



February 3, 2023

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MS. ELIZABETH HERTEL, DIRECTOR

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Dear Acting Director Angerer, Acting Director Eichinger, and Director Hertel:

Thank you for your agencies' February 16, 2022, letter to the U.S. Environmental Protection Agency (EPA) Administrator Michael Regan, the U.S. Department of Agriculture (USDA) Secretary Tom Vilsack, and the Food and Drug Administration (FDA) Commissioner Robert Califf in which you requested guidance related to per and polyfluoroalkyl substances (PFAS) in the food supply and support for farmers facing contamination in their operations. We apologize for the delayed response.

The EPA, USDA, and FDA are partners in the whole-of-government approach led by the White House to protect Americans from PFAS and to further advance critical progress on securing clean air, safe food, and clean drinking water. Through this collaboration with other federal agencies, we are working to identify and characterize routes of PFAS exposure, understand associated health risks, and reduce the public's exposure to PFAS that may pose a health risk. A critical element of this work is assisting state and local agencies in their efforts to address issues involving PFAS in agricultural products including human and animal food.

In April 2021, the EPA Administrator Regan established the EPA Council on PFAS and charged the Council to develop a bold, strategic, whole-of-EPA strategy to protect public health and the environment from the impacts of PFAS. As your letter notes, in October 2021, the EPA released the PFAS Strategic Roadmap,<sup>1</sup> which laid out this approach to tackling PFAS and set timelines by which the agency plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people.

We share your focus on biosolids as a potential entry point for PFAS to enter into the agricultural system. Biosolids must meet federal and state requirements before they are land applied. The EPA takes seriously its statutory obligations to evaluate and regulate, where appropriate, contaminants in biosolids that may pose a risk to human health or the environment through land application, surface disposal (similar to landfilling), and incineration. Assessing pollutants in biosolids is a top priority for the EPA. The EPA continues to make progress in building capacity to assess pollutants identified in biosolids and is developing the necessary risk assessment tools and gathering data needed to evaluate risk so that the agency can fulfill its statutory mandates.

One of the foundations of the EPA's PFAS Roadmap is on restoring Federal leadership. We expect the EPA's work to undertake a rigorous scientific review of PFAS in biosolids will provide critical information that can inform actions by the EPA and our State partners. As your letter notes, the EPA is committed to completing a biosolids risk assessment for PFOA and PFOS by the end of 2024, and we are working hard to meet that commitment. The EPA is developing biosolids modeling tools to ensure the development of consistent and clear risk assessments based on sound science. The chemical-specific assessments for PFOA and PFOS contamination in biosolids will consider risks associated with land application and surface disposal of biosolids, and will focus on human exposure routes, such as consumption of drinking water and food including plants, meat, and dairy. We appreciate your attention to the timing of the EPA's biosolids risk assessment for PFOA and PFOS, and we are committed to expediting the process as much as possible.

Our agencies are committed to supporting state and local governments in responding to known or possible PFAS contamination that may have implications for the safety of food. Over the past few years, the FDA has provided technical assistance to states, including Michigan, on the development of PFAS methods, analyzing samples, as well as assessing PFAS levels found in different foods including crops for human and animal food, and animal derived foods. As appropriate to the food type, this consultation is provided in conjunction with other federal agencies, in particular USDA's Food Safety and Inspection Service.

When there are detectable levels of PFAS in foods, the FDA conducts an assessment to evaluate whether the levels detected present a possible human health concern. The FDA approach considers how much people eat of the specific food, the level of the contaminant detected in that food, and the toxicity of the specific contaminant to evaluate the potential human health concern. As a part of the FDA's ongoing effort to use the best available current science to assess the safety of exposure to PFAS from foods, the agency monitors the scientific literature and available toxicological reference values for PFAS and updates the values based on merits and applicability of the studies. The FDA has received requests to

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<sup>1</sup> <https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024>

develop specific regulatory levels for PFAS in FDA-regulated food. We are considering these requests while also recognizing that the science on PFAS is continuing to rapidly evolve.

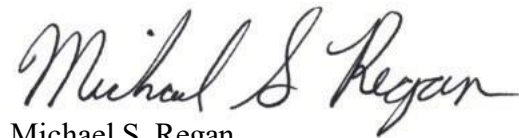
As a part of our whole-of-government effort, we would like to invite you three to brief our interagency working group on the issues Michigan is facing related to PFAS to inform our work. We understand the widespread impact that PFAS contamination can have on many different agencies across states and across the Federal Government and we are committed to working together to tackle the issue.

The EPA, USDA, and FDA all recognize and commend the State of Michigan for its actions to date to mitigate the effects of PFAS in the environment and in the agricultural system. We look forward to opportunities for continued collaboration with Michigan and others that have used creative approaches and management practices to reduce PFAS exposure. Thank you again for your letter. If you have any questions, please do not hesitate to contact us.

Sincerely,



Thomas J. Vilsack  
*Secretary, U.S. Department of Agriculture*



Michael S. Regan  
*Administrator, U.S. Environmental Protection Agency*



Robert M. Califf, M.D.  
*Commissioner of Food and Drugs*