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The Honorable Gretchen Whitmer
Governor of Michigan
111 South Capitol Avenue
Lansing, Michigan 48909

Dear Governor Whitmer:

I write regarding the Michigan Department of Environment, Great Lakes, and Energy's (EGLE) new policy requiring the U.S. Army Corps of Engineers to test for PFAS in many Michigan harbors prior to beginning any inner harbor dredging activities. Michigan should strongly consider halting its current implementation of this policy, as it would have severe consequences for our harbor communities.

Previously, the Army Corps was not required to test for PFAS, until they were informed this new policy stemmed from the U.S. Environmental Protection Agency (EPA) listing PFAS under CERCLA. However, when my office contacted the EPA, we were told EGLE is independently imposing this testing requirement – not the EPA. The EPA stated,

“The Clean Water Act Section 401 gives states and tribes broad authority to place conditions on federal permits to ensure compliance with state or tribal water quality requirements. EPA confirmed with the Michigan Department of Environment, Great Lakes and Energy that they are requiring PFAS testing requirements as a permit condition, and this is not tied to federal requirements. EPA does not have a role in overseeing state- or tribally issued water quality certifications under section 401 of the CWA.”

If inner harbors cannot be dredged or the process to do so is more lengthy and costly, critical aggregate materials necessary for road construction and economic development activities will not be delivered. Due to shoaling patterns, most inner harbors are not able to miss their scheduled dredge by even one additional year without the threat of complete closure to the harbor. Several harbors, including Holland and St. Joe in my district, depend on inner harbor dredging to receive necessary materials. Grand Haven Inner Harbor, while outside of my district, is scheduled for Fall 2025 dredging. If, as the Army Corps understands, Grand Haven is subject to the new PFAS testing policy and dredging does not occur as scheduled, freighters delivering critical materials will need to reroute to harbors or cancel deliveries.

At their November 2024 Great Lakes Navigation Meeting, the Army Corps warned these new PFAS testing costs could significantly reduce dredging capacity. For example, the Detroit District's FY25 Dredging Budget is \$71 Million for 24 harbors. However, if the proposed PFAS changes are implemented across these same harbors, they would only be able to dredge 3 to 5 harbors annually with this level of funding. If these ambiguous requirements are implemented, dredging the same 24 harbors would cost \$488 - \$793 Million annually.

Despite EGLE's new requirement, there has been a critical lack of transparency, clarity, and communication to our communities and the Army Corps regarding this new policy. Specifically, EGLE has not been clear regarding the terms of this policy, the extent to which this policy change could disrupt harbors and shipping throughout our state and the Great Lakes system, the relevant PFAS thresholds and disposal requirements, and the timing of implementation. If these matters are not properly addressed, the communities I represent could face serious economic harm. Until EGLE provides this necessary clarity and publicly engages harbor community stakeholders, Michigan should urgently reevaluate and impose a moratorium on this policy's implementation.

Harbors need time to plan and continue regular dredging schedules. Implementing a policy without clear guidelines is unfair to the communities I serve. Thank you for your attention to this important matter.

Sincerely,



Bill Huizenga
Member of Congress