



Andrew Gottlieb
Executive Director

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Martin Suuberg, Commissioner
Massachusetts Department of Environmental Protection
c/o MassDEP Drinking Water Program
1 Winter Street, 5th Floor
Boston, MA 02108

RE: Comments on Proposed PFAS MCL

Dear Commissioner Suuberg:

The Association to Preserve Cape Cod (APCC) submits comments on proposed new regulations that establish a Total Per- and Polyfluoroalkyl Substances (PFAS) Maximum Contaminant Level (MCL) of 20 parts per trillion (ppt) for six PFAS contaminants: Perfluorooctane Sulfonic Acid (PFOS), Perfluorooctanoic Acid (PFOA), Perfluorohexane Sulfonic Acid (PFHxS), Perfluorononanoic Acid (PFNA), Perfluoroheptanoic Acid (PFHpA) and Perfluorodecanoic Acid (PFDA).

Founded in 1968, APCC is the leading regional nonprofit environmental advocacy and education organization on Cape Cod. Supported by thousands of members from every Cape Cod town, APCC's mission is to promote policies and programs that foster the preservation of the Cape's natural resources. APCC focuses its efforts on the protection of groundwater, surface water, and wetland resources, preservation of open space, the promotion of responsible, planned growth and the achievement of an environmental ethic.

APCC commends MassDEP in taking action to establish a drinking water standard for PFAS. The prevalence and persistence of PFAS in the environment, coupled with the mounting evidence linking these chemicals to a suite of serious human health issues, requires the creation of effective regulations to ensure that public drinking water supplies are adequately monitored and, if necessary, treated. It is also imperative that the public be informed of ongoing monitoring results and alerted in a timely manner if PFAS MCLs are exceeded. Specifically, APCC provides comments on the following points.

Mandatory Monitoring

The threat PFAS poses has been well-publicized in the Cape Cod region in recent years, primarily from the PFAS contamination of the water supply in Hyannis, as well as a PFAS plume detected in the town of Mashpee. PFAS contamination has also been documented in other Massachusetts communities. Given the known cases of contamination and the likelihood of presently undetected PFAS contamination occurring in other locations, APCC strongly supports the proposed requirement that all water supply operators conduct sampling to monitor for the presence of PFAS, and that such sampling occur on a regular basis.

Total PFAS MCL

APCC supports the proposed regulation requirement that PFAS levels be measured as a Total PFAS MCL by calculating the combined sum of the concentrations of each contaminant listed in the regulation, as opposed to measuring and assessing the potential health threat of each PFAS chemical level individually. Unless future science proves differently, APCC believes approaching PFAS contamination as a cumulative risk is the most prudent method for assessing potential public health threats.

Response to MCL Exceedance

If a Total PFAS MCL exceedance occurs, the proposed regulations require a water supply operator to report the findings to MassDEP and provide notice to all persons served by the affected public water system “in accordance with 310 CMR 22.16, and... comply with the requirements of 310 CMR 22.03(14) and such other applicable provisions of 310 CMR 22.00.” These above-mentioned existing regulations specify that the water supply operator “take appropriate actions” to reduce the level of contaminant concentrations to safe levels and to “provide public notification” regarding the contaminant level exceedance. APCC believes these requirements do not go far enough in protecting public health if sampling reveals an exceedance of the Total PFAS MCL. APCC recommends the new regulations require public water system operators, when providing public notification of the MCL exceedance, also be required to clearly communicate to all consumers using every practical means that they should not drink the contaminated water until corrective measures successfully bring PFAS levels into compliance.

Safe Levels and Regulated PFAS

A comparison of PFAS drinking water standards established by other states shows a noticeable discrepancy among those states in what is considered a safe level, as well as in the group of PFAS compounds selected for regulation. Many of the states have established safe level standards well below the U.S. Environmental Protection Agency’s PFOA and PFOS Lifetime Drinking Water Health Advisory level of 70 ppt. A number of those states have established



levels that are also below the 20 ppt standard proposed by MassDEP. At the same time, many state standards, including the 20 ppt level proposed by MassDEP, are well above the maximum levels recommended in some recent scientific analysis. APCC is aware that the science around safe levels for PFAS continues to evolve. Ongoing scientific evaluation of PFAS toxicity may very well lead to a definitive determination that even lower safe exposure level standards are warranted. APCC recommends that MassDEP commit itself to being responsive to emerging science on this issue and to revisiting the appropriate MCL for PFAS—as well as potentially expanding the number of PFAS chemicals covered by the regulation—as more is understood about these contaminants.

Conclusion

Establishing drinking water standards for PFAS is a critically important step in the effort to protect public health and the environment from these harmful contaminants, and MassDEP is to be congratulated for bringing proposed regulations forward. The regulations need to ensure that water supply operators provide the public with timely warnings about PFAS health risks and that swift action is taken to remedy any Total PFAS MCL exceedances. APCC also urges MassDEP to continue its assessment of PFAS, and to refine the state's PFAS regulations as necessary to reflect the best available science.

Thank you for the opportunity to provide comments.

Sincerely,



Andrew Gottlieb
Executive Director