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PFOA/PFOS: Association for State Drinking Water Administrators Letter to U.S. Environmental Protection Agency Addressing State Perspectives/Concerns

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The Association for State Drinking Water Administrators (“ASDWA”) sent April 25th comments to the United States Environmental Protection Agency on the proposed PFAS National primary Drinking Water Regulation (“NPDWR”) Federalism Consultation addressing per- and polyfluoroalkyl (“PFAS”).

See EPA-HQ-OW-2022-0114.

ASDWA describes itself as the:

. . . professional association that serves the leaders (and their staff) of the 57 state and territorial drinking water programs.

A key focus of ASDWA is therefore the Safe Drinking Water Act (“SDWA”) and associated regulations to implement the program.

PFAS are a group of man-made chemicals that have been used in various industrial applications and consumer products for a number of years. Properties of these chemicals include resistance to heat, water, and oil. They have been described as persistent in the environment and resist degradation. Potential human exposure to PFAS includes pathways through drinking water, air, or food.

ASDWA notes by way of introduction the importance of EPA’s use of the PFAS NPDWR, noting:

. . . some states are figuring out how to appropriately use EPA’s health advisory levels for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) or have moved ahead to set their own state-level standards. This regulatory action by EPA is a step in the right direction to provide national leadership and consistency for assessing and addressing PFAS in drinking water throughout the country.

ASDWA’s comments include a recommendation that EPA consider including four additional PFAS in the rulemaking:

- perfluorononanoic acid (PFNA),
- perfluorohexanesulfonic acid (PFHxS),
- perfluoroheptanoic acid (PFHpA), and
- perfluorodecanoic acid (PFDA)

The recommendation is qualified by recognizing such a listing should only occur if the SDWA process addressing science, occurrence, and cost/benefit analysis provide the relevant results.

Additional recommendations described by ASDWA include:

- Utilize all of the Agency's regulatory and non-regulatory authorities to prevent PFAS from entering drinking water sources;
- Allow flexibility in the selection of a specific treatment technology (or technologies) for compliance with any NPDWR;
- Review and consider the data, guidelines, and standards of states already regulating PFAS;
- Use a monitoring approach similar to the Standardized Monitoring Framework for regulated volatile organic chemicals or synthetic organic chemicals;
- Include an option for states to utilize monitoring waivers; and
- Develop robust risk communication tools and resources to be released before the proposal of the NPDWR.

A copy of the April 25th ASDWA comments can be downloaded [here](#).