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New Jersey Proposes Safe Drinking Water Standards for PFOA and PFOS
Other Comprehensive Regulatory Measures Proposed
Hundreds of thousands of New Jerseyans Effected; Public Participation Sought

Trenton, NJ – Today New Jersey officially proposed safe drinking water standards, also called maximum contaminant levels (MCLs), for two toxic chemicals Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS) and proposed a comprehensive regulatory package, including listing them as hazardous substances. PFOA and PFOS are the two most prevalent of the poly- and perfluoroalkyl substances (PFAS) that are plaguing New Jersey and the nation as a result of pollution releases primarily by manufacturing companies and by the military in firefighting foam. The highly toxic contaminants are being found in drinking water, ground and surface water, air, soil, sediment, plants and fish across New Jersey. Most drinking water systems in the state that have been tested are found to contain PFOA and PFOS, potentially impacting millions of New Jerseyans.

The comprehensive regulatory package, found at <https://www.nj.gov/dep/rules/notices.html> includes:

- Discharges of Petroleum and Other Hazardous Substances Rules, N.J.A.C. 7:1E
- Ground Water Quality Standards, N.J.A.C. 7:9C
- Private Well Testing Act Rules, N.J.A.C. 7:9E
- Safe Drinking Water Act Rules, N.J.A.C. 7:10
- New Jersey Pollutant Discharge Elimination System Rules, N.J.A.C. 7:14A

“PFOA and PFOS are threatening New Jersey’s population through the water we drink every day and has escaped into the environment at levels that have created not only a statewide but a national crisis. New Jersey has taken the most comprehensive action to date to protect the public by establishing strict MCLs that require their removal from drinking water and try to reign in these highly toxic compounds through regulations that include: treating them as hazardous substances; regulating discharges; provide funding for remediation; and require cleanup of

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pollution sources. After years of scientific study and delay, in the face of a lethargic federal response, these actions are critical to the health of New Jerseyans and our ecosystems,” said Tracy Carluccio, Deputy Director, Delaware Riverkeeper Network.

Delaware Riverkeeper Network submitted comment to the DWQI for stricter standards for PFOA and PFOS than those being proposed today by NJDEP. Based on the need for greater protection for the fetus, infants and children, the independent toxicologist commissioned by DRN recommended a PFOA MCL of 1 ppt, or no higher than 6 ppt instead of 14 ppt, and a PFOS MCL of 5 ppt instead of 13 ppt. However, New Jersey’s standards are far more protective than the U.S. Environmental Protection Agency Health Advisory Level of 70 ppt for PFOA/PFOS and is in line with Agency for Toxic Substances and Disease Registry (ATSDR) minimum risk levels, which translate to about 22ppt for PFOA and 14ppt for PFOS. New Jersey’s standards are among the strictest in the nation.

The comment period for the proposed regulations is open to May 31, 2019 with a public hearing on May 15 at NJDEP Headquarters in Trenton. Comments can be submitted here: <http://www.nj.gov/dep/rules/comments>. Public participation in the proposals will provide critically needed public support for this groundbreaking regulatory package.

BACKGROUND:

Rigorous research by the NJ Drinking Water Quality Institute (DWQI) resulted in the recommendation of Maximum Contaminant Levels (MCLs) for Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS), the toxic PFAS compounds that have gripped the nation because of their prevalence and high concentrations in drinking water, released by manufacturing and the use of firefighting foam by the military at hundreds of Department of Defense facilities across the country, including the Joint Base McGuire-Dix-Lakehurst and Earle Naval Air Station. Scientists at the Drinking Water Quality Institute and New Jersey’s Division of Science are nationally recognized for their outstanding work on PFAS. PFAS compounds are linked to serious diseases and dangerous health conditions, including cancers.

Perfluorinated compounds (PFC) surfaced as a contamination problem in New Jersey in 2005 when tap water samples taken by Delaware Riverkeeper Network in the neighborhoods close to DuPont’s Chambers Works facility in Deepwater, New Jersey on the Delaware River revealed PFOA. We notified the residents and filed the information with NJDEP, setting off alarm bells. NJDEP subsequently investigated the occurrence of perfluorinated compounds throughout the state and issued a guidance level of .04 ppb (40 ppt or ng/L) for PFOA in 2007.

Unfortunately, the DWQI was shut down by the Christie Administration in 2010, just as the Institute was going to release its recommendation for an MCL for PFOA. After an exposé by Delaware Riverkeeper Network of the dangerously high concentrations of another PFC, which is highly toxic at very low doses, perfluorononanoic acid (PFNA), in drinking water in the region around Solvay Specialty Polymers, a plastics manufacturer in West Deptford, NJ, the Institute was finally reconvened in April 2014 due to public and municipal government outcry.

In 2018, New Jersey Department of Environmental Protection adopted a MCL of 13 ppt for PFNA, one of the most toxic PFCs, as recommended by the DWQI. This was the first MCL for a PFAS to be adopted by any state, especially important considering the lack of action and inadequate advisory level for PFOA and PFOS developed by the U.S. Environmental Protection Agency (EPA). Work began by the DWQI to develop a recommendation for PFOA and PFOS after the DWQI recommendation for PFNA.

In March 2017, DWQI recommended an MCL for PFOA of 14 ppt. In November 2017, DWQI recommended an MCL for PFOS of 13 ppt.

The scientific studies on PFOA and PFOS make it very clear that low levels of exposure build up in the blood over time because the compound is not broken down by the body and takes years to excrete. That means that even very low drinking water exposure increases blood levels over the levels found in the general population, risking disease and adverse health effects. Because the compounds do not biodegrade in the environment, they are often called “forever chemicals” and persist as pollutants, spreading through groundwater and other media even though they have been phased out by major U.S. manufacturers. These proposed regulatory actions by New Jersey, based on up-to-date science and sound public policy, lead the nation in this national water crisis and are essential to protect people and ecosystems.

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