

April 4, 2019

Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Federal Building
Mail Code: 1101A
1200 Pennsylvania Avenue N.W.
Washington, DC 20460

Dear Administrator Wheeler,

We appreciate the U.S. Environmental Protection Agency's (EPA's) development of its Per-and Polyfluoroalkyl Substances (PFAS) Action Plan in response to the feedback EPA received during the May 2018 PFAS National Leadership Summit and other public engagements. The Action Plan demonstrates EPA's acknowledgment of the several challenges States, Interstates and Territories (States) are facing related to PFAS.

On behalf of the undersigned Associations representing State environmental programs, we offer the following comments to EPA:

- The Action Plan does not recognize that there are many more PFAS chemicals potentially impacting human health and the environment, not just PFOA and PFOS. We encourage EPA to go beyond PFOA and PFOS and beyond drinking water, and consider setting contaminant levels for other PFAS in various media.
- The Action Plan should focus on keeping PFAS out of the environment through the Toxic Substances Control Act (TSCA) and other regulatory means, and not rely solely on treatment to solve these problems. Banning production and import of products containing PFAS is critical to addressing the problem. A good first step would include identifying safer alternatives to PFAS use in specific products.
- The Action Plan needs more timelines and deadlines across the board. To the greatest extent possible, EPA should commence the work required for developing a Safe Drinking Water Act (SDWA) Maximum Contaminant Level (MCL) for PFOA and PFOS while completing the regulatory determination rather than taking those steps sequentially. This is a critical step for impacted communities' access to financial resources for costly mitigation and cleanup.
- Develop appropriate measures for the entire class of PFAS chemicals, not just PFOA and PFOS, to protect health and the environment. EPA drinking water Method 537.1 tests for 18 PFAS in drinking water, but there are nearly 5,000 chemicals in the class.
- Some States are already implementing or are in the process of developing regulatory standards for all media in the absence of enforceable federal standards. Other States cannot adopt standards more stringent than the

federal standard. We encourage EPA to use States as a guide and work with the States in a timely manner to establish standards for PFAS that are scientifically defensible and provide adequate flexibility for States to address the unique circumstances of their States.

- As stated on pages 25 and 34 of the Action Plan, there is a critical need to increase the number of certified labs across the country to analyze the anticipated large number of samples and data collected. We believe that EPA can lead in coordination with States and other Federal Agencies.
- The Action Plan states that the regulatory development process to list PFOA and PFOS as CERCLA “hazardous substances” is underway. We support this effort and encourage EPA to complete it as expeditiously as possible. In addition to its efforts to list PFAS as hazardous substances under CERCLA, EPA in its Action Plan should consider whether wastes containing PFAS should be hazardous wastes under RCRA. As efforts to remove PFOA and PFOS from the environment continue, wastes containing PFAS from water and wastewater treatment, site clean-up, on-going industrial processes and landfill leachate will continue to be generated and managed.
- The Action Plan states that EPA is developing Groundwater Cleanup Recommendations for PFOA and PFOS. These recommendations are currently under EO 12866 Regulatory Review, but the Action Plan does not provide the opportunity for State review. The opportunity for State review of the guidance is critical as they will impact CERCLA and RCRA federal facility cleanups and corrective action, as well as approved State RCRA corrective action programs.
- We appreciate that “characterizing potential ecological impacts and risks [of PFAS] are important areas of work for the EPA.” However, the Action Plan does not include key actions, such as developing an analytical method to measure PFAS in surface water or in wastewater.

Similarly, a water quality standard for surface waters needs to be developed. Surface water quality standards form the basis of any further Clean Water Act (CWA) regulation and needs to be addressed simultaneously with the Agency’s other efforts. Many States require 40 CFR Part 136 methods to monitor for pollutants in their surface waters.

Additionally, the timeline for addressing PFAS in wastewater discharge needs to be expedited. PFAS will continue to be a problem for drinking water entities that have intakes on surface water bodies that also receive wastewater discharges and will potentially have public health and ecological impacts if States cannot limit the discharge of PFAS before 2021.

- The Action Plan does not include research on treatment technologies to remove these chemicals from surface water. Research and guidance on the efficacy, capital costs and long-term operation and maintenance costs of treatment technologies is also necessary to support States as they confront these chemicals.

ECOS, in coordination with the other State media associations, conducted an assessment of State efforts on PFAS, and the Interstate Technology and Regulatory Council (ITRC) has compiled a table of State standards, as well as fact sheets and other [guidance documents](#). We encourage EPA to use these and other available resources and not duplicate efforts as it works to accomplish the tasks set forth in its Action Plan.

We look forward to continuing to work with EPA on this very important national issue. Should you have questions regarding this letter, please contact any of the signatories listed below.

Sincerely,



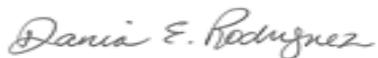
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