

January 12, 2018

Mr. Scott Pruitt, Administrator U.S. Environmental Protection Agency 1200 Pennsylvania Ave., NW Washington, DC 20460 Dr. Brenda Fitzgerald, Director Centers for Disease Control and Prevention and Administrator, ATSDR 1600 Clifton Road Atlanta, GA 30329-4027

Subject: State Drinking Water Program Recommendations to EPA and CDC on PFAS

Dear Administrator Pruitt and Director Fitzgerald:

The Association of State Drinking Water Administrators (ASDWA), which represents the 50 states, five territories, the Navajo Nation and the District of Columbia has serious concerns with the growing public health issues associated with Per- and Polyfluoroalkyl Substances (PFAS) in drinking water. ASDWA's members regulate and provide technical assistance and funding for the nation's 160,000 public water systems (PWS), and coordinate with multiple partners to ensure safe drinking water for our nation's 324 million residents.

ASDWA urges EPA and CDC to work in partnership with ASDWA and state drinking water programs, and with the Department of Defense (DoD) to address these growing public health concerns. Our primary recommendation is that a working committee be formed with ASDWA, EPA, CDC, and DoD leadership to work on the list of specific recommendations attached. Given the potential adverse public health implications from PFAS, ASDWA recommends that this group be established as soon as possible.

ASDWA's second urgent recommendation, following the development of a working committee of the pertinent agencies, is for the federal government to develop a unified message to the public and state regulators on what to do about PFAS, and to work in unison with other stakeholders, and in a timely manner, to minimize the potential adverse effects to public health and the environment from PFAS. Knowledge is continually evolving on a wide range of PFAS issues, and this new knowledge needs to be transferred to the public and state regulators in a coherent and cogent manner. Without this unified message and information, we're concerned that several sets of differing risk numbers will be communicated from each agency, which will cause confusion, delay, or worse, no action at all.

For example, three states (Minnesota, New Jersey, and Vermont) have proposed or established PFAS standards or guidelines that are lower than EPA's Health Advisories (HAs). These differences among states demonstrate the difficulty in calculating health risk goals and determining risk reductions without federal standards, and are creating public confusion about what levels of PFAS are safe in drinking water. In addition, EPA's FAQ document and HAs for PFOA and PFOS are unclear on PWS actions for susceptible populations which is causing some states to recommend that water systems issue "do not drink" public notices, while other states are interpreting EPA's HAs to recommend that water systems provide public notice without any explicit actions.

When EPA's 2016 HAs for PFOA and PFOS were combined with the occurrence data from the Third Unregulated Contaminant Monitoring Rule (UCMR3), state drinking water program administrators had to determine how to handle all the information on their own. The result has been some confusion on appropriate actions and a lack of consistent responses from state to state. As the number of PFAS

compounds and PFAS contaminated sites continues to grow, so will the complexity and urgency of this problem.

ASDWA and its members provide the enclosed table of recommendations for your respective agencies to implement to address our states' drinking water program challenges that are summarized below:

- Directly engage with states in the development of any new PFAS guidelines, health advisories (HAs), or minimum risk levels, and support current state efforts to ensure the ability of states to assess and address PFAS and the consistency of actions across states.
- Directly engage with states to develop guidance for PWS with clear recommendations to ensure
 more consistent response actions and protocols, explain the associated health risks with PFAS,
 and provide clear direction for consumers to reduce their risk from PFAS in drinking water and
 other identified pathways.
- Conduct more health effects research and develop consistent health effects determinations (risk levels) for known and unknown PFAS.
- Increase funding and support for non-targeted analyses of drinking water for PFAS and substitute compounds to ensure that any potential adverse impacts of new chemicals on groundwater and surface water are identified, and the associated health risks are understood.
- Develop rules or guidance to prevent PFAS from contaminating drinking water through other media (i.e., underground injection control, soil leaching, deposition from air emissions, and wastewater discharges).
- Directly engage with stakeholders and industry to assess and address the universe of known and unknown PFAS compounds that are being used and evaluate fire-fighting foam alternatives, to provide a knowledge base to state media programs for development of guidance and regulations, and to protect drinking water at the source.
- Consider bias and error in analytical methods and develop additional analytical methods for drinking water and other media, develop standards for branched and linear isomers, coordinate with lab vendors, develop guidance for standardization of lab results for PFAS analytes (i.e., acid form and/or different salt forms), and increase lab programs and capacity beyond UCMR3.

Resources for state drinking water programs that address PFAS contamination, in addition to traditional compliance oversight and enforcement for the Safe Drinking Water Act (SDWA) regulations, are already stretched thin. Your leadership in convening these agencies toward a unified solution and message is vitally and urgently needed. Thank you for your consideration of these recommendations. We look forward to discussing them in greater detail and to continue to coordinate with you on efforts to address PFAS in drinking water. If you have questions about these recommendations, please feel free to contact me at ldaniels@pa.gov or contact Alan Roberson, ASDWA's Executive Director at aroberson@asdwa.org.

Sincerely,

Lisa Daniels, ASDWA President and Director, Bureau of Safe Drinking Water Director, Pennsylvania Department of Environmental Protection

cc: Maureen Sullivan, DoD

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ASDWA	ASDWA Recommendations for EPA and CDC to Address State Drinking Water Program Challenges				
Topic	ASDWA RECOMMENDATIONS EPA AND CDC MUST DEVELOP AND SUPPORT:	Associated Challenges	Purpose		
States	Direct engagement with states to develop any new PFAS guidelines, health advisories, or standards	States have historically relied on EPA to develop standards and most states do not have the expertise to assess and address PFAS, though a few states have developed differing PFAS action levels	To ensure the ability of states to address PFAS and the consistency of actions across states		
	Considerations for PFAS as an unfunded mandate	PFAS has added a significant state burden beyond existing SDWA requirements	To ensure the ability of states to address PFAS		
PWSs	Direct engagement with states to develop PWS guidance with: • Clear recommendations and actions for pregnant women, infants, and other sensitive subpopulations (public notice versus "do not drink") • Health risk messaging, including other possible exposure routes and mitigation options	 There is a lack of federal leadership to ensure consistent state, PWS and public response actions and protocols and explain the associated health risks EPA's HA and FAQ documents are unclear on actions a PWS can take to help public consumers respond to health advisories 	 To ensure consistency between different federal and EPA programs To provide clarity for decision making processes and actions To reduce public confusion 		
Health Risks	 More health effects research on all PFAS compounds Consistency between EPA health advisory levels and CDC minimum risk levels (MRLs) 	 Different states have set different health advisory levels and standards due to differing opinions among federal and state toxicologists States are finding more PFAS compounds in source waters that may pose health risks 	 To avoid disparities and changes in future decision-making processes To alleviate confusion by states, PWSs, and the public 		
Research and Development	Increased funding and support for EPA's Office of Research and Development laboratories for nontargeted analyses of drinking water for PFAS and substitute compounds	 Only 20 to 30 of the thousands of PFAS compounds can be analyzed by commercial laboratories New substitutes for PFAS and associated breakdown products are not fully understood 	To ensure that the potential adverse impacts to groundwater and surface water from new chemicals are understood and that drinking water is protected		
Underground Injection Control	Specific guidance on under SDWA 40 CFR 144.12(a) on the authority to prohibit PFAS discharges into underground sources of drinking water that "may otherwise adversely affect the health of persons"	PFAS used in industrial and commercial settings are being discharged in large quantities to the groundwater via shallow subsurface systems under the Class V UIC program	To prevent the contamination of drinking water and the environment		

Topic	ASDWA RECOMMENDATIONS	Associated Challenges	Purpose
	EPA AND CDC MUST	1 100001110011 01111110111900	. u. pood
	DEVELOP AND SUPPORT:		
Soil Leaching	Guidance for bio-solids on	Biosolids containing PFAS can	To protect drinking
Standards	maximum PFAS concentrations that	contaminate drinking water in	water quality
	will protect drinking water	source water protection areas	, , , ,
Air Emissions	Assess the Clean Air Act for	Air emissions at sites in multiple	To protect drinking
	developing guidance or a rule	states have contaminated the	water quality
	aimed at preventing air emissions	public and private drinking water	, ,
	from contaminating drinking water	supplies of tens of thousands of	
	with PFAS	people	
Wastewater	Assess the Clean Water Act for	Wastewater discharges at sites in	To address PFAS
Discharges	developing guidance or a rule	multiple states have contaminated	compounds at the
	aimed at preventing wastewater	the public and private drinking	source and protect
	discharges from contaminating	water supplies of hundreds of	drinking water quality
	drinking water with PFAS	thousands of people	
Source Water	Convening a group of relevant	It is difficult to assess the fate	To proactively and
Protection/	stakeholders and industry to:	and transport and toxicity to	directly engage with
Source Control	• Include PFAS contents in product	human health and the	PFAS manufacturers and
	labeling	environment without knowing	sellers of PFAS products
	 Identify current use of PFAS and 	which PFAS and other substitute	to assess and address
	non-PFAS products that replaced	compounds are being used	the universe of PFAS
	legacy compounds	 Fire-fighting foam has 	compounds being used
	Evaluate fire-fighting foam and	contaminated the drinking	and protect drinking
	alternatives that will be less	water supplies of many PWSs	water
	likely to impact drinking water		
Laboratories and	Efforts to ensure that all future	Errors in lab results have led to	To ensure accurate
Sampling	HAs, guidance or standards	incorrect determinations for	results and associated
	explicitly include anticipated bias	health advisory level exceedances	state and PWS response
	and error in drinking water	and associated response actions	
	analytical methods		
	Additional PFAS analytical methods	It is difficult to determine the	To investigate and
	for drinking water, wastewater, and	source of PFAS and require	address PFAS
	other media	generators to limit discharges	compounds at the
			source
	Development of lab/standard grade		To clarify isomer
	PFAS standards that contain	include branched isomers for	identification and
	branched and linear isomers	some PFAS compounds	differentiation
	Coordination with manufactures to	Certified standards from different	To ensure consistency
	ensure standards are consistent	vendors differ by as much as 20%	among vendors
	from one vendor to another		
	Guidance for standardization of	Acid forms and/or different salt	To ensure accuracy,
	laboratory results	forms of PFAS analytes are	clarity, and consistency
		incorrectly listed and reported	of sample results
	Ongoing laboratory programs,	 Lab accreditation is not 	To ensure lab capacity
	capacity, and sampling efforts to	supported after the UCMR	to assess and address
	assess PFAS compounds at lower	 States are finding more PFAS 	the occurrence of all
	detection limits and in targeted	compounds in source waters at	PFAS compounds
	smaller communities not included	lower detection limits and in	beyond the UCMR3
	in UCMR3	smaller communities	