

Committee on Energy and Commerce
Opening Statement as Prepared for Delivery
of
Subcommittee on Environment Ranking Member Paul Tonko

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

Thank you, Mr. Chair.

Per- and polyfluoroalkyl substances, or PFAS, are a large class of chemicals, commonly used in firefighting foams, food packaging, nonstick cookware, and water-resistant fabrics.

These chemicals are remarkably persistent in the environment and incredibly toxic and dangerous to human health even at very small concentration levels.

PFAS exposure has been linked to kidney disease, thyroid dysfunction, and various forms of cancer. Almost all Americans have had some PFAS exposure and drinking water contaminations have been found in many communities across our country.

This includes the town of Hoosick Falls in New York's 20th Congressional District. It has been nearly a decade since P.F.O.A. was detected in Hoosick Falls, which helped sound the alarm for many others to test their water. Since that time, this Subcommittee has held numerous hearings examining PFAS.

Ms. Donovan, who is testifying today, also testified at our initial hearing more than seven years ago. In years since that hearing, there has been increased public awareness, improved scientific understanding, significant funding for remediation included in the Infrastructure Investment and Jobs Act, and major regulatory actions taken at the state and Federal levels to address PFAS risks and hold polluters accountable.

EPA released a PFAS Action Plan during the first Trump Administration and a PFAS Strategic Roadmap during the Biden Administration. Actions were taken across program offices and under multiple environmental laws, including the Safe Drinking Water Act, the Clean Water Act, TSCA, and CERCLA.

Many of these actions have focused on the two long chain PFAS: P-F-O-A and P-F-O-S. These are certainly the best-known PFAS, but domestic manufacture of these specific chemicals largely stopped years ago.

Real and ongoing risks for future exposure will come as companies substitute these PFAS with dangerous replacements, such as Gen X.

After many years of sounding the alarm and developing plans, we are really only now just beginning to see a federal regulatory response take effect, headlined by drinking water standards and a hazardous substance designation being finalized for P.F.O.A. and P.F.O.S. during the Biden Administration.

But we have also seen some troubling actions taken this year by the Trump EPA to undo past progress, including approving pesticides containing PFAS; eliminating drinking water standards for 4 short chain PFAS, including Gen X; delaying drinking water compliance deadlines for P.F.O.A. and P.F.O.S.; and limiting PFAS reporting requirements under TSCA.

To its credit, to date, the Trump EPA has left in place the hazardous substance designation of P.F.O.A. and P.F.O.S.

This CERCLA listing is incredibly important. It requires the reporting of releases and compels those responsible for contaminations to remediate. It ensures that polluters are held responsible.

Regarding the specific subject of today's hearing, I want to be clear that I do have some sympathies for water systems and other passive receivers—entities that receive media containing PFAS but do not produce or use it themselves—if they are taking all the necessary steps to act responsibly and protect the public. I believe everyone wants to do the right thing and keep people safe and healthy.

But groups have been asking this Committee for a CERCLA exemption for years—long before the hazardous substance designation was even initiated by EPA. And I have seen very little evidence that an exemption is needed at this time.

Before we start preemptively creating loopholes in our environmental laws, we must make sure that we are addressing a real problem.

EPA has a history of developing enforcement discretion policies, as was done in this case, and I believe we should wait and see if there is a systemic failure of this approach before Congress grants any exemptions.

After a decade of slow and deliberate action, we are now only beginning to get our arms around the challenge to prevent PFAS from entering the environment in the future, and to remediate it where it exists.

We are still in the early days of implementing a comprehensive regulatory strategy that protects our communities from the damage PFAS are causing.

And I cannot support any effort that jeopardizes or undermines the progress that has been made to date—whether that is by the Administration or Congress.

Thank you, Mr. Chair. I look forward to today's discussion, and I yield back.