

October 17, 2024

The Honorable Cathy McMorris Rodgers
Chair
Energy and Commerce Committee
U.S. House of Representatives
2188 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Frank Pallone, Jr.
Ranking Member
Energy and Commerce Committee
U.S. House of Representatives
2107 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Buddy Carter
Chair
Subcommittee on Environment,
Manufacturing, and Critical Materials
U.S. House of Representatives
2432 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Paul Tonko
Ranking Member
Subcommittee on Environment,
Manufacturing, and Critical Materials
U.S. House of Representatives
2369 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairs McMorris Rodgers and Carter, and Ranking Members Pallone and Tonko:

On behalf of our hundreds of member organizations, we write to express our support for *The Water Systems PFAS Liability Protection Act*, which was introduced by Representatives John Curtis (R-UT) and Marie Gluesenkamp Perez (D-WA). The WaterReuse Association is a not-for-profit trade association for water utilities, businesses, non-profit organizations, and research entities that work together to advance water recycling as a multi-benefit tool. WaterReuse and its state and regional sections represent more than 200 water utilities serving over 60 million customers, and over 300 businesses and organizations across the country.

Water reuse is the process of intentionally capturing wastewater, stormwater, saltwater or graywater and cleaning it for a designated beneficial freshwater purpose, such as drinking, groundwater replenishment, and watershed restoration. The fundamental principle of water reuse is using the right water for the right purpose. By advancing water reuse, we protect public health and the environment while helping communities build resilience to drought, flooding, and other impacts of climate change.

As Congress works to develop legislation aimed at addressing per- and polyfluoroalkyl substances (PFAS) contamination, the undersigned entities strongly support taking a "polluter pays" approach to control and remediation of these chemicals. Water utilities provide essential public services and are not manufacturers or primary sources of PFAS; rather, utilities are "passive recipients" of trace levels of PFAS, in large part through the ordinary daily activities of the residential and commercial sectors.

Unless water, wastewater, and water recycling utilities are shielded from PFAS liability under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the designation of various PFAS as CERCLA hazardous substances will unfairly place liability burdens on passive receivers of PFAS rather than on producers of the substances. Doing so will undermine essential public services as utilities are forced to divert scarce public dollars to defend against litigation from other parties seeking to make local agencies financially responsible for cleanup costs. Water, wastewater, and water recycling utilities stand ready to help tackle the PFAS crisis; however, putting the liability and cost of remediation on utilities ultimately burdens the local ratepayer, and therefore, the American taxpayer, rather than the polluter. PFAS manufacturers must cover the costs of remediating PFAS pollution.

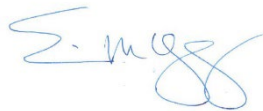
The U.S. Environmental Protection Agency (EPA) has stated that it will use its discretionary authority in pursuing CERCLA enforcement actions against certain parties. However, this commitment offers little comfort to the water recycling sector given the expansive rights of Potentially Responsible Parties under CERCLA to bring contribution litigation against other entities that are alleged to be additional sources of hazardous substances at a cleanup site. We therefore reiterate our support for *The Water Systems PFAS Liability Protection Act* and urge Congress to enact a CERCLA liability shield for PFAS receivers such as utilities conducting water recycling activities. Absent such relief, EPA's recent 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 onto ratepayers and the public at-large.

Thank you for considering our views.

Sincerely,



Patricia Sinicropi
Executive Director
WateReuse Association



Erin Young
President
WateReuse Arizona



David Sloan
President
WateReuse Texas



Dave Pedersen
President
WateReuse California



Susheera Pochiraju
President
WateReuse Colorado



Murray Dodd
President
WateReuse South Carolina



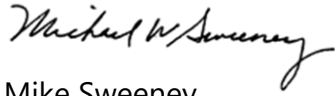
Beth O'Connell
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