



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY CONTROL BOARD

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

PUBLIC HEARING

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

HEARING: Wednesday, March 23, 2022
1:02 p.m.

LOCATION: Video Hearing

WITNESSES: Katie Muth, Joanne Stanton
Emma Horst-Martz, Ira Josephs
Makenzie White, Brian Fitzpatrick
Clara Gomes-Silva

Reporter: Shannon C. Fortsch

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NONE OFFERED

P R O C E E D I N G S

CHAIR: 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 Environmental Protection. I'm facilitating this hearing on behalf of the EQB. Assisting me today is Brian Chalfant, our deputy policy director; Derek Jagiela, our host; and Jennifer Swan, who you corresponded with to register for this hearing.

I officially call this hearing to order at 1:02 p.m. A stenographer will be transcribing the hearing.

The purpose of this hearing is to formally accept testimony on the proposed rulemaking. This proposed 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 substances, or PFAS, P-F-A-S. And those two substances are perfluorooctanoic acid, or PFOA, spelled P-F-O-A, and

1 perfluorooctanesulfonic acid, PFOS, spelled P-F-O-S.

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

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

21 Safe drinking water is vital to
22 maintaining healthy and sustainable communities.

23 Proactively addressing PFOA and
24 PFOS contamination in drinking water can reduce the
25 incidence of illness and reduce health care costs.

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

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

1 technologies for achieving compliance with the
2 proposed MCLs.

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

8 In order to give everyone an equal
9 opportunity to comment on this proposal I would like
10 to establish the following rules. Brian's going to
11 provide some of this information in the chat box so
12 you don't need to write everything down. I will
13 call upon the witnesses who have signed up to
14 testify at this hearing. All who signed up were
15 assigned a number indicating the order in which
16 witnesses will be called to speak.

17 Testimony is limited to five minutes
18 for each witness, and I will have a timer on the
19 right-hand side of the screen. Please note that
20 written and spoken testimony both carry the same
21 weight. If you should run out of time for your
22 spoken testimony we will read the rest of your
23 comments from your written testimony. As requested
24 in our registration correspondence with you, please
25 provide a copy of your written testimony to

1 regcomments@pa.gov. That is R-E-G-C-O-M-M-E-N-T-S@P-
2 A.G-O-V. Your e-mail must note that you are
3 submitting testimony for proposed rulemaking, Safe
4 Drinking Water PFAS MCL Rule along with the
5 following information; your first and last name,
6 mailing address, e-mail address and if you are
7 commenting on behalf of an organization.

8 Testimony is not required to be five
9 minutes long. If others who provide testimony
10 before you are making similar statements to yours
11 you're free to shorten or summarize your spoken
12 testimony and still provide your full written
13 testimony by e-mail. In the sign-up process
14 prospective commenters were requested to designate
15 one witness to present testimony on behalf of an
16 organization. Please state your name, address, the
17 city and state are sufficient, and your affiliation,
18 if you have one, for the record prior to presenting
19 your testimony. The EQB would appreciate your help
20 by spelling out your name and terms that may not be
21 generally familiar so that the transcript can be as
22 accurate as possible. Because the purpose of a
23 hearing is to receive comments on the proposal rule.
24 DEP staff cannot address questions about the
25 proposed rulemaking during the duration of the

1 hearing.

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

10 All comments must be received by the
11 EQB on or before April 27th, 2022. There are a few
12 different ways to submit written comments which is
13 separate from testimony. Comments may be submitted
14 online through eComment, which is accessible from
15 DEP's website by going to DEP's home page
16 www.dep.pa.gov and selecting eComment under the
17 heading Public Participation at the top of the page
18 or comments may be submitted by e-mail at
19 RegComments@pa.gov. All comments are entered into
20 eComment and are accessible to the public. The
21 subject heading of the proposed rulemaking and a
22 return name and address must be included in each e-
23 mail. Comments may also be sent through US postal
24 mail addressed to the Environmental Quality Board,
25 P.O. Box 8477, Harrisburg, PA 17105-8477.

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

8 I would now like to call for the first
9 commenter. One second. Okay. Everyone should be
10 able to see my screen now. First person signed up
11 is - to speak is Senator Katie Muth.

12 Is Senator Muth with us?

13 SENATOR MUTH: I am here.

14 CHAIR: Excellent. Please go ahead.

15 SENATOR MUTH: I didn't have tech
16 problems this time so thank you for - for having me
17 and allowing me to participate.

18 My name is State Senator Katie Muth,
19 that's spelled K-A-T-I-E, M-U-T-H, and I represent
20 the 44th Senatorial District of Pennsylvania, which
21 includes parts of Berks, Chester and Montgomery
22 Counties. Thank you to the Environmental Quality
23 Board for scheduling today's public comment on
24 proposed amendments that will set maximum
25 contaminant level goals and maximum contaminant

1 levels for two of the components of PFAS, PFOA and
2 P-F-O-A.

3 I want to start by start by
4 reiterating the know, which is Pennsylvania and
5 every other living being on this earth has the right
6 to clean water and needs it to literally be alive.
7 Across our country and across the - the whole world,
8 and especially here in our Commonwealth, the
9 drinking water, millions of Americans and
10 Pennsylvanians is being contaminated by a plethora
11 of things, one of which, the forever chemical, PFAS
12 and PFOA.

13 Research links PFAS exposure in humans
14 to cancer, immune system deficiencies, high
15 cholesterol and low fertility and even developmental
16 issues in children and infants. The health impacts
17 of PFAS have magnified because the chemicals
18 accumulate in the food chain or in other industries
19 that are discharging into our water and persist in
20 the environment indefinitely, meaning there is no
21 remediation for these chemicals. They cannot be
22 burned off, evaporated off, evolved into something
23 else. They are forever chemicals and called that
24 for a reason and due to their widespread use,
25 persistence in the environment and strong molecular

1 structure that makes them nearly impossible to break
2 down. Allowing the widespread use of toxic
3 chemicals that last forever virtually guarantees
4 that our sources of drinking water will become and
5 stay contaminated. And that means that those things
6 will be in our bodies forever causing these health
7 problems as mentioned.

8 It is late in the game for both
9 Pennsylvania and the federal government to actually
10 handle this problem. We know that PFAS is dangerous
11 and harmful but we don't even know exactly how many
12 of these PFAS chemicals there are, and in many cases
13 we don't have the ability to detect and they
14 certainly aren't measured by the Department of
15 Health or the Department of Environmental Protection
16 in any kind of transparent way if at all.

17 There were several news articles that
18 came out about this in 2021, including a New York
19 Times article talking about PFAS in drilling fluid.
20 And I want to say my biggest complaint of the
21 proposed rulemaking here is that the exemption for
22 the gas and oil industry is blatant and - and
23 obvious. And all these other industries, again, are
24 subject to these lifesaving precautions so that
25 pollution does not kill people in our Commonwealth

1 and ruin our ecosystem, but again, the oil and gas
2 industry has been exempt from these proposed rules.
3 So I want the public to very well-aware that any of
4 the contamination caused by the oil and gas
5 industry, which we know they use PFAS and PFOA
6 chemicals in their fluids to drill, it's a
7 lubricant, it's there. The EPA has known this. The
8 EPA has studied this. They are a part of the
9 chemicals that are enclosed in disclosures for
10 fracking, and the DEP has known this. But again,
11 we're now proposing a rule that has exemption just
12 like it - there's an exemption for oil and gas waste
13 that's radioactive that does not - is not held up to
14 the standards of other hazardous waste materials
15 including the nuclear industry despite having the
16 same radium levels.

17 I find it appalling that radium and
18 PFAS are both exempt from this industry from being
19 measured, monitored, tracked, anything. And I want
20 to use the rest of my time to mention a great report
21 of July 2021 from Physicians for Social
22 Responsibility, released a report showing how these
23 unpublicized evidence that major oil and gas
24 companies including Exxon Mobile and Chevron have
25 used PFAS or substances that could degrade into PFAS

1 in hydraulic fracturing for oil and gas in more than
2 1,200 wells in six states. The report also notes
3 that due to the lack of disclosure concerning
4 chemicals used, PFAS could have been used in ever
5 more states in other extraction techniques that
6 precede fracking.

7 Failure to set a standard and also set
8 not a - and allowing this exemption is gross
9 negligence on the part of the Department. And I
10 want to read from a resident's water test who lives
11 in Washington County and recently received testing
12 from the University of Pittsburgh regarding their
13 well water because of Chevron having a well on their
14 property. And I will say that the levels of PFAS in
15 their water exceed over 15,000 when the standard is
16 between 16 to 18. Sixteen (16) to 18, yet these
17 test results still show levels up to 19,000 at the
18 kitchen sink. This is - this - the exemption for
19 gas and oil is - is absolutely gross negligence and
20 I urge the rulemaking body to make sure that this
21 exemption is removed.

22 Thank you for allowing me to
23 participate today.

24 CHAIR: Thank you for your comments,
25 Senator Muth.

1 Our next scheduled speaker is Joanne
2 Stanton who will be followed by Emma Horst-Martz.

3 Is Joanne ready?

4 MS. STANTON: Yes. Can you hear me
5 okay?

6 CHAIR: Yes, we can, Joanne. Please
7 go ahead.

8 MS. STANTON: Excellent.

9 My name is Joanne Stanton, J-O-A-N-N-
10 E, S-T-A-N-T-O-N. I'm a cofounder of the Buxmont
11 Coalition for Safer Water. Our coalition represents
12 PFAS impacted residents in Bucks and Montgomery
13 counties who have suffered numerous health impacts
14 due to unregulated PFAS chemicals in our drinking
15 water from two local DOD sites. I would like to go
16 on record to state the importance of setting this
17 MCL for PFAS. I think it's important that the Board
18 hears from impacted community members to understand
19 the critical need for these PFAS drinking water
20 regulations.

21 My personal PFAS story started when I
22 was a young mother. I was naïve. You know, I
23 thought that if water came out of my kitchen faucet
24 it was safe. I had no idea that we had over 40,000
25 chemicals in use and that less than 10 percent of

1 them have ever been tested for human health effects.
2 This makes being a mom difficult. We shouldn't have
3 to worry that untested and unregulated chemicals
4 like PFAS can easily make their way into our
5 drinking water.

6 I learned the hard way how important
7 our water regulation are in safeguarding our health,
8 especially the health of our kids. Seven years ago,
9 my hometown was devastated to discover that our
10 drinking water had been highly contaminated with
11 PFAS for close to 50 years, with some of the highest
12 levels of PFAS pollution ever detected from public
13 drinking water wells. That's when me as a mom, I
14 started to read everything I could get my hands on
15 about PFAS. And when I began researching the health
16 effects I learned how these chemicals can cross the
17 placenta and affects developing fetus. And animal
18 studies showed that PFAS caused tumors, cancer,
19 neurodevelopmental problems and even second-
20 generation health effects. The magnitude of what I
21 was uncovering hit me like a ton of bricks, and my
22 mind raced back to an earlier time when my oldest
23 son was diagnosed with a cancerous brain tumor at
24 age six.

25 Back then, after my son's surgery,

1 epidemiologists came into our hospital room and
2 began pummeling my husband and me with very pointed
3 questions; where do you live, where was your early
4 pregnancy, and have you or your husband ever worked
5 with chemicals? They told us they had found
6 embryotic tissue in the center of my son's cancerous
7 tumor. That meant it had started to form during my
8 pregnancy.

9 Then there's three of us who grew up
10 together in Warminster on the same street within a
11 few houses of each other and all three of us had
12 children with brain tumors. All of the children's
13 tumors were cancerous and they had embryonic tissue
14 at the core. Our doctors immediately question our
15 environmental exposures to chemicals, and we
16 eventually learned that we all drank PFAS-
17 contaminated water throughout our entire childhood
18 and during our pregnancies. As a mother, it was gut
19 wrenching for me to eventually be told that my PFAS
20 exposure might have caused my child's cancer. My
21 story is not unique, many families in my community
22 and have been affected by PFAS.

23 In my hometown, we have three-year-
24 olds with kidney cancer. We have a higher rates of
25 childhood cancer when compared to others in the

1 state. That means we have children who might not
2 ever get a chance to do something as simple as ride
3 a bike or put their first tooth under their pillow.

4 There are new moms who don't feel they can safely
5 breastfeed their babies because of the high levels
6 of PFAS found in their breast milk. That's why we
7 must move forward with the MCL rulemaking.

8 It's been eight years since we learned
9 about PFAS at our two military sites, yet the
10 chemicals are still polluting our public waterways
11 affecting clean drinking water sources and wildlife.
12 PFAS discharge levels coming off base currently far
13 exceed limits set in temporary discharge permits and
14 the DEP recently issued do not eat the fish
15 advisories for our local waterways affected by PFAS.
16 I am here to tell you that affected community
17 members are more than dots on a map and numbers on a
18 graph. My community is filled with stories like
19 mine.

20 The proposed MCL for PFAS has the
21 power to change the course of history in our state.
22 I now realize that stronger drinking water
23 regulations that govern toxic chemicals like PFAS
24 could - could have prevented needless suffering for
25 my family and many other families in my community.

1 It might be too late for my son, with the proposed
2 rulemaking for PFAS, but it's not too late for
3 others.

4 Thank you for the strides you have
5 made to get to this point of the proposed
6 rulemaking, and I encourage the Board to make sure
7 that the proposed MCL for PFAS will ultimately
8 ensure equal protections for all Pennsylvanians.
9 The proposed rulemaking needs to include all water
10 supplies including private wells. As a matter of
11 fact, our PFAS Pilot Health Study in Bucks and
12 Montgomery Counties reported that people with
13 private wells actually had higher levels of PFAS in
14 their blood than those on public water supplies.

15 I also encourage the board to
16 implement more protective PFOA/PFOS standards than
17 14 and 18 parts per trillion as was proposed by
18 Drexel and the Cambridge Environmental Consulting.
19 These MCLs should be based on the toxicology
20 analysis not a cost/benefit analysis. MCLs must
21 ensure safe drinking water for vulnerable
22 populations like children.

23 I also encourage additional PFAS
24 compounds for MCLs, as was proposed by Drexel in
25 their toxicology assessment. Most notably for those

1 the DEP sampled for and found within the State's
2 environment. Again, our PFAS Pilot
3 Health Study in Bucks and Montgomery Counties
4 reported that PFHxS was the second highest compound
5 found in blood sampled in our community, yet it is
6 does not have a proposed MCL.

7 We have waited far too long. The
8 State's MCL needs to be implemented quickly and do
9 away with monitoring delays. It also need to ensure
10 monitoring takes place with no waivers for any
11 systems. I encourage you to move forward and set a
12 State drinking water standard for PFAS. You all
13 have the power to help change the way things are and
14 ensure that our children and grandchildren and
15 generations to come are better protected from PFAS
16 than we have been. Thank you for the
17 opportunity to speak today.

18 CHAIR: Thank you for your comments,
19 Joanne.

20 Our next speaker is Emma Horst-Martz,
21 and she - she will be followed by Ira Joseph.

22 Is Emma ready?

23 MS. HORST-MARTZ: Yes. Hello.

24 Can you hear okay?

25 CHAIR: Yes, we can, Emma. Please go

1 ahead.

2 MS. HORST-MARTZ: Great. Thank you.

3 My name is Emma Horst-Martz, that's E-
4 M-M-A, H-O-R-S-T, hyphen, M-A-R-T-Z, and I live in
5 Philadelphia, Pennsylvania. I'm an advocate with
6 PennPIRG, the Pennsylvania Public Interest Research
7 Group. We are a statewide grassroots non-partisan
8 non-profit organization working to protect the
9 public from powerful special interests when they
10 threaten our health, safety or wellbeing. I am here
11 on behalf of our members across Pennsylvania.

12 PennPIRG supports the Safe Drinking
13 Water PFAS MCL Rule and applauds the Pennsylvania
14 Department of Environmental Protection for taking
15 this step because maximum contaminant levels for
16 PFAS are urgently needed to protect public health.
17 But we urge the DEP to do more.

18 PennPIRG supports the greatest
19 protection that can be attained for the public from
20 exposure to PFAS compounds. The major exposure
21 route for PFAS is through drinking water. MCLs must
22 be adopted by the DEP to mandate their removal from
23 drinking water. So I urge the DEP to adopt MCLs
24 that will do the following.

25 One, provide equal protection for

1 everyone. The plan applies only to public water
2 systems, excluding private water wells as has been
3 mentioned. This leaves a large number of
4 Pennsylvanians out of the sampling. Excluding
5 private well users means that about one-quarter of
6 the population of Pennsylvania will continue to be
7 in the dark about whether they're drinking water
8 contaminated with PFAS. The plan should be amended
9 to include private water sources.

10 Two, rapid implementation. In the
11 proposed rule initial compliance does not start
12 until 2024 for larger systems and 2025 for smaller
13 systems. This means it will be another two to three
14 years before clean drinking water is available from
15 public water system taps in Pennsylvania. While DEP
16 finalizes its process people will continue to drink
17 water that might contain PFAS without knowing it.
18 Given the serious health effects of the exposure to
19 even small amounts of PFAS, all systems included in
20 the rulemaking should be required to start sampling
21 immediately.

22 Three, monitoring needs to be rigorous
23 and ongoing. Sampling should be required annually
24 for all systems with no waivers for any systems.
25 PFOA and PFOS are highly mobile in water and

1 persistent in the environment, making their
2 migration from a source of contamination a threat
3 that is unpredictable and can occur rapidly.
4 Whether detected during the initial period or not,
5 monitoring is a prudent investment in protection of
6 the public's health. The toxicity, bioaccumulation
7 and persistence of these compounds require rigorous
8 and continual monitoring to achieve protective early
9 detection.

10 For systems with detections above the
11 MCLs monthly sampling should be required until the
12 level is reduced below the MCL, then quarterly
13 monitoring should be allowed before returning to the
14 annual requirement.

15 Four and finally, more protective
16 standards are needed. The proposed MCL standards
17 for PFOA and PFOS are not strict enough. The PFOA
18 MCL should be as low as possible but not to exceed
19 six PPT and the PFOS MCL should be no greater than
20 five PPT. When PFOA and PFOS are found combined in
21 water, their combined concentration should be no
22 higher than 13.

23 States must take this - the lead in
24 protecting citizens from PFAS drinking water
25 contamination. And I as a Pennsylvanian, I am happy

1 to see that the DEP is stepping up and protecting
2 the public from these toxic forever chemicals. I
3 hope the DEP will continue to work to swiftly clean
4 up PFAS contamination that this monitoring program
5 will uncover. Thank you.

6 CHAIR: Thank you for your comments,
7 Emma.

8 Our next speaker is Ira Josephs who
9 will be followed by Makenzie White.

10 Are you with us, Ira?

11 MR. JOSEPHS: Okay. This is Ira.
12 Yes.

13 CHAIR: Excellent.

14 Please go ahead.

15 MR. JOSEPHS: Hi. Hi, my name is Ira
16 Josephs, I-R-A, J-O-S-E-P-H-S. Thank you to the EQB
17 for this opportunity to comment.

18 I'm representing myself as well as my
19 children and grandchildren and all residents of
20 Pennsylvania and the world, as these compounds are
21 persistent and can move all the way around our
22 globe. Many don't even know they are constantly
23 consuming these dangerous chemicals in their water
24 and food, and won't know until serious health
25 outcomes are made evident. Personally, I've been

1 filtering my drinking water by reverse osmosis for
2 over 20 years before I knew anything about PFAS and
3 - but knew that there were contaminants I didn't
4 want to ingest that could cause chronic disease.

5 According to a Scientific American
6 article from a year ago, PFAS have been linked to
7 kidney and testicular cancer, thyroid disease, liver
8 damage, developmental toxicity, ulcerative colitis,
9 high cholesterol, pregnancy-induced preeclampsia and
10 hypertension, and immune dysfunction. Just like
11 farm workers using glyphosate, folks that lived
12 around Love Canal, residents of Flint, Michigan and
13 the Chester, PA community around the Covanta trash
14 burning plant, we are all at risk. People are being
15 made sick and to die because there isn't oversight
16 on industry, allowing them to freely pollute our air
17 and water. Or maybe there is oversight, but it is
18 compromised by industry campaign contributions to
19 those who would create regulations.

20 Unfortunately, it seems that the PA
21 DEP, the Department of Environmental Protection,
22 acts more like the DEPP, the Department of
23 Environmental Polluters Protection. The DEP needs
24 to do a better job to protect the health of regular
25 people.

1 Finally, here is a proposal to
2 regulate two of the thousands of PFAS forever -
3 forever chemicals, PFOA and PFOS. On behalf of
4 myself and everyone else I cited, I wholeheartedly
5 support regulations on these harmful chemicals, but
6 I also strongly believe that the proposed rulemaking
7 isn't strong - isn't stringent enough. The
8 allowable levels of contamination are too high. It
9 needs to include more than just these two compounds,
10 it should be implemented much sooner, there needs to
11 be better monitoring and it needs equal protection
12 for all.

13 The proposed maximum contaminant
14 levels are 14 parts per trillion for PFOA and 18
15 parts per trillion for PFOS. A toxicology report
16 performed by Drexel recommended eight parts per
17 trillion for PFOA and 14 for PFOS, based on their
18 independent study. A toxicological analysis by
19 Cambridge Consulting recommended levels of one part
20 per trillion for PFOA and five for PFOS. The DEP
21 relaxed those levels based on a risk/benefit
22 analysis. That means that they think it is okay to
23 allow some portions of our population to suffer
24 adverse health outcomes for the benefit of industry
25 profits. Do you know that the Pennsylvania

1 Constitution provides that each citizen has a right
2 to clean and safe drinking water?

3 The proposed rulemaking doesn't
4 pertain to well water allowing a large portion of PA
5 residents to remain more at risk. We already know
6 these forever chemicals have been around for years
7 and are getting more pervasive and can be found in
8 most drinking water and food. It is only going to
9 get worse with more chemicals being made and used.
10 These also build up and terrible sickness and death
11 are sure to result if more isn't done. Further,
12 there needs to be more rigorous monitoring. The
13 timeframes for testing are way too lax in this
14 proposal.

15 In conclusion, yes, please regulate
16 PFOA and PFOS but use more stringent standards,
17 include other PFAS, include all residents' water
18 supplies and do more rigorous monitoring. Thank
19 you.

20 CHAIR: Thank you, Ira.

21 Just as a reminder to everyone, if you
22 haven't already and intend to, we appreciate if you
23 would send in a written copy of your testimony.

24 Our next speaker - scheduled speaker
25 is Makenzie White.

1 Are you with us, Makenzie?

2 MS. WHITE: Yes. Can you hear me?

3 CHAIR: Yes, we can. Please go ahead.

4 MS. WHITE: Thank you.

5 My name is Makenzie White. It's M-A-
6 K-E-N-Z-I-E; my last name is White like the color,
7 W-H-I-T-E. I am the public health unit manager for
8 The Environmental Health Project, which is based in
9 Pittsburgh, Pennsylvania.

10 Good afternoon. Thank you all for
11 allowing me to be here. As I mentioned I am from
12 The Environmental Health Project or EHP, which is a
13 data-driven public health organization headquartered
14 in Pittsburgh. We are a skilled group of public
15 health professionals, community educators, and data
16 analysts who have become national leaders in the
17 comprehensive understanding of public health
18 consequences of shale gas development. EHP has a
19 decade of community science experiences, working
20 with direct frontline residents concerned about how
21 their health has been, or may be, impacted by shale
22 gas development.

23 I am here today to express our
24 unequivocal support for the creation of drinking
25 water standards regarding PFOS and PFOA. The

1 creation of standards for PFAS chemicals will better
2 protect public health and save the lives of many
3 impacted residents.

4 In 2021, Physicians for Social
5 Responsibility discovered evidence through EPA
6 documents showing that PFAS or PFAS precursors have
7 been used in oil and gas development, thereby
8 creating risks for oil and gas workers and the
9 public through multiple potential pathways of
10 exposure.

11 PFAS are a class of manmade chemicals
12 that can contaminate soils, surface, and
13 groundwater, and drinking water sources. Because
14 PFAS do not break down in the environment or in the
15 human body they can accumulate in animal and human
16 tissues. Research has been proven that PFAS are
17 highly toxic, and according to ATSDR, exposure to
18 PFAS may lead to health impacts including liver
19 damage, increased risk of high blood pressure or
20 preeclampsia in pregnant individuals, decreased
21 birth weights, and kidney and testicular cancer.

22 The Oil and Gas Threat Map shows that
23 in Pennsylvania there are over one million people
24 living within a half-mile radius of over 100,000 oil
25 and gas facilities. These people represent about 12

1 percent of Pennsylvania's population. The number of
2 residents who live, work, and play near oil and gas
3 facilities in Pennsylvania illustrates the magnitude
4 of impact water contaminated with PFAS could have on
5 residents.

6 It is because of the highly toxic
7 nature of the PFAS chemicals and the magnitude of
8 associated health risks that EHP strongly supports
9 the proposed standards for regulating PFAS in
10 drinking water. We also urge the DEP to continue to
11 examine other PFAS chemicals, which similarly have
12 been shown to cause negative health impacts such as
13 PFBA and PFHxA.

14 With over 6,000 chemical compounds in
15 the PFAS family, consideration should be given to
16 expediting the creation of additional regulations.
17 The DEP should also consider the idea of regulating
18 chemicals as a class as opposed to one by one. The
19 field of toxicology tells us that the toxicity of a
20 mix of chemicals can be understood by adding the
21 toxicity of all the components together. Additivity
22 allows us to understand how the presence of multiple
23 chemicals can interact in the environment as well as
24 inside a person. Sometimes the toxicity of a mix of
25 chemicals is antagonistic, meaning the toxicity

1 combined is less than the sum of all the parts.
2 However, there are also some cases where the
3 toxicity can be synergistic, meaning the components
4 combined make each other more toxic.

5 It is important to look at the big
6 picture of all the PFAS chemicals that need
7 regulating because they do not exist in a vacuum and
8 are often found in combination with others.
9 Regulating these chemicals one at a time is not
10 practical if protecting Pennsylvanians' health is
11 the goal.

12 In addition to regulating PFAS
13 chemicals as a class, the DEP should consider
14 widening the scope of PFAS sampling. The PFAS
15 Sampling Plan conducted by the Action Team focused
16 its sampling on military bases, fire training
17 schools and state hazardous cleanup sites, et
18 cetera. While these are valid and important sites to
19 monitor, the new research showing the use of PFAS in
20 oil and gas development operations indicates a need
21 for further sampling in residential areas. The DEP
22 further needs to consider how remediation efforts
23 will be addressed when contamination is confirmed,
24 since this can be a costly endeavor for individuals
25 and water companies alike.

1 EHP supports the adoption of the Safe
2 Drinking Water PFAS MCL Rule and further urges the
3 DEP to consider the extra steps mentioned previously
4 to protect the health of Pennsylvanians and ensure
5 clean access to drinking water for all. Thank you.

6 CHAIR: Thank you for your comments,
7 Makenzie.

8 Is Congressman Fitzpatrick with us? I
9 was told he might be here in a couple minutes. If
10 not we'll move onto Clara Gomes-Silva and come back
11 to the Congressman.

12 MR. JAGIELA: The Congressman actually
13 just finished up his call with Ukraine, so if you
14 can go to the last speaker and then he can - he'll
15 be right on.

16 CHAIR: Absolutely. Thank you.

17 So is Clara Gomes-Silva ready?

18 MS. GOMES-SILVA: Yes. Can you hear
19 me?

20 CHAIR: Yes, we can, Clara. Please go
21 ahead.

22 MS. GOMES-SILVA: All right.

23 My name is Clara Gomes-Silva, C-L-A-R-
24 A, G-O-M-E-S, hyphen, S-I-L-V-A, and I'm a citizen
25 of Philadelphia, Pennsylvania.

1 I'll start with an obvious statement.
2 Water is the most abundant resource on our planet,
3 and the source - and the source of life to most
4 living beings. It's what cools you down on a hot
5 summer day, with a glass of cold water or a swim in
6 the ocean. But it only takes one contamination of
7 this precious resource to affect everyone because
8 water crosses borders as rainfall, rivers, and ocean
9 waves. Because we don't just need water to drink,
10 but to grow our crops and raise our cattle. It
11 takes one PFAS contamination to cause cancers,
12 immune system deficiencies, low fertility, and
13 development issues in the people of our communities.

14 PFAS are the forever chemicals. They
15 don't break down and they are becoming more
16 difficult to avoid. They've been found in our
17 soils, drinking water systems and air. So the time
18 to act is now to establish a one part per trillion
19 maximum contaminant level to require all drinking
20 water agencies, not just public ones, to test for
21 PFAS chemicals, and to clean it up for good.

22 It takes one bill to protect our
23 environment and ourselves from the dangers of PFAS.

24 Thank you for your time.

25 CHAIR: Thank you for your comments,

1 Clara.

2 Also, before we get to the
3 Congressman, if - if there is anyone who is
4 listening, it's only about 1:40, so if there's who
5 is listening but not registered to provide testimony
6 but who would like to make comments today, please
7 message us in the chat box online in the WebEx and
8 we're more than happy to unmute you if - if you
9 would like to make some comments during the hearing.

10 In the meantime let's see if our last
11 registered speaker, but certainly not least,
12 Congressman Fitzpatrick is available.

13 MR. JAGIELA: Can you give us about 30
14 more seconds?

15 CHAIR: Absolutely.

16 MR. JAGIELA: Thank you.

17 CHAIR: And of course, one more
18 reminder, again anyone who has provided testimony we
19 would appreciate if you would submit copy of your
20 testimony to regcomments@pa.gov. Also as we
21 mentioned at the very beginning of the hearing, the
22 public comment period will be open until April 27th,
23 2022 for anyone who would like to submit comments on
24 the - on the proposed rulemaking.

25 CONGRESSMAN FITZPATRICK: Good

1 afternoon. My name is Congressman Brian Fitzpatrick
2 and I appreciate the Board's time in allowing me to
3 add a public comment regarding the Environmental
4 Quality Board's proposal to amend Chapter 109.

5 As noted in this proposal the
6 amendment to improve public health protection by
7 setting maximum contaminant level goals, MCLGs, and
8 maximum contaminant levels, MCLs, for two - two per-
9 and PFAS, both PFOA and PFOS.

10 In Congress I represent all of Bucks
11 County and a portion a Montgomery County which have
12 the highest levels of PFAS compared to most, if not
13 all, counties with the Commonwealth of Pennsylvania.

14 As you are aware Montgomery County is home to the
15 former Naval Air Station, joint reserve base Willow
16 Grove, which is the largest contributor to the PFAS
17 crisis we are facing in the southeastern
18 Pennsylvania region due to the use of firefighting
19 foams over the span of multiple decades.

20 It is because of these contaminants in
21 our water that led me to establish the bipartisan
22 Congressional PFAS Task Force. As a co-chair of the
23 Congressional PFAS Task Force and author of numerous
24 pieces of legislation regarding PFAS contamination I
25 understand the health impacts PFAS has within

1 residential areas. And since entering Congress I
2 always seen it as an imperative that we at all
3 levels of government begin to crack down on
4 polluters responsible for PFAS contamination to
5 ensure that these harmful chemicals are no longer
6 released in the environment.

7 Well, I see this proposed amendment as
8 a good step forward to protecting public health by
9 setting State MCLs for contaminants in drinking
10 water that are currently unregulated at the federal
11 level, I - I do not believe that the proposed
12 amendment goes far enough in ensuring broad public
13 safety. As legislators I believe that we are all
14 bound to fight for the greatest protection to
15 exposure to the PFAS contaminants and we all must
16 collectively work for the complete removal of PFAS
17 from our drinking water.

18 Going forward I respectfully request
19 the Board to take into consideration the following
20 points before adopting its final rule. Implement a
21 plan that applies to both - both public water
22 systems and private water wells to ensure that all
23 water sources are equally sampled. Implement
24 immediate compliance monitoring of water sources
25 rather than two to three. Monitor small and large

1 systems equally and immediately. No waivers to
2 reduce from annual to tri-annual monitoring for
3 systems with previous detections below the MCL.
4 MCLS to be set for more PFAS compounds and include
5 all of the PFAS compounds which the DEP has sampled
6 and found in our State's environment. And more
7 productive standards for MCLs as they relate to
8 PFAS. We need to crack down on these harmful
9 chemicals to keep our community safe from
10 contaminated water going forward.

11 This is an issue of national
12 importance as well. There are more than 700 active
13 military installations with PFAS contamination. And
14 as co-chair of the Congressional PFAS Task Force
15 along with my bipartisan co-chair Dan Kildee, I will
16 continue to fight for our community's right to safe
17 and clean drinking water and to insist that on the -
18 the federal government, particularly the DOD, live
19 up to its obligations to invest the necessary
20 resources to carry out a vigorous and successful
21 cleanup.

22 That being said, I thank everyone on
23 the Environmental Quality Board for allowing me to
24 speak today on a critical - an issue of critical
25 importance, not just to my community, but

1 communities across the nation. So I greatly
2 appreciate your time and your full consideration of
3 the points that I've outlined in this public
4 comment. Thank you and have a good day.

5 CHAIR: Thank you, Congressman
6 Fitzpatrick.

7 Okay. One last call. If there is
8 anyone listening to the hearing who would like to -
9 unplanned, would like to provide some testimony
10 before we close out the hearing for today. Take
11 about 30 seconds to see if there's any more.

12 Okay. I haven't heard from anyone
13 else so I'm going to take that as a no, we have no
14 takers. So that in that case, thank you all for
15 taking the time to provide testimony this afternoon.

16 With no other commenters present, on behalf of the
17 EQB, I hereby adjourn this hearing at 1:47 p.m.
18 Thank you and have a wonderful afternoon.

19 * * * * *

20 VIDEOCONFERENCE HEARING CONCLUDED AT 1:47 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 23, 2022 and that I, Shannon C. Fortsch, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Dated the 18 day of April, 2022



Court Reporter

Shannon C. Fortsch