

April 23, 2024

The Honorable Anna Caballero, Chair
Senate Appropriations Committee
California State Capitol, Room 412
Sacramento, CA 95814

Re: The Ending Forever Chemicals Act/ SB 903 (Skinner) – Support

Dear Senator Caballero and Members of the Committee:

The undersigned organizations wish to express their strong support for SB 903, which provides a comprehensive, commonsense approach to phasing out unnecessary uses of the class of over 14,000 toxic “forever” chemicals known as per- and polyfluoroalkyl substances (PFAS).

Specifically, SB 903 will prohibit the sale and distribution of products with avoidable uses of PFAS in California beginning January 1, 2032. A manufacturer can, however, petition the Department of Toxic Substances Control for a time-limited exemption if it provides evidence that the use of PFAS is “currently unavoidable”. The bill establishes that the use of PFAS in a product category is “currently unavoidable” if 1) there is no available safer alternative to PFAS, 2) PFAS is necessary for the product to function, and 3) the use of PFAS in the product is critical for the health, safety, or functioning of society.

SB 903 sets strong exemption criteria because we need strong regulation of PFAS due to the serious environmental and health effects associated with these chemicals, as well as the tremendous costs to water utilities, the state, ratepayers, and our health system.

Health effects of PFAS include cancer, decreased fertility, hormone disruption, liver disease, developmental harm, and immune system suppression, including interference with the efficacy of vaccines. PFAS can cause these health harms at extremely low exposures, with California and EPA warning of the potential for health harms for some PFAS below the parts per trillion range (the equivalent of one drop of water in 20 Olympic-sized swimming pools). Because they do not break down readily, or break down into other PFAS, these chemicals have become pervasive in the environment. Consequently, human exposures to PFAS occur through working in industrial settings, the use of products that contain the chemicals, and through the environment, including our food, water, and air, that is contaminated from the production, use and disposal of PFAS-containing consumer and industrial products.

Virtually all U.S. residents have PFAS in their blood and, to date, the State Water Resources Control Board has detected nine PFAS in drinking water systems serving tens of millions of Californians, with contamination more prevalent in communities identified as “disadvantaged” by California. This number is expected to rise as more water systems are tested. In addition, the largely tribal communities and low income communities of color who practice subsistence fishing in heavily PFAS-contaminated waters such as San Francisco Bay are at particular risk.

While recent rules promulgated by the U.S. Environmental Protection Agency (EPA) will serve to protect the public, they will also add costs as the state and local agencies strive to remediate PFAS

pollution. On April 10, 2024, the agency established a National Primary Drinking Water Regulation (NPDWR) for six PFAS, which the agency expects will “prevent thousands of deaths, and reduce tens of thousands of serious PFAS-attributable illnesses”¹. While this will have a positive effect on health care costs, it will place a tremendous financial burden on water systems, some owned by municipalities, to meet those standards. For instance, Orange County Water District estimates its costs to treat PFAS over the next 30 years at \$1.8 billion². On April 19th, EPA further announced the designation of PFOA and PFOS, the two PFAS most widely found in California’s drinking water sources, as hazardous substances under the Superfund law (CERCLA)³, which will require environmental redress. The designation of these two chemicals not only speaks to their toxicity, but also signals EPA’s intent to list other PFAS in the future.

While there are efforts at both the federal and state level to try to hold manufacturers accountable for cleanup costs, there will be continued expenses related to immediate remediation, pollution prevention, and enforcement that must be considered. In addition, federal actions only address a handful of PFAS and current use is much more expansive. Clearly, therefore, it is essential to stop the unnecessary ongoing flow of PFAS into our marketplace and environment for both public health and economic reasons.

While, over the years, California has made good progress in limiting PFAS in specific product categories, we’ve only addressed the tip of the iceberg. Nor can we treat our way out of the state’s PFAS crisis given the chemicals’ resistance to destruction and the extreme costs associated with current treatment options. For this reason, SB 903 is essential in preventing further PFAS contamination of our people and of our precious resources. The costs, both financial and in terms of health and safety, are very large and call for strong, comprehensive action like this bill.

We are pleased to support this important bill and urge the Appropriations Committee to pass it to the full Senate for their consideration.

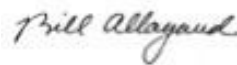
Sincerely,



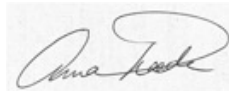
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¹ <https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas>

² <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.ocwd.com/wp-content/uploads/OCWD-Swiftly-Responds-to-EPA-PFAS-Ruling.pdf>

³ <https://www.epa.gov/newsreleases/biden-harris-administration-finalizes-critical-rule-clean-pfas-contamination-protect#:~:text=The%20designation%20of%20PFOA%20and, and%20cleanup%2C%20rather%20than%20taxpayers.>

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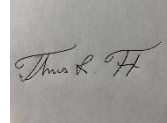
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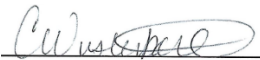
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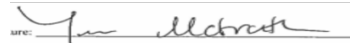
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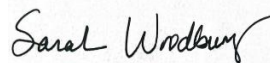
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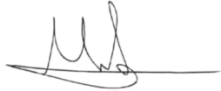
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cc: Senator Nancy Skinner