



Environmental Council of the States

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May 30, 2023

Honorable Radhika Fox
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Re: Proposed PFAS National Primary Drinking Water Regulation Rulemaking (EPA-HQ-OW-2022-0114)

Dear Assistant Administrator Fox,

The Environmental Council of the States (ECOS) appreciates the opportunity to provide comments on EPA's proposed per- and polyfluoroalkyl substances (PFAS) National Primary Drinking Water Regulation (NPDWR). State and territorial environmental agencies are the primary regulators for water, land, and air in almost all the states and have called on U.S. EPA to advance science-based standards to protect our precious drinking water supplies from toxic chemicals. EPA has taken an important step forward under the Safe Drinking Water Act proposing first-ever enforceable limits for PFAS.

Broader Management of PFAS

States appreciate this important step towards national consistency on PFAS, while acknowledging that PFAS releases impact a variety of environmental media overseen by more than one federal program. This action is just one of several needed to address the risks PFAS pose to public health, the environment, and local economies. While these comments primarily pertain to drinking water, [ECOS Resolution 21-1: Advancing Collaboration and Coordination on Per- and Poly-fluoroalkyl Substances](#) recommends other needed federal actions as PFAS are used in a number of consumer and industrial products. In addition to managing PFAS in drinking water, successful management of these chemicals will also require a range of actions to reduce contamination closer to the source.

Risk Communication

ECOS appreciates EPA's work to coordinate with states on risk communication activities around PFAS and encourages EPA to continue to work with states to develop risk communication materials related to the NPDWR before rule finalization. As public awareness and concern over PFAS has grown, the ability for states in coordination with EPA to communicate consistent messages to the public using EPA risk communication materials has only become more critical. Some areas that would benefit from additional risk communication materials include information on the differences between health advisories, Maximum Contaminant Levels (MCL), and Maximum Contaminant Levels Goals (MCLG); the meaning of a hazard index approach to capture risk from four PFAS chemicals together; the difference between chronic and sub-chronic exposure and clarity around

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developmental endpoints; and how running annual and quarterly averages will be used to identify compliance and violations. Strong centralized messaging and risk communication materials will help states better communicate with the public and facilitate the successful implementation of the PFAS rule.

State Funding Needs

States will need additional funding for state capacity building to implement the final PFAS rule. ECOS has emphasized the need for EPA to provide states with funding and the flexibility to use it to manage PFAS. ECOS also acknowledges EPA's work to distribute funds from the Bipartisan Infrastructure Law to drinking water systems impacted by PFAS and other emerging contaminants. The NPDWR includes an analysis of primary agency costs, but states have raised concerns that it does not capture all activities that primacy agencies will need to conduct to implement the rule. The Association of State Drinking Water Administrators (ASDWA) has developed a [PFAS Cost of State Transactions Study](#) to analyze primacy agencies' burden to help inform EPA's economic analysis developed for the proposed regulation. EPA should consider these findings as part of its evaluation of this portion of the proposed rule. Specifically, ECOS urges EPA to reconsider the estimate of state effort required to support small systems and provide technical assistance as they navigate the new PFAS drinking water standard and add new treatment capabilities to achieve compliance. ECOS members have also called on Congress to provide significantly more funding for state capacity building and infrastructure to implement and enforce PFAS-related regulations that can protect and sustain our communities.

Treatment Technology Review

As water systems plan to comply with the NPDWR, they will look to states and EPA for help identifying effective and reliable treatment technologies. While several treatment options exist, water systems will need support and information to evaluate the challenges and benefits of different technology options. ECOS recommends that EPA support evaluations of PFAS treatment technologies by the Office of Research and Development, with particular focus on treatment options for smaller systems, and that EPA develop additional information and guidance for systems about various PFAS treatment options. Additionally, ECOS acknowledges that treatment technology improvements will require technical and operational training for public water system operators and encourages EPA to provide resources to address this need.

PFAS Destruction and Disposal

In addition to providing resources related to treatment technologies, more research and information is needed around various technical and cost-effective approaches to destroying and disposing of PFAS and PFAS-containing wastes. ECOS encourages the Office of Water to coordinate with the Office of Land and Emergency Management and others to clarify PFAS disposal options, and to research and communicate with states and stakeholders about destruction and disposal options as they are developed. States request that EPA finalize its *Interim Guidance on the Destruction and Disposal of Perfluoroalkyl and Polyfluoroalkyl Substances and Materials Containing Perfluoroalkyl and Polyfluoroalkyl*

Substances as soon as possible so that this guidance can be incorporated in planning for the final rule.

States are committed to working in partnership with EPA and other federal agencies to prevent pollution and achieve enforceable standards. ECOS understands that there are numerous technical and feasibility challenges in implementing this rule. We request that EPA address these concerns to the extent possible as it finalizes the rule and continue needed investments to respond to them going forward. ECOS recommends your consideration of individual state comments and those of other state associations. ECOS appreciates your review of these comments and continued collaboration with states to work to protect communities and the environment from PFAS. Please reach out to me at 803-898-4132 with any questions.

Sincerely,

A handwritten signature in black ink that reads "Myra A. Reece". The signature is written in a cursive, flowing style.

Myra Reece
ECOS President
Director, South Carolina Department of Health and Environmental Control