



Delaware Riverkeeper Network Statement Regarding USEPA's PFOA/PFOS Action Plan February 14, 2019

EPA did not decide today to adopt MCLs for PFOA and PFOS. It is wrong and unacceptable that EPA is procrastinating this urgently needed action. EPA can't escape their responsibilities by putting off their determination to tomorrow. The science is fully developed, the risks and harm from these highly toxic compounds is continuing at peoples' water faucets across the nation, and there is simply no reasonable excuse for EPA not to act immediately. This action by EPA cedes action for setting safe drinking water standards to the states to provide protection of the public's health.

The U.S. Environmental Protection Agency's announced plan regarding regulation of Perfluorooctanoic acid (PFOA) and Perfluorooctane sulfonate (PFOS) leaves the public and state regulators without the protection of federal mandatory safe drinking water standards for any PFAS compound. Acting Administrator Andrew Wheeler said they were considering regulating 2 compounds found most abundantly nationwide and in Pennsylvania and New Jersey, PFOA and PFOS, by proposing a regulatory determination, a study process that could result in a decision to eventually move ahead with maximum contaminant levels (MCLs), or a decision could be made not to regulate under the federal Safe Drinking Water Act after the determination process is completed. EPA has not set a new MCL for any contaminant since 1996. Essentially, EPA announced they are going to study further whether or not they will consider setting federal MCLs, a "plan" that lacks any sense of urgency and offers no timely relief to people exposed to these highly toxic compounds in their water.

Decades have passed since EPA began looking at these contaminants, which begs the question why they need more time to decide on MCLs. In-depth scientific research and conclusions have been completed using EPA's risk assessment protocol and other established

study processes, by well-regarded scientists throughout the nation, including experts at New Jersey's Drinking Water Quality Institute and other state agencies, carrying out their responsibilities under states' Safe Drinking Water Acts.

EPA also announced they will be repeating UCMR sampling by water suppliers across the country, using a lower reporting level. The problem of EPA's use of a too-high reporting level in the 2013-2015 UCMR3 sampling was not due to lack of available laboratory expertise, which, despite claims to the contrary, did exist at the time. It appears that EPA admits they didn't do the thorough job they should have at the time and is announcing a do-over. Because the UCMR sampling is every five years, the do-over won't get done until the 2023-2025 cycle. Again, a lack of urgency, delaying immediately needed sampling for many years and no provision for a funding source to pay for the sampling.

The listing of PFOA and PFOS as a Hazardous Substance under the Superfund law and the setting on interim groundwater cleanup standards are good steps that must be carried out immediately to influence how contaminated sites are remediated and possibly provide some funding. No date except for "soon" was given by EPA regarding when the groundwater standards would be adopted. The key will be what the groundwater standard will be. If it is only the current EPA Health Advisory Level (HAL), clean ups will not be done thoroughly and much contamination will be left where it now is already an enormous problem.

Contamination of drinking water and the environment from PFOA and PFOS, caused by the release of these chemical compounds from firefighting foams, manufacturing and disposal in Pennsylvania and New Jersey ranks among the worst contamination by PFOA and PFOS in the nation. Many residents may have been exposed to elevated levels for decades, risking the development of diseases linked to PFOA and PFOS, including Kidney Cancer, Testicular Cancer, Thyroid Disease, High Cholesterol, Pregnancy-Induced Hypertension/Preeclampsia, and Ulcerative Colitis. Even tiny concentrations of the chemical compounds in drinking water pose danger, especially for the fetus, infants and young children.

It is up to the states to take the lead and establish safe drinking water standards for these dangerous compounds. This should have been done yesterday and can't wait to be done tomorrow. While EPA is considering what to do about urgently needed MCLs for PFOA and PFOS, state government must forge ahead to protect the public by requiring the removal of these compounds immediately.

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