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January 9, 2020

Speaker Nancy Pelosi
U.S. House of Representatives
Washington, D.C. 20515

RE: AGC opposition to H.R.535, the *PFAS Action Act of 2019*

Dear Speaker Pelosi,

On behalf of the Associated General Contractors of America (AGC) and its 27,000 member companies engaged in all facets of the commercial construction industry, I urge you to vote “NO” on H.R.535, the *PFAS Action Act of 2019*. This legislation threatens to derail and overwhelm ongoing efforts at the Environmental Protection Agency (EPA) to study PFAS and develop science-based, protective regulations for specific types of PFAS when warranted. AGC also is concerned that the bill may result in mandates that put construction contractors unnecessarily at risk of Superfund liability on normal, “every day” projects where trace amounts of PFAS may be found in the dirt or groundwater.

The EPA released an extensive action plan to address PFAS last year and is moving forward with its implementation in a transparent and public manner. H.R.535 casts too broad of a mandate, dictates outcomes and procedures, and sets aggressive deadlines for the regulation of PFAS. The bill redirects resources away from addressing EPA’s prioritized efforts with regard to specific types of PFAS and risks diluting current EPA efforts to set consistent, scientific, risk-based standards to address the potential health impacts that may be related to PFAS.

AGC is concerned that this bill may lead to indiscriminate, extensive cleanup requirements for normal earth moving and dewatering operations on construction sites nationwide that had not previously been considered contaminated—and may not even contain a type of PFAS that EPA ultimately determines to be of concern. This will open contractors up to risk without specific “Good Samaritan” or innocent contractor provisions to protect them. Furthermore, the expense of clean-up efforts triggered by trace amounts of PFAS will drastically increase construction costs and may deter work to redevelop urban and underutilized properties.

Again, AGC urges a “NO” vote on H.R.535. AGC asks that Congress allow the EPA to establish science and risk-based standards to regulate certain PFAS when warranted and welcomes the opportunity to discuss Superfund liability concerns more in the future.

Sincerely,

A handwritten signature in black ink that reads 'James V. Christianson'.

James V. Christianson
Vice President, Government Relations

Cc: All members of the U.S. House of Representatives