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Presentation of the Safe Drinking Water PFAS MCL Final-Form Rulemaking before the Independent Regulatory Review Commission

November 17, 2022

Good morning. I'm Lisa Daniels, the Acting Deputy Secretary for the Office of Water Programs in the Pennsylvania Department of Environmental Protection (Department). With me are Dawn Hissner with the Bureau of Safe Drinking Water and Leda Lacomba, Bureau of Regulatory Counsel. Thank you for this opportunity to provide a statement on the Safe Drinking Water PFAS MCL final-form regulation.

Per- and polyfluoroalkyl substances (or PFAS) are a class of synthetic chemicals that have been in numerous products for decades, which has resulted in elevated levels of environmental pollution and exposure in some areas of Pennsylvania. PFAS are often called "forever chemicals" because they readily dissolve in water and are mobile, are highly persistent in the environment, and bioaccumulate in living organisms over time. PFAS are potentially linked to numerous adverse health effects, including high cholesterol, developmental effects including low birth weight, liver toxicity, decreased immune response, thyroid disease, kidney disease, ulcerative colitis and certain cancers, including testicular cancer and kidney cancer.

Section 4 of the Pennsylvania Safe Drinking Water Act grants the Environmental Quality Board (EQB) the authority to adopt rules and regulations governing the provision of drinking water to the public. The statute explicitly allows the Board to adopt standards for any contaminant that the United States Environmental Protection Agency (EPA) has not adopted a standard under the national primary drinking water regulations. This authority applies to public water systems. The Department does not have the authority to regulate private water sources.

This final-form regulation sets maximum contaminant levels, or MCLs, for two PFAS – PFOA and PFOS – to protect the residents of Pennsylvania from adverse developmental and immune system effects. Although the EPA has started the process of setting national standards for PFOA and PFOS in drinking water, that process will take years to complete. Originally, the EPA indicated their goal was to propose a federal rule in the fall of 2022 and finalize that rule in the fall of 2023. The EPA recently pushed back its timeline and now intends to propose the rule in spring of 2023 and finalize it by September 2024. However, under the federal Safe Drinking Water Act, any final rule would not be effective for an additional three years, in the fall of 2027. For that reason, setting the MCL standards and associated provisions in this regulation now for this Commonwealth is in the public interest to more proactively protect the health of residents of Pennsylvania.

In developing this regulation, the Department worked with experienced technical professionals, both within the Department and with the toxicologists, doctors, and professors that made up the Drexel University PFAS Advisory Group. The regulation is designed to improve public health

protection for residents of this Commonwealth based on scientific studies and data available at the time this final-form regulation was developed.

Safe drinking water is vital to maintaining healthy and sustainable communities. Proactively addressing PFOA and PFOS contamination in drinking water can reduce the incidence of illness and reduce health care costs. Proper investment in public water system infrastructure and operations helps ensure a continuous supply of safe drinking water, enables communities to plan and build future capacity for economic growth, and ensures their long-term sustainability.

Therefore, it is the Board's position that it is imperative to move forward now with this rulemaking to provide an increased measure of public health protection by lowering levels of PFOA and PFOS in drinking water provided to public water supply customers in Pennsylvania.

Thank you again for this opportunity. We will be happy to take any questions that you may have on this final-form rulemaking.