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\*Indicates member of Small Communities  
Advisory Subcommittee only

**Paige Lieberman**

Designated Federal Officer, EPA

July 6, 2022

Michael S. Regan, Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator Regan:

The LGAC applauds the efforts that EPA has taken to address the unique challenges posed by PFAS contamination and the development of the [PFAS Strategic Roadmap: EPA's Commitments to Action 2021-2024](#). The complexity of PFAS and its lifecycle of being processed, manufactured, distributed, and disposed is ultimately experienced first-hand at the local level. However, many local governments continue to grapple with the very existence of PFAS as an emerging concern.

The Healthy Communities Workgroup of the LGAC has taken up the charge question:

*In October 2021, EPA announced a [PFAS Strategic Roadmap](#), which laid out a whole-of-agency approach to addressing PFAS. This Roadmap includes several regulatory and policy actions regarding PFAS contamination. Given that these processes can take several years, how can EPA support local governments to address PFAS contamination in the interim?*

Understanding that EPA is undertaking an extensive review of PFAS around the U.S., and that environment and health impact evaluations must be appropriately conducted, the Healthy Communities workgroup recognizes that the issue of PFAS pollution will not be solvable overnight. The LGAC has developed a set of recommendations for EPA that will support local governments as they evaluate and address potential PFAS contamination in the near-term.

EPA's Strategic Roadmap frames an integrated approach to address PFAS contamination through efforts to research, restrict, and remediate these "forever chemicals." The LGAC acknowledges the categorical approaches in the Roadmap and has framed its recommendations accordingly. Additionally, we have added a section on communication and coordination, noting the need for local governments to easily access available resources that will effectively communicate this issue to their residents.

The environmental challenges of PFAS vary geographically, including pollution from abandoned landfills, military installations, industrial sites, and more. Despite the need to develop site-specific solutions, all local governments strive to obtain clean air, drinkable water, and economically thriving communities for their residents. Addressing PFAS head-on will support the vision to provide effective environmental protection to communities across the country. During the 2021 - 2024 timeline, the LGAC requests that EPA provide this Committee with an update at least every six months on progress towards achieving the actions outlined in the Strategic Roadmap. The LGAC looks forward to working closely with the EPA as this issue evolves.

The LGAC has identified several recommendations to address, which are further detailed below:

### **Research**

The emerging concern of PFAS contamination poses a risk at the local level with many factors – some known and some unknown. Members of the LGAC’s Healthy Communities workgroup cited many examples where PFAS had been detected or used in their communities. However, some members were unaware of the prevalence of PFAS in their communities and had not been concerned about addressing it up to this point. Therefore, the LGAC recommends that EPA provide comprehensive resources to state and local governments, so that they can adequately identify and manage PFAS, regardless of the level of capacity and experience they have with this issue.

The LGAC recommends that EPA support local and state jurisdictions by:

- Providing training and funding for conducting environmental assessments and sampling to evaluate potential contamination levels
- Providing a database of laboratory resources available for local governments to use
- Providing background education on potential sources of PFAS contamination

Given current scientific research on PFAS’ health impacts, and the resulting actions EPA plans to take in the next several years, the LGAC anticipates public interest in PFAS to accelerate. In many instances, local governments and utilities will be who the public turns to when they question the safety of their water, their land, and their families. These institutions can play a pivotal role in how the challenge of addressing PFAS is met. However, few are equipped to meet that moment without support from the federal government.

### **Restrict**

Proactively preventing more PFAS from entering air, water, and land requires full collaboration and cooperation at the federal, state, and local level. Local governments are often large purchasers of products containing PFAS, such as firefighting foam and food packaging. The LGAC recommends that EPA increase support of voluntary stewardship programs to phase out these products. For example, in communities where there is known PFAS contamination, EPA could incentivize communities to identify the source and require any related manufacturers to switch to alternative products. One area to focus is replacing PFAS-containing firefighting foam with AFFF-free foam, which is a likely source of PFAS contamination in every local government. This type of action would provide nation-wide examples of effective PFAS replacements and increase cooperation from other local governments.

Furthermore, the LGAC recommends that EPA:

- Coordinate with federal agencies such as the U.S. Food and Drug Administration, U.S. Department of Agriculture, and the Consumer Product Safety Commission, to develop and disseminate information about common sources of PFAS in consumer products, its risk to human health and the environment, and alternative sources for products
- Develop and disseminate information on effective methods of PFAS restrictions that can be used by local and state governments and utilities
- Serve as a convener where multiple federal, state, and/or local government agencies are involved with a contaminated site (i.e. airports, military sites) to develop action plans that identify who can lead each component
- Consult with state and local governments before setting regulatory standards to restrict PFAS

The LGAC understands that EPA intends to develop regulatory standards in the near term and recommends that EPA develop these in partnership with state and local governments. Additionally, when standards are set, the EPA should make efforts to support local governments via an ombudsman role, so that local government can discuss their questions and challenges and access necessary technical assistance without worry of inviting enforcement action.

### **Remediate**

Emerging contaminants like PFAS create many challenges for local jurisdictions. The process of remediation begins with identifying contaminant levels. Areas of potential contamination can be complex to assess, such as ground water, where extensive engineering reviews are required. The LGAC recommends that EPA allocate funding to conduct assessments and remediation in a timely way, and provide guidance for how different funding streams can be utilized to address PFAS

In general, local governments are seeking clarity in standards related to all aspects of its operations. This lack of standards is leading to inconsistent, and in some cases ineffective, remediation of PFAS. For example, a lack of standards for disposing contaminated soil and sediment is leading to rejection for landfills and composting, and/or high disposal fees, which results in stalled operations. Near airports PFAS has contaminated creeks and lakes, including waterways regularly used for fishing. Municipalities are trying to dredge the water to remove some of the contamination, but struggle to find a disposal site. The LGAC recommends that EPA provide guidance to state and local jurisdictions to remediate all known types of contamination, with an emphasis on proper disposal methods that will limit further environmental impacts.

Another concern is liability, especially with the expectation that PFAS will be categorized as a hazardous substance in the near future. How will local governments absorb the liability of owning contaminated lands? How will EPA support them to identify responsible parties and hold them accountable? The LGAC recommends that EPA begin working with local governments to address these questions.

### **Communications and Coordination**

Local governments are often on the front lines of contamination issues. They are responsible for providing safe drinking water, they help protect public health from environmental exposures to pollution, and they may be responsible for remediation. They must navigate several levels of

government to secure the knowledge and resources to address these issues, while also communicating about the risks and their plans with the public. The ability of local governments to play all these roles on an emerging and prevalent contaminant varies greatly, and when staff resources are limited, focusing them on efforts of discovery, mitigation, and remediation, will lead to better public health outcomes.

Additionally, the LGAC recommends that EPA:

- Coordinate via the Regional EPA Offices with states, local governments, and responsible parties, to share information, offer expertise, provide updates on available resources, help establish coordinated action plans amongst all parties, and facilitate their timely implementation.
- Provide local government with FAQs, important communication points for the public, and a playbook of the best immediate and long-term actions a community can take to protect the public when PFAS contamination is discovered in their community.

We appreciate the opportunity to provide this input and look forward to a continued discussion.

Sincerely,



Leirion Gaylor Baird, LGAC Chair



Jeff Witte, LGAC Healthy Communities Workgroup Chair