

May 19, 2026

The Honorable Shelley Moore Capito  
Chairman  
U.S. Senate Committee on Environment  
& Public Works  
410 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Sheldon Whitehouse  
Ranking Member  
U.S. Senate Committee on Environment  
& Public Works  
410 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Brett Guthrie  
Chairman  
U.S. House Committee on Energy  
& Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515

The Honorable Frank Pallone  
Ranking Member  
U.S. House Committee on Energy  
& Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515

**Re: Urgent Need for PFAS CERCLA Liability Protections for Passive Receivers**

Dear Chairman Capito, Ranking Member Whitehouse, Chairman Guthrie, and Ranking Member Pallone:

The undersigned organizations represent local governments and private entities responsible for delivering essential public health services, including drinking water, wastewater treatment, biosolids management, stormwater management, water recycling, solid waste disposal, and composting. As passive receivers of PFAS, we urge the Committees to expedite legislation that authorizes narrow PFAS CERCLA liability protections.

Absent Congressional action, passive receivers and the communities they serve will face significant costs and litigation risk associated with managing PFAS resulting from decades of lawful operations. This liability exposure is already contributing to increased rates, constrained management options, and growing uncertainty around infrastructure investment, project timelines, and service affordability. As documented in Congressional testimony, these impacts effectively transfer PFAS management costs to passive receivers, undermining CERCLA's foundational "polluter pays" principle.

Uncertainty surrounding CERCLA liability exposure, combined with a growing wave of PFAS litigation, is beginning to create ripple effects that may ultimately impact the broader economy. Passive receivers are subject to extensive federal, state, and local environmental, health, and safety standards, including evolving requirements under the Safe Drinking Water Act, Clean Water Act, and Solid Waste Disposal Act; however, the Environmental Protection Agency's (EPA) designation of certain PFAS as hazardous substances under CERCLA is disrupting their longstanding interdependence. Passive receivers, to the extent they are legally and feasibly able, are reassessing acceptance and handling of certain media—such as biosolids, spent filters, construction materials, and landfill leachate—leading to stranded waste streams, constrained insurance markets, increased construction costs, delayed infrastructure projects, and rising affordability pressures for households and communities. Unfortunately, EPA lacks the authority to protect passive receivers from private party litigation and liability under CERCLA and thus is unable to provide meaningful support in addressing these challenges.

Passive receivers face unique challenges in managing PFAS relative to other CERCLA hazardous substances because of the ubiquity of these compounds in the stream of commerce, the lack of treatment technologies capable of achieving total PFAS removal, and the absence of enforceable federal or state standards on the management of waste streams containing PFAS. Nevertheless, passive receivers are committed to safeguarding public health and the environment, recognizing our role in long-term PFAS management solutions, and are actively developing strategies to manage waste streams of concern.

We urge the Committees to advance a bipartisan solution that provides certainty for passive receivers while continuing to hold accountable those entities that have profited from the manufacture or use of PFAS. Doing so upholds CERCLA’s “polluter pays” principle and avoids shifting the cost of compliance and cleanup onto ratepayers and taxpayers and exacerbating the nationwide affordability crisis.

Sincerely,

American Public Works Association  
American Water Works Association  
Association of Metropolitan Water Agencies  
Coalition of Recyclers of Residual Organics by Practitioners of Sustainability  
California Association of Compost Producers  
California Association of Sanitation Agencies  
Connecticut Water Environment Association  
Green Mountain Water Environment Association  
Illinois Association of Wastewater Agencies  
Maine Water Environment Association  
Massachusetts Water Environment Association  
Michigan Water Environment Association  
Mid-Atlantic Biosolids Association  
Midwest Biosolids Association  
Municipal Waste Management Association  
National Association of Clean Water Agencies  
National Association of Counties  
National Association of Water Companies  
National League of Cities  
National Municipal Stormwater Alliance  
National Rural Water Association  
National Waste & Recycling Association  
National Water Resources Association

New England Water Environment Association  
New Hampshire Water Pollution Control Association  
New Jersey Water Environment Association  
North East Biosolids & Residuals Association  
Northwest Biosolids Association  
Oregon Association of Clean Water Agencies  
Oregon Refuse & Recycling Association  
Pennsylvania Water Environment Association  
Resource Recovery Coalition of California  
Rhode Island Clean Water Association  
Rural Community Assistance Partnership  
Solid Waste Association of North America  
Southeast Biosolids Association  
U.S. Composting Council  
U.S. Conference of Mayors  
Virginia Biosolids Council  
Washington Association of Sewer & Water Districts  
Washington Refuse & Recycling Association  
Water & Wastewater Equipment Manufacturers Association  
Water Environment Federation  
WateReuse Association  
Wisconsin Municipal Environmental Group – Wastewater Division

CC:

Members of the U.S. Senate Committee on Environment & Public Works  
Members of the U.S. House Committee on Energy & Commerce