ASSOCIATION OF METROPOLITAN WATER AGENCIES

LEADERS IN WATER

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June 9, 2020

The Honorable David P. Ross
Assistant Administrator
Office of Water
Environmental Protection Agency

Re: Docket ID: EPA-HQ-OW-2019-0583, *Announcement of Preliminary Regulatory Determinations for Contaminants on the Fourth Drinking Water Contaminant Candidate List*

Dear Assistant Administrator Ross,

The Association of Metropolitan Water Agencies (AMWA) appreciates the opportunity to comment on Environmental Protection Agency's request for public comment, *Announcement of Preliminary Regulatory Determinations for Contaminants on the Fourth Drinking Water Contaminant Candidate List* (EPA-HQ-OW-2019-0583). AMWA is an organization representing the largest publicly owned drinking water utilities in the United States.

The association has been actively engaged throughout EPA's work on per- and polyfluoroalkyl substances (PFAS). AMWA was happy to be invited to participate in EPA's PFAS National Leadership and Engagement and the association provided comments in response. We thank the agency for actively engaging stakeholders and support EPA in its continued work to address PFAS. AMWA thanks EPA for the opportunity to comment and looks forward to working with the agency to protect drinking water sources in the future.

If you would like to further discuss our concerns, please call Stephanie Hayes Schlea, Director of Regulatory and Scientific Affairs, at 202-331-2820.

Sincerely,

Diane VanDe Hei
Chief Executive Officer
Association of Metropolitan Water Agencies

cc: Jennifer McLain, Office of Ground Water and Drinking Water
Eric Burneson, Office of Ground Water and Drinking Water

COMMENTS ON BEHALF OF THE ASSOCIATION OF METROPOLITAN WATER AGENCIES
Announcement of Preliminary Regulatory Determinations for Contaminants on the Fourth Drinking Water Contaminant Candidate List
DOCKET NO. EPA-HQ-OW-2019-0583

INTRODUCTION

In previous comments to EPA following the PFAS National Leadership Summit and Engagement[i], AMWA advised the agency to consider any future regulatory actions within the context that whatever path EPA chooses will set the stage for how the agency addresses emerging contaminants going forward. With any action the agency takes, EPA must be transparent about the state of the science, health impacts, available treatment and cost, and the source(s) of the contamination. This holds true for however EPA chooses to set a standard, as well as any future regulatory approaches for other substances within the PFAS family. AMWA appreciates EPA's work so far to address this emerging and quickly evolving class of chemicals. This is an issue that must be prioritized by the agency and AMWA supports EPA's continued work under the agency's action plan.

SUPPORT FOR THE SAFE DRINKING WATER ACT PROCESS

AMWA supports the regulatory approach of the Safe Drinking Water Act Amendments of 1996 (SDWA). The statute takes into account lessons learned from past drinking water laws and focuses on contaminants that actually occur in drinking water at levels of public health concern as understood by the best available science. The law provides a sound scientific basis for regulations and appropriately considers the benefits the public may receive from regulatory efforts against the costs they will be asked to bear to achieve those benefits. AMWA believes EPA must faithfully follow the new contaminant regulatory process as established by the 1996 amendments for the establishment of National Primary Drinking Water Regulations (NPDWR).

Following the process outlined in SDWA, if EPA's final determination is to regulate both PFOA and PFOS, the agency will have 24 months to publish a proposed Maximum Contaminant Level Goal (MCLG) and NPDWR and an additional 18 months to publish a final MCLG and promulgate a final NPDWR. AMWA is acutely aware of both the political pressure and calls from the public for EPA to expedite regulations for PFAS, including PFOA and PFOS. AMWA agrees that EPA should address the issue in a timely manner, however, the association has concerns that any effort to complete the regulations in an expedited manner will not allow the agency the time to properly establish these standards under SDWA. AMWA urges the agency to prioritize and work quickly to establish NPDWRs for these two PFAS, but not to stray from the process laid out under SDWA so that any regulations developed will be scientifically sound and defensible.

SUPPORT FOR REGULATION OF PFOA AND PFOS

Overall, AMWA supports EPA's decision to regulate both PFOA and PFOS. Research has shown that these substances are extremely problematic. AMWA agrees with EPA's assessment that enough data has been evaluated to determine that there are significant risks of severe health effects associated with high levels of both substances. In general, PFOA and PFOS are also bioaccumulative, persistent within the environment, seemingly never breaking down[ii], and extremely widespread having been found in

sediments, surface and groundwater, wildlife, and human blood around the world[iii]. Equally problematic, these substances are highly mobile within groundwater[iv] that can be used to provide drinking water to the public. These characteristics make effective management of these substances extremely challenging and due to these features, AMWA has significant concerns and agrees that regulation is warranted.

Health Effects

AMWA appreciates the amount of health effects data EPA has compiled in order to make this determination, particularly the health effects support documents for both PFOA and PFOS. EPA has concluded that the weight of evidence available for review "supports the conclusion that PFOA exposure is a human health hazard" and that "the human studies are adequate for use qualitatively in the identification hazard and are supportive of the findings of laboratory animals" (p. 14115). The agency also states that under *EPA's Guidelines for Carcinogenic Risk Assessment*, there is "suggestive evidence of carcinogenic potential" for PFOA (p. 14116). EPA's conclusion for PFOS is similar, stating that there is suggestive evidence for carcinogenic potential, though the agency cautions that the weight of evidence for humans is too limited to support a quantitative cancer assessment (p. 14116).

AMWA also appreciates that EPA conducted a systematic review of recent, peer-reviewed science and included the full list of sources alongside the protocol the agency used to determine which studies to include. This level of transparency is crucial to justify the agency's determination.

Need for Continuity

For AMWA's member utilities, significant difficulties have arisen due to the inconsistencies of regulation for PFOA and PFOS across the states in comparison to EPA's health advisory of 70 parts per trillion (ppt) combined. According to the Association of State Drinking Water Administrators, state agencies have approached the problem of PFOA, PFOS, and other PFAS in varying ways, with some choosing to propose and adopt maximum contaminant levels, health advisories, or guidance levels, among other approaches[v]. This variation in how the states have addressed PFAS has made risk communication difficult for public drinking water systems. The public typically does not understand the differences between a Maximum Contaminant Level (MCL) and a health advisory and attempting to explain the discrepancy between one utility treating their finished waters to below the EPA advisory of 70 ppt and another in a nearby state with an MCL of 12 is exceedingly difficult. Having a national standard to rely on would make these conversations easier.

The public also often misinterprets health advisories as a regulatory action and, at times, this has caused a lack of trust between the consumer and the utility, particularly if the utility determines no action is currently needed. AMWA believes that a national primary drinking water regulation is necessary to help increase continuity among the states and to encourage a united front for dealing with PFAS in the future.

Meaningful Opportunity for Health Risk Reduction

The agency has determined that PFOA and PFOS meet the thresholds for the first two criteria, health effects and occurrence, and has also concluded that appropriate testing and treatment methods are available. Beyond this, PFAS have drawn extensive scrutiny from the public and it is important to make any regulatory decisions with this in mind. EPA should move forward with a regulation for PFOA and PFOS to alleviate public concern, ensure continuity, and safeguard the public's trust in their public drinking water.

Although it is difficult and expensive to treat drinking water that is contaminated with PFOA and PFOS, AMWA argues that we must prioritize public health. AMWA's members are public health leaders in their communities and the protection of their customers is their highest priority. AMWA agrees with the Administrator's conclusion that the regulation of PFOA and PFOS presents a meaningful opportunity for health risk reduction for persons served by public water systems.

CONSIDERATIONS DURING DEVELOPMENT OF NATIONAL PRIMARY DRINKING WATER REGULATIONS

AMWA would like to thank EPA for the agency's acknowledgement of the difficulties surrounding the treatment for PFOA and PFOS. Both substances are not sufficiently removed through conventional drinking water treatment techniques and AMWA agrees that the technologies which are known to be highly effective in removing PFOA and PFOS are also extremely expensive and can be financially burdensome to public water systems and the customers they serve.

When setting the NPDWRs, the agency must be sure to put the risk of PFOS and PFOA in context. For certain PFAS under EPA's Method 537.1, detection of these substances is possible at 1 ppt -- levels much lower than those that are cause for health concerns. Therefore, it is imperative that the agency be prepared to assist utilities in managing any transition for NPDWRs by assisting with risk communication. EPA must ensure that lab capacity is in place and sufficient risk communication tools can be released alongside any final regulation.

We commend EPA for its efforts to develop PFAS risk communication tools and want to emphasize the critical need for these tools to be developed as soon as possible, not only for PFOA and PFOS but for the PFAS family as a whole. We refer the agency to previous comments (Attachment A) made jointly between AMWA and the Association of State Drinking Water Administrators, which outlined numerous recommendations in order to develop clear and consistent risk communication messaging for both EPA, states, and water systems.

POSSIBLE REGULATORY APPROACHES FOR FUTURE PFAS

Regarding the regulation of future PFAS, EPA must take care to follow the framework laid out in the Safe Drinking Water Act. AMWA understands that the amount of information available for PFOA and PFOS is far more comprehensive than the data available for other PFAS. While the association supports and

encourages EPA to obtain the most relevant, reliable, and recent health effects data possible before making regulatory decisions, AMWA also understands that PFAS are a unique set of substances and that there may be challenges in addressing dozens, hundreds, or even thousands of these substances.

Due to these unique circumstances, AMWA understands the agency's willingness to look beyond regulating single substances. However, this question is far too large to be addressed within the Fourth Regulatory Determination. It is important to emphasize how monumental of a concept the agency has asked for comment on. While the Fourth Regulatory Determination is an acceptable starting point for broaching the subject of regulating PFAS beyond PFOA and PFOS, this is too big of an ask for commenters to provide thoughtful and thorough feedback within the comment period. AMWA greatly appreciates the agency's extension of the original 60-day comment period and has utilized this extra time to expand upon the association's thoughts and concerns, but this is still insufficient for addressing the topic of future regulatory approaches.

Suggested Tiers of PFAS for EPA to Address

For now, AMWA recommends that EPA next address three of the four other PFAS which have been included in past Unregulated Contaminant Monitoring Rules (UCMR): perfluorononanoic acid (PFNA), perfluorohexanesulfonic acid (PFHxS), and perfluorobutanesulfonic acid (PFBS). Due to their inclusion within UCMR 3, these three substances will have the most nationwide occurrence data already available to the agency. These are also three of the most commonly regulated PFAS at the state level[v] and will therefore likely have more recent data available through the state agencies. Health effects data for these substances is also more readily available as EPA is in the process of finalizing the toxicity assessment for PFBS and drafting assessments for PFNA and PFHxS[vi]. Having sufficient occurrence and health effects data is paramount to following the regulatory framework under SDWA.

Next, AMWA suggests that EPA further investigate three additional PFAS: perfluoroheptanoic acid (PFHpA), hexafluoropropylene oxide dimer acid (GenX), and perfluorodecanoic acid (PFDA). These three substances either have UCMR 3 data (PFHpA) or forthcoming draft toxicity assessments (GenX and PFDA). These three are also currently being regulated or are being considered by state agencies to be regulated and, as stated above, will likely have occurrence data available with the state agencies. Though these substances do not have sufficient data available to determine whether a national standard is necessary, they have a place with which to start, unlike other less studied PFAS.

Beyond these six PFAS, AMWA cautions EPA going any further without significant input from the public. PFAS present a unique challenge unlike any other which SDWA has been used to address up until this point. While groups of contaminants have been regulated by EPA before under SDWA, the PFAS family encompass thousands of different substances with varying health effects, occurrence, treatment efficiencies, and feasibilities for treatment and testing. EPA first started the agency's work by bringing together an incredibly diverse set of stakeholders at the 2018 PFAS National Leadership Summit and Engagement, which was used to inform EPA's PFAS Action Plan. AMWA was glad to have been invited to participate and encourages EPA to continue to engage a full range of stakeholders as it attempts to address the full family of PFAS.

EPA Should Initiate a Negotiated Rulemaking

With this in mind, and due to the extreme set of complications which surround PFAS, if EPA determines that regulatory action is needed, AMWA believes this is an appropriate time to use the Negotiated Rulemaking Procedure under 5 USC PART I, CHAPTER 5, SUBCHAPTER III: NEGOTIATED RULEMAKING PROCEDURE. Section 563 outlines necessary considerations for determining if a negotiated rulemaking is necessary.

In order to implement a negotiated rulemaking, the agency must decide there is a need for a rule and determine that there is a limited number of identifiable interests that will be significantly affected by the rule and that there is a reasonable likelihood that a committee could be convened which would consist of a balanced representation of the interests involved. There must also be a reasonable likelihood that the committee could reach a consensus on a proposed rule within a fixed time and that this would not unreasonably delay the notice of a proposed rule nor the issuance of a final rule.

AMWA believes that, if EPA determines a rule is needed to address the PFAS family, whether by groups or treatment technologies, it would meet these criteria. Although it may look as if this process would be more time consuming than a normal rulemaking, AMWA asserts that this procedure would actually save the agency time as all key stakeholder concerns would be discussed during a process that would bring those stakeholders into a risk-risk tradeoff discussion to help the agency come to a proposal with a higher likelihood of success. In particular, this could decrease the likelihood of time-consuming litigation which would stall the implementation of a final rule.

Other than this suggestion, AMWA feels it is premature to give significant feedback on a topic as broad and consequential as which potential regulatory approaches are best to address the PFAS family as a whole.

Continue to Engage other Federal Agencies

Finally, AMWA encourages the agency to continue its work under the PFAS Action Plan to engage other federal agencies. This is an issue which extends beyond EPA and the agency should continue to work to identify and partner with other federal agencies which may also be attempting to address PFAS.

AMWA also encourages EPA to continue its work with the National Institutes of Health to use new testing methods to help generate toxicity and toxicokinetic data for 150 different PFAS. AMWA agrees that data like this can and should be used to help inform future agency actions[vii]. Finally, AMWA encourages EPA to continue to engage and advocate for other federal agencies to use their resources to address PFAS, such as the U.S. National Toxicology Program's toxicological studies. These are the types of actions and interagency work that are necessary to address this issue with a holistic view.

Monitoring Strategy

EPA has asked for comment regarding the monitoring strategy for PFAS. AMWA appreciates EPA's consideration for a monitoring regime different from that which is currently used for other regulated synthetic organic chemicals, particularly the consideration of a waiver for those systems in which PFAS is

not a problem. However, AMWA is not certain that the proposed alternative is the correct solution and encourages the agency to explore this as well during a negotiated rulemaking.

NEED FOR UTILIZING EXISTING REGULATORY PROGRAMS TO ADDRESS PFAS

In AMWA's opinion, it is most important to prevent PFAS chemicals from entering source waters to begin with, rather than shifting the burden to local drinking water treatment works. Preventing pollutants from entering drinking water supply sources is a complex task. It is easier, more effective and more equitable to control pollutants at the source, where they are highly concentrated, than it is to remove them at the consumer's expense after they have entered a water body or supply source. Controlling pollutants at the source – in this case at the point of manufacture, import or process – also helps ensure that those who pollute our natural resources are not allowed to pass the cost of correcting the problem onto others.

Although PFOA and PFOS have been largely phased out from production within the United States due to the 2010/2015 PFOA Stewardship Program, both PFOA and PFOS may still be imported or produced domestically if below the Chemical Data Reporting thresholds (i.e., 2,500 pounds) by companies not participating in the PFOA Stewardship Program. Additionally, precursors, other PFAS which break down into smaller chains such as PFOA and PFOS, are thought to contribute to these levels as well[viii]. Therefore it would seem that the simplest and most effective way to manage these compounds would be at the source, not once they've entered the environment.

The idea of holding PFAS polluters and manufacturers accountable is even more important when discussing those substances which we know little about. There are thousands of PFAS and, according to presentations given at the PFAS Summit, nearly 900 new PFAS have come through EPA's TSCA program since 2006[ix]. Many of these newer PFAS were created to replace those which were deemed problematic or harmful, such as PFOA and PFOS. We know very little about these replacement chemicals, but there are numerous programs in place, outside of the Safe Drinking Water Act, which can be used to help manage these substances to protect public health. EPA should leverage all regulatory programs under its authority to reduce PFAS in the environment, and ultimately in drinking water.

Toxics Release Inventory

Following AMWA's comments to the agency in response to the proposed rulemaking, *Addition of Certain Per-and Polyfluoroalkyl Substances: Community Right-to-Know Toxic Chemical Release Reporting*[x], the association recommends that EPA include any PFAS which are included within the Unregulated Contaminant Monitoring Rule (UCMR) on the Toxics Release Inventory (TRI). If a chemical is deemed necessary by EPA to be included in the list of substances which drinking water systems must test for, the agency should be using the TRI to track their management and releases to ensure that the agency is looking at these substances holistically. Additionally, as more PFAS are added to the UCMR they should be simultaneously added to the TRI. This should hold true regardless of the process in which the PFAS have been added to the UCMR, either through normal procedures under the Safe Drinking Water Act or through other methods such as the 2020 National Defense Authorization Act (S. 1790) which requires

the next UCMR to include all unregulated PFAS that have a validated drinking water measurement method, in addition to the maximum of 30 unregulated contaminants that may also be subject to water utility screening.

Comprehensive Environmental Response, Compensation, and Liability Act

EPA's PFAS Action Plan notes that EPA has initiated the regulatory development process for listing PFOA and PFOS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). AMWA strongly believes the entities that are responsible for releasing contaminants into the environment – and thus, into sources of drinking water – must also be held liable for the cost of removing these contaminants to the point that any imminent and substantial human health threat is abated, and any applicable Maximum Contaminant Level Goal under SDWA is achieved. This is especially true for man-made contaminants like PFAS, which would not be present in the country's water supplies had a company not manufactured them and allowed them to enter the environment. CERCLA is a proven and effective mechanism for holding responsible those who have polluted drinking water supplies, so the association favors action under that statute to ensure that the entities that originally introduced PFOA and PFOS into the environment ultimately pay the cost of source water cleanup –not the utility ratepayers of those affected communities.

However, AMWA believes that any provision relating to environmental cleanup of PFAS under CERCLA must shield water and wastewater systems from liability when they have legally disposed of water treatment byproducts containing PFAS. There should be a clear distinction between polluting entities that introduced PFAS into the environment and water and wastewater systems that are on the front lines of cleaning up the contamination. Water and wastewater systems are not the producers of PFAS, but instead are the receivers of the chemicals. A water system that follows all applicable laws in its management of water treatment byproducts containing PFAS, but is still held liable for cleanup costs under CERCLA, would effectively be penalized twice: once when making investments to remove PFAS from their source waters, and again when the system is forced to pay to cleanup PFAS contamination elsewhere. Ultimately, the cost of these burdens would fall on ratepayers.

Clean Water Act

AMWA encourages EPA to continue to prioritize its work under the agency's Action Plan to "review readily-available information about PFAS surface water discharges to identify industrial sources that may warrant further study for potential regulation through national Effluent Limitation Guidelines and Standards (ELGs)." As AMWA has stated, it is imperative to control the release of these substances at the source rather than to try and remove them from either drinking water or wastewater as this is far less costly and holds polluters accountable rather than passing these responsibilities on to water systems.

EPA Office of Air and Radiation

EPA notes within this Preliminary Fourth Regulatory Determination that long-range atmospheric transport of PFOA and PFOS can occur due to emissions from air stacks which can contribute to levels in surface waters. Industry should not be allowed to pass the cost of removing chemicals, which they have

placed into the environment, onto public drinking water systems and, by proxy, their customers. The Office of Water should work with the Office of Air and Radiation to determine the best course of action in order to address this issue.

The agency should consider how our current system of environmental regulation can be leveraged to protect human health and the environment across multiple media. Preventing pollution at the source is a more cost-effective option for protecting public health rather than relying solely on end-of-pipe treatment to ensure safe drinking water.

PRIORITIZE PFAS RESEARCH

AMWA encourages EPA to continue to prioritize the research goals, which the agency has laid out within the PFAS Action Plan. AMWA requests that EPA focus its resources on obtaining reliable health effects data which are necessary in order to prioritize these substances and should be done before pursuing additional regulatory actions. EPA should also focus on developing new, cost-effective treatment options so that drinking water utilities can more efficiently address these contaminants. AMWA encourages and supports EPA's next steps outlined in the PFAS Action Plan to finalize the draft toxicity assessments for GenX and PFBS and to develop Integrated Risk Information System assessments for PFBA, PFHxA, PFHxS, PFNA, and PFDA.

While developing new or more sensitive testing methods are vitally important and the agency should continue this work, AMWA would like to stress the difficulties that arise from being able to identify a substance within drinking water, yet being unable to provide context for public health or the ability to remove it from the finished drinking water. Again, it is critical that the agency prioritize risk communication tools throughout this process.

CONCLUSION

In conclusion, AMWA agrees with EPA's determination to regulate PFOA and PFOS and urges EPA to continue relying on the process as outlined in the Safe Drinking Water Act for setting National Primary Drinking Water Regulations, and to continue to base these developments on peer-reviewed science. AMWA appreciates EPA's acknowledgement of the challenges that a regulation for PFOA and PFOS poses to public drinking water systems. Both substances require treatment technologies that are extremely expensive and can be financially burdensome to public water systems and their customers. Risk communication to the public is also difficult and must be considered throughout this process.

AMWA agrees with EPA's apparent decision to evaluate other PFAS chemicals for possible regulatory action, but again stresses the need to engage with stakeholders. The association reiterates its suggestion that EPA convene a group to conduct a negotiated rulemaking to ensure that all impacted parties are consulted.

[i] Association of Metropolitan Water Agencies. 2018. AMWA Comment Letter, Docket ID#: EPA-HQ-OW-2018-0270
[ii] Agency for Toxic Substances and Disease Registry. Per- and Polyfluoroalkyl Substances (PFAS) and Your Health: What are PFAS? Retrieved from https://www.atsdr.cdc.gov/pfas/overview.html
[iii] Interstate Technology Regulatory Council. Fact Sheet: History and Use of Per- and Polyfluoroalkyl Substances (PFAS). Retrieved from https://pfas-1.itrcweb.org/wp-content/uploads/2017/11/pfas_fact_sheet_history_and_use__11_13_17.pdf
[iv] Interstate Technology Regulatory Council. Fact Sheet: Environmental Fate and Transport for Per- and Polyfluoroalkyl Substances. Retrieved from https://pfas-1.itrcweb.org/wp-content/uploads/2018/03/pfas_fact_sheet_fate_and_transport__3_16_18.pdf
[v] Association of State Drinking Water Administrators. Per- and Polyfluoroalkyl Substances. Retrieved from https://www.asdwa.org/pfas/
[vi] Environmental Protection Agency. Per- and Polyfluoroalkyl Substances (PFAS) Action Plan. 2019. https://www.epa.gov/pfas/epas-pfas-action-plan
[vii] Environmental Protection Agency. Tiered Testing Methods. Retrieved from https://www.epa.gov/chemical-research/pfas-chemical-lists-and-tiered-testing-methods-descriptions
[viii] Environmental Protection Agency. Regulatory Determination 4 Support Document.
[ix] Morris, J. (2018). Per-and Polyfluoroalkyl Substances under the Toxic Substances Control Act (TSCA) [Powerpoint Slides]. Retrieved from https://www.epa.gov/pfas/pfas-national-leadership-summit-materials.
[x] Association of Metropolitan Water Agencies. 2020. AMWA Comment Letter, Docket ID#: EPA–HQ–TRI–2019–0375

ASSOCIATION OF
METROPOLITAN
WATER AGENCIES

May 14, 2020

Andrew Wheeler, Administrator
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

RE: PFAS Risk Communication Recommendations for EPA

Dear Administrator Wheeler,

The Association of State Drinking Water Administrators (ASDWA) and the Association of Metropolitan Water Agencies (AMWA) are submitting this letter of recommendations to EPA on developing risk communication messages for states and water systems to use when communicating with their customers and the public about per- and polyfluoroalkyl substances (PFAS). AMWA and ASDWA are nonpartisan organizations. AMWA represents the largest publicly owned drinking water utilities and ASDWA represents the state and territorial drinking water programs.

We commend EPA for its efforts to develop PFAS risk communication tools and want to emphasize the critical need for these tools to be developed as soon as possible. ASDWA was present for the presentation by Madeline Beal, Senior Risk Communication Advisor with EPA's Office of Public Affairs, during the EPA-ECOS Bi-Monthly call on April 27th about developing content rich EPA risk communication toolkits for PFAS and other contaminants. ASDWA and AMWA are also aware that EPA's PFAS Action Plan includes an action to work "collaboratively to develop a risk communication toolbox that includes multi-media materials and messaging for federal, state, tribal, and local partners to…help ensure clear and consistent messages to the public…"

Without Federal PFAS standards, water systems need messaging for communicating risk with the public before they conduct sampling, so that when and if they find PFAS in their drinking water, they are prepared to respond immediately. Having these risk communication tools would have been extremely helpful for water systems to have in advance of conducting sampling for UCMR3 and will be very important before water systems begin sampling for the additional PFAS that will be included in UCMR5. The public needs to understand why the water system is taking samples and why they are taking actions (or not) when PFAS is found. Risk communication about these actions should include information on known versus unknown health risks from PFAS, and general characteristics – that they are bio-accumulative and highly persistent in the environment.

It is very difficult for the public to understand why some states have different (and lower level) PFAS standards and guidelines and why they require different water system response actions when PFAS are found. Some states and water systems are treating PFAS as acute contaminants and issuing "do not drink" orders for compounds found above a certain level and providing bottled water until treatment can be installed, while other states and water systems are treating PFAS as chronic contaminants and advising customers (or a subset of customers) to continue using the drinking water while the water

system works on installing treatment. EPA's development of these risk communication tools and messages should work to provide clarity on why water systems are sometimes taking different actions to address these compounds, and how to communicate their actions and the associated PFAS health risks to the public.

As EPA moves forward with this important PFAS risk communication work, ASDWA and AMWA recommend that EPA directly engage with states and water systems to develop clear and consistent risk communication messages that:

- Leverage and reference existing content from other resources including the new Interstate Technology and Regulatory Council (ITRC) document, "Risk Communication Toolkit for Environmental Issues and Concerns," that addresses PFAS, 1,4-Dioxane, and Harmful Cyanobacterial Blooms.
- Explain what is known and unknown for specific PFAS and their associated health risks, including information about what a toxicity assessment is, what a health advisory level and maximum contaminant level (MCL) is and how they differ, and the use of (or lack of) health effects studies for decision-making.
- Provide specific information and messaging for water systems to share with their customers and with the public if they find PFAS in their drinking water – for both when there is a toxicity assessment, MCL or health advisory level, and when there isn't.
- Provide some regulatory context for the public to understand why there may be different requirements and actions by different states and water systems for various PFAS.
- Explain the relative risk from drinking water compared to all PFAS exposure pathways.
- Provide clear direction for consumers to reduce their risk from PFAS in drinking water, if necessary, as well as reducing exposure via other pathways.
- Provide information about EPA's role and what the Agency is doing to assess and address PFAS in drinking water and other media, and to keep it out or remove it from the environment.

Thank you for your consideration of these recommendations. ASDWA and AMWA look forward to continuing this dialogue with EPA on the development of risk communication messaging. Please contact Alan Roberson, ASDWA's Executive Director at aroberson@asdwa.org or Diane VanDe Hei, AMWA's Chief Executive Officer at vandehei@amwa.net to discuss these recommendations in more detail.

Sincerely,

J. Alan Roberson, Executive Director
Association of State Drinking Water Administrators

Diane VanDe Hei, Chief Executive Officer
Association of Metropolitan Water Agencies

Cc: David Ross, Assistant Administrator, Office of Water
Jennifer McLain, Director, Office of Ground Water and Drinking Water
Madeline Beal, Senior Risk Communication Advisor, Office of Public Affairs