

January 26, 2023

Dr. Michal Freedhoff  
Assistant Administrator  
Office of Chemical Safety and Pollution Prevention  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington DC 20460

*Re: Opportunity to Reduce PFAS Exposure and Risk Following 3M Exit from Production and Use*

Dear Dr. Freedhoff:

As you know, 3M [announced](#) on December 20, 2022 that it will exit per- and polyfluoroalkyl substance (PFAS) manufacturing and discontinue the use of PFAS across its product portfolio by the end of 2025. By 3M's estimate, these actions will reduce its sales of manufactured PFAS by \$1.3 billion annually.

This dramatic curtailment of PFAS production sends a powerful message to the rest of the industry -- if one of the world's largest PFAS manufacturers can phase out these "forever chemicals," other producers can and should join them and begin investing in safer non-PFAS chemistry as soon as possible.

Stopping future PFAS production will not undo the disastrous legacy of historic contamination, but it will prevent more PFAS from entering the environment and economy, putting people and wildlife at even greater risk.

We urge the Environmental Protection Agency to send a strong message that other manufacturers must follow 3M's lead and transition away from PFAS (defined as a substance containing at least one fully fluorinated carbon atom). It should also prevent other producers from adding 3M products to their own portfolios and increasing PFAS production to serve the market previously served by 3M. This would simply shift the source of PFAS from one company to others and fail to reduce overall PFAS manufacture, use and exposure. Furthermore, EPA should provide the public with information about the chemicals 3M will be transitioning to given the company's track record.

EPA has the tools to stop other manufacturers from replacing 3M under section 5 of the Toxic Substances Control Act (TSCA). It should use its authority as soon as possible so that the opportunity to reduce the PFAS use and exposure presented by 3M's market withdrawal is not wasted.

EPA's first step should be to ask 3M to provide a full list of all currently manufactured or processed PFAS that will be phased out by the end of 2025 and to identify the production volumes and uses of these substances. This request can be made voluntarily under TSCA or, if necessary, by a subpoena under section 11. EPA should then use the Active TSCA Inventory to

identify which of these PFAS are being produced in the U.S. or imported by other companies. Where 3M is the only domestic manufacturer or importer, the Agency would be able to designate production or import of the PFAS as a “significant new use” under section 5 of TSCA. This would have the effect of prohibiting other companies from beginning production or importation without submitting a significant new use notice to EPA, enabling it to ban or restrict the proposed new use. Since EPA significant new use rules apply as of the date of proposal, the sooner EPA could issue a proposal, the more effective its final rule would be.

Even where a PFAS produced by 3M has another manufacturer, EPA could still use its significant new use authority where the 3M use is unique. In this case, any effort by another company to pursue the use after it has been discontinued by 3M could be declared a “significant new use” and would require advance notice to EPA and possible regulation under section 5 of TSCA.

Finally, EPA should ask 3M to agree not to license other companies to employ its proprietary PFAS technology following its discontinuation of production. Although EPA may not have the legal authority to enforce this condition, 3M may be willing to abide by it voluntarily considering its commitment “*to innovate toward a world less dependent upon PFAS.*”

In sum, 3M’s withdrawal from PFAS production should be a signal to the rest of industry to phase out these dangerous chemicals and we urge EPA to prevent continued PFAS pollution by stopping other companies from initiating or increasing production of PFAS that 3M will no longer manufacture. Since EPA's significant new use rules apply as of the date of proposal, the sooner EPA could issue a proposed SNUR, the more effective its final rule would be.

We look forward to working with EPA to achieve these goals and welcome the opportunity to meet with you to discuss this further. Please be in touch with Liz Hitchcock ([lhitchcock@toxicfreefuture.org](mailto:lhitchcock@toxicfreefuture.org)) to set a meeting time. Thank you.

Sincerely,

Pamela K. Miller  
Executive Director  
**Alaska Community Action on Toxics**

Katie Huffling  
Executive Director  
**Alliance of Nurses for Healthy Environments**

Hope Grosse  
Co-Founder  
**Buxmont Coalition for Safer Water**

Arthur Bowman III, PhD  
Policy Director

**Center for Environmental Health**

Patrice R. Lee  
Co-Coordinator  
**Citizens for Clean Air-Fairbanks, AK**

Emily Donovan  
Co-Founder  
**Clean Cape Fear**

Lynn Thorp  
National Campaigns Director  
**Clean Water Action/Clean Water Fund**

Christine Santillana

Legislative Counsel  
**Earthjustice**

Maria J. Doa  
Senior Director, Chemicals Policy  
**Environmental Defense Fund**

Arlene Blum, PhD  
Executive Director  
**Green Science Policy Institute**

Madeleine Foote  
Deputy Legislative Director  
**League of Conservation Voters**

Laurene Allen  
Director  
**Merrimack Citizens for Clean Water**

Sandy Wynn-Stelt  
Co-facilitator  
**National PFAS Contamination Coalition**

Daniel Rosenberg  
Director, Federal Toxics Policy  
**Natural Resource Defense Council**

Loreen Hackett  
Founder  
**PfoaProject NY**

Sonya Lunder  
Senior Toxics Policy Advisor  
**Sierra Club**

Dana Colihan  
Co-Executive Director  
**Slingshot**

Andrea Amico  
Co-Founder  
**Testing for Pease**

Liz Hitchcock  
Director, Safer Chemicals Healthy Families  
**Toxic-Free Future**

Jon Groveman  
Policy Director  
**Vermont Natural Resources Council**

Marcie Gallagher  
Environmental Advocate  
**Vermont Public Interest Research Group  
(VPIRG)**

cc: Michael Regan, Administrator  
Radhika Fox, Assistant Administrator, Office of Water  
Grant Cope, Senior Counselor to the Administrator  
Matt Klasen, PFAS Council Manager