



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY BOARD

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IN RE: SAFE DRINKING WATER
PFAS MCL RULE

PUBLIC HEARING

* * * * *

BEFORE: Laura Griffin, Presenter
Derek Jagiela, Host

HEARING: Thursday, March 24, 2022
09:00 a.m.

LOCATION: Via Zoom

WITNESSES: Steve Hvozdovich; Eric Harder; Char
Magaro; Senator Carolyn Comitta; Lise Bauman; Hope
Grosse; Atticus "Zachary" Hempel; Talor Musil; Joan
Farb

Reporter: Cory R. Ruda

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A P P E A R A N C E S

NO COUNSEL PRESENT

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NONE OFFERED

P R O C E E D I N G S

MS. GRIFFIN:

Good morning. Thank you.

I'd like to welcome you to the Environmental Quality Board, or EQB's 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 am facilitating this hearing on behalf of EQB. Assisting me today are Derek Jagiela, our Host, and Jennifer Swan, who you corresponded with to register for this hearing.

I officially call this hearing to order at 09:00 a.m. The 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 MCL's, for two per- and polyfluoroalkyl substances, or PFAS, just spelled, P-F-A-S. Those two substances are

1 Perfluorooctanoic acid, or PRFOA, P-R-F-O-A, and
2 perfluoroalkanesulfonic acid, or PFOS, P-F-O-S.

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 MCL's for
15 contaminants and 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 addressing PFOA and PFAS in drinking water, and join
20 a small group of states that have set MCL's for
21 select PFAS, and drinking water.

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

1 illness, and reduce healthcare costs. Recent
2 research suggests that EPA's combined lifetime
3 health advisory level for PFOA and PFAS of 70 parts
4 per trillion is not sufficiently protective against
5 adverse health effects.

6 EPA has started the process of setting
7 more stringent standards for PFOA, and PFAS in
8 drinking water, but that process is expected to take
9 years to complete. For that reason, it's important
10 that the EQB act now to propose more protective
11 standards for Pennsylvania, to protect the health of
12 Pennsylvanians.

13 Proper investment in public water
14 system infrastructure and operations helps to ensure
15 a continuous supply of safe drinking water, enables
16 communities to plan and build future capacity for
17 economic growth, and ensures their long-term
18 sustainability for years to come. These MCL's would
19 apply to the following types of public water
20 systems: Community water systems, non-transient
21 non-community water systems; and bottled, vended,
22 retail, and bulk water systems.

23 The rule making also proposes to
24 establish monitoring requirements for PFOA and PFAS
25 for these public water systems in order to

1 demonstrate compliance with the MCL's, and to
2 establish sampling and analytical requirements, and
3 acceptable treatment technologies, for achieving
4 compliance with the proposed MCL's.

5 This concludes the summary of the rule
6 making. If you would like to access a more detailed
7 explanation of regulatory amendments included in
8 this rule making, you can visit ecomments on DEP's
9 webpage and select regulations.

10 In order to give everyone an equal
11 opportunity to comment on this proposal, I would
12 like to establish the following rules. Some of this
13 information will be provided in the chat box so you
14 do not need to write everything down.

15 First, I will call upon the witnesses
16 who have signed up to testify at this hearing. All
17 who have signed up were assigned a number indicating
18 the order in which witnesses will be called to
19 speak. Testimony is limited to five minutes for
20 each witness, and I will have a timer on the right-
21 hand side of my screen. Please note that written
22 and spoken testimony both carry the same weight. If
23 you should run out of time for your spoken
24 testimony, we will read the rest of your comments
25 from your written testimony.

1 As we requested in registration
2 correspondence, please provide a copy of your
3 written testimony to regcomments@PA.Gov. That is R-
4 E-G C-O-M-M-E-N-T-S at P-A dot G-O-V.

5 Your email must note that you are
6 submitting testimony for a proposed rulemaking, safe
7 drinking water, PFAS MCL rule, along with the
8 following information: your first and last name,
9 your mailing address, email address, and if you're
10 commenting on behalf of an organization.

11 Testimony is not required to be five
12 minutes long. If others who provide testimony
13 before you or are making similar statements to
14 yours, you are free to shorten, or summarize your
15 spoken testimony, and still provide your full,
16 written testimony by email.

17 Through 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, the
21 city and state are sufficient and if you're
22 affiliated with an organization for the record prior
23 to presenting your testimony.

24 The EQB would appreciate your help by
25 spelling out your name and terms that may not be

1 generally familiar so that the transcript can be as
2 accurate as possible. Because the purpose of the
3 hearing is to receive comments on the proposal, DEP
4 staff cannot address questions about the proposed
5 rulemaking during the duration of the hearing. In
6 addition to, or in place of verbal testimony
7 presented at today's hearing, interested persons may
8 also submit written comments on this proposal.
9 Again, written and verbal comments hold the same
10 weight when considered in the finalization of this
11 proposed rulemaking. All testimony and written
12 comments provided become a part of the official,
13 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 to submit written comments which is
17 separate from testimony. Comments may be submitted
18 online through E-Comment, which is accessible from
19 DEP's website by going to the DEP homepage,
20 WWW.DEPA.GOV, and selecting E-Comment under the
21 heading public participation at the top of the page;
22 or, comments may be submitted by email at
23 regcomments@pa.gov. All comments are entered into
24 E-Comment, and are accessible to the public.

25 The subject heading of the proposed

1 rulemaking, and a return name and address must be
2 included in each email. Comments may also be sent
3 through the US Postal Mail addressed to the
4 Environmental Quality Board, PO Box 8477,
5 Harrisburg, PA, 17105-8477.

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

12 I would now like to call for the first
13 commenter. Okay. I apologize, Steve, I'm going to
14 mispronounce your last name.

15 Is Steve Hvozdovich with us?

16 MR. HVOZDOVICH:

17 Yes. Can you hear me?

18 MS. GRIFFIN:

19 Yes, we can, Steve.

20 Please, go ahead.

21 MR. HVOZDOVICH:

22 Fantastic. Thank you so much.

23 My name is Steve Hvozdovich. I'm the
24 Pennsylvania Campaign's Director for Clean Water
25 Action, a national non-profit, environmental

1 organization who's in its 50th year of bringing
2 issue expertise, solution-oriented thinking, and
3 people power to the table in order to win strong
4 health and environmental protections. On behalf of
5 the organization, and our 80,000 statewide members,
6 we thank the DEP for taking this historic step in
7 the Commonwealth, and addressing PFAS substances by
8 setting maximum contamination levels for drinking
9 water.

10 However, we encourage the Department
11 to make the following adjustments which we believe
12 will help improve health protections, and ensure
13 Pennsylvania adopts the best possible policy that
14 can be obtained for the public from exposure to PFAS
15 compounds. The proposed rulemaking should implement
16 more protective standards. The PFOA MCL should be
17 one part per trillion, but not to exceed six parts
18 per trillion, and the PFOS MCL should be no greater
19 than five parts per trillion. When PFOA and PFOS
20 are found combined in water, their combined
21 concentration should be no higher than 13 parts per
22 trillion.

23 The proposed MCL standards in the
24 draft version of 14 parts per trillion for PFOA, and
25 18 parts per trillion for PFOS are flawed when

1 considering Cambridge Environmental Consultants
2 toxicology analysis. From the report, CEC's
3 recommendation of an MCL of one part per trillion is
4 consist with the values found pursuant to immune-
5 toxic, epidemiological studies, and/or animal
6 studies showing adverse developmental effects.
7 However, if these values are excluded, the CEC has
8 identified that the PFOA MCL should be no greater
9 than six parts per trillion to ensure protection of
10 children.

11 CEC also performed an analysis that
12 recommended an MCL for PFOS of five parts per
13 trillion. As explained by CEC, quote, if adult
14 default exposure values are used to determine an
15 MCL, younger children would not be protected since
16 younger children's dose intakes would exceed the
17 allowable reference dose. In addition, other toxic
18 effects found associated with children in PFOS
19 exposure may lead to increased potential for later
20 year disease manifestation. It's essential,
21 therefore, to depart from the typical use of adult
22 exposure values, and use children's values, end-
23 quote.

24 Proposed rulemaking should set MCL's
25 for more PFAS compounds. At least those compounds

1 DEP found in the State's environment through their
2 sampling. That would result in including PFNA,
3 PFHXA, PFHXS, PFHPA, PFUNA, and PFBS, which were all
4 identified at the Department's water testing results
5 finalized in May, 2021. There's no scientific basis
6 for DEP to include them because they found a low
7 rate of exceedance for each compound, that they
8 should be excluded from the rulemaking.

9 DEP's limited sampling is not robust
10 enough to draw this conclusion. Plus, these
11 compounds have known health effects, and require
12 removal from our drinking water. The proposed
13 rulemaking should guarantee equal protection to
14 apply to all water supplies. The plan in its
15 current form applies only to public water systems.
16 Excluding public and private water wells leaves
17 about one-quarter of Pennsylvania's population out
18 of the sampling, and in the dark about whether their
19 drinking water contains PFAS.

20 As evidence that individual and
21 private wells are at risk, a study released this
22 year by the US geological survey detected PFAS
23 chemicals in 20% of private wells, and 60% of public
24 wells sampled in 16 eastern states. The proposed
25 rulemaking should require rigorous, and ongoing

1 water monitoring.

2 All systems covered by the rulemaking
3 should be required to start sampling immediately,
4 and on an annual basis, with no waivers being
5 granted.

6 Finally, the proposed rulemaking
7 should be implemented immediately upon finalization.
8 If the rulemaking in its current form sets initial
9 compliance monitoring for community, and non-
10 transient, non-community water systems serving a
11 population of greater than 350 people to begin on
12 January 1st, 2024, and initial monitoring for
13 community, and non-transient, non-community systems
14 serving populations less than four people to 350
15 people, to begin on January 1st of 2025. That means
16 it will be another two to three years before clean
17 drinking water is available from these public water
18 system taps. These compounds should have been
19 removed from drinking water years ago, and further
20 delays in providing relief are unjustifiable.

21 Access to safe drinking water is vital
22 to maintaining the health of our communities, as
23 well as an environmental right recognized in the
24 Pennsylvania Constitution. Combined with our
25 knowledge that the major exposure route for PFAS in

1 Pennsylvania is through drinking water, that makes
2 this rulemaking extremely important to
3 Pennsylvania's future. Therefore, we urge you to
4 incorporate our recommendations into the final
5 rulemaking, and ensure that Pennsylvania adopts the
6 nation's leading safe drinking water standards for
7 PFAS.

8 Thank you for your time today.

9 MS. GRIFFIN:

10 Thank you for your comments, Steve.

11 Our next speaker is Eric Harden, who
12 will then be followed by Char Magaro.

13 Are you ready, Eric?

14 MR. HARDER:

15 I sure am. Can you hear me okay?

16 MS. GRIFFIN:

17 Yes, we can.

18 Please, go ahead.

19 MR. HARDER:

20 Thank you.

21 My name's Eric Harder. I live in
22 Ohiopyle, Pennsylvania, and I live here with my
23 family and my two kids, their ages four, and eight.
24 My wife's family has grown up here for the last 100
25 years, and I personally care about my community and

1 friends and their families. In the last few weeks,
2 I've been getting more involved in this Maximum
3 Contaminant Level standard.

4 I'm fairly horrified of some of the
5 experiences that other partners and impacted
6 families have gone through over the last years, but
7 for my comments today, I will be representing
8 Mountain Watershed Association. Our office is
9 located in Melcroft, Pennsylvania, and I am a
10 Youghiogheny River keeper, and I we are a member
11 organization of the Waterkeeper Alliance. We're
12 dedicated to swimmable, drinkable, fishable
13 Youghiogheny River, and we're a grassroots member
14 based organization located in southwest
15 Pennsylvania, and we do consider ourselves rural
16 America. We are known for our clean streams, our
17 natural outdoor world, and our culture, and part of
18 that culture is being extremely loyal to industries
19 that we've had either in the past, or now. Coal,
20 timber, more so now we have gas extraction, even
21 plastics production. But, no one is really big fans
22 of PFAS compounds, and I want to point that out
23 because you may have a lot of input from both sides,
24 the public health side, and industry side. But just
25 so you know, the public is behind you on this, and

1 we will support you if you do want to make a more
2 protective standards than what you have put out so
3 far. And again, there are - there's no community
4 out there that is saying, yes, we want PFAS
5 compounds, and we think that it is good for our
6 economy. We know there's a problem. We know who
7 the culprits are, and this MCL is a real chance to
8 show that public health is the most important
9 outcome of this standard, and those cost-benefit
10 calculations that are discussed in the technical
11 documents are great that they're being done, but I
12 think more priority should be weighed - or should be
13 put onto that public health side of it, especially
14 since we know who these culprits are who made these
15 compounds. That cost needs to be directly -
16 basically, handed to them. They are the ones who
17 likely have known about these compounds for longer
18 than DEP and the general public.

19 A part of my region, a lot of people
20 are on private wells. My family depends on well
21 water, and our backup is basically a roadside
22 spring. I don't know if there are any compounds in
23 that water, and I hope not, but guidance is also
24 needed for private water supplies, and I think it
25 should be regulated by this standard, and your

1 response may be that private wells are not regulated
2 by the DEP. This is your opportunity to fix that,
3 too, then.

4 In general, our area does have a lot
5 of land use issues. Most impactful are the recent
6 gas extraction and transfer operations. And so are
7 the disposal sites for those produced water, the
8 sledges, the drill cuttings and fluids. There are
9 always instances of people losing their water,
10 whether it's from natural well drilling from HTD
11 bores, but who do we depend on to let us know that
12 our water has been impacted by those operations when
13 now we know that PFAS compounds are an ingredient in
14 a lot of their operations? And are we supposed to
15 wait for the industry to tell us about our water, or
16 how is that supposed to play out?

17 So I think we also need to look at our
18 private wells, and how water gets there.

19 Excuse me.

20 How PFAS compounds get there. So more
21 widespread groundwater and surface water monitoring,
22 even ambient water quality standards need to be
23 applied there. For instance, you know, our area
24 loves agriculture as well, and we'll even allow
25 sediment and cow poop to enter our streams, but no

1 farmer would readily avail - you know, allow PFAS
2 compounds to be spread on their land if they knew
3 about the potential.

4 And so, many of these community
5 members, and even some of our organizational members
6 probably are in the dark about PFAS compounds, so
7 not only does more monitoring need to be done,
8 outreach and education regarding these compounds,
9 and then, again, holding these people who created
10 these compounds and profited from their use should
11 be required to pay for the cleanup.

12 So in summary, I am to add, I guess, a
13 little here, immediate regulation implementation.
14 You know, we just heard the beginning of this
15 presentation. They talk about getting it done
16 before the EPA, and the EPA standards could take
17 years. It just sounds like we're trying to not only
18 beat the EPA, but show that we're better than them,
19 and really, we need to make the public standard -
20 health standard that is protective, and that is
21 timely, because we know what PFAS compounds can do.

22 There's horrible stories of cancers, all kinds of
23 health issues. Some more protective MCL levels
24 follow Steve's comments about appropriate levels,
25 and thank you for summing that up, but especially

1 for levels that are more protective for our younger
2 populations.

3 Again, this is an opportunity for PA
4 to establish a healthy limit which is precedent
5 setting which others can look to to say this is what
6 we aim to do, and that's partly because we are still
7 learning about these compounds. It seems like every
8 year there's more compounds known about, more
9 impacts, and more stories shared by the impacted
10 public.

11 So I'll provide some more detailed,
12 written comments, but thank you for the time to
13 comment.

14 MS. GRIFFIN:

15 Thank you, Eric.

16 Our next speaker is Char Magaro, who
17 will be followed by Senator Carolyn Comitta.

18 MS. MAGARO:

19 Can you hear me?

20 MS. GRIFFIN:

21 Yes, we can hear you, Char.

22 Please, go ahead.

23 MS. MAGARO:

24 Great, thank you.

25 Char Magaro. I reside in Enola,

1 Pennsylvania, and I'm testifying as a private
2 citizen, but in full disclosure, I'm the former
3 board chair of PennFuture.

4 Thank you for this opportunity.

5 For the sake of clarity, and perhaps
6 brevity, I may interchange PFAS with toxic
7 chemicals.

8 The issue before us is safe drinking
9 water. In addition to being a basic human right, it
10 is also the sole responsibility of DEP to protect
11 and preserve this, and all natural resources, for
12 its citizenry. Even if we eliminate humans from
13 this directive, allowing known toxic chemicals such
14 as PFAS in our waterways and water-resources would
15 be a dereliction of duty. But humans are at the
16 heart of the proposed rulemaking for PFAS.

17 The list of health risks caused by
18 PFAS in our water is long, and quite frankly, scary.
19 Just two of these known risks are that they weaken
20 our immune systems, and that they are cumulative is
21 beyond comprehension, especially when there are
22 documented accounts that these toxic chemicals have
23 been in our water - drinking water for decades.

24 DEP's own independent study done by
25 Drexel University found that the present minimum

1 contaminant level standards of PFAS are too high,
2 and that the scope of the MCL is not broad enough to
3 include all the known PFAS in Pennsylvanian water.
4 DEP's response to this study, they allege that the
5 cost to address these findings is too great, and
6 admittedly, I got stuck on the cost.

7 I assumed by cost, DEP means a
8 financial cost, and not the cost of human life, or
9 the mounting cost of medical treatment for affected
10 individuals, or even the cost of maintaining our
11 biosphere's life support systems. No. I paused.
12 DEP is referring to the cost of doing business in
13 Pennsylvania.

14 Our president and general assembly
15 consistently rejects any investment in environmental
16 protection or regulations, and since PFAS are found
17 predominantly around certain manufacturing,
18 military, and, yes, fracking sites, it is not a
19 stretch to find the obstructing political voices.
20 Just follow the money. But when there's no safe
21 water to drink, no amount of money will quench the
22 thirst of our assembly members, or anybody else.

23 I implore this panel to reach beyond
24 these obstructions, and do the job of which you have
25 been mandated, because safeguarding our drinking

1 water is worthy at any cost.

2 In closing, I leave you with the
3 words of Bob Dylan, there must be some way out of
4 here said the joker to the thief. There's too much
5 confusion, I can't get no relief. Businessmen, they
6 drink my wine. Plowmen, they dig my earth. None of
7 them along the line know what any of it is worth.

8 Thank you.

9 MS. GRIFFIN:

10 Thank you for your comments, Char.

11 Our next speaker today is Senator
12 Carolyn Comitta, who will be followed by Lise
13 Bauman.

14 Senator Comitta, are you with us?

15 SENATOR COMITTA:

16 Yes, I am.

17 Can you hear me?

18 MS. GRIFFIN:

19 Yes, we can.

20 Please, go ahead, Senator.

21 SENATOR COMITTA:

22 Very good. Thank you so much, and
23 good morning.

24 I'm State Senator Carolyn Comitta
25 representing the 19th district in Chester County.

1 First, I want to thank DEP and the
2 Environmental Quality Board for the proposed
3 regulations to better protect Pennsylvania's
4 drinking water from two forms of the PFAS compounds.
5 While this is an important and historic first step,
6 there is much more than can be done. I encourage
7 the Department to use this opportunity to enact even
8 stronger protections for residents, children, and
9 families.

10 Given the current lack of minimum
11 containment levels, MCLs, at the Federal level,
12 States across the nation have enacted a patchwork of
13 policies aimed at regulating, and limiting, these
14 forever-chemicals.

15 For the Commonwealth to truly be a
16 leader in protecting our environmental health, and
17 public health from PFAS, we should consider, first,
18 setting limits on all eight compounds in the PFAS
19 family as identified by DEP. The draft rule focuses
20 on the two most commonly identified in DEP's
21 sampling: PFOS and PFOA.

22 Setting lower limits is the second
23 important step. The proposed rule would set an MCL
24 of 14 parts per trillion for PFOA, and 18 parts per
25 trillion for PFOS. However, our neighbors in New

1 Jersey have set limits slightly lower at 13 PPT for
2 PFOA. New Jersey also limits PFNA in addition to
3 PFOS. New York has adopted MCL's of 10 PPT for PFOA
4 and PFOS, and is currently considering expanding
5 that to include other chemicals in the PFAS family.
6 Other states, like Maine, are also being proactive
7 in banning the sale of products containing PFAS.

8 While we await, and expect more
9 guidance from the Biden administration via the EPA's
10 PFAS roadmap, I encourage the Pennsylvania DEP to
11 enact even stronger rules when it comes to the size,
12 and scope of PFAS in our water. In addition, we
13 should significantly expand the monitoring and
14 reporting of PFAS in our water, soil, and air.
15 According to DEP's report, about 1/3rd of
16 Pennsylvania's public water systems contain PFAS
17 contaminants. It did not include data on private
18 well sources which also serve millions of residents.

19 To better address the risks, impacts,
20 and levels of contamination, we must develop a
21 clearer understanding of the proliferation of PFAS
22 in our environment.

23 Finally, I would like to point out
24 that while most of our focus on PFAS at the state
25 legislative level is centered around firefighting

1 foam, flame retardants, serious questions and
2 concerns remain regarding their use in fracking. An
3 analysis conducted by Citizens for Social
4 Responsibility showed that between 2012 and 2020,
5 PFAS were used in hundreds of oil and gas wells in
6 other states across the nation, and might have been
7 used in many more. Last summer, reporting from the
8 Philadelphia Enquirer identified the use of PFAS in
9 at least eight fracking wells in Pennsylvania from
10 2012 to 2014.

11 In closing, by considering these
12 proposed rules, Pennsylvania is beginning to send
13 the message that we take PFAS and their potential
14 for long-lasting, wide-ranging, and severe health
15 impacts very seriously. To fully do so, we must
16 ensure that any of the polls are closed, no
17 industries are exempt, and polluters are held
18 accountable. The Environmental Rights Amendment
19 guarantees Pennsylvanians the right to clean air,
20 pure water, and to the preservation of the natural,
21 scenic, historic, and aesthetic values of the
22 environment.

23 I urge the DEP to set strict safety
24 standards on all PFAS chemicals for both public and
25 private water sources, and work to lower the

1 proposed set of minimum-maximum contaminant levels.
2 These much needed standards are vital to
3 safeguarding the health, well-being, and
4 Constitutional rights of all Pennsylvanians.

5 Thank you for your time, and your
6 consideration.

7 MS. GRIFFIN:

8 Thank you for your comments, Senator
9 Comitta.

10 Our next speaker is Lise Bauman, who
11 will be followed by Hope Grosse.

12 Are you with us, Lise?

13 MS. BAUMAN:

14 It's Lisa. I'm speaking into my
15 phone, is that correct?

16 MS. GRIFFIN:

17 Yes. And that's fine. We can hear
18 you just fine.

19 MS. BAUMAN:

20 All Right. As long as you can hear
21 me. Okay.

22 My name is Lisa Bauman. I'm calling
23 in as a private citizen. I live in Southampton, in
24 Bucks County. I'd recently moved here a couple
25 years ago to this really beautiful spot, and when I

1 learned that the area could possibly be contaminated
2 with PFAS, one of the first things I did for my
3 house was have to pay for a water filtration system
4 to be put in to protect myself from, basically, an
5 unknown that's here.

6 So I do want to thank the Pennsylvania
7 Department of Environmental Protection for their
8 leadership in addressing this, in addressing the
9 PFAS pollution here in Pennsylvania, and for backing
10 the scientific research they'd commissioned at
11 Drexel, for instance. And analysis. I'm here to
12 express support for the proposed rulemaking, but
13 also to request some changes.

14 Most important to me is reducing the
15 maximum contaminant levels as a rule - in the rule -
16 to at least the MCL goals that were recommended by
17 the Drexel Institute study, and preferably lower.
18 When I was reading the proposed rule, I was
19 impressed by the amount of work done to arrive at
20 the MCL goals for the PFOA and PFAS. However, as
21 stated at the beginning of the proposed rules
22 document, quote, research is ongoing to better
23 understand the potential impact that the PFAS pose
24 to human and animal health, and the environment.
25 The impact of PFAS on health is, therefore, only a

1 best estimate, with many, many unknowns.

2 Also, it's clearly stated that only
3 non-cancer health impacts were involved in this
4 analysis, and PFAS are linked to certain cancers
5 according to the rulemaking document. So it's quite
6 possible that the maximum contaminant level goals
7 that were reported by the study are actually still
8 very much too high to protect our health. It seems
9 reckless, to me, for the minimum contaminant rule to
10 allow even higher levels than that.

11 And as for costs, first, it's
12 unfortunate that citizens are having to pay for
13 this. But that said, I would rather pay for
14 monitoring and remediation than for the medical
15 costs and the suffering that comes with things such
16 as cancer or kidney disease.

17 So please, set the minimum contaminant
18 level for PFOS no higher, and preferably lower, than
19 the 14 parts per trillion, and PFOA at eight parts
20 per trillion, or preferably, less than that.

21 The second thing that concerns me is
22 that there's no provision for assisting people with
23 private wells. Their costs of testing, and
24 filtration systems, needs to be supported, perhaps
25 through the PennVest PFAS program.

1 And lastly, the rule would allow sites
2 to test negative for PFAS to then test only every
3 three years. It would be unfortunate if there was
4 an exposure that was missed because of this. Also,
5 we're hoping to understand more about the effects of
6 PFAS, and how these chemicals travel through the
7 environment. Important health information could be
8 missed if testing was only done every three years.

9 So please, have all sites tested at
10 least annually.

11 Thank you very much.

12 MS. GRIFFIN:

13 Thank you for your comments, Lisa.

14 Our next speaker scheduled for today
15 is Hope Grosse, who will be followed by Zachary
16 Hempel.

17 Are you with us, Hope?

18 MS. GROSSE:

19 Hi, yes. Thank you.

20 Hi, my name is Hope Grosse, it's H-
21 O-P-E, G-R-O-S-S-E, from Warminster, Pennsylvania.
22 I'm a resident, and I've been poisoned without
23 consent. I've suffered numerous health impacts due
24 to unregulated PFAS chemicals in my drinking water
25 from two local DOD sites in Bucks and Montgomery

1 counties. I think that one of the most important
2 things for this board to hear is the devastating
3 impacts PFAS has had on our lives.

4 I've had a lifetime of PFAS
5 contamination in my body. I lived in Warminster for
6 over 25 years, then moved to Horsham, within a few
7 hundred yards of the fire training centers at both
8 places.

9 In 1990, my father died from cancer at
10 52. Three months after burying my father at age 25,
11 I was diagnosed with Stage 4 cancer, which, for me,
12 has been a lifelong cancer sentence. Anytime
13 something is wrong with my health, I'm immediately
14 filled with crippling fear that it's cancer.

15 This type of trauma does not fade
16 away, and psychological scars cannot be measured.
17 It wasn't just my family. So many other neighbors
18 passed from cancer, and other debilitating diseases
19 well before their time.

20 As a mother of two children today, I
21 have deep-rooted fear and guilt about what I may
22 have exposed my children to through second
23 generation health effects from PFAS. PFAS is passed
24 through the umbilical cord. What should have been
25 nourishment for my unborn babies was, in fact,

1 poison. Do you know what that knowledge does to you
2 as a mother, knowing that I could, or may have
3 poisoned my children? Our family has suffered
4 lifelong devastation, and we are not alone. There
5 are over 85,000 others in my community alone that
6 have possibly suffered some of the same devastation.

7 There are many people across the state
8 unaware of PFAS exposure simply because testing has
9 not been done on their water source, and this is
10 unacceptable. We cannot wait a second longer to
11 protect all PA residents who are being poisoned
12 without their consent. If we do not adopt this
13 proposed MCL now, Pennsylvanians will continue to
14 drink contaminated water because the Federal
15 government will not act. PA and other states have
16 the responsibility to step in and take initiative.

17 We are in a state of emergency. We
18 must adopt MCLs for PFAS now with some changes to
19 the proposed rulemaking. For starters, the proposed
20 faze in is so lethargic with no excuse for it except
21 that it's not convenient for the state to put it in
22 place immediately. Drexel's toxicology process took
23 over a year. We have been waiting while families
24 are getting sick, fighting for their lives.
25 Emotional and physical issues, loss of time, loss of

1 money, and the list goes on. And all the components
2 the state has put together and need are ready to go,
3 so there's no real excuses to continue to allow
4 contamination to go on for the next two to three
5 years while people get sick. For instance, a fetus,
6 or a baby, or a child exposed who suffers
7 developmental effects can't undo those effects.
8 It's too late, and you, our State, can prevent that
9 exposure if you would implement this quickly.

10 The strictest MCL's are needed, and
11 Article 1, Section 27, of the PA Constitution
12 demands it. We have the right to clean drinking
13 water. We know this, and you must provide the most
14 protection. Prevention is a solution to protect
15 human health and our most vulnerable are children.

16 Please consider stricter MCL's, and
17 more than just two PFAS. It is not enough. PA
18 needs to be on the forefront, not in the back of the
19 train. We know way too much. PA has been left
20 behind, allowing other states to dump soil, toxic
21 turf, and many other toxins into our environment,
22 and allowing PA to incinerate these deadly
23 chemicals. That is ultimately poisoning our air,
24 water, and food.

25 PFAS is not recyclable, nor does it

1 fade away. It's forever. Please take action today.
2 Thank you.

3 MS. GRIFFIN:

4 Thank you for your comments, Hope.

5 Our next speaker today is Zachary
6 Hempel, who will then be followed by Talor Musil.

7 Zachary, are you with us?

8 MR. HEMPEL:

9 Yes.

10 My name is Atticus Hempel. I'm
11 residing in Swarthmore, PA. I hope I'm not going to
12 take too much of you guys time today.

13 For those who don't know, the DOP uses
14 firefighting foam that most commonly plagues our
15 military personnel. As someone who is debating
16 attending West Point, or the Coast Guard Academy for
17 college, it pains me to see how we are treating
18 these populations. One would expect that outside of
19 combat, we, as a nation, treat any citizen, but
20 especially those citizens willing to stand up and
21 protect the liberty of others with the respect that
22 they are due.

23 But PFAS is clearly an example of how
24 that is not the case. As I'm sure it needs no
25 reminding, PFAS chemicals are dangerous, and toxic.

1 We should be protecting our military from them, and
2 not subjecting our military to them, but the problem
3 does not end with our military.

4 These toxic chemicals are prolific by
5 nature, and thus, through our negligence to our
6 military, we are also subjecting our citizens to a
7 similar treatment. In Pennsylvania, we know at
8 least 17 non-military sites were contaminated by
9 PFAS as the consequence of our actions. All I, and
10 I'm sure many of those here today ask is that we
11 treat our military with the respect it is due that
12 we do not poison our citizens, and that we stand
13 with liberty, and not against, and that we don't
14 stand by and poison those who fight for it.

15 But what does this mean? What can I
16 and my fellow testimony providers ask? For one,
17 please take swift action to take the necessary
18 safety procedures to keep as much PFAS as possible
19 from entering the lives of our soldiers, and
20 citizens. Two, more protective standards are
21 needed, as the current propositions are not strict
22 enough. Three, more PFAS compounds should require
23 MCL's. Four, monitoring must be rigorous and
24 ongoing. We should not wait until January of 2024
25 to enact this vital legislation. And lastly, we

1 must ensure equal protection for all.

2 I ask why must those not connected
3 to public water systems be cast aside from this
4 important protection? Implementing legislation and
5 addressing these concerns would ensure the safety of
6 our public from these dangerous PFAS chemicals.
7 Thus, I thank Pennsylvania for its consideration of
8 this subject, and I ask that you take our
9 legislation a step further to be an example for
10 other states that follow, on how to truly protect
11 our citizens.

12 Thank you.

13 MS. GRIFFIN:

14 Thank you for your comment, Atticus.
15 Our last scheduled speaker today is
16 Talor Musil.

17 Are you with us, Talor?

18 MS. MUSIL:

19 Can you hear me?

20 MS. GRIFFIN:

21 Yes, but you're very quiet.

22 MS. MUSIL:

23 Is this better?

24 MS. GRIFFIN:

25 Yes, that's a little better, yes. I

1 don't know if you're close to your computer, try to
2 get closer to the microphone, but we can hear you a
3 little bit better now.

4 MS. MUSIL:

5 Okay. Great.

6 My name is Talor Musil, spelled
7 T-A-L-O-R M-U-S-I-L, and I'm based out of
8 Pittsburgh, but am with Women for a Healthy
9 Environment that does work across the state, and I'm
10 grateful for the opportunity to speak this morning.
11 I'm the health policy manager here, and we address
12 environmental exposures that impact public health
13 through educational programming, technical
14 assistance, and advocacy, and we believe every
15 community, and especially children, should have
16 healthy homes, schools, and early learning centers.

17 The public health threat of PFAS
18 contaminated drinking water is known all too well by
19 communities across Pennsylvania as evidenced today
20 in public comments thus far. In Allegheny County
21 alone, there have been at least four known areas
22 with recently compromised drinking water, half of
23 which are designated environmental justice areas by
24 the DEP.

25 PFAS's exposure has been associated

1 with a range of adverse health effects from cancer,
2 immune-toxicity, neurotoxicity, reproductive
3 toxicity, developmental effects on the mammary
4 gland, and effects on the thyroid, liver, and
5 kidney. And, recent estimates propose 57 to 92
6 billion dollars for the annual cost of PFAS related
7 health effects in Europe.

8 Last summer, our organization
9 partnered with residents of McKeesport just outside
10 of Pittsburgh to conduct grassroots education and
11 outreach following the use of PFAS-containing
12 firefighting foam on uphill, upstream, mechanics
13 fire, and a backflow of this toxic foam into a fire
14 hydrant. Nearly 500 households went without running
15 water for two-to-three weeks while the local water
16 authority performed testing, and flushed
17 contaminated fire hydrants in the impacted area.
18 This likely went into nearby source-waterways.
19 Residents reported difficulties obtaining
20 information about the contamination. Shower
21 facilities were available at the local high school
22 several miles away, but access was limited to only
23 able-bodied residents, and water buffalos and
24 bottled water were eventually available in the
25 neighborhood. An incredible community resident

1 actually personally delivered that water to
2 residents who could not transfer it themselves.

3 I say all this to highlight the
4 compounding stress to environmental justice
5 communities. McKeesport already carries the burdens
6 of unhealthy housing conditions, historic, economic
7 investment in air pollution, and there's one corner
8 store for food, one church for gathering, and one
9 shop for clothing in this neighborhood. It's
10 surrounded on two sides by rivers that are used for
11 boating, but it's too polluted to enter for
12 swimming. And so, protecting these residents human
13 right to healthy drinking water is very critical,
14 and the testing that was done on the contamination
15 found that the foam had PFOA and PFOS among other
16 PFAS, and so we commend the Environmental Quality
17 Board for setting maximum contaminant levels for
18 these two chemicals, but we don't think the proposed
19 changes adequately address the many ways PFAS can
20 persist in or natural world. They neglect to
21 address the thousand other PFAS.

22 We recommend the two following
23 changes: Establishing PFAS as a hazardous substance.
24 PFAS is only considered under the class of
25 pollutants or contaminants, a status which limits

1 the power of the EPA and state governments from
2 dealing with PFAS contamination. And, also, we urge
3 the DEP to pursue hazardous substance designation
4 like other states have, including Washington, or
5 Massachusetts.

6 And the second thing we recommend is
7 regulating PFAS as a class. Currently, the
8 rulemaking only indicates limits for PFOS and PFOA,
9 but there are more than 12,000 types of PFAS
10 currently identified by the EPA, and it is
11 impossible to regulate each individually. While it
12 is recognized that they, as a class, share similar
13 properties and health concerns. And so, it is
14 imperative to set standards for the entire class.

15 PFAS also needs to be managed
16 throughout its life cycle, thus we call on the DEP
17 to take measures to limit the contraction, presence,
18 and improper disposal of these chemicals, in
19 addition to setting safe drinking water standards.
20 The proposed standards represent great progress
21 towards protecting public health, but we cannot
22 claim victory until primary prevention measures for
23 exposure to all PFAS from every source are put in
24 place. If we fail to introduce these measures
25 proactively, we will continue the injustice of

1 relying on already overburdened environmental
2 justice communities to demonstrate the risks
3 associated with exposure before setting health
4 protective standards for everyone.

5 Thank you.

6 MS. GRIFFIN:

7 Thank you for your comments, Talor.

8 It's not yet 10:00 o'clock, we still
9 have some time. I don't know if there are any
10 listeners who are just listening to the hearing and
11 not registered in advanced, but if they would like
12 to provide comments this morning. I'll give about
13 thirty seconds to a minute if anyone would like to
14 contact us in the chat box, and say they would like
15 to provide comments, we're happy to unmute you if
16 you'd like to provide some testimony this morning
17 during the hearing. We'll take about thirty
18 seconds.

19 And it looks like we have someone who
20 would like to provide comments. Derek, let me know
21 when you're ready, please.

22 MR. JAGIELA:

23 I can unmute Joan.

24 MS. GRIFFIN:

25 Okay.

1 And when you do speak, please give us
2 your full name, and your location, and if you're
3 providing comments on behalf of an organization.
4 We'd also appreciate it if you could email us your
5 contact information, so that way we'll have your
6 name, address, mailing address, and email address so
7 we could provide a response to you, please, and have
8 the full record.

9 Are we ready?

10 MR. JAGIELA:

11 Ms. Farb is unmuted, but I'm not
12 hearing anything.

13 MS. GRIFFIN:

14 Okay.

15 I will add, of course, if you are
16 unable to provide testimony today, we obviously, as
17 stated at the very beginning of the hearing during
18 the introductory statement, everyone may submit
19 written comments, and they are given the same weight
20 as testimony that's given at the public hearing
21 today when we finalize the rulemaking.

22 MR. JAGIELA:

23 Just give us one more moment.

24 MS. GRIFFIN:

25 Sure. No problem. Thank you, Derek.

1 MS. FARB:

2 Can you hear me now?

3 MS. GRIFFIN:

4 Yes, Ms. Farb, we can hear you.

5 MS. FARB:

6 Good.

7 My name is Joan Farb. I live in
8 Newtown in Bucks County, and I'm speaking as a
9 private citizen.

10 I want to say that I agree with
11 everything that's been said by the previous
12 speakers, and I live near the Warminster, Horsham
13 area, and they - the people that live there have
14 been affected by these PFAS that was from the - I
15 guess it was the fireman's foam that was used in
16 exercises by the Air Force.

17 I want to say also that definitely the
18 PFAS should be limited to one PPT but not exceed six
19 PPT, and together, they should be no greater than
20 five PPT. Ideally, they should be removed entirely.

21 There's been similar anecdotal evidence of the
22 effects, and also research has showed how dangerous
23 these forever-chemicals are.

24 And most important, I would not be at
25 these hearings, and writing public comments if the

1 Quality Board would take our Pennsylvania
2 Constitution seriously. Article 1, Section 27 for
3 the Pennsylvania Constitution states that people
4 have the right to clean air, pure water, and the
5 preservation of the natural, scenic, historic, and
6 aesthetic values of the environment. Pennsylvania's
7 public natural resources are the common property of
8 all the people, including generations yet to come.

9 For the state of these resources, the
10 Commonwealth should conserve and maintain them for
11 the benefit of all the people. Thus, please respect
12 our state constitution by not playing Russian
13 Roulette with our health.

14 Thank you.

15 MS. GRIFFIN:

16 Thank you for your comments, Joan.

17 Is there anyone else? I don't think I
18 saw another message, but anyone else who wanted to
19 provide comments today?

20 And again, if not, please feel free to
21 submit comments to us in the methods - by any of the
22 methods that we explained earlier in the hearing.

23 So I'm told that no one else is
24 expressing interest. No? With no other commenters
25 present, thank you for taking the time to provide

1 testimony this morning, and on behalf of the EQB, I
2 hereby adjourn this hearing at 09:55 A.M.

3 Thank you, everybody. Have a
4 wonderful day, and a great weekend.

5 * * * * *

6 HEARING CONCLUDED AT 09:55 A.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, hearing was held before Presenter Griffin, was reported by me on March 24, 2022 and that I, Cory Ruda, read this transcript and that I attest that this transcript is a true and accurate record of the proceeding.

Dated the 7 day of April, 2022



Court Reporter
Cory Ruda