



Via Electronic Mail

Elizabeth Callahan
MassDEP
One Winter Street
Boston, MA 02108
Email: BWSC.Information@Mass.Gov

Re: Comments on Proposed Changes to the Massachusetts Contingency Plan (MCP) Cleanup Standards for PFAS in Groundwater and on MassDEP's Office of Research & Standards and the Drinking Water Program's Consideration of PFAS

Dear Ms. Callahan:

July 19, 2019

Thank you for the opportunity to comment on the above-referenced proposed rules pertaining to perfluorochemicals as related to drinking water, groundwater, and discharges of wastewater into groundwater. Please also see comments from Conservation Law Foundation (CLF), which we endorse.

Clean Water Action is a national organization founded in 1972, in order to pass the Clean Water Act. Our mission is to protect our environment, health, economic well-being and community quality of life. We have over 500,000 members nationally and 37,000 in Massachusetts.

We appreciate the progress Department of Environmental Protection (DEP) has made to date by expanding the Office of Research Standards (ORS) guidelines to three additional PFAS class chemicals as well as committing to public process for both the Massachusetts Contingency Plan (MCP) changes as well as the ongoing Maximum Contaminant Level (MCL) process.

There is room for improvement in terms of how DEP communicates with the public and even official stakeholders around what research is dictating the decision-making process how said research was selected. Given how quickly the science around PFAS is moving, advocates can only be as useful as regulators allow when it comes to accessing all current information in the hopes that we might be able to provide something different and worth serious consideration.



We hope that the commitment to public process, with more emphasis placed on data transparency, will continue in the coming months and indefinitely as new science emerges regarding the breadth of PFAS chemicals, their threat to public health at extremely low levels, and how persistent newer and unstudied chemicals prove to be both in the environment and human body.

We especially hope that DEP will continue to monitor for new information as well as continue internal assessment as to whether or not the current methodology selected for the MCP is actually the one that makes the most sense from the standpoint of public health. Additionally, while we understand that the MCL process will certainly be influenced by the decisions made now for the Massachusetts Contingency Plan, we believe that new information and additional examples of other states regulatory actions could emerge and urge DEP to remain open to making adjustments should this occur.

In terms of this current process, we recognize that DEPs proposed actions to date in terms of the number of chemicals regulated are well beyond what the federal government currently requires. Clean Water Action maintains that given the intentional obfuscation of the health risks presented by newly created PFAS chemicals on the part of chemical manufacturers, paired with the consistent toxicity of known PFAS chemicals, regulating PFAS as a class is the only way to ensure protection to Massachusetts residents' health.

Approaching the GW-1 standard by setting a 20 PPT cap for the sum of PFDA, PFHpA, PFHxS, PFOA, PFOS, and PFNA will certainly result in the opportunity for earlier regulatory action. However, we agree with CLF's analysis that 20 PPT, even as a sum, will not protect the most vulnerable members of our community. Even outside of emerging research, which MA DEP has noted does not always rise to an acceptable level of certainty, New Jersey Division of Water Supply & Geo Science selected reference doses for PFOA, PFNS, PFNA, PFHxS that were significantly lower than the reference doses Massachusetts DEP proposes for these same chemicals. This is proof that more aggressive regulatory action weighted towards public health is possible.

By this same principle, we agree with CLF that the Uncertainty Factor used for the proposed MCP changes does not make sense. The UF should be adjusted to prioritize the safety of children and fetuses.

While we appreciate the costs that may be involved in tackling PFAS contamination, the already documented health impacts of PFAS chemicals make it clear that DEP should be regulating these



chemicals as strictly as technologically possible, with the commitment to reassess these numbers as new technology both in terms of assessment and treatment presents itself.

DEP and the state need to ensure that water utilities and their ratepayers or other community and local government entities are not bearing the costs of controlling PFAS contamination. Those responsible for manufacture, use, and discharge need to bear the burden of cleaning up the mess they have made and the public health risk that they have perpetuated. While technology and science are variables that DEP cannot control, passing the cost of cleanup and water treatment on to the people who caused it in the first place is entirely obtainable.

Recently, New Jersey's DEP Commissioner, the Attorney General, and the Director for the Division of Consumer Affairs all worked together to announce a lawsuit against 3M, DuPont, and others for knowingly creating and distributing toxic PFAS laden firefighting foam. Massachusetts' DEP could be, and should be, just as aggressive in their protection of both public health and cost to water utilities across the state of Massachusetts.

In summary, Clean Water Action applauds the steps taken by DEP to address this growing concern to public health; but urges you to take greater action in the form of regulating these chemicals, as a class, as strictly as technologically possible, which is far below the proposed 20 ppt sum suggest in the GW-1 Standards. We agree with CLF that the proposed standards are not yet protective of public health. We look forward to the ongoing opportunity to collaborate towards making the goal of safe drinking water for all Massachusetts residents a reality, and encourage DEP to be bold both in its setting of standards as well as its pursuit of those who compromised our drinking water in the first place.

Sincerely,

A handwritten signature in black ink that reads "Elizabeth D. Saunders". The signature is written in a cursive, flowing style.

Elizabeth Saunders
Massachusetts State Director
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