

December [XX], 2025

The Honorable [ELECTED OFFICIAL]
U.S. House of Representatives

Dear Representative [ELECTED OFFICIAL]:

I am writing on behalf of [utility name] – which serves [XX] people in [city, state] – to urge your support for H.R. 1267, the Water Systems PFAS Liability Protection Act. This bipartisan legislation will ensure that polluters – not water systems and their ratepayers – face financial liability for cleaning up sites contaminated with per- and polyfluoroalkyl substances (PFAS) under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Last year, EPA designated perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) – two PFAS chemicals – as hazardous substances under CERCLA. At the time, EPA released an enforcement discretion memo pledging to focus federal enforcement efforts on the entities responsible for releasing PFAS into the environment. But drinking water and wastewater systems – and our ratepayers – could still face significant financial liability unless Congress acts.

Drinking water and wastewater systems do not produce, use, or benefit from PFAS. Instead, these systems passively receive PFAS into their treatment plants from industrial processes, manufacturing facilities, and the widespread use of PFAS-laden household products. The purpose of water treatment is to remove contaminants. As a result, PFAS is present in treatment residuals, and water systems manage residuals in keeping with applicable regulations. However, with the designation of PFOA and PFOS as hazardous substances, water systems will be subject to significant financial and legal liability under CERCLA even though they have responsibly managed PFAS residuals.

CERCLA does not distinguish between passive receivers of a hazardous substance and the polluting entity that introduced it into the environment. Any entity that handles, manages, or disposes of PFAS could be held partially or fully liable for cleaning it up. If a location where a water system treated, stored, or disposed of PFAS residuals becomes a Superfund cleanup site, the water system could be identified as a potentially responsible party.

Without congressional action, manufacturers and polluters of PFAS can use CERCLA to force water and wastewater systems into expensive and lengthy litigation. This means communities – including those that have already paid to remove PFAS from their drinking water – will have to spend limited resources on legal fees rather than critical system improvements, operations, and maintenance.

I therefore urge you to cosponsor H.R. 1267, the Water Systems PFAS Liability Protection Act, introduced by Representatives Marie Gluesenkamp Perez and Celeste Maloy. This bipartisan bill would preserve the “polluter pays” principle under CERCLA and ensure that water systems can focus our efforts on maintaining water quality.

Thank you,