, granulated activated



carbon removal, ion exchange, and PFAS-selective novel adsorbents to ensure a high-quality alternative supply of water. These technologies are also some of the most effective removal technologies for a range of PFAS.

- Advanced treatment processes also generate residuals, such as spent media and concentrate streams that can contain PFAS. Without a plan of action and support for the destruction and disposal of treatment residuals, the PFAS problem will not be fully addressed.
- The federal government must pursue aggressive action to prohibit or phase out all uses of PFAS, beginning with those being designated as hazardous substances under CERCLA.

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As Congress, the Administration, and water utilities work together to protect public health and the environment from harmful PFAS contamination, we must ensure that manufacturers and polluters are held accountable and that the societal cost of clean-up and remediation is not transferred from manufacturers and polluters to essential public service providers.

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