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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

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May 3, 2022

The Honorable Lloyd J. Austin III
U.S. Department of Defense
1000 Defense Pentagon,
Washington, DC 20301

Dear Secretary Austin:

As Chairman of the United States Senate's Homeland Security and Governmental Affairs Committee and on behalf of my fellow Michiganders, I write today regarding the Department of Defense's (DoD) failure to meet two major per- and polyfluoroalkyl substances (PFAS) reporting deadlines required under the National Defense Authorization Acts (NDAA) of Fiscal Year 2020 and 2022. It is critical that Congress, our service members, and the surrounding communities understand how DoD is addressing this urgent environmental and public health issue at its military installations.

State and local governments must be partners in our work to protect communities from PFAS contamination. This is why I authored a provision with Senator Stabenow encouraging DoD to enter into cooperative agreements with states regarding the testing and remediation of PFAS contamination originating from DoD activities.¹ The provision also requires DoD to report to Congress if a cooperative agreement is not reached within one year of the request from the state. On March 31, 2021, Governor Whitmer invoked this provision and requested DoD meet Michigan's PFAS standards at all DoD linked contamination sites.² DoD has yet to respond to Governor Whitmer's request and therefore missed the March 31, 2022 congressional reporting deadline. As I emphasized in my "Examining Federal Efforts to Address PFAS Contamination" committee hearing in December, DoD must explain their resistance to enter into an agreement with the State of Michigan and promptly establish a timeline for finalizing the agreement.

In addition, DoD missed the March 1, 2022 deadline for reporting to Congress on the status of PFAS remediation efforts at 50 priority military installations, including the K.I. Sawyer and Wurtsmith Air Force Bases in Michigan.³ It is pivotal that DoD address this missed deadline quickly. I further urge the Department to prioritize using the most stringent PFAS standards, whether they be local, state, or federal, when it releases its cleanup plans and timelines.

¹ Pub. Law 116-92, Sec. 332.

² Letter from Governor Whitmer, State of Michigan, to Secretary Austin, Department of Defense (March 31, 2021).

³ Pub. Law 117-81, Sec. 349.

The Honorable Lloyd J. Austin III

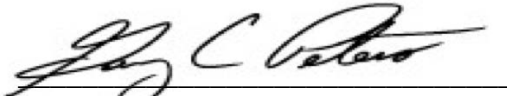
April 27, 2022

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It is imperative that DoD fulfill their reporting responsibilities to Congress, and do so in a timely manner. This information helps ensure PFAS remediation efforts prioritize the health and safety of Michiganders and all Americans. As the information contained in these reports is urgently needed and already past due, I request that DoD provide these reports to Congress no later than May 30, 2022.

Thank you for your prompt attention to this matter. If you or members of your staff have any questions, please contact Chelsea Davis on the Homeland Security and Governmental Affairs Committee staff at (202) 578-8009 or Mike Stoeber from Senator Peters' staff at (202) 224-6221.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary C. Peters", written over a horizontal line.

Gary C. Peters
Chairman