

March 22, 2024

Laura Watson  
Director, Washington State Department of Ecology  
300 Desmond Drive SE  
Lacey, WA 98503

Dear Ms. Watson:

We, the undersigned, are writing to request that the Department of Ecology (Ecology) put forward a strong and strategic funding package to the legislature in 2025 that will help solve the PFAS crisis facing our state.

In 2023 the legislature required Ecology to develop a multi-year, statewide funding strategy to reduce PFAS in the environment, with a focus on future capital projects in three areas: safe drinking water; managing environmental contamination; and evaluating PFAS waste management options.

This is an important opportunity to obtain capital budget funding in 2025 for projects that will protect Washington residents and ecosystems from these dangerous chemicals. However, we are concerned that there has not been input from impacted communities and other sensitive populations (firefighters, workers in certain industries, people of childbearing age) and stakeholders on the funding package that is being put together.

**It is essential for those who are being highly impacted to be at the table providing input on setting priorities.** We request that the agency get public input, particularly from impacted communities and other sensitive populations.

The state currently lacks a public roadmap for tackling PFAS over the next three to five years. A major gap is the lack of a comprehensive, prioritized strategy for identifying PFAS contamination and its sources in drinking water, groundwater, surface water, biosolids, food, and wildlife. The state also lacks a strategy for identifying how and with what resources contamination will be mitigated.

Ecology is currently using the PFAS Chemical Action Plan (CAP) published in 2022 to develop its statewide funding strategy. The science and technical information has developed significantly since that time. Therefore, it is important for Ecology to consider the CAP a starting point and build on it to meet the 2023 legislative directive. The most important thing is that the public, especially those that are most impacted by PFAS, have a role in setting the state's funding priorities.

In response to PFAS contamination, other states, such as Michigan, have created a transparent process and centralized coordination system for agencies that reports to the governor's office. The [Michigan PFAS Response Team \(MPART\)](#) is also transparent with its progress and includes public involvement.

Developing a funding strategy that includes pursuing new and existing sources of funding is urgent because PFAS are having devastating impacts on people across the state:

- Drinking water has been contaminated in communities across Washington and the problem continues to grow. From the San Juan Islands and Selah (Yakima) to West Plains and Airway Heights (Spokane), communities are facing serious health threats from contamination largely due to the use of PFAS in firefighting foams.
- [A peer-reviewed study of 50 Washington moms found PFAS in 100 percent of breast milk samples.](#)
- Firefighters are a highly exposed population facing ongoing exposures due to PFAS use in their gear, as well as PFAS firefighting foam that is being stored at fire stations across the state.
- It is estimated that Washington has already spent or allocated more than [\\$71 million](#) to address PFAS contamination in drinking water, but this is just the tip of the iceberg.

In addition to public input, transparency, and a centralized coordinated approach, we urge the agency to consider the following in developing a statewide funding strategy and plan:

**1. Pursue a comprehensive testing and source identification effort carried out by Ecology.**

Testing by the largest drinking water systems, required by state and federal drinking water rules, has uncovered much of the contamination in water. However, Washington currently lacks the systematic approach that other states, such as Michigan, have taken to test and identify sources of contamination as a key initial step to addressing the PFAS contamination.

Testing drinking water, groundwater, biosolids, and wastewater effluent is an important strategy in identifying contamination hot spots and their sources. This is especially true for private wells and smaller public systems, which serve 15% of the population of Washington and are mainly in more rural areas. Currently, there is a gap in protection for these communities because they are not covered under state or federal drinking water rules; testing in these areas has occurred primarily when the military or other responsible party has initiated testing.

Ecology should be spearheading investigations and using the state toxics fund created under the Model Toxics Control Act (MTCA) to investigate PFAS contamination. The agency should start

now, using existing funds, to address the lack of data and understanding of the extent of the problem.

For example, the Department of Health has already identified possible PFAS hot spots where sensitive populations may be exposed to PFAS via groundwater, drinking water (private wells and Group B systems), and food sources. Landfills, airports, military bases, refineries, chemical plants, fire stations and training areas, sites where biosolids have been applied, and industrial users of PFAS such as chrome platers are potential PFAS sources and creators of hot spots.

## **2. Create a rapid response fund to mitigate PFAS and ensure people have safe drinking water, prioritizing private wells and Group B water systems.**

A rapid response fund is needed to provide safe drinking water as soon as contamination is identified. There are some good examples of the state stepping in to provide funding through grants to community organizations for testing and mitigation, including in Spokane, but more can be done. Ecology could and should be using state toxics funds to immediately and directly provide safe drinking water so communities and local governments are not loaded with additional burdens when it comes to obtaining safe drinking water. A comprehensive funding plan should include new dedicated funding sources focused on PFAS remediation objectives to complement what is possible with MTCA funds while also not letting liable parties off the hook.

The funds in the state toxics accounts come from a hazardous substance tax that primarily comes from oil companies. This fund is entirely appropriate because most of the contamination is from PFAS firefighting foam in the state designed for oil-based fires. Polluters should be paying for testing and mitigation, not taxpayers.

In cases where the military is involved, the agencies should prioritize areas of communities where the military is leaving gaps and refusing to meet state action levels. Fire stations that are on wells or Group B systems should be a very high priority due to the use of PFAS foams and the already higher exposures that firefighters face.

It is critically important to get input from highly impacted communities and other sensitive populations, such as firefighters, in funding priorities.

## **3. Leverage existing regulatory authority to require polluters to test, prevent and mitigate PFAS contamination.**

A lot can be done using existing authority in NPDES permits and biosolid permits to begin to get a handle on the industrial sources in the state.

For example, right now Ecology should be requiring testing for PFAS by all industrial dischargers to sewage treatment plants. Industrial dischargers should also be required to eliminate sources of PFAS. The agency should start by requiring this in the Everett wastewater treatment plant permit. This is the most practical and just way to lower PFAS at treatment plants and in biosolids. Focusing efforts that will reduce PFAS, not just study them, is critical.

[Michigan's aggressive testing](#) strategy has resulted in significant data that allowed the state to make progress in reducing PFAS to waterways and into biosolids.

#### **4. Prevent new PFAS contamination.**

Washington state has been a leader in the nation banning PFAS in products. The legislature created an aggressive [timeline](#) for this to happen and provided supplemental funding (\$375,000) in 2024 to accomplish this goal.

The agency must dramatically step up its work to ban PFAS in products if we are going to prevent new contamination. We request that the funding plan include any additional resources needed from the state toxics account or the capital budget to achieve a comprehensive ban. If this is not done, contamination will continue to occur, as we have seen with other persistent chemicals like PCBs.

#### **5. Invest in innovative solutions to replace, dispose of, or clean up PFAS with safer solutions.**

Investments must be made in safer replacements for PFAS in products and in finding the safest disposal options for contaminated waste to prevent new environmental or health problems, particularly for highly impacted communities.

Funds should be requested to provide incentives for companies to use alternatives to PFAS and ensure the substitutes are safer. Small businesses in the state may be using PFAS in their operations because they lack knowledge of the safer alternatives and/or the money to transition. The state provided funding to dry cleaners to transition to wet cleaning, which removed a dangerous solvent (PERC). This model can be used for companies to remove PFAS.

Significant funds are also needed to take back products that are in use that should be removed from homes, workplaces, schools, and daycares. Ecology already has a program to take back products, such as PFAS firefighting foam, which is funded by capital dollars. This program needs to be expanded to include other PFAS-laden products.

Finally, we would like an opportunity to meet with you to discuss Ecology's current approach to a state funding strategy and provide input.

Please contact Laurie Valeriano for any questions and/or to coordinate a meeting at 206-200-2824 (cell).

Sincerely,

Laurie Valeriano  
Executive Director  
Toxic-Free Future

Brandi Hyatt  
Pursue PFAS Free

John Lovie  
Whidbey Island

John Hancock  
Founder  
West Plains Water Coalition

Heather Trim  
Executive Director  
Zero Waste Washington

Rev. AC Churchill  
Executive Director  
Earth Ministry  
Washington Interfaith Power and Light

Emily Gonzalez  
Staff Attorney, Director of Law & Policy  
Puget Soundkeeper Alliance

Pam Clough  
Advocate  
Environment Washington and Environment  
Washington Research & Policy Center