

Committee on Energy and Commerce
Opening Statement as Prepared for Delivery
of
Subcommittee on Environment Member Robert Menendez

Hearing on "Examining the Impact of EPA's CERCLA Designation for Two PFAS Chemistries and Potential Policy Responses to Superfund Liability Concerns"

December 18, 2025

I support holding polluters accountable for the harm they cause the people we represent. So, I am discouraged that my Republican colleagues are not centering this hearing around exposed communities, who are bearing the brunt of PFAS contamination, and ensuring that we prevent further exposure to these toxic chemicals. Instead, the majority called today's hearing to discuss creating new liability shields under our nation's Superfund law for corporate polluters.

PFAS chemicals are an urgent threat to public health; they are toxic, persistent, and have been found in our water, soil, and air – as well as in products Americans use every day. Aptly referred to as forever chemicals, PFAS have long been linked to cancers, infertility, impaired child development, and thyroid disease, among other harms. Each day, we are finding PFAS in more communities across the country, and are learning about the health harms they face as a result of this exposure. Urgent action is needed to address widespread contamination and reduce our communities' exposure to these dangerous chemicals.

That is why I am pleased that Emily Donovan is here today. Mrs. Donovan is a concerned mother, advocate, and community leader who has fought tirelessly to lift up the voices of her neighbors – including carrying the stories of those who tragically aren't with us anymore. She brings an important perspective to this hearing – the voice of a community in North Carolina that has been devastated by PFAS contamination. The topic of today's hearing does little to offer solutions to communities like Mrs. Donovan's. Rather, it leans into unfounded claims to bolster recent PFAS deregulatory actions taken by Administrator Zeldin for corporate polluters and future exemptions requested by special interests.

For example, since the Superfund listings for PFOA and PFOS went into effect, opponents claimed they would lead to a flood of liability lawsuits against municipal entities that have simply not materialized. There are existing tools to ensure downstream entities aren't held liable for upstream pollution, so long as they properly manage hazardous substances and don't release PFAS into the environment. Yet, they continue to push a narrative of needing an exemption under Superfund.

Giving municipal entities such a carve-out would remove a powerful incentive for responsible management of hazardous waste products, and risks dangerous PFAS releases into communities without consequence. I should note that these same entities, like water utilities, have a long history of following the law and managing dangerous Superfund chemicals – like arsenic, chromium, and lead – safely and effectively as part of their everyday operations. There

is no reason to suggest managing PFAS would be any different. Exempting parties from CERCLA liability would let those entities off the hook for removing PFAS from their own systems, responsibly handling PFAS waste, reducing PFAS contamination for their customers, and holding polluters accountable for the harm they cause.

If we are serious about addressing PFAS issues in this country, we must examine how to expedite the clean up of toxic PFAS chemicals while simultaneously working to prevent new exposures to these dangerous substances. Unfortunately, this is not what Republicans and the Trump Administration are doing. Instead, the Administration has worked to roll back and decay health-protective drinking water standards and limit PFAS reporting requirements – effectively leaving the EPA and communities in the dark.

Under Democratic leadership, the House passed the bipartisan PFAS Action Act, which provided real solutions to some of our pressing PFAS issues. It authorizes critical resources to water systems and communities grappling with contamination and stems the tide of PFAS chemicals into the environment. The legislation is centered on the science and the real-life experience of communities, like Mrs. Donovan's.

Discussion to weaken PFAS regulations, however, misses the mark and only serves to harm workers, families, and children. Americans are already struggling with rising healthcare costs and loss of access to lifesaving care. Deregulation will make the PFAS problem worse, breaking the promises we made to communities like Mrs. Donovan's. The companies that knew for years that they were pumping dangerous PFAS into local towns must be held accountable. Creating a litany of carve-outs from critical environmental protections will hamstring our ability to do that. Our constituents and communities deserve action to solve this PFAS crisis once and for all.

I yield back.