



July 20, 2018

Mr. Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Re: Docket No. EPA-HQ-OW-2018-0270, PFAS National Leadership Summit and Engagement

Dear Acting Administrator Wheeler:

The Association of State Drinking Water Administrators (ASDWA) represents the drinking water program administrators in the 50 states, five territories, the Navajo Nation and the District of Columbia. ASDWA's members regulate and provide technical assistance and funding for the nation's 150,000 public water systems (PWS) and coordinate with multiple partners to ensure safe drinking water for our nation's 326 million residents. ASDWA appreciates EPA's solicitation of comments through this docket following the EPA Leadership Summit, as we continue to have serious concerns with Per- and Polyfluoroalkyl Substances (PFAS) in drinking water.

On January 12, 2018, [ASDWA submitted a letter to EPA and CDC](#) that provided specific recommendations for addressing PFAS compounds in drinking water. Our comments today emphasize the continuing challenges and continuing need to address all our recommendations in the January letter (see table of recommendations enclosed at the end of these comments), and the need to do more to ensure the protection of public health from PFAS compounds through the provision of safe drinking water. ASDWA asks the Agency to review our January 12th letter in addition to considering these comments that reflect the ongoing evolution of knowledge on PFAS and the impacts to state drinking water programs.

ASDWA supports the commitments that EPA made at the National Leadership Summit in Washington, DC and at the Regional Summit in Exeter, New Hampshire to undertake the following activities:

1. Develop an EPA National PFAS Management Plan by the end of the year
2. Evaluate the need for an MCL for PFOA and PFOS
3. Address the status of PFOA and PFOS as "hazardous substances" under EPA's existing statutory authority such as CERCLA Section 102
4. Develop groundwater cleanup recommendations for PFOA and PFOS by fall 2018
5. Issue toxicity values for GenX and PFBS by fall 2018

State drinking water programs need EPA to take additional actions beyond the four actions listed above. ASDWA recommends that EPA:

- Work with CDC's Agency for Toxic Substances and Disease Registry (ATSDR) to:
 - Assess and determine if the current health advisory for PFOA and PFOS is still adequate, or if the numeric value of the health advisory level (HAL) needs to be revised or modified to include additional PFAS analytes based on the recently issued draft toxicological profiles issued by ATSDR for PFOA, PFOS, PFHxS, and PFNA.

- Develop and deliver a clear and consistent message that both agencies recognize and are supportive of EPA’s HALs and ATSDR’s minimum risk levels (MRLs), and that these levels are safe and appropriate for their specific application in different uses (e.g., the HALs for drinking water and the MRLs for exposure screening values).
 - Develop guidance for state drinking water programs, public water systems, and the public to interpret the HALs, MRLs, toxicity values, and reference doses.
- Clearly define its authorities, explain the state of the science, and provide specific timelines for completion of activities in the EPA National PFAS Management Plan. The plan should also include a detailed budget with financial and resource costs to develop and implement the Plan.
- Prioritize PFAS efforts that address multiple PFAS compounds holistically. ASDWA recommends that EPA consider focusing on groups of PFAS compounds, rather than one compound at a time. This includes all efforts to develop toxicity values, reference doses, HALs, or regulatory maximum contaminant levels (MCLs), as well as develop analytical methods (including one for total organic fluorine) and guidance on public water system actions and treatment, source control, and risk communication messaging. This effort could potentially be similar to the model that Massachusetts, Connecticut, and Vermont have used to set PFAS action levels and standards based on a combined total of five long-chain PFAS compounds (PFOA, PFOS, PFNA, PFHxS, PFHpA), rather than just PFOA and PFOS.
- Expand its focus beyond drinking water to reduce PFAS exposure through all EPA programs and media, as source protection and reduction of releases are critical activities that are broader than the Safe Drinking Water Act (SDWA). Work with other federal agencies to assess health threats and address exposure to PFAS from media such as air, consumer products and indoor dust. Develop analytical methods concurrently for other media to allow state regulatory programs to respond proactively to detections in drinking water above established HALs. PFAS can only be effectively addressed through a comprehensive regulatory approach, and tools and information are needed throughout EPA regulatory programs.
- Base its evaluation for developing a regulation for PFOA and PFOS on more than solely the results of the Third Unregulated Contaminant Monitoring Rule (UCMR3). UCMR3 data showed only 3% of all the systems sampled to be affected by PFAS. ASDWA believes that UCMR3 does not accurately portray the national extent of PFAS contamination. UCMR3 detection and reporting limits were relatively high (20-40 ppt) compared to levels of potential health concern today (5-10 ppt). Additionally, PFAS has been found at many more locations beyond where the UCMR3 required water systems to conduct monitoring. Many small groundwater systems that were not included in the UCMR3 have been found to be susceptible, particularly if they are near chemical manufacturing facilities, military bases, fire-fighting foam application, storage, and disposal sites, manufacturing sites of fire-retardant materials, landfills, and many other locations, including some sites affected by air deposition.
- Include PFAS compounds again in UCMR5, including sampling at lower detection limits (e.g., 5-10 ppt instead of 20-40 ppt for the six PFAS compounds on the UCMR3), and additional PFAS compounds where robust analytical methods are available, as well as including total organic fluorine for other classes of highly fluorinated compounds that are impacting water resources. However, as part of this recommendation, ASDWA emphasizes that:
 - UCMR5 monitoring will likely take place during 2022-2024. EPA should continue the process, rather than wait for UCMR5 data to become available, and move forward with

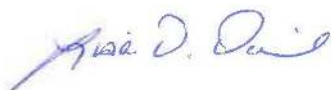
efforts to develop toxicity values, reference doses, HALs, and/or MCLs as soon as possible. The occurrence of these compounds in drinking water supplies precludes some states and water systems from waiting until that timeframe to act.

- This would also require reference concentrations to be made available for all UCMR PFAS so that if additional PFAS are detected, states will be able to make informed decisions about follow-up monitoring and actions.
 - The selection of the compounds and detection limits for UCMR5 should be made in consultation with state drinking water programs to prioritize the inclusion of these compounds in a manner that does not dominate the UCMR5 effort at the expense of missing the opportunity to gather data on other contaminants. A PFAS subset could be potentially based on: existing occurrence data, difficulty to treat, and/or chemical attributes such as short versus long chain (assuming an effort to chemically “group” such compounds is forthcoming).
- Require PFAS reporting under the Toxics Release Inventory Program for air and water to identify where even small amounts of PFAS are used and discharged to the environment. This would allow states to target specific areas and activities to assess and address PFAS in a more effective and efficient manner.
 - Prioritize efforts to determine if controls can be put in place to keep PFAS and other highly fluorinated compounds from entering commerce using the Toxic Substances Control Act (TSCA) and/or other federal authorities and undertake additional efforts to consider listing these compounds as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Lastly, ASDWA recommends that additional funding from Congress be allocated for EPA and states to address this increasingly burdensome national issue. Recognizing that EPA has no control over Congressional appropriations, EPA must continue to closely collaborate with state drinking water programs and regulated public water systems regarding the amount of funding and resources needed to assess and address PFAS, as priorities and state workplans may need to be adjusted. Currently, resources are being diverted from essential state core drinking water activities and from state and federal funding sources to address PFAS contamination. As a result, work in the core programs for other chronic and acute drinking water contaminants, such as lead and disinfection byproducts, will continue to decline, increasing the risk to public health. Resources for both EPA and state drinking water programs that address PFAS contamination, in addition to traditional compliance oversight and enforcement for SDWA regulations, are needed to protect public health.

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 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, Pennsylvania Department of Environmental Protection

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: <ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • To ensure consistency between different federal and EPA programs • To provide clarity for decision making processes and actions • To reduce public confusion
Health Risks	<ul style="list-style-type: none"> • More health effects research on all PFAS compounds • Consistency between EPA health advisory levels and CDC minimum risk levels (MRLs) 	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • 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 non-targeted analyses of drinking water for PFAS and substitute compounds	<ul style="list-style-type: none"> • 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 EPA AND CDC MUST DEVELOP AND SUPPORT:	Associated Challenges	Purpose
Soil Leaching Standards	Guidance for bio-solids on maximum PFAS concentrations that will protect drinking water	Biosolids containing PFAS can contaminate drinking water in source water protection areas	To protect drinking water quality
Air Emissions	Assess the Clean Air Act for developing guidance or a rule aimed at preventing air emissions from contaminating drinking water with PFAS	Air emissions at sites in multiple states have contaminated the public and private drinking water supplies of tens of thousands of people	To protect drinking water quality
Wastewater Discharges	Assess the Clean Water Act for developing guidance or a rule aimed at preventing wastewater discharges from contaminating drinking water with PFAS	Wastewater discharges at sites in multiple states have contaminated the public and private drinking water supplies of hundreds of thousands of people	To address PFAS compounds at the source and protect drinking water quality
Source Water Protection/ Source Control	<p>Convening a group of relevant stakeholders and industry to:</p> <ul style="list-style-type: none"> • Include PFAS contents in product labeling • Identify current use of PFAS and non-PFAS products that replaced legacy compounds • Evaluate fire-fighting foam and alternatives that will be less likely to impact drinking water 	<ul style="list-style-type: none"> • It is difficult to assess the fate and transport and toxicity to human health and the environment without knowing which PFAS and other substitute compounds are being used • Fire-fighting foam has contaminated the drinking water supplies of many PWSs 	To proactively and directly engage with PFAS manufacturers and sellers of PFAS products to assess and address the universe of PFAS compounds being used and protect drinking water
Laboratories and Sampling	Efforts to ensure that all future HAs, guidance or standards explicitly include anticipated bias and error in drinking water analytical methods	Errors in lab results have led to incorrect determinations for health advisory level exceedances and associated response actions	To ensure accurate results and associated state and PWS response
	Additional PFAS analytical methods for drinking water, wastewater, and other media	It is difficult to determine the source of PFAS and require generators to limit discharges	To investigate and address PFAS compounds at the source
	Development of lab/standard grade PFAS standards that contain branched and linear isomers	Available lab standards do not include branched isomers for some PFAS compounds	To clarify isomer identification and differentiation
	Coordination with manufactures to ensure standards are consistent from one vendor to another	Certified standards from different vendors differ by as much as 20%	To ensure consistency among vendors
	Guidance for standardization of laboratory results	Acid forms and/or different salt forms of PFAS analytes are incorrectly listed and reported	To ensure accuracy, clarity, and consistency of sample results
	Ongoing laboratory programs, capacity, and sampling efforts to assess PFAS compounds at lower detection limits and in targeted smaller communities not included in UCMR3	<ul style="list-style-type: none"> • Lab accreditation is not supported after the UCMR • States are finding more PFAS compounds in source waters at lower detection limits and in smaller communities 	To ensure lab capacity to assess and address the occurrence of all PFAS compounds beyond the UCMR3