



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ENVIRONMENTAL QUALITY CONTROL BOARD

\* \* \* \* \*

IN RE: SAFE DRINKING WATER PFAS MCL RULE  
(25 Pa. Code Chapter 109)

PUBLIC HEARING

\* \* \* \* \*

BEFORE: LAURA GRIFFIN, Chair  
Brian Chalfant, Member  
Darek Jagiela, Member  
Jennifer Swan, Member

HEARING: Monday, March 21, 2022  
1:00 p.m.

LOCATION: Video Hearing

WITNESSES: Tracy Carluccio, Tamela Trussell  
Kathie Westman, Chris Plehal  
Joe Schreiber

Reporter: Hannah Bartkowski

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CHAIR: Okay. Let's get started then.

Good afternoon everyone.

I would like to welcome you to Environmental Quality Board's, or EQB, public hearing on the proposed rulemaking for the Safe Drinking Water PFAS MCL Rule.

My name is Laura Griffin. I'm the regulatory coordinator for the Department of Environment Protection. I'm facilitating this hearing on behalf of the EQB today. Assisting me today is Brian Chalfant, deputy policy director; Darek Jagiela, our host; and Jennifer Swan, who you corresponded with to register for this hearing.

I officially call this hearing to order at 1:00 p.m. A stenographer will be transcribing the hearing.

The purpose of this hearing is to formally accept testimony on the proposed rulemaking. This propped rulemaking was adopted by the EQB at its meeting on November 16th, 2021. It proposes to set maximum contaminant level goals and maximum contaminant levels, or MCLs, for two per- and polyfluoroalkyl, that's the word for PFAS,

1 P-F-A-S, they perfluorooctanoic acid, or PFOA, and -  
2 perfluorooctanesulfonic acid, or PFOS.

3 PFAS are considered emerging  
4 contaminants because research is ongoing to better  
5 understand the potential impacts PFAS pose to human  
6 and animal health and the environment. PFAS are  
7 potentially linked to a number of adverse health  
8 effects, including high cholesterol, developmental  
9 effects including low birth weight, liver toxicity,  
10 decreased immune response, thyroid disease, kidney  
11 disease, ulcerative colitis and certain cancers,  
12 including testicular cancer and kidney cancer.

13 The proposed amendments are intended  
14 to protect public health by setting State MCLs for  
15 contaminants in drinking water that are currently  
16 unregulated at the Federal level. With the proposed  
17 amendments, the Commonwealth would move ahead of the  
18 US Environmental Protection Agency, or EPA, in  
19 address - in addressing PFOA and PFOS in drinking  
20 water and join a small group of states that have set  
21 MCLs for select PFAS in drinking water.

22 Safe drinking water is vital to  
23 maintaining healthy and sustainable communities.  
24 Proactively addressing PFOA and PFOS contamination  
25 in drinking water can reduce the incidence of

1 illness and reduce health care costs. Recent  
2 research suggests that EPA's Combined Lifetime  
3 Health Advisory Level for PFOA and PFOS of 70 parts  
4 per trillion is not - sufficiently protective  
5 against adverse health effects. EPA has started the  
6 process of setting more stringent standards for PFOA  
7 and PFOS in drinking water, but that process is  
8 expected to take years to complete. For that  
9 reason, it is important that the EQB act now to  
10 propose more protective standards for Pennsylvania,  
11 to protect the health of Pennsylvanians. Proper  
12 investment in public water system infrastructure and  
13 operations helps ensure a continuous supply of safe  
14 drinking water, enables communities to plan and  
15 build future capacity for economic growth, and  
16 ensures their long term - term sustainability for  
17 years to come.

18                   These MCLs would apply to the  
19 following types of public water systems, community  
20 water systems, non-transient non-community water  
21 systems and bottled vended retail and bulk water  
22 systems. The rulemaking also proposes to establish  
23 monitoring requirements for PFOA and PFOS for these  
24 public water systems in order to demonstrate  
25 compliance with the MCLs and to establish the

1 sampling and analytical requirements and acceptable  
2 treatment technologies for achieving compliance with  
3 the proposed MCLs.

4           That concludes the summary of the  
5 rulemaking. If you would like to access a more  
6 detailed explanation of the regulatory amendments  
7 included in this rulemaking you can visit eComment  
8 on DEP's webpage and select regulations.

9           In order to give everyone an equal  
10 opportunity to comment on this proposal I would like  
11 to establish the following rules. Brian's going to  
12 provide some of this information in the chat box so  
13 you don't need to write everything down. I will  
14 call upon the witnesses who have signed up to  
15 testify at this hearing. All who signed up were  
16 assigned a number indicating the order in which  
17 witnesses will be called to speak. Only those who  
18 signed up by contacting Jennifer Swan, as indicated  
19 on the EQB web - webpage will be called upon to  
20 provide testimony.

21           The testimony is limited to five  
22 minutes for each witness and I will have a timer up  
23 on the screen. Please note that written and spoken  
24 testimony both carry the same weight. If you should  
25 run out of time for your spoken testimony we will

1 read the rest of your comments from your written  
2 testimony. As we requested in a registration  
3 correspondence please provide a copy of your written  
4 testimony through regcomments@pa.gov. The e-mail  
5 address is R-E-G-C-O-M-M-E-N-T-S@P-A.G-O-V. Your e-  
6 mail must state that you are submitting testimony  
7 for a proposed rulemaking, Safe Drinking PFAS MCL  
8 Rule along with the following information; your  
9 first and last name, mailing address, e-mail address  
10 and if you are commenting on behalf of an  
11 organization.

12                   Testimony is not required to be five  
13 minutes long. If others who provide testimony  
14 before you are making similar statements to yours  
15 you are free to shorten or summarize your spoken  
16 testimony and still provide your full written  
17 testimony by e-mail. In the sign-up process  
18 prospective commenters were requested to designate  
19 one witness to present testimony on behalf of an  
20 organization. Please state your name; address, your  
21 city and state are sufficient; and your affiliation,  
22 if you have one with the organization, for the  
23 record prior to presenting your testimony. The EQB  
24 would appreciate your help by spelling out your name  
25 and any terms that may not be generally familiar so

1 that the transcript can be as accurate as possible.  
2 Because the purpose of the hearing is to receive  
3 comments on the proposal DEP staff cannot address  
4 questions about the proposed rulemaking during the  
5 duration of the hearing.

6 In addition to, or in place of, verbal  
7 testimony presented at today's hearing, interested  
8 persons may also submit written comments on this  
9 proposal. Again, written and verbal comments hold  
10 the same weight when considered in the finalization  
11 of this proposed rulemaking. All testimony and  
12 written comments provided become a part of the - the  
13 official public record.

14 All comments must be received by the  
15 EQB on or before April 27th, 2022. There are a few  
16 different ways you can submit written comments which  
17 is separate from testimony. Comments may be  
18 submitted online through eComment, which is  
19 accessible from DEP's website by going to DEP's home  
20 page [www.dep.pa.gov](http://www.dep.pa.gov) and selecting eComment under the  
21 heading Public Participation at the top of the page  
22 or comments may - may be submitted by e-mail at  
23 [RegComments@pa.gov](mailto:RegComments@pa.gov). All comments are entered into  
24 eComment and are accessible to the public. A  
25 subject heading of the proposed rulemaking and a

1 return name and address must be included in each e-  
2 mail. Comments may also be sent through US postal  
3 mail addressed to the Environmental Quality Board,  
4 P.O. Box 8477, Harrisburg, PA 17105-8477.

5 All testimony received at this  
6 hearing, as well as written comments received by  
7 April 27th, 2022 will be considered by the EQB and  
8 will be included in a comment and response document,  
9 which will be prepared by DEP and reviewed by the  
10 EQB prior to the EQB taking its final action on this  
11 regulation.

12 You should be able to see the list of  
13 people who have registered up on my screen now as  
14 well as the timer. I will like - now would like to  
15 call for the first commenter, Tracy Carluccio with  
16 the Delaware Riverkeeper Network.

17 MS. CARLUCCIO: Can you hear me?

18 CHAIR: Yes, we can, Tracy. And  
19 please go ahead.

20 MS. CARLUCCIO: Thank you. Tracy  
21 Carluccio, T-R-A-C-Y C-A-R-L-U-C-C-I-O. And it's  
22 Bristol, Pennsylvania, Delaware Riverkeeper Network.  
23 Thank you for the opportunity to comment here today.

24 Delaware Riverkeeper Network supports  
25 the greatest protection that can be attained for the

1 public with exposure to PFAS compounds. We are here  
2 to support that Pennsylvania move ahead to establish  
3 and enforce maximum contaminant levels for both  
4 compounds and to do so as quickly as possible.

5           We have changes we recommend to the  
6 proposed rulemaking and we will be submitting  
7 written comment regarding these changes, which I  
8 will briefly discuss now. First, the proposed MCL  
9 standards for PFOA, 14 parts per trillion and PFOS,  
10 18 parts per trillion, are not strict enough to  
11 protect our youngest populations. The PFOA MCL  
12 should be one parts per trillion but not to exceed  
13 six parts trillion and the PFOS MCL should be no  
14 greater than five parts per trillion, when both  
15 found the MCL should be no higher than 13 parts per  
16 trillion. Because PFOA and PFOS are linked to  
17 developmental effects, they should be removed to as  
18 low a level as possible. The exposure values used  
19 to arrive at the EQB's proposed MCLs and MCLGs do  
20 not sufficiently protect infants, young children or  
21 the fetus because it would allow those populations  
22 to be exposed to PFAS levels that are known to cause  
23 developmental disease or to develop correlated  
24 disease later in life.

25           Also, even though we don't consider

1 the MCL goals, the MCLG, that were recommended by  
2 the Drexel Group to be sufficiently protective, we  
3 protest that DEP is recommending higher MCLs than  
4 the MCLGs derived by Drexel, which was eight parts  
5 per trillion for PFOA and 14 for PFOS. DEP relaxed  
6 these standards rationalizing that cost must be a  
7 considered factor. These real health and lifetime  
8 costs paid for the exposure of people to PFAS and  
9 they are borne by individuals, by families, by  
10 communities. How can the EQB recognize the often  
11 devastating adverse health effects of people being  
12 exposed to PFOA and PFOS in the rulemaking and the  
13 benefits of protection afforded by treating drinking  
14 water to remove them and then dumb them down, the  
15 standards, because of the cost of implementing the  
16 regulations? To fulfill its statutory and  
17 constitutional responsibility to provide clean  
18 drinking water, MCLs must be protective of the  
19 public's health, first and foremost, and should be  
20 based on chronic lifetime health effects, not  
21 implementation costs. This is wrong and it violates  
22 the requirement that Pennsylvania must provide pure  
23 water under Article 1 Section 27 of the Pennsylvania  
24 Constitution.

25 Secondly, MCLs should be proposed for

1 more PFAS compounds, at least including all eight of  
2 the PFAS that Pennsylvania DEP found in the State's  
3 water. Drinking water sampling found eight  
4 different PFAS compounds. PFOA and PFOS being the  
5 most common, they must of course be included in this  
6 rulemaking. But we know there are health effects  
7 linked to other PFAS that were found. DEP should be  
8 including them all. These are highly toxic  
9 compounds and they do not belong in our water.

10           If the full list of PFAS found in  
11 Pennsylvania is not included in the rulemaking  
12 process, at the very least DEP should include the  
13 seven PFAS that the Drexel Group assessed in their  
14 analysis. The risk assessment was done by Drexel  
15 already and MCLGs recommended. Why leave them out?

16           Furthermore, we know from the Pilot  
17 Health Study done in 2018 in Bucks and Montgomery  
18 Counties around the military bases where  
19 firefighting foam has contaminated the drinking  
20 water, that the average levels of PFOA, PFOS, PFHxS  
21 and PFNA among participants of the study were higher  
22 than the average levels reported at the national  
23 level, inducing tremendous concern for the  
24 community. We know that not only PFOS and PFOA but  
25 also two of the compounds that the Drexel Group

1 assessed and recommended MCLGs for were found in 79  
2 percent of the people whose blood was tested. Those  
3 were PFHxS and PFNA. In fact, the highest  
4 exceedance level was for PFHxS and was found in 94  
5 percent of those who were tested. All four of these  
6 compounds showed up in people's blood in  
7 Pennsylvania. This is an undeniable health crisis.  
8 What is the excuse for DEP not to include at least  
9 all of these four? These PFAS are accumulating in  
10 people's bodies in Pennsylvania. They have known  
11 adverse health effects. They must be removed.

12 I know I'm almost out of time, but we  
13 will be expanding our written comments on our grave  
14 concern that the private water wells are excluded  
15 from this rulemaking, that the MCLs are being  
16 implemented on a slow walk rather than immediately,  
17 more sampling needs to be done yet the monitoring  
18 and sampling proposed is grossly inadequate and  
19 riddled with loopholes that will actually allow  
20 systems to avoid continued sampling, endangering the  
21 public. And we have other issues that we will bring  
22 - be bringing up as well.

23 Thank you very much for the  
24 opportunity to comment here today.

25 CHAIR: Thank you for your comments,

1 Tracy.

2 Our next speaker is Tamela Trussell.

3 MS. TRUSSELL: Yes. Hello. I'm  
4 Tamela, T as in Tom, A-M-E-L-A, Trussell, T-R-U-S-S  
5 as in snake, E-L-L. Thank you.

6 I am here as a citizen of Pennsylvania  
7 and would like to say that if Pennsylvania citizens  
8 were - were allowed to know the hazards of per and  
9 fluoroalkyl substance chemicals would they want them  
10 in their environment and impacting their health?

11 The Pennsylvania Department of Environmental  
12 Protection has come to realize that they would not.

13 DEP has gathered data and written  
14 rulemaking draft for monitoring and protecting  
15 drinking water for two PFAS chemicals. This  
16 important step is commendable, but I'm here today to  
17 ask DEP for more rigorous and comprehensive  
18 monitoring to lower maximum contamination levels  
19 based on science and not - and - and a cost benefit  
20 analysis that does include environmental societal  
21 health costs.

22 Per and fluorooctanoic acid and  
23 perfluorooctanesulfonic acid were phased out in 2015  
24 and 2002 respectively, but they are still  
25 contaminating our air, drinking water because of

1 legacy inputs into the environment and because  
2 products are imported with these chemicals. There  
3 are over 6,000 different PFAS chemicals that are  
4 part of our water cycle and are jeopardizing the  
5 structure and function of all organisms because of  
6 the bioaccumulation of this pervasive chemical.

7                   Integrated Atmospheric Deposition  
8 Network documented a thousand parts per trillion of  
9 PFAS compounds in Ohio's rainwater over the period  
10 of two weeks. PFAS, like nitrogen, phosphate,  
11 sediment vary diurnally in the amount of  
12 concentrations in a watershed. Because of the  
13 transient and bioaccumulated - bioaccumulating nature  
14 of PFAS more - more regular testing is needed in the  
15 proposed sites that are proposed. Because they  
16 don't show a hazardous level at one test period  
17 doesn't mean that they won't show some PFAS  
18 concentrations in another period.

19                   It is not enough to regulate just two  
20 of the many hazardous chemicals. During the Bureau  
21 of Safe Drinking Water's study one-third of the  
22 samples had eight different PFAS analogs out of the  
23 18 that were tested. We should monitor for all the  
24 PFAS analogs in the EPA-certified PFAS test, 537.1.  
25 This is important because it includes Chemours

1 replacement for PFOS and PFOA known as GenX  
2 chemicals. GenX chemicals have proven to be just as  
3 harmful at - as noted in the lawsuit from Cape Fear,  
4 North Carolina where DuPont illegally discharged 2.5  
5 million pounds of C8 polluting the drinking water in  
6 six water districts in West Virginia and Ohio. Some  
7 consider GenX chemicals more troublesome than PFOS  
8 and PFOA because it's very difficult and expensive  
9 to filter out of water and biomonitor. These are  
10 new technologies that haven't really borne out to  
11 even be possible especially at a large scale.

12 GenX chemicals don't reside in the  
13 blood but get into the organ tissue. This is  
14 especially troubling for fetuses and children  
15 because they are developing organs. The older  
16 legacy PFAS already impact the development and  
17 cognitive growth of this age population. The  
18 suggested maximum contamination levels should  
19 reflect levels that would harm this population. The  
20 Bureau of Safe Drinking Water's cost benefit  
21 analysis must include the cost of environmental and  
22 health harms and decreased economic and social  
23 productivity that will come from impaired  
24 development and immunological health.

25 It's imperative that DEP implements

1 the most comprehensive rigorous monitoring and  
2 cleanup. Pennsylvanians are uninformed, vulnerable  
3 and unprotected by DEP when we inhale and drink  
4 these harmful chemicals. We expect to have our  
5 Pennsylvania right to clean and safe drinking water  
6 per Article 1, Section 27 of the Pennsylvania  
7 Constitution upheld. Thank you.

8 CHAIR: Thank you, Tamela.

9 Our third registered speaker for today  
10 is Kathie Westman.

11 MS. WESTMAN: Good afternoon. My name  
12 is Kathie Westman, K-A-T-H-I-E W-E-S-T-M-A-N and I  
13 live in Gibsonia, Pennsylvania. I testify today as  
14 a registered nurse and person of faith.

15 As a nurse my main emphasis is  
16 protection of health. I would like to share from  
17 the United State EPA report titled Our Current  
18 Understanding of the Human Health and Environmental  
19 Risks of PFAS and read its paragraph titled what we  
20 know about health effect. It states current peer-  
21 reviewed scientific studies have shown that exposure  
22 to certain levels of PFAS may lead to, and the  
23 numbers are mine, one, reproductive effects such as  
24 decreased fertility or increased high blood pressure  
25 in pregnant women; two, developmental effects or

1 delays in children, including low birth weight,  
2 accelerated puberty, bone variations, or behavioral  
3 changes; three, increased risks of some cancers,  
4 including prostate, kidney, and testicular cancers;  
5 four, reduced ability of the body's immune system to  
6 fight infections, including reduced vaccine  
7 response; five, interference with the body's natural  
8 hormones; and six increased cholesterol levels  
9 and/or risk of obesity. All of these are concerning  
10 and serious.

11                   As a person of faith I call upon the  
12 DPA (sic) to put health above cost, our people above  
13 the monies involved. It's vital. Sadly the  
14 drinking water of millions of Americans have been  
15 contaminated with these long lasting and dangerous  
16 chemicals. I often state my belief that when we  
17 know better we must do better.

18                   I appreciate the Pennsylvania  
19 Department of Environmental Protection for proposing  
20 Pennsylvania's first PFAS regulations. As we live  
21 in a state with a constitution which guarantees its  
22 citizens clean water, I support their regulations.  
23 However, as we know the many negative health effects  
24 related to PFAS, I ask them to make the maximum  
25 contaminate levels lower, cover more PFAS types, and

1 go into effect sooner. I date myself with the adage  
2 an ounce of prevention is worth a pound of cure, but  
3 we find it still holds true as we recognize and work  
4 to limit the health damage of these chemicals.

5 Thank you.

6 CHAIR: Thank you, Kathie.

7 Just as a reminder to everyone, please  
8 remember to send in the written copy of your  
9 testimony so we make sure we capture everything  
10 accurately. That would really be appreciated.

11 Our fourth speaker for today is, and I  
12 apologize if I misspell - mispronounce your last  
13 name, Chris Plehal.

14 MR. PLEHAL: Yep, that's right.

15 CHAIR: All right.

16 Go ahead, Chris.

17 MR. PLEHAL: Yeah. This is my first  
18 one of these testimonies so I didn't write it down  
19 word for word but I will type up a version after to  
20 send to you. Basically what I'm here to say is that  
21 - oh, my name's Chris Plehal. My last name is  
22 spelled P-L-E-H-A-L. My address is 500 North 19th  
23 Street, Philadelphia, Pennsylvania 19130. I live in  
24 the Spring Garden neighborhood of - of Philly.

25 And I didn't know much about PFAS

1 until actually I saw a John Oliver piece on it late  
2 last year. And I was pretty shocked and almost  
3 threw out all my Teflon pans and did a little  
4 research into it and just realized how dangerous  
5 these chemicals are and how many of them are in our,  
6 you know, drinking water and - and in our bodies  
7 right now. And I think it's great that the DEP's  
8 regulating this. This is one of the first steps, so  
9 thank you so much for that. It's a - it's a big,  
10 big deal. But I would like to say that the  
11 regulations need to be a little stronger.

12 I have a two-year-old son, so I think  
13 a lot about not just how chemicals and things like  
14 that might affect me but it might affect someone,  
15 you know - you know, a tiny little body or - or, you  
16 know, kids who can't - you know, have no control  
17 over this kind of thing. So I think about him a lot  
18 and that's partially why I'm here.

19 So mainly I think the DEP needs to  
20 regulate more PFAS chemicals beyond just the two,  
21 and that would be the PFOA and the PFOS. They're -  
22 the - there are chemicals beyond that that are  
23 additionally dangerous so regulate those.

24 And then the 14 and 18 parts per  
25 trillion levels are too high. You know, no - no

1 levels of PFAS is safe so I think we should  
2 strengthen the regulations there. And then also it  
3 sounds like this is going to - I don't know the  
4 exact details but it's going to take a while for  
5 this enforcement to even take place, so this needs  
6 to start happening now. It's already too late. So  
7 the rule should take effect much sooner.

8 So basically those are my three  
9 points. I think is a great program but needs to be  
10 stricter and stronger because there are people, you  
11 know, younger and - and more vulnerable than we are  
12 that are relying on us to make these decisions.  
13 Thank you so much.

14 CHAIR: Thank you for your comments,  
15 Chris.

16 And we have one - one additional  
17 person who had signed up today to provide comments,  
18 Joe Schreiber.

19 MR. SCHREIBER: Hello. Can you hear  
20 me now?

21 CHAIR: Yes, we can, Joe. Please go  
22 ahead.

23 MR. SCHREIBER: Thank you.

24 Okay. So my name is Joe Schreiber.  
25 The last name is S-C-H-R-E-I-B as in boy, E-R. I

1 live in Glenshaw, Pennsylvania, which is just  
2 outside of Pittsburgh. Thank you for the  
3 opportunity to speak in support of protecting all of  
4 us from exposure to PFAS compounds and in support of  
5 the Safe Drinking Water PFAS MCL.

6 I am a lifelong resident of  
7 Pennsylvania, including the past 30 years as a  
8 homeowner here in Glenshaw. I strongly believe that  
9 the maximum containment levels, the MCLs, for these  
10 compounds must be adopted by the DEP so that these  
11 harmful chemicals can be removed from the  
12 environment and from our drinking water as quickly  
13 as possible. I also urge that the DEP expand their  
14 plan to include all public water systems and also  
15 private wells so that there is thorough monitoring  
16 throughout the State and all residents are protected  
17 including our youngest and most vulnerable.

18 The plan should be implemented as  
19 quickly as possible as we all should not have to  
20 wait any longer than absolutely necessary for safe  
21 drinking water. Sampling and monitoring should be  
22 frequent, at least annual, with rigorous and strict  
23 enforcement mechanisms. Lastly, the protective  
24 standards should be as strict as possible and not  
25 exceed six ppt for PFOA and five ppt for PFOS, as

1 these levels are based on the best evidence for  
2 toxicological risk assessments.

3 Thank you again for consideration of  
4 my comments and for taking action to ensure we all  
5 have the best protection possible from these harmful  
6 chemicals and we can all have the safest drinking  
7 water possible.

8 CHAIR: Thank you for your comments,  
9 Joe.

10 So we still have - it's only 1:30. If  
11 there are anyone who happened to have logged on and  
12 is listening and wanted to provide comment, if so  
13 please message us in the chat box. And I'll give  
14 you about 30 seconds if you want to message us, but  
15 just to double-check to make sure there isn't  
16 someone who tried to log on who wanted to provide  
17 comments today.

18 Okay. I'm being told that we don't  
19 have any requests to provide additional comments  
20 today. So thank you, all of you, for - for taking  
21 the time to provide testimony today. With no other  
22 commenters present on behalf of the EQB I hereby  
23 adjourn this hearing at 1:30 p.m. Thank you  
24 everyone.

25 \* \* HEARING CONCLUDED AT 1:30 P.M. \* \*

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## CERTIFICATE

I hereby certify that the foregoing proceedings, hearing was held before Chair Griffin, was reported by me on March 21, 2022 and that I, Hannah Bartkowski, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Date the 11 day of April, 2022



Hannah Bartkowski,

Court Reporter