

FY24 Spending Law Boosts DOD's PFAS Cleanups, Backs In-Situ Treatment

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The fiscal year 2024 spending law boosts the Defense Department's (DOD) budget for PFAS cleanups by \$67.1 million and steers the department towards using "in-situ" remediation treatment to address the emerging chemicals, effectively rebuffing more-costly pump-and-treat methods, as DOD faces growing cleanup requirements under upcoming EPA rules.

The \$1.2 trillion appropriations package for FY24, which President Joe Biden signed March 23, includes about \$824 billion in defense spending.

This includes a \$67.1 million increase for remediation of per- and polyfluoroalkyl substances (PFAS) compared to the Biden administration's broad environmental cleanup request, with lawmakers targeting it at cleanup of PFAS-contaminated drinking water, according to [the joint explanatory statement](#) for defense appropriations Congress issued with the package of bills and report language from the appropriations committees adopted by reference into the "minibus" spending law.

The Senate Appropriations Committee "remains concerned about the health implications of contaminated drinking water caused by [PFAS]" and therefore recommends \$67.1 million above the FY24 request for operation and maintenance and environmental restoration accounts for DOD and the services to clean up drinking water contaminated by PFAS, the Senate Appropriations Committee report language reads.

The defense appropriations portion of the spending law provides an increase of \$60 million to the Navy and \$5 million to the Air Force for PFAS remediation, and to the Army National Guard, it adds an additional \$2.1 million for PFAS cleanup and restoration.

The law also gives the Air Force a boost of \$15 million above what was requested for its Research, Development, Test and Evaluation (RDT&E) specifically to go to PFAS destruction technology, and a boost of \$5 million to the Army's RDT&E program for PFAS predictive modeling.

The House Appropriations Committee in report language referenced by the minibus law also signals its support for in-situ cleanup methods, adding it appreciates DOD's work on testing drinking water and conducting investigations into the impacts of PFAS migration. "Further, the Committee understands that existing technologies, such as in situ treatment, have been evaluated

and proven effective by [EPA],” but it says it is “disappointed that the Department has not begun to employ these technologies in lieu of costly and inefficient techniques.”

It goes on to direct DOD and the military services “to prioritize the utilization of proven PFAS groundwater and soil remediation and mitigation technologies that eliminate the PFAS risk to human health and the environment in the most cost-effective and energy-efficient manner.”

The committee “included strong language” that the military use in-situ groundwater cleanup techniques for PFAS, says Scott Wilson, whose company Regenesys makes an in-situ remediation technology using colloidal activated carbon.

Wilson contends pump-and-treat methods used to remediate other contaminants in groundwater have worked poorly for the past 40 years, while in-situ treatment is one-third the cost of pump-and-treat methods, he adds.

Wilson also referenced [a 2005 GAO study](#) on chlorinated solvents and the difficulty in cleaning them up via pump and treat. Pump and treat methods are inefficient and expensive, he said.

Increased Remediation

But advocates of an alternative technology to treat aqueous matrices such as through pump-and-treat systems [have pushed](#) for EPA to validate the technology -- known as Super Critical Water Oxidation (SCWO) -- in its pending update to an interim PFAS disposal guidance.

Environmentalists have also frequently pointed to SCWO as a potential answer for disposal and destruction of PFAS in place of traditional methods such as incineration.

Congress’ support for in-situ remediation methods comes as DOD is tackling PFAS contamination investigations at more than 700 bases and as it is facing enforceable and possibly stricter cleanups under soon-to-be-finalized EPA rules setting strict drinking water standards for up to six PFAS and a first-time designation of the two most-studied PFAS as “hazardous substances” under the Superfund law.

An earlier minibus FY24 spending bill signed into law earlier in the month, which in part funded military construction and Veterans Affairs (VA) Department budgets, also included a boost in funding for base closure cleanups addressing PFAS, adding \$50 million into that budget “to increase the pace of cleanup at the military installations affected by PFAS,” the joint explanatory language for the military construction/VA appropriations says.

Meanwhile, House report language on the defense appropriations portion of the March 23 spending law calls on DOD within 90 days, and semi-annually after that, to provide the appropriations committees with a report on its PFAS cleanup costs, breaking out data by installation.

In addition, Senate report language questions DOD leaders’ decision to use EPA’s lifetime drinking water health advisory levels for perfluorooctanoic acid (PFOA) and perfluorooctane

sulfonic acid (PFOS) dating back to 2016, noting the agency's proposed drinking water standards in 2023 for six PFAS including PFOA and PFOS are at stricter levels. It directs DOD to brief the appropriations committees within 90 days on its plans for adopting EPA's final drinking water standards into its cleanup program and 90 days after issuance of that rule, to report on how DOD has complied with the new standards and anticipated compliance costs.

The report language also asks for additional budget justification materials from DOD and the services on PFAS remediation and removal and disposal activities related to aqueous film-forming foam (AFFF) -- which contains PFAS and which DOD used for decades. Congress also provided program increases for AFFF replacement-related activities.

Lawmakers are also calling for a report from DOD within 120 days on coordination efforts it will take with other agencies, industry and academia to research alternatives to the critical uses of PFAS DOD named in [a 2023 report](#) -- which included PFAS' use in weapon systems, communication and aerospace systems.

"The plan shall include a scientific evaluation and review of key technical standards for PFAS critical materials to ensure that the standards are effective, accurately represent the desired performance outcomes, and ensure that viable PFAS-free alternatives are not artificially excluded," the House defense appropriations report language says. The appropriators also encourage DOD to commission a National Academies study on PFAS essential uses and alternatives.

Military Personnel

In the first minibus spending bill funding several other departments, and signed into law March 9, lawmakers called for several measures addressing PFAS.

These include report language that [calls on](#) the Agriculture, Veterans Affairs and Defense departments and the Food & Drug Administration (FDA) to explore PFAS impacts on military personnel and veterans, research the chemicals' movement in agriculture, and weigh banning them in cosmetics.

For instance, the spending legislation endorses language that calls on the VA to coordinate with DOD and Centers for Disease Control and Prevention on a report to appropriators within one year on the ability of the VA to create distinct exposure cohorts based on location and date of exposure to PFAS, including related to AFFF used in firefighting.

It also endorses report language related to PFAS and agriculture impacts, including backing a requirement that the Department of Agriculture report to Congress on knowledge gaps on how PFAS moves in soils and water, plant uptake and livestock feed amendments, as well as remediation options.

The March 9 spending minibus also backs report language that calls on the FDA to plan for research "needed to inform regulatory decisionmaking, including potential development of a proposed rule to ban intentionally added PFAS substances in cosmetics."

It also backs \$5 million in funding for grants to airports to test AFFF removal and destruction technologies.

The spending legislation also directs the Commerce Department's National Institute of Standards and Technology to collaborate with other federal agencies to study firefighters' occupational exposure to PFAS, and it directs the White House Office of Science and Technology Policy to provide Congress with an update on resources and programming and policy included in the FY24 budget request that supports implementing the cross-agency federal research strategy for addressing critical research gaps on PFAS in drinking water, as well as anticipated needs for FY25. -- *Suzanne Yohannan* (syohannan@iwppnews.com)