

AMERICAN CHEMISTRY COUNCIL COMMENTS ON SENATE BILL 49
FEBRUARY 27, 2019

Good morning. My name is Steve Risotto and I am a Senior Director at the American Chemistry Council based in Washington, DC. ACC appreciates the opportunity to comment on Senate Bill 49 regarding the state's approach to monitoring and regulating per- and polyfluoroalkyl substances (PFAS). While we appreciate Committee members' interest in addressing the public's concerns about this chemistry, we believe that the proposal gets too far out ahead of our current scientific understanding.

As the members are likely aware, the US Environmental Protection Agency (USEPA) recently released a PFAS management plan that includes both short-term steps to address currently identified problems and medium and long term initiatives to advance our understanding of the larger class of PFAS. Such improved understanding is critically important before taking many of the steps contemplated by this legislation.

Before highlighting ACC's concerns with the bill, I want to indicate ACC's support for a state-wide investigation of PFAS contamination for those substances for which validated methods exist (i.e., USEPA Method 537-1). We believe that such investigation is a vital step in helping the state focus its attention and resources. As evidence of this, the Michigan Department of Environmental Quality recently announced the results of its survey of public water systems, schools, and tribal water systems around the state which revealed that –

- 90 percent of the water systems showed no detections for any of the monitored PFAS,
- An additional 7 percent of systems tested had levels of PFAS below 10 parts per trillion (ppt), and
- The remaining 3 percent of the systems had PFAS levels between 10 and 70 ppt.¹

Vermont's current health advisory applies to five of the six PFAS that were included in the USEPA's latest sampling of drinking water sources under the unregulated contaminant monitoring rule (UCMR). Although there is a wealth of information available on two of these substances - PFOS and PFOA -, considerably less is available for the other three. In fact, for one of the three – PFHpA – the federal Agency of Toxic Substances and Disease Registry (ATSDR) recently concluded that there was not enough data available to develop minimum risk levels for the substance.

Even for PFOS and PFOA, significant disagreement exists in the interpretation of the available science. I note, for example, that Health Canada recently finalized maximum

¹ <https://content.govdelivery.com/accounts/MIDEQ/bulletins/2325149>

allowable concentrations for drinking water of 200 ppt for PFOA and 600 ppt for PFOS – significantly higher than the values developed in Vermont. The primary reason for the difference is the approach to estimating blood levels in humans based on animal test results and drinking water levels.

Vermont is one of a handful of states that have developed guidance that combines the concentrations for multiple PFAS into a single value. This approach is based on EPA's suggestion that its 2016 Health Advisory of 70 ppt can be applied to the combined levels of PFOS and PFOA. ACC does not agree that there is a sufficient scientific basis to support the development of a combined standard for PFOS and PFOA. There is even less basis, moreover, for including additional PFAS. Concentrations of substances are only combined when they are known to cause harm by a common mechanism of action. At present we do not understand the mechanism of action for any of these substances.

Given these uncertainties, ACC opposes the development of maximum contaminant levels for all five PFAS as proposed in Section 1 of the legislation. Similarly, we do not support the development of water quality standards for the five PFAS as proposed in Section 2.

ACC is deeply concerned about the proposal to address PFAS as a class or as sub-classes in Sections 1 and 2 of the legislation. As the Committee is aware, PFAS is a family of chemistry with a wide variety of physical, chemical, and toxicological properties. It is inappropriate to assume that all the members of the class can be treated the same.

In the recent PFAS management plan,² USEPA outlined its plans to prioritize substances or groups of substances within the class using non-animal testing methods and other advanced techniques. Specifically, USEPA announced its plans to --

- develop toxicity values where suitable data are available
- use computational toxicology approaches to fill data gaps
- assess available tools for assessing ecological risks

We urge the state to wait until USEPA has completed this work before attempting to design a regulatory approach to regulating PFAS as a class or as subclasses.

Thank you.

² <https://www.epa.gov/pfas/epas-pfas-action-plan>