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For Immediate Release

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**Pennsylvania Proposes Drinking Water Standards for PFOA and PFOS**  
***Delaware Riverkeeper Network declares the action to be an historic step  
towards safe drinking water***

*Harrisburg, PA* – Pennsylvania’s proposed rulemaking to adopt maximum contaminant levels (MCLs) for highly toxic PFOA (Perfluorooctanoic acid) and PFOS (Perfluorooctanesulfonic acid) is published in the February 26, 2022 PA Bulletin, released today. See the Environmental Quality Board (EQB) Amendment to Chapter 109 under Safe Drinking Water at <http://www.pacodeandbulletin.gov/secure/pabulletin/data/vol52/52-9/52-9.pdf>.

The proposed rulemaking is an historic action as it is the first MCL - also known as a safe drinking water standard - proposed by the Commonwealth, independent from federal MCLs. PFOA and PFOS, dubbed “forever chemicals”, are two of the most dangerous per- and polyfluoroalkyl substances (PFAS) and among the most prevalently found in Pennsylvania’s water supplies. The proposed MCLs are based on toxicological studies commissioned by and occurrence data gathered by, the PA Department of Environmental Protection (PADEP). There is no MCL for any PFAS adopted by the federal government. This regulatory gap shas resulted in states adopting their own standards in order to require the highly toxic contaminants be removed from drinking water.

The rulemaking proposes an MCL of 14 parts per trillion (ppt) for PFOA and 18 ppt for PFOS. The public comment period is open for written comments from February 26 to April 27 through [DEP’s eComment system](#) and by e-mail at [RegComments@pa.gov](mailto:RegComments@pa.gov). Virtual hearings are set: 1:00 pm March 21; 6:00 pm March 22; 1:00 pm March 23; 9:00 am March 24, 2022; and 9:00 am March 25. To find out how to attend the hearings and to sign up to speak go to the [EQB’s webpage](#)

“Pennsylvania is making history by proposing to adopt a rule that will mandate the removal of highly toxic PFOA and PFOS from public water supplies. This proposal is the first MCL to be proposed by the state, necessitated by the lack of federal regulation. This rulemaking proposal

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has been a long time coming and requires robust public input, followed by rapid action to adopt this long overdue safe drinking water protection. Every day that Pennsylvanians across the state continue to drink PFAS-contaminated water, they risk developing diseases linked to these toxics. People have a right to safe, pure water and to live free of exposure to harmful chemicals. Until PFAS are removed from drinking water through protective MCLs, this right is not protected by the Commonwealth,” said Tracy Carluccio, Deputy Director, Delaware Riverkeeper Network.

### Background

Under the PA Safe Drinking Water Act (SDWA), the General Assembly recognized that “an adequate supply of safe, pure drinking water is essential to the public health, safety and welfare and that such a supply is an important natural resource in the economic development of the Commonwealth.”<sup>1</sup> The SDWA also recognizes that the people of the Commonwealth have a constitutional right to pure drinking water.<sup>2</sup>

The SDWA created a state program to establish drinking water standards and to implement and enforce those standards to ensure the supply of safe drinking water to the public.<sup>3</sup> The Commonwealth also was required to develop a process for implementing plans to provide safe drinking water in times of emergencies and provide public notice of potentially hazardous conditions that may exist in the water supply.<sup>4</sup> This statutory and constitutional responsibility is the foundation for this regulatory action proposed by Pennsylvania.

PFOA and PFOS are two of a family of perfluorinated compounds known as “forever chemicals” because they never break down in the environment. Miniscule doses of these forever chemicals build up in the human body and are linked to disease and adverse health effects, including developmental effects in the fetus and young children, cardiovascular disease, ulcerative colitis and cancers, including testicular and kidney cancer.<sup>5</sup>

Scientists, health and toxicology professionals, and agencies are extensively studying PFAS compounds since they are persistent in the environment, bioaccumulative in organisms, and toxic at low levels.<sup>6</sup> An example of their bioaccumulative property is the “Do Not Eat” advisory issued by PADEP in October 2021 for all fish in the Neshaminy Creek due to high levels of PFOS contamination.<sup>7</sup> The Creek receives PFAS contaminated surface water from Bucks and Montgomery County military bases through upstream feeder streams. States across the nation

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<sup>1</sup> 35 Pa. Stat. § 721.2(a)(1).

<sup>2</sup> 35 Pa. Stat. § 721.2(b).

<sup>3</sup> 35 Pa. Stat. § 721.2(b)(1).

<sup>4</sup> 35 Pa. Stat. § 721.2(b)(2) and (b)(3).

<sup>5</sup> <http://www.c8sciencepanel.org/newsletter10.html>

<sup>6</sup> <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-and-polyfluoroalkyl-substances-pfas>

<sup>7</sup> <https://www.dep.pa.gov/About/Regional/SoutheastRegion/Community%20Information/Pages/Neshaminy-Creek-Fish-Advisory.aspx>

have taken regulatory actions to remove PFAS from drinking water, have added PFAS to the list of hazardous substances, and established cleanup standards and remediation programs.<sup>8</sup>

The Pennsylvania Constitution recognizes that the people of the Commonwealth have a constitutional right to pure drinking water. Namely, 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.<sup>9</sup>

Article I Section 27 requires the state government to ensure the preservation of the state's natural resources, including the provision to safe drinking water. This means the state government is responsible for protecting Pennsylvania's environment on behalf of its citizens.

Action by Pennsylvania is absolutely essential to avoid exposure that increases the risk of people developing diseases linked to these highly toxic compounds. PADEP has been slow to take this action and it is of the greatest importance that the proposed rulemaking move through the process as quickly as possible.

Through the public comment process, Delaware Riverkeeper Network will be encouraging people to submit comments to the record, advocating for stricter MCLs than those proposed in the draft rule to provide protection for the most vulnerable populations, including young children, for broader application of the MCLs to include private water wells, for quicker implementation than the proposed 2024-2025 time frame, for more PFAS compounds to be included in the rule, and other changes to strengthen the proposed regulations.

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<sup>8</sup> <https://www.bcplaw.com/en-US/insights/state-by-state-regulation-of-pfas-substances-in-drinking-water.html> and Gloria B. Post, "Recent US State and Federal Drinking Water Guidelines for Per- And Polyfluoroalkyl Substances (PFAS)", New Jersey Department of Environmental Protection, Trenton, New Jersey, Environmental Toxicology and Chemistry. August 2020. Retrieved from: <https://setac.onlinelibrary.wiley.com/doi/10.1002/etc.4863>

<sup>9</sup> Pa. Const. Art. I, § 27.