RECEIVED
Apr 21 2022
Independent Regulatory Review Commission

April 20, 2022

Environmental Quality Board
Rachel Carson State Office Building, 16th Floor
400 Market Street
Harrisburg, PA 17101-2301 *Submitted electronically and hand delivered*

Re: Safe Drinking Water PFAS MCL Rule [52 Pa.B. 1245]

On behalf of the 28 undersigned organizations, we urge the Pennsylvania Department of Environmental Protection (PADEP) to make the following adjustments to their proposed maximum contamination levels (MCL) in drinking water for per- and polyfluoroalkyl substances (PFAS) — perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS). Our recommendations will help improve health protections and ensure Pennsylvania adopts the best possible policy that can be obtained for the public from exposure to PFAS compounds.

The proposed rulemaking should implement more protective standards. The PFOA MCL should be 1 ppt but not exceed 6 ppt and the PFOS MCL should be no greater than 5 ppt. When PFOA and PFOS are found combined in water, their combined concentration should be no higher than 13 ppt. The proposed MCL standards in the draft version of 14 ppt for PFOA and 18 ppt for PFOS are flawed when considering Cambridge Environmental Consulting's (CEC) toxicological analysis recommendations. From the report: "CEC's recommendation of a MCL of 1 ppt is consistent with the values found pursuant to the immunotoxic epidemiologic study and/or animal studies showing adverse developmental effects. However, if these values are excluded, the CEC has identified that the PFOA MCL should be no greater than 6 ppt to assure protection of children." CEC also explained: "…the use of adult default exposure values to determine a maximum contaminant level, younger children would not be protected since younger children's dose intakes would exceed the allowable RfD. This is disconcerting since existing PFOS serum levels in children in the normal population are already within or near the serum PFOS levels associated with immunotoxic effects found in epidemiologic studies. In addition, other toxic effects found associated with children and PFOS exposure may lead to an increased potential for later disease manifestation. It is essential, therefore, to depart from the typical use of adult default exposure values and use children's values. Using appropriate children exposure values, we recommend a MCL for PFOS of 5 ppt."

The proposed rulemaking should set MCLs for more PFAS compounds, at least for those compounds PADEP found in the state's environment through their sampling. In addition to PFOA and PFOS, that includes PFNA, PFHxA, PFHxS, PFHpA, PFUnA, and PFBS which were all identified in the Department's Water Testing Results which were finalized in May 2021. There is no scientific basis for PADEP to conclude that because they found a low rate of exceedances for these compounds that they should be excluded from the rulemaking. PADEP's limited sampling is simply not robust enough to

draw this conclusion. These compounds have known health effects and require removal from our drinking water in order to better protect Pennsylvanian's health.

The proposed rulemaking should guarantee equal protection by applying to all water supplies. The plan in its current form applies only to Public Water Systems, excluding private water wells and leaving about one quarter of Pennsylvania's population out of the sampling and in the dark about whether their drinking water contains PFAS. As evidence that individual private wells are at risk of PFAS contamination, the PFAS Pilot Health Study in Bucks and Montgomery Counties reported that people with private wells had higher levels of PFAS in their blood than those on public water supplies. A study also released this year by the US Geological Survey and published in Environmental Science and Technology detected PFAS chemicals in 20% of private wells and 60% of public wells sampled in 16 eastern states. Additionally, due to a lack of statewide private water well construction regulations, there is no comprehensive database or map of all private water sources. So, there is no way to know how closely private water sources are located to potential sources of contamination. By including all private water supplies, the risk of being unknowingly exposed to these toxic compounds will be substantially reduced.

The proposed rulemaking should require rigorous and ongoing monitoring. All systems covered by the rulemaking should be required to start sampling immediately and on an annual basis with no waivers being granted. For systems with detections above the MCL, monthly sampling should be required until the level is reduced below the MCL, then quarterly monitoring should be required until the situation warrants returning to the annual ongoing sampling base. The current draft proposes to phase in the monitoring for larger and smaller systems over a two-year period. DEP also proposes to allow systems with no initial detections of PFOA or PFOS to reduce monitoring to every 3 years, that systems with no detections will automatically reduce their sampling to every three years, and that waivers to reduce from annual to triennial monitoring can be allowed for systems with previous detections below the MCL. PFOA and PFOS are highly mobile in water and persistent in the environment, making their migration from a source of contamination a threat that is unpredictable and can occur rapidly. Whether PFAS is detected during the initial period or not, rigorous and continual monitoring is a prudent investment to protect public health and achieve protective early detection.

Finally, the proposed rulemaking should be implemented immediately upon finalization. The health effects of PFOA and PFOS are documented in the proposed rulemaking, verified by health studies and data, and thoroughly analyzed in scientific literature. These compounds should have been removed from drinking water years ago and further delays in providing relief are unjustifiable. Yet the rulemaking in its current form sets initial compliance monitoring for community and non-transient non-community water systems serving a population of greater than 350 persons to begin on January 1, 2024 and initial monitoring for community and non-transient non-community systems

serving a population of less than or equal to 350 persons is set to begin on January 1, 2025. That means that it will be another two to 3 years before clean drinking water is available from public water system taps.

Access to safe drinking water is vital to maintaining healthy and sustainable communities. It's also an environmental right recognized in the Pennsylvania Constitution. These combined with our knowledge that the major exposure route for PFAS in Pennsylvania is through drinking water, makes this rulemaking extremely important to Pennsylvania's future. Therefore, we urge you to incorporate our recommendations into the final rulemaking establishing maximum contamination levels in drinking water for per- and polyfluoroalkyl substances (PFAS)—perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) and ensure Pennsylvania adopts the nation's leading safe drinking water standards that will require their removal from our drinking water.

Respectfully submitted by the following organizations (in alphabetical order):

1. 350BucksCounty
2. Berks Gas Truth
3. Better Path Coalition
4. BucksEnvironmentalAction (BEA)
5. Buxmont Coalition for Safer Water
6. Center for Coalfield Justice
7. Clean Water Action
8. Climate Reality Project: Susquehanna Valley PA Chapter
9. Conservation Voters of Pennsylvania
10. Damascus Citizens for Sustainability
11. Delaware Riverkeeper Network
12. EGSEA (East Goshen Safety & Environment Advocates)
13. FracTracker Alliance
14. LAWPA (Local Authority Western PA)
15. Moms Clean Air Force, Pennsylvania Chapter
16. Mountain Watershed Association
17. One PA
18. PennEnvironment

19. PennFuture
20. Project CoffeeHouse
21. Responsible Decarbonzation Alliance
22. Sierra Club, Pennsylvania Chapter
23. TLC Foundation/Move Past Plastic
24. United Sludge Free Alliance
25. UpstreamPgh
26. Uwchlan Township EAC
27. Waterspirit
28. Women for a Healthy Environment

cc:

Pennsylvania Department of Environmental Protection Bureau of Safe Drinking Water