



July 6, 2022

Mr. Michael S. Regan, Administrator
Environmental Protection Agency
Office of the Administrator
Mail Code 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: Health Advisories for Per- and Polyfluoroalkyl Substances (PFAS)

Dear Administrator Regan:

Our associations are writing to express our confusion, concern, frustration, and need for more direct support regarding the Environmental Protection Agency's (EPA) June 15, 2022, release of updated Health Advisories (HA) for four Per- and Polyfluoroalkyl Substances (PFAS) compounds.

Every day our members—public water system professionals—are on the front lines of protecting public health by working around the clock to provide a safe supply of drinking water to their customers; it is a responsibility they take very seriously. Public Water Systems (PWS) have a critical public health role, and as such, are among the most regulated entities in the country. While we are wholly supportive of measures to further protect public health of water consumers, EPA's release of the updated HAs, while acknowledging that there are no current analytical methods to even detect the compounds at the levels set, is extremely premature. The interim advisories for Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonic Acid (PFOS) have put water systems in the untenable position of having no acceptable way to answer customers' questions about the levels that may be in their drinking water, even if previous results were non-detect. This uncertainty has the potential to erode the trust necessary for consumers to have confidence in the quality and safety of their tap water and their water provider.

The release of interim health advisory levels, as EPA continues working on National Primary Drinking Water Regulations (NPDWR) and before the Science Advisory Board has finalized their review for these two compounds, again, is premature, especially with limited information available to successfully and satisfactorily answer consumer's questions and concerns. We understand there is intense public pressure for EPA to quickly regulate these compounds; however, there are significant implications to PWS, their customers, and private well owners EPA has not adequately considered. EPA states that these are non-enforceable, non-regulatory actions. Regrettably, experience informs us that the public's take-away will be that their water is essentially toxic at levels of parts per quadrillion—levels that cannot be detected by current analytical methods. It is extremely difficult to explain what such minute levels actually mean to the general public.

In addition, there are no alternatives that can be offered to the public that can assure them their water (or any liquid they ingest) is safe, as parts per quadrillion cannot yet be detected by current analytical methods. EPA's suggestion that filters can lower risk does not appease people; they want to know how to eliminate risk. The reference resources made available on EPA's website are lacking in substantive or concrete explanations that will ease the public's fears. Suggesting treatment (i.e., filters), is not helpful, and provides potentially inaccurate guidance when a standard to measure their effectiveness does not exist.

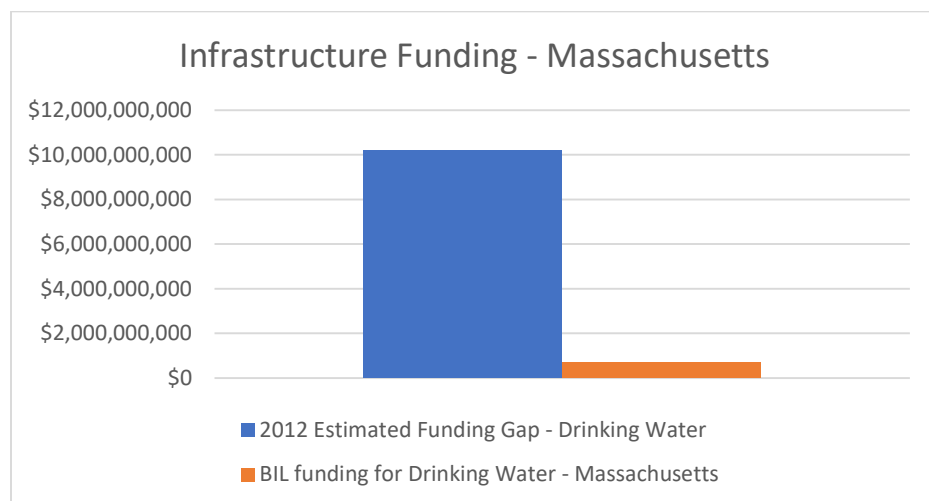
EPA acknowledges that the NPDWR process must consider factors of feasibility and cost, which if done appropriately will result in different MCLs. How does the public reconcile higher MCLs when messaging states that adverse health outcomes are possible at parts per quadrillion? These are nuances which likely won't be accepted by the public.

And while appreciated and desperately needed, EPA's announcement of \$1 billion in funding this year to address PFAS contamination barely scrapes the surface of actual needs before the announcement of the updated HAs. Certainly, EPA must realize that PFAS treatment across the nation will well-exceed the allotted funding. Even the total allotment of \$5 billion of federal funding planned over the next 5 years will not be sufficient to cover costs. Initial capital investments are only one part of the equation when considering life-cycle costs. While we have no way to judge treatment effectiveness to parts per quadrillion, the ongoing operations and maintenance costs will be significant. Media regeneration and disposal will introduce their own challenges to ensure spent media does not contribute more PFAS to the waste stream. It is critical that EPA take all these issues—from treatment to waste disposal—into consideration during the NPDWR process.

To illustrate our point regarding the insufficiency of the funding, we will point to the Commonwealth of Massachusetts as an example, where a drinking water Maximum Contaminant Level has been in place since 2020. Massachusetts' MCL is 20 ppt for six PFAS compounds. Since testing is already required, we have a good sense of

detections based on current analytical methods. There are 133 PWS (as of 4/28/22) who exceed the MCL and are currently working on solutions to come into compliance. We understand there are another 160 PWS who have detections that are between 0-20 ppt. In the brief time since adoption, the Massachusetts Clean Water Trust has already committed \$105 million for zero percent loans to fund 19 PFAS projects. The Intended Use Plan for 2022 contains another \$149 million in tentative commitments for 14 water treatment construction projects that have a PFAS remediation component (those PWS need to obtain local approval to move forward for the loan). That is \$254 million dollars for only 33 capital projects in a single state. Those with treatment already installed in Massachusetts are incurring significant costs for additional sampling to ensure treatment effectiveness, as well as determine media replacement schedules. While there may be a small amount of loan forgiveness afforded to disadvantaged communities for the capital investments, for the most part these loans and increased operating expenses will fall on the backs of the customers/ratepayers.

We would also be remiss if we did not point out that PFAS is only one of many pressing public health issues water utilities are grappling with. The focus on Lead Service Line Removal has also been identified as a priority. At the same time, more utilities are challenged with climate change-attributed exceedances of disinfection byproducts. While the funding over the next 5 years through the Bipartisan Infrastructure Law (BIL) is welcomed assistance, it will not come close to helping water systems close the infrastructure funding gap. Again, we point to Massachusetts as an example. In 2012, the Massachusetts Water Infrastructure Finance Commission released a report citing a \$10.2 billion gap between available funding and improvement needs for drinking water infrastructure. This estimate did not even contemplate the latest regulatory requirements related to the Revised Lead & Copper Rule or PFAS. Massachusetts' share of BIL funding for the Drinking Water State Revolving Loan fund over the 5 years is \$714,471,375. This number is not even close to addressing the estimated gap, nor the current challenges our water systems face.



The Biden Administration prides itself on its strategic roadmap leading to a whole-of-government approach to addressing PFAS contamination. As public health professionals, we would suggest that more meaningful public health measures could be achieved by fixing the broken chemical manufacturing and processing systems that allow chemicals such as these to be used, and by eliminating PFAS in consumer products and food. In determining the HAs it is assumed that 20 percent of a person's PFAS exposure is through ingestion of drinking water, while 80 percent is through other exposures. We believe more could be accomplished to protect public health by controlling more significant exposures in a number of areas. If the Biden Administration is serious about addressing PFAS exposure, EPA, the Food & Drug Administration, and the Consumer Product Safety Commission need to work together to prevent these compounds from being introduced into consumer goods and food. The American public would be better served if the Biden Administration's primary focus was source control measures to prevent further contamination and exposure to PFAS chemicals, rather than putting the onus on PWS to remediate drinking water to a level which may have less of a benefit than addressing the other 80% of exposures.

In conclusion, we request the following action items:

- EPA quickly works with public health officials on the proper risk communication messaging needed to put these HAs in perspective and to give water systems more appropriate talking points so they can effectively communicate real and relatable risks to their customers.
- EPA immediately focuses on fixing the chemical registration system so compounds such as these are not introduced into commerce.
- EPA works closely with drinking water organizations as you move forward with the rulemaking process—as dictated by the Safe Drinking Water Act—to produce draft MCLs for PFOA and PFOS so that our profession can help craft MCLs that are protective of public health, can be practically implemented, and are achievable.

Sincerely,

Green Mountain Water Environment Association – gmwea.org

Maine Water Utilities Association – mwua.org

Massachusetts Water Works Association, Inc. – masswaterworks.org

New England Water Works Association, Inc. – newwa.org

New Hampshire Water Works Association – nhwwa.org

Rhode Island Water Works Association – riwwa.net