



March 16, 2023

Senate Commerce and Consumer Protection Committee  
Submitted via email to Chair Klein

**Re: PFAS Prevention Package**

Dear Chair Klein and Members of the Senate Commerce and Consumer Protection Committee,

On behalf of our more than 3 million members and online activists, the Natural Resources Defense Council (NRDC) is pleased to support action to curb the use of PFAS, as outlined in the PFAS Prevention Package.

As NRDC's lead scientist on PFAS, I have helped develop a comprehensive database of over a thousand scientific studies on the health effects linked to PFAS exposure.<sup>1</sup> I also recently co-authored a paper detailing the scientific reasoning for why PFAS should be managed as a class.<sup>2</sup>

NRDC supports strong action on all PFAS, which now constitute a major global environmental and public health threat. This is because they:

- Are extremely persistent, meaning they are very resistant to break down;
- Tend to be highly mobile, spreading quickly in the environment, making their contamination hard to control and cleanup;
- Can bioaccumulate, or build up in plants, animals and humans - national biomonitoring shows that virtually all people living in the US have PFAS in their bodies;
- Have been linked to serious health effects such as cancer, kidney and liver damage, and immune system toxicity; and
- Are likely to impose massive healthcare and cleanup costs.

The current one chemical at a time approach has not been effective at controlling widespread exposures to PFAS—as other PFAS have been rushed in to replace any banned or regulated PFAS.<sup>3</sup> The magnitude of this problem demands a more efficient and effective approach, which is why prominent scientists

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<sup>1</sup> Katherine E. Pelch et al., "The PFAS-Tox Database: A Systematic Evidence Map of Health Studies on 29 per- and Polyfluoroalkyl Substances," *Environment International* 167 (September 1, 2022): 107408, <https://doi.org/10.1016/j.envint.2022.107408>.

<sup>2</sup> Carol F. Kwiatkowski et al., "Scientific Basis for Managing PFAS as a Chemical Class," *Environmental Science & Technology Letters* 7, no. 8 (August 11, 2020): 532–43, <https://doi.org/10.1021/acs.estlett.0c00255>.

<sup>3</sup> Zhanyun Wang et al., "A Never-Ending Story of Per- and Polyfluoroalkyl Substances (PFASs)," *Environmental Science & Technology* 51, no. 5 (March 7, 2017): 2508–18, <https://doi.org/10.1021/acs.est.6b04806>.

from around the world are urging a class-based approach for managing PFAS<sup>4</sup>, including a phase out of all non-essential uses of PFAS.<sup>5</sup>

The European Chemicals Agency<sup>6</sup> has proposed and the state of Maine<sup>7</sup> has passed a ban on all nonessential uses of all PFAS and more than 10 other states have banned the unnecessary use of all PFAS in specific product categories, including textiles, firefighting foam, food packaging, juvenile products, and cosmetics.

Earlier this year I was part of a scientific collaboration that published a paper<sup>8</sup> on this alternative approach to managing hazardous chemicals, known as the essential-use approach. It posits chemicals of concern like PFAS should not be used in products or processes where any of the following are true:

- 1) they are being used for nonessential functions within products,
- 2) their use in a product is not critical for health, safety, or functioning of society, or
- 3) when there are safer alternatives.

The goal of this approach is not to ban products, but to discontinue the use of toxic chemicals when not needed. We support the Non-Essential Use Ban but believe that some additional refinements are needed to ensure that each of the three scenarios above are fully covered.<sup>9</sup>

PFAS chemicals can persist in the environment for hundreds to thousands of years and no safe destruction technology has yet been identified. How we decide to use and regulate these chemicals now will have far reaching consequences for decades to come.

These two policy approaches, managing PFAS as a class and eliminating unnecessary uses of PFAS, are what is needed to respond to the magnitude and urgency of this problem. The PFAS Prevention Package utilizes these approaches and will help protect our firefighters, children and communities from these toxic “forever” chemicals.

We ask for your support of the PFAS Prevention Package, thank you.



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<sup>4</sup> Arlene Blum et al., “The Madrid Statement on Poly- and Perfluoroalkyl Substances (PFASs),” *Environmental Health Perspectives* 123, no. 5 (May 2015): A107–11, <https://doi.org/10.1289/ehp.1509934>; Kwiatkowski et al., “Scientific Basis for Managing PFAS as a Chemical Class.”

<sup>5</sup> Ian T. Cousins et al., “The Concept of Essential Use for Determining When Uses of PFASs Can Be Phased Out,” *Environmental Science: Processes & Impacts* 21, no. 11 (November 13, 2019): 1803–15, <https://doi.org/10.1039/C9EM00163H>; Simona A. Bălan et al., “Optimizing Chemicals Management in the United States and Canada through the Essential-Use Approach,” *Environmental Science & Technology* 57, no. 4 (January 31, 2023): 1568–75, <https://doi.org/10.1021/acs.est.2c05932>.

<sup>6</sup> European Chemicals Agency, “PFAS Restriction Proposal,” February 7, 2023, <https://echa.europa.eu/-/echa-publishes-pfas-restriction-proposal>.

<sup>7</sup> An Act To Stop Perfluoroalkyl and Polyfluoroalkyl Substances Pollution. 2021; Vol. 477. <http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1113&item=5&snum=130>.

<sup>8</sup> Bălan et al., “Optimizing Chemicals Management in the United States and Canada through the Essential-Use Approach.”

<sup>9</sup> Anna Reade, “The Essential-Use Approach: A Policy Tool for Reducing Exposures to Toxic Chemicals,” accessed March 4, 2023, <https://www.nrdc.org/resources/essential-use-approach-policy-tool-reducing-exposures-toxic-chemicals>.