

April 15, 2024

The Honorable Robin Carnahan
Administrator
U.S. General Services Administration
1800 F Street, NW
Washington, DC 20405

Re: Coalition comments on the recommendations set forth in a February 1, 2024, General Services Administration (“GSA”) Acquisition Policy Federal Advisory Committee (“GAP FAC”) report and letter regarding per- and polyfluoroalkyl (“PFAS”) substances

Dear Administrator Carnahan:

The undersigned organizations write to express significant concern about certain recommendations set forth in a February 1, 2024, General Services Administration (“GSA”) Acquisition Policy Federal Advisory Committee (“GAP FAC”) report and letter regarding per- and polyfluoroalkyl (“PFAS”) substances. While perhaps well-intentioned, the GAP FAC’s report ignores sound science and the enormous societal value of many PFAS-containing products. Before taking any further steps, we urge GSA to engage with our coalition of companies, trade associations, and other stakeholders as this group can provide the most up-to-date data and information regarding the importance of these chemistries to the value chains of sectors across the economy.

What is omitted from the recommendations is important context that PFAS includes thousands of chemistries possessing different and often unique combinations of properties, such as repelling water and retarding heat, which cannot be found in any other chemistry. Such properties make them durable, efficient, versatile, reliable, and ultimately irreplaceable across critical sectors of the U.S. economy where they are safely and responsibly manufactured and used. Among the sectors most reliant on PFAS, which the report does not recognize, are automotive, semiconductors, data centers, defense equipment and systems, renewable energy technologies, transportation, and health care.

Unfortunately, the recommendations also do not attempt to define the term “PFAS,” making them of limited value to GSA. The GAP FAC admits that there is no agreed-upon definition of the term. “The definition of PFAS is variable across the federal government. GSA should decide which definition to use in consultation with other federal agencies to ensure consistency across the federal government respecting procurement.” (GAP FAC Recommendations at n. 6.) As the GAP FAC suggests, GSA and other federal agencies must define “PFAS” before making any decisions about restricting their use or procurement. Without a solid definition and tailored approach, accepting the recommendations would be nearly as useless as restricting the procurement of “chemicals” or “gases”— extremely broad categories of chemistries.

The failure to adopt a science-based approach undermines the GAP FAC’s own discussion and recommendations. For example, calling for the “phasing out of PFAS production, limiting demand and uses for it, and protecting people currently and potentially exposed”¹ discounts the fact that some PFAS, such as fluoropolymers, have not been shown to pose any risk to human health or the environment and are an essential component of many products and technologies, including life-saving medical devices. GSA must reject such an overbroad approach and instead pursue a careful policy that recognizes the importance of many PFAS, while working toward the shared goal of reducing risks of PFAS that may present risk to health or the environment.

In our comments last summer to the Senate Environment and Public Works Committee related to its draft PFAS legislation, we suggested the Committee follow the foundations of the Delaware² and West Virginia³ laws to ensure a clear and consistent definition of PFAS. This letter included the need to exclude from the PFAS definition fluoropolymers and f-gases, which are critical in meeting our obligations to transition to low global warming potential alternatives to hydrofluorocarbons. We strongly believe there should be one federal definition for PFAS, guiding all federal decision-making.

Moreover, in its recently released [report of critical uses of PFAS](#), the U.S. Department of Defense has recognized the value of PFAS to provide performance necessary in accomplishing its national security mission. We sent an open letter to policymakers pointing out that the report importantly highlights the complexities and challenges of replacing PFAS in numerous applications.

The GAP FAC’s recommendations fail to recognize role of PFAS in enabling the energy transition and could prevent important contributions to achieving our nation’s ambitious climate goals. Applications, for example, such as electric vehicles and hydrogen fuel cell technologies, both of which lower overall GHG emissions, are not possible without PFAS-based technologies.

Finally, we maintain that any prohibitions or restrictions on the federal government’s procurement of PFAS-containing products must come from the U.S. Congress, which has legislated in this area in the past. GSA’s authority to prohibit or restrict the procurement of goods across such a broad swath of the U.S. economy is questionable.

¹ GAP FAC Recommendations at 25

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[https://legis.delaware.gov/json/BillDetail/GenerateHtmlDocument?legislationId=48449&legislationTypeId=1&docTypeId=2&legislationName=HB8#:~:text=\(4\)%20%E2%80%9CPFAS%E2%80%9D%20means,PFAS%E2%80%9D%20in%20cludes%20PFOA%20and%20PFOS.](https://legis.delaware.gov/json/BillDetail/GenerateHtmlDocument?legislationId=48449&legislationTypeId=1&docTypeId=2&legislationName=HB8#:~:text=(4)%20%E2%80%9CPFAS%E2%80%9D%20means,PFAS%E2%80%9D%20in%20cludes%20PFOA%20and%20PFOS.)

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https://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=hb3189%20sub%20enr.htm&yr=2023&sesstype=RS&i=3189

We ask that you accept our offer to engage with you on the many societally valuable and critical uses of PFAS. Chuck Chaitovitz, vice president, environmental affairs and sustainability with the U.S. Chamber of Commerce can be reached at cchaitovitz@uschamber.com with questions.

Sincerely,

Aerospace Industries Association
Alliance for Automotive Innovation
Alliance for Chemical Distribution
Fuel Cell & Hydrogen Energy Association
Fluid Sealing Association
National Council of Textile Organizations
Printing UNITED Alliance
TRSA - The Linen, Uniform and Facility Services Association
U.S. Chamber of Commerce