



TALKING POINTS for PA PFAS proposed rulemaking for PFOA and PFOS Safe Drinking Water Standards and background references

Read Pennsylvania's proposed rulemaking here: <https://bit.ly/3wbNELW>

Summary of Issues

What is being proposed and what do we want?

EQB Proposal: The rulemaking proposes an MCL of 14 parts per trillion (ppt) for PFOA and 18 ppt for PFOS.

Our proposal: The proposed MCL standards for PFOA (14ppt) and PFOS (18ppt) are not strict enough to protect young children. The PFOA MCL should be 1 ppt but not to exceed 6 ppt and the PFOS MCL should be no greater than 5 ppt. When PFOA and PFOS are found combined in water, their combined concentration in water supplies should be no higher than 13 ng/L. Because PFOA and PFOS are linked to developmental effects, they should be removed to as low a level as possible. In fact, removing PFAS completely from our water is the safest way to go. Requiring treatment to the low single digit levels we are proposing can be expected to get us there.

Additionally, the "MCL Goals" (MCLGs) recommended by the toxicology report performed by Drexel University for Pennsylvania Department of Environmental Protection (DEP) were 8 ppt for PFOA and 14 ppt for PFOS, based on their independent study. DEP relaxed these standards to 14 ppt for PFOA and 18 ppt for PFOS, rationalizing that cost must be a considered factor. In the proposed rulemaking, EQB recognizes the adverse health effects of people being exposed to PFOA and PFOS in their drinking water and the benefits of protection afforded by treating drinking water to comply with MCLs. To fulfill its statutory and constitutional responsibility to provide clean drinking water, MCLs must be protective of Pennsylvanian's health, first and foremost, and should be based on lifetime health effects that are arrived at based on science, not estimated financial considerations.

EQB Proposal: "Initial compliance monitoring for community and nontransient noncommunity water systems serving a population of greater than 350 persons begins January 1, 2024; initial monitoring for community and nontransient noncommunity systems serving a population of less than or equal to 350 persons begins January 1, 2025." That means that it will be another two to 3 years before verified clean drinking water is required from public water system taps.

Our proposal: The proposed implementation is inexcusably slow. There is no justification for this bureaucratic process to be delayed for 2 to 3 years when all the tools are at hand to implement the MCLs right away. There are systems in Pennsylvania already using technology that removes

PFOA and PFOS from drinking water supplies, EPA has approved lab testing methods, and companies are ready to install treatment systems. Under the proposed schedule, people will continue to drink water that may contain PFAS without even knowing it, exposing the public to compounds that could be harming their and their families' health. Compliance monitoring should begin when the final rulemaking is adopted. The need for clean water is urgent!

PFOA and PFOS are highly toxic in tiny doses, build up in the human body, are difficult to excrete, and are linked to serious adverse health conditions, including cancers. The health effects of PFOA and PFOS are documented in the proposed rulemaking, verified by health studies and data, and thoroughly analyzed in scientific literature. These compounds should have been removed from drinking water years ago; further delay by the Commonwealth is an abrogation of its duties.

EQB Proposal: MCLs are being proposed only for PFOA and PFOS.

Our proposal: MCLs should be proposed for more PFAS compounds, at least including all 8 of the PFAS compounds for which PADEP has sampled and found in the state's environment. If the full list of PFAS found in Pennsylvania is not included in the rulemaking process, at the very least DEP should include the PFAS that the Drexel PFAS Advisory Group (DPAG) assessed in their analysis and report. That includes PFNA, PFHxS, PFHpA, PFBS, and GenX (HFPO-DA). The risk assessment has been done by DPAG and MCLGs were recommended. These PFAS compounds have known health effects, do not belong in our water, and should be removed from our drinking water.

EQB Proposal: The MCL rulemaking applies only to Public Water Systems, excluding private water wells.

Our Proposal: The rulemaking leaves about one third of Pennsylvanians out of the program. It should be amended to include all private water users in order to be fair. About 3.5 million people get their water from private wells and an unknown additional number use springs or other types of water sources that are not connected to public systems. These water users are just as vulnerable to PFAS water contamination because of how easily PFAS spreads and how ubiquitous these compounds are in our environment. As evidence that individual private wells are at risk of PFAS contamination, the PFAS Pilot Health Study ("PEATT Study") in Bucks and Montgomery Counties reported that people with private wells had higher levels of PFAS in their blood than those on public water supplies. All Pennsylvanians have the right to safe, clean water.

EQB Proposal: The rulemaking proposes to phase in the monitoring for larger and smaller systems over a two-year period. Customers of smaller systems will have to wait another year to find out if they are drinking water that contains PFOA and PFOS. Regarding frequency of sampling, EQB proposes to allow systems with no initial detections of PFOA or PFOS to reduce monitoring to every 3 years. For systems with detections above the MCLs, DEP proposes quarterly sampling until the level is reduced below the MCL, then annual monitoring may be allowed. DEP proposes that systems with no detections will automatically reduce their sampling to every three years. DEP proposes that waivers to reduce from annual to triennial monitoring can be allowed for systems with previous detections below the MCL.

Our Proposal: All systems included in the rulemaking should be required to start sampling immediately. No waivers should be allowed. Regarding frequency of sampling, sampling should be required annually for all systems except those that have detections. Those systems should

sample quarterly if the detection was below the MCL and monthly if the detection exceeded the MCL until the contamination is fully abated for a sustained period.

Sampling is crucial to protect public health. PFOA and PFOS are highly mobile in water and persistent in the environment. They can migrate from a source of contamination unpredictably and rapidly, especially dangerous if the source has not been identified. Whether detected during the initial period or not, monitoring is a prudent investment in protection of the public's health. Allowing systems to monitor only every 3 years or to reduce monitoring as proposed based certain sample results is irresponsible because the contamination can spread into a water supply and people could drink it for a period of time, as long as 3 years, without knowing it, based on the proposed rule. The toxicity, bioaccumulation and persistence of these compounds require rigorous and continual monitoring to achieve protective early detection.

References for more details:

Health threats of PFOA and PFOS:

Perfluorooctanoic Acid (PFOA) linked to:

Kidney Cancer, Testicular Cancer, Thyroid Disease, High Cholesterol, Pregnancy-Induced Hypertension, Ulcerative Colitis (<http://www.c8sciencepanel.org/newsletter10.html>)

Low infant birth weight; immune system; decreased vaccine response

(<https://www.epa.gov/pfas/basic-information-pfas>) PNAS,

<https://www.pnas.org/doi/10.1073/pnas.2105018118>)

Perfluorooctane sulfonic acid (PFOS) health effects:

Hepatic, endocrine, developmental, immune system toxicity, and hepatocellular and thyroid tumors. Developmental effects/delays were for the fetus and infants (<https://bit.ly/3ldqGpX>).

Reduced antibody response to vaccines, considered to be an

“immunehazard” (https://ntp.niehs.nih.gov/ntp/ohat/pfoa_pfos/pfoa_pfosmonograph_508.pdf and

<https://www.atsdr.cdc.gov/pfas/health-effects/index.html>)

Remember – pure water is your constitutional right under the Pennsylvania Constitution Article 1 Section 27: Article I Section 27 of the Pennsylvania constitution states: “The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.”

<https://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/00/00.HTM>

More scientific reports and resources:

Delaware Riverkeeper Network comments on PFOA and PFOS MCLs proposed by NJDEP, with Cambridge Environmental Consulting Report on PFOA: <https://bit.ly/2VuRnyZ> and on PFOS:

<https://bit.ly/2C9NMOt>

Landmark paper on PFAS: Gloria B. Post, Judith B. Louis, R. Lee Lippincott, and Nicholas A. Procopio, *Environmental Science & Technology* 2013, 47, 23, 13266-13275 (Article), Publication

Date (Web):November 4, 2013DOI: 10.1021/es402884x.

<https://pubs.acs.org/author/Post%2C+Gloria+B>

Dr. Gloria Post’s published paper on what actions states are taking concerning PFAS: “Recent US State and Federal Drinking Water Guidelines for Per- and Polyfluoroalkyl Substances”

<https://setac.onlinelibrary.wiley.com/doi/10.1002/etc.4863>

Results of health studies in the mid-Ohio Valley of PFOA exposure from DuPont’s Washington Works plant in Parkersburg, West Virginia.: <http://www.c8sciencepanel.org/>

Review of evidence of PFOA effects on the fetus: Paula I. Johnson, et. al., “The Navigation Guide—Evidence-Based Medicine Meets Environmental Health: Systematic Review of Human Evidence for PFOA Effects on Fetal Growth”, 2014.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4181929/pdf/ehp.1307893.pdf>

Gloria B. Post, Jessie A. Gleason, Keith R. Cooper, “Key scientific issues in developing drinking water guidelines for perfluoroalkyl acids: Contaminants of emerging concern”, PLOS, December 20, 2017. <https://doi.org/10.1371/journal.pbio.2002855>

Carolyn Beans, “How “forever chemicals” might impair the immune system”, April 8, 2021 | 118 (15) e2105018118 | <https://doi.org/10.1073/pnas.2105018118>.

PA Fish Consumption Advisory, includes PFAS: <https://bit.ly/3wce6oJ>

PA’s Neshaminy Creek Fish Consumption “Do Not Eat” Advisory for PFAS: <https://bit.ly/3MYa4pM>

EPA 2010/2015 Stewardship Program Fact Sheet: <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/fact-sheet-20102015-pfoa-stewardship-program>

States with MCLs PFAS – review: Bryan Cave Leighton Paisner (BCLP), “State-by-State Regulation of PFAS Substances in Drinking Water”, January 22, 2021.

<https://www.bclplaw.com/en-US/insights/state-by-state-regulation-of-pfas-substances-in-drinking-water.html>

Why isn’t EPA PFOA/PFOS 70ppt Health Advisory Level (HAL) protective of human health? See New Jersey Drinking Water Quality Institute’s health effects report:

<https://www.state.nj.us/dep/watersupply/pdf/pfoa-recommend.pdf>

PA PFAS Multi-Site Health Study Bucks and Montgomery Counties: <https://papfas.rti.org/>

PEATT Pilot Project Final Report, Bucks and Montgomery Counties: <https://bit.ly/3qcySkb>

Environmental Working Group (good consumer product/science resource): <https://www.ewg.org/>

Rob Bilott, “Exposure”, documenting the contamination of communities and water supplies by DuPont: <https://www.simonandschuster.com/books/Exposure/Robert-Bilott/9781501172823>

“Dark Waters” 2019 major motion picture based on “Exposure” by Attorney Rob Bilott, starring Mark Ruffalo: see [https://en.wikipedia.org/wiki/Dark_Waters_\(2019_film\)](https://en.wikipedia.org/wiki/Dark_Waters_(2019_film)).

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