

Dept. of Justice: AG Kaul calls on U.S. Senate to pass legislation to protect the public from highly toxic ‘forever’ chemicals

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MADISON, Wis. – Attorney General Josh Kaul joined a coalition of 18 attorneys general in calling on the U.S. Senate to pass a Fiscal Year 2023 National Defense Authorization Act (NDAA) with needed protections to combat exposures to poly- and perfluoroalkyl (PFAS) “forever” chemicals—a class of highly toxic and environmentally persistent chemicals that pose serious threats to public health— in communities across the country.

“We must ensure that drinking water for all Wisconsinites is safe and clean,” said AG Kaul. “This legislation would improve our response to the dangers presented by PFAS, helping to remediate contamination, prevent future contamination, and more effectively address the harms to people’s health from PFAS.”

In a [letter](#) sent Tuesday, the coalition urges Senate leaders to provide the U.S. Department of Defense (DoD) with the tools necessary to conduct remediation and removal of PFAS contamination to protect public health and the environment. States across the country are currently spending tens of millions of dollars to fight the serious health dangers PFAS contamination poses, and the threat to the public and the environment from the chemicals is growing. In the letter, the coalition endorses the Senate Armed Services Committee’s conclusion that to effectively address the persistence and toxicity of PFAS chemicals, we need a “whole-of-government” approach.

PFAS are man-made chemicals that have been used to produce countless consumer

products since the 1940s, including textiles with Scotchgard™; Teflon™ products, including non-stick cookware; food packaging; and waterproof clothing. Firefighting-foam-containing PFAS has also been used for decades by the U.S. military, airports, industrial facilities, and local fire departments. PFAS are estimated to be detectable in the blood stream of 99 percent of the U.S. population.

PFAS are highly toxic to humans and animals and extremely resistant to degradation in the environment — that is why PFAS are known as “forever chemicals.” Exposure to various PFAS, including through contaminated water supplies, can lead to serious health issues, including decreased antibody responses to vaccines, increased risk of childhood infections, developmental issues for children, decreased birthweight, testicular and kidney cancers, ulcerative colitis, liver damage, and thyroid disease.

The attorneys general urge the Senate to adopt additional protections that appear in the House NDAA bill, which was recently passed by a strong bipartisan majority. These provisions include:

- Mandating that all DoD cleanups of PFAS contaminations satisfy the most stringent state and federal standards and health advisories;
- Prohibiting the procurement of personal protective firefighting equipment containing PFAS after October 1, 2025 (subject to an exception for lack of availability);
- Requiring DoD to provide briefings to the Armed Services Committees on steps the department has taken to identify items containing PFOA and PFOS and its efforts to limit procurement of those products;
- Requiring DoD provide a detailed report to Congress on establishing a process to alert active and retired members of the Armed Forces (and their families) about exposure to PFAS;
- Requiring DoD report on progress made in the replacement of aqueous film-forming foam (AFFF)-containing fire-fighting agents and on known or suspected PFAS contaminations around military installations related to substances other than AFFF;
- Directing the U.S. Department of Health and Human Services to expand its study of the health effects of PFAS contamination and to report back to Congress; and
- Directing DoD to establish a program coordinating with the U.S. Environmental Protection Agency (EPA) to test for PFAS in drinking water at schools operated by DoD and to install safe and effective filtration systems to meet state and

federal standards.

AG Kaul was part of a coalition of attorneys general that called on Congress to address PFAS in the FY2021 and FY2022 NDAs. Following the coalition's efforts, the NDAs required: the addition of various PFAS to the Federal Toxics Release Inventory; publicly available reporting of data regarding PFAS waste management; the phasing out of PFAS AFFF at the DoD's sites; the funding of research of alternatives to PFAS-containing gear; and completion of PFAS testing at Department of Defense and National Guard facilities.

Joining AG Kaul in sending this letter are the attorneys general of Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Minnesota, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, and Washington, as well as the District of Columbia.

Find this press release and the letter [here](#).