

September 4, 2025

The Honorable Roger Wicker
Chairman
Committee on Armed Services
United States Senate
Washington, DC 20510

The Honorable Mike Rogers
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

The Honorable Jack Reed
Ranking Member
Committee on Armed Services
United States Senate
Washington, DC 20510

The Honorable Adam Smith
Ranking Member
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

Dear Chairmen Wicker and Rogers and Ranking Members Reed and Smith:

The undersigned associations respectfully urge you not to include provisions in the National Defense Authorization Act for Fiscal Year 2026 (FY26 NDAA) that would limit U.S. government and private sector use of essential chemistries, such as certain per- and polyfluoroalkyl substances (PFAS), and circumvent current regulatory processes.

The business community supports accelerating the cleanup of PFAS in the environment, based on the best science and risk management, while maintaining access to essential chemistries in key sectors across the economy. These issues are underscored by the Department of Defense's own "Report on Critical Per- and Polyfluoroalkyl Substance Uses,"¹ its recent update, and in the U.S. Chamber of Commerce's recent reports, Essential Chemistries: Providing Benefits Across the U.S. Economy² and the Impact of Restrictions Heating, Cooling, and Building Materials.³ Restricting critical supply chains, such as PFAS for support sectors for critical technologies and weapons systems, with no alternatives or plans for a transition could have serious national security implications.⁴

¹ <https://www.denix.osd.mil/cmrmrmp/denix-files/sites/14/2025/03/2023-DoD-Report-on-PFAS-Critical-Uses.pdf> (August 2023), updated in July 2025 at <https://www.denix.osd.mil/cmrmrmp/denix-files/sites/14/2025/07/2025-DoD-Update-on-PFAS-Critical-Uses.pdf>.

² <https://www.uschamber.com/environment/essential-chemistries-providing-benefits-across-the-u-s-economy>

³ <https://www.uschamber.com/environment/impact-of-restrictions-on-heating-cooling-building-materials>

⁴ chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/<https://www.acq.osd.mil/eie/eer/ecc/pfas/docs/reports/Report-on-Critical-PFAS-Substance-Uses.pdf>

We are also concerned that future PFAS regulations could restrict onboard aircraft fire suppression agents (2-BTP and HFCs) that are replacements for halon. The aerospace and defense industry have devoted significant resources over the last 20 years to develop and qualify these halon alternatives, and any future PFAS regulation restricting their use would necessitate restarting efforts to qualify alternatives that match halon's effectiveness while also avoiding increases in aircraft weight and fuel consumption. Importantly, the risk to industry is heightened by the fact that global halon supplies available for recycling continue to diminish.

As Congress advances the NDAA, we strongly support the inclusion of the following language found in the Senate Armed Services Committee's version of the bill:

- (Section 316) appropriately limiting restrictions on procurement of personal protective equipment and turnout gear that protects our warfighters and other military personnel from risks of fires and consider additional research on PFAS and non-PFAS based solutions and ensure such equipment meets established safety and protective performance standards
- (Section 318) repealing procurement bans of certain items containing PFAS, including nonstick cookware and utensils, upholstered furniture, and carpets.
- (Section 319) repealing the current DoD ban on incineration of PFAS. While current law eliminates this ban with updated DoD guidance, repealing it provides certainty that communities and companies will have all possible tools to appropriately address needed destruction and treatment of PFAS, including the broader range of thermal destruction options.

In addition to these proposals, we offer the following additional recommendations that would advance our shared priorities regarding cleanup, recognizing the differences within this broad class of chemistry, protecting essential uses, and promoting federal leadership:

1. **Develop a federal agency-wide, consensus definition of PFAS that recognizes the differences within this broad class of chemistry and critical uses.** We urge the Committee to adopt a PFAS definition, which is consistent with laws and policies enacted in numerous jurisdictions including multiple states and other national regulatory authorities that recognizes that all PFAS are not the same and exempts fluoropolymers and f-gases as a starting place for a consensus definition that all federal agencies should use. Fluoropolymers, in particular are critical to DoD

operations and those of its suppliers.⁵ Federal law should recognize this valuable status by excluding them from the definition.

2. **Continue research, development, and deployment of emerging technologies.** DoD should utilize its unique research, development, and deployment capabilities to help validate and scale existing and emerging PFAS treatment, monitoring, and disposal and destruction technologies to expedite cleanup efforts.
3. **Urge EPA to withdraw the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) hazardous substance designation for PFOA and PFOS.** Our coalition has previously provided input for the Senate Committee on Environment and Public Works hearing last year on the Environmental Protection Agency's (EPA) hazardous substance designation of PFOA and PFOS under CERCLA. We continue to believe that CERCLA is the wrong policy tool, and that EPA should use its existing alternative authorities to drive cleanup. We encourage the Committees to urge EPA to withdraw the CERCLA rule, explore how best to support and fund landowners, businesses, and stakeholders who are currently engaged in or are planning to cleanup contamination, and work with EPA to adopt sensible, science-based, cost-effective policies in this area.

Again, we respectfully urge you to preserve critical provisions in the Senate Armed Services Committee version and oppose amendments to the FY26 NDAA that would inappropriately circumvent established, science and risk-based regulatory processes, including provisions that would ban or restrict government procurement, prevent utilization of established best practices for PFAS destruction and disposal, including thermal destruction of PFAS, and circumvent established regulatory procedures with respect to new regulations of PFAS (e.g., EPA's effluent guidelines and implementation of environmental laws).

We thank you for your leadership on this important matter and look forward to continuing to work with you to protect our warfighters and military personnel.

Sincerely,

Aerospace Industries Association
Alliance for Chemical Distribution

⁵ Recently, the U.S. Food and Drug Administration recognized the importance and safety of one fluoropolymer, PTFE, in medical devices. See "PFAS in Medical Devices" at <https://www.fda.gov/medical-devices/products-and-medical-procedures/pfas-medical-devices>.

American Chemistry Council
American Coatings Association
American Fuel & Petrochemical Manufacturers
American Petroleum Institute
Complex Products Manufacturers Coalition
Council of Industrial Boiler Owners
Fluid Sealing Association
National Asphalt Pavement Association
National Association of Manufacturers
National Council of Textile Organizations
National Mining Association
PRINTING United Alliance
Valve Manufacturers Association
U.S. Chamber of Commerce