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Press Statement

Pennsylvania Proposes Toxic “Forever Chemical” Removal from Drinking Water *PA Environmental Quality Board approved proposed rulemaking to establish Safe Drinking Water Limits for PFAS*

Harrisburg, PA – The PA Environmental Quality Board (EQB) voted at their November 16 public meeting to start the PADEP proposed rulemaking process to adopt Maximum Contaminant Levels (MCLs) for two of the chemical compounds known as “forever chemicals”. Pennsylvania Department of Environmental Protection (PADEP) representatives expressed support for the rulemaking and stated that there will be a comment period of 60 days and public hearings (both in-person and virtual) but the timeline for the rulemaking was not specified. The vote was 17 to 2 in favor of the proposed rulemaking.

More than four years after the Delaware Riverkeeper Network (DRN) petitioned Pennsylvania for safe drinking water limits, the Commonwealth is finally proposing safe drinking water standards for two highly toxic perfluoroalkyl and polyfluoroalkyl substances (PFAS). PFAS are also known as “forever chemicals” because they don’t break down naturally, persisting indefinitely in the environment. These compounds also build up in the bodies of those exposed, risking the development of disease and adverse health effects linked to PFAS. The first MCL ever proposed by Pennsylvania through its Safe Drinking Water Act, its adoption would be historic and long overdue.

DRN submitted a Rulemaking Petition to the Environmental Quality Board (EQB) in May 2017 to set a safe drinking water standard, also called an MCL, for Perfluorooctanoic Acid (PFOA), which was accepted for consideration by the EQB in August 2017. In June 2021, the EQB accepted DRN’s petition to establish a rule setting the MCL. DRN had petitioned for a PFOA MCL of 1 part per trillion (ppt) or not to exceed 6 ppt. Instead, the Department of Environmental Protection (PADEP) has prepared a proposed rulemaking to adopt a Safe Drinking Water MCL for PFOA of 14 ppt and for perfluorooctane sulfonic acid (PFOS) of 18 ppt.

The story of this rulemaking proposal is a story of public action by the nonprofit Delaware Riverkeeper Network demanding the protection of peoples’ health through a system that is supposed to ensure our water

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is safe to drink. The lesson learned is that the PADEP/EQB process is a bureaucratic maze that lacks alacrity, a transparent process, and the ability to respond to urgent public need. To compel action on behalf of PADEP, DRN was forced to sue Pennsylvania in the Commonwealth Court in May 2019 for the adoption of a safe drinking water standard for PFOA. DEP had failed to abide by the EQB Policy/process and finally responded in April 2021 with an [evaluation report on DRN's 2017 Petition](#).

Additional documentation of the need for the strictest MCL has been provided by DRN in its [Response document to PADEP's evaluation report](#). As stated by DRN in its Response document:

“Emergency action could have been taken to address the PFAS water contamination crisis in Pennsylvania to avoid the exposure to dangerous levels of PFOA in drinking water that people have now had to endure in the interim. DRN welcomes the state’s intention to propose an MCL for PFOA but nothing will erase the damage caused by increased levels of risk to which PADEP has contributed. Pennsylvania residents, workers, and visitors have been exposed to this highly toxic compound for additional periods of time due to DEP’s regulatory inaction and delays, increasing their risk of developing adverse health effects linked to PFOA. The fact that PFAS build up in human blood means that even very small doses can result in high concentrations in a person’s body over time; higher blood levels increase risk of harm. Pennsylvania’s lack of a regulatory requirement for its removal from drinking water has had direct and unacceptable consequences for the public. This harm is what DRN was trying to prevent with the Rulemaking Petition.”

DRN and other Pennsylvania organizations have argued for: stricter MCL standards than those proposed by PADEP; MCLs to be set for more PFAS compounds, at very least to include all the PFAS compounds for which PADEP has sampled and found in the state’s environment; more and broader sampling to identify locations where water testing must be done to stop peoples’ exposure to PFAS contamination; other regulatory actions to clean up polluted sites and stop the spread of PFAS; and a more streamlined adoption process. Now that the EQB has approved the proposed rulemaking, more than four years after DRN submitted its Rulemaking Petition, it would still be years before water providers had to comply with the mandatory MCLs and remove the PFAS from the Commonwealth’s drinking water. PADEP states in [the proposed rulemaking](#): “Initial compliance monitoring for systems serving a population of greater than 350 persons begins January 1, 2024; initial monitoring for systems serving a population of less than or equal to 350 persons begins January 1, 2025.” While PADEP finalizes the process, people will continue to drink water that may contain PFAS without even knowing it. This egregious delay is unjustifiable.

DRN will remain engaged to support the swift adoption of MCLs for PFAS compounds and will participate in the PADEP rulemaking process. DRN will continue to advocate with colleague organizations for the strictest standards possible to protect all people from these highly toxic “forever chemicals”, including our most vulnerable populations – infants and young children.

For more information about PFAS and its history in the Delaware River Watershed go to: <https://www.delawareriverkeeper.org/ongoing-issues/perfluorooctanoic-acid>

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