

United States Senate

WASHINGTON, DC 20510

February 17, 2021

Ronald Klain
Assistant to the President and Chief of Staff
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500

Dear Mr. Klain:

On January 20, 2021, you issued a memorandum titled “Regulatory Freeze Pending Review” (Klain Memo), which directs that any new or pending rules be immediately frozen from publication in the *Federal Register* until the Biden Administration reviews and approves of them. Caught—I hope unintentionally—in this review process are significant actions to address per- and polyfluoroalkyl substances (PFAS).

I have long taken a lead role in bipartisan efforts to address PFAS, and of significant importance to me is the timely action of EPA to promulgate a National Primary Drinking Water Regulation under the Safe Drinking Water Act (SDWA). On January 15, 2021, EPA signed the “Final Regulatory Determinations for the Fourth Drinking Water Contaminant Candidate List,” in which EPA finalized its determination to regulate both perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) under SDWA. This final regulatory determination was a vital step toward ensuring the protection of public health across the nation, as well as to my constituents specifically. It has still not been published in the *Federal Register*.

This scientifically-based and publicly-reviewed regulatory determination is a vital step necessary for EPA to regulate these chemicals in drinking water, and is focused entirely on the protection of public health.

It is important that this regulatory determination be promptly published in the *Federal Register* so that EPA can resume development of a drinking water regulation. Thank you for your consideration of this important public health and environmental policy request.

Sincerely,



Shelley Moore Capito
United States Senator
Ranking Member
Committee on Environment and Public Works

cc: Jane Nishida, Acting Administrator, U.S. Environmental Protection Agency