



September 24, 2024

The Honorable Tom Carper
Chairman
U.S. Senate Committee on Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member
U.S. Senate Committee on Environment and Public Works
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Capito:

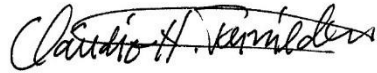
The Water and Wastewater Equipment Manufacturers Association (WWEMA) is writing to express its deep concerns with efforts to impose Comprehensive Emergency Response Compensation and Liability Act (CERCLA) clean-up and natural resources damages liability on our members that are PFAS technology solution providers. The water industry has the capabilities and interest to solve the PFAS contamination problem, but we cannot be successful if this comes with liability associated with removing PFAS substances from water. While we as treatment providers are entering into this area with the full commitment to provide proven solutions, we are concerned that full engagement will not be achieved without a framework to protect suppliers from future litigation.

Similar to the spirit of laws that have protected those working to provide a public good and benefit, WWEMA is asking for policymakers to protect technology solution providers who are actively working to address our country's PFAS contamination crisis from future liability. In order to promote early adoption and treatment of PFAS, solution providers should be encouraged to innovate and not be penalized with mounting litigation, or the potential for such litigation, as specific PFAS treatment and disposal regulations continue to evolve.

We call upon the Senate to pass legislation that clearly provides for an exemption from CERCLA liability for PFAS solution providers. These activities are rightly regulated pursuant to the Clean Water, Safe Drinking Water, Resource Conservation and Recovery, and Clean Air Acts. As such, any violations of standards under these Acts are the appropriate mechanism to pursue corrective actions. We have consistently cited the fact that CERCLA was enacted, and is designed, to address abandoned waste sites or circumstances where a responsible party that created the environmental threat refuses to take remedial actions. CERCLA was never intended to become a vehicle where responsible parties could work to ensnare passive receivers in years of litigation to dilute a responsible party's clean-up and natural resources damage liability.

Again, we strongly urge you and your colleagues to pass PFAS clean-up legislation that exempts technology solution providers from CERCLA liability.

Thank you in advance for your attention to this issue. If you have any questions, please feel free to contact me at cternieden@wwema.org or at (703) 501-7871.



Claudio H. Ternieden, J.D., MPP
Executive Director

cc: Senator Charles Schumer, Majority Leader
Senator Mitch McConnell, Republican Leader

Water and Wastewater Equipment Manufacturers Association

The Water and Wastewater Equipment Manufacturers Association (WWEMA) is a Washington DC-based non-profit trade association representing water and wastewater technology and service providers since 1908. We advocate, inform, and connect our members with key policy and decision-makers and help our members increase their competitiveness and profitability in the U.S. and abroad. Our members supply the most sophisticated leading-edge technologies and services, offering solutions to every water-related environmental problem and need facing today's society. WWEMA is made up of many of the most prominent and influential companies in the industry who are working together to shape the future of water and wastewater technology in the U.S. and around the world.