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(PFAS Chemicals) Bloomberg news summary of PFAS and states

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This article includes a state-by-state summary of efforts to regulate PFAS chemicals. There is lots of helpful information here...

<https://news.bloombergenvironment.com/environment-and-energy/glass-half-full-on-state-solutions-to-chemicals-in-water>

Glass Half-Full on State Solutions to Chemicals in Water

Posted Sept. 18, 2018, 5:29 AM

- Colo., Minn., Mich., N.J., N.M., Texas, Vt., Wash. out ahead of federal action
- Many other states still looking for federal leadership in PFAS science, policy

States fearing that federal inaction on chemical safety may harm their residents are jumping into the breach.

Faced with growing public pressure to address a class of persistent chemical contaminants found in drinking water and at waste sites, eight states are stepping up because they see the Environmental Protection Agency as dragging its feet.

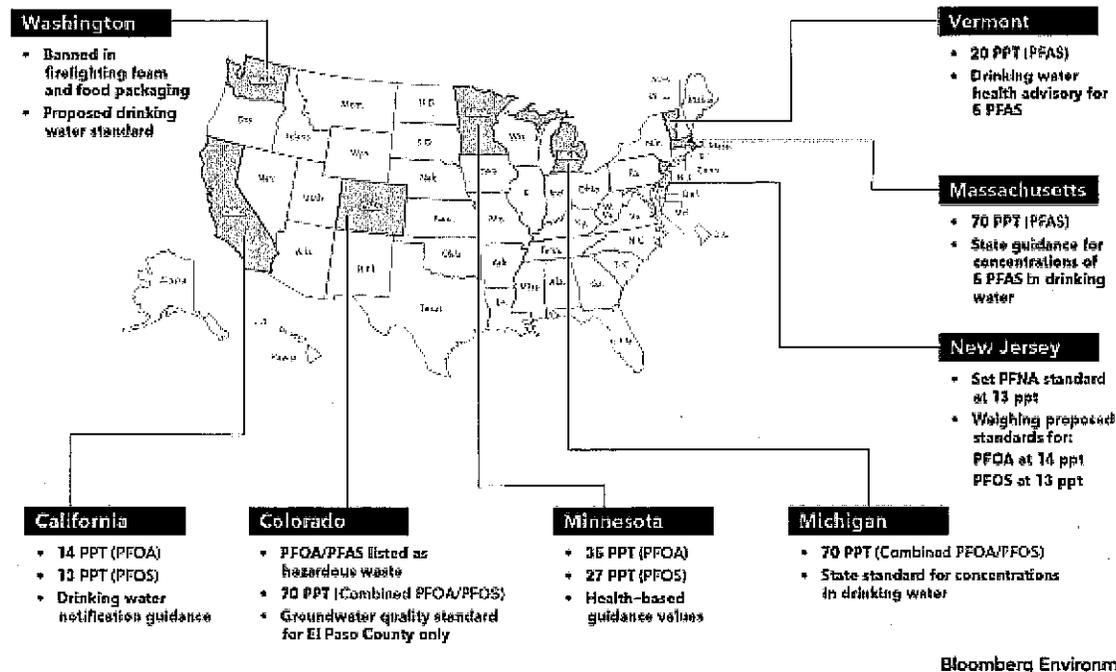
They are driven by findings that the chemicals—perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), and others like them—are pervasive across the country, including at military sites and near manufacturing plants.

Colorado, Minnesota, Michigan, New Jersey, New Mexico, Texas, Vermont, and Washington have all taken action on water or cleanup regulations for the class of toxic chemicals with multiple consumer and industry uses.

And 11 other states—Alabama, California, Illinois, Massachusetts, Mississippi, Montana, New Hampshire, New York, North Carolina, Pennsylvania, and Wisconsin—are considering similar steps, according to an analysis by Bloomberg Environment.

But those responsible for cleaning up the contamination, like the military and some industrial facilities, caution that a patchwork of different state rules will complicate their efforts.

States With Numerical PFAS Limits



The chemicals have been linked to problems with liver and immune system function, increased blood cholesterol levels, developmental delays, and increased cancer risk. They were once widely used in making nonstick cookware, fire-retardant upholstery coatings, and other consumer products. In addition, they have numerous industrial applications in o-rings, gaskets, and other equipment, including in hydraulic fluids used in airplane landing gear.

They are part of a class of about 3,500 chemical compounds known as per- and polyfluoroalkyl substances (PFAS).

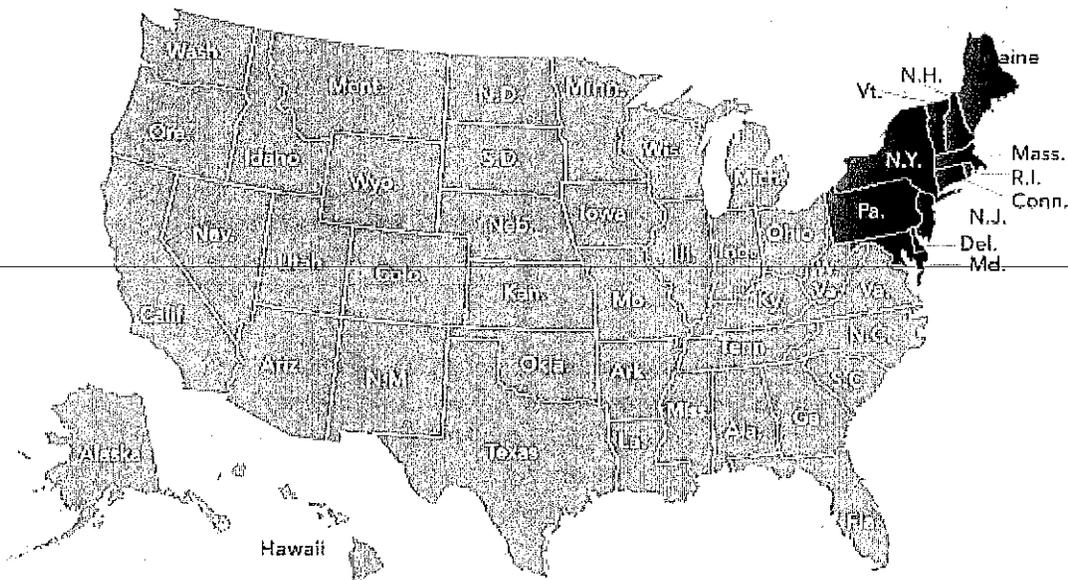
The EPA set a nonenforceable health advisory in 2016 for PFOA and PFOS levels in drinking water at a combined 70 parts per trillion, but the Centers for Disease Control and Prevention said in June that exposure to even lower concentrations may pose health risks.

Former EPA Administrator Scott Pruitt announced in May that PFOA and PFOS may eventually be classified as hazardous substances for waste site cleanups. An EPA drinking water official told a congressional panel Sept. 6 the agency will decide by the end of 2018 whether to initiate the multiyear process of developing drinking water standards called maximum contaminant levels, or MCLs.

The EPA also recently announced it will share a draft toxicity value for a PFAS chemical called GenX with states by the end of September. The compound is made by Chemours and was found in the Cape Fear River in North Carolina.

States are addressing the problem in a variety of ways including product bans, regulations, and guidance that differs from federal recommendations.

Northeast Region



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Connecticut: Reports of possible PFAS contamination in Greenwich, Conn., prompted the state in 2017 to test eight to 10 private wells and eight to 10 public drinking water systems using the state advisory level of 70 parts per trillion for five perfluorinated compounds: PFOA, PFOS, perfluorononanoic acid (PFNA), perfluoroheptanoic acid (PFHpA), and perfluorohexane sulfonic acid (PFHxS). One private well tested above the 70 ppt advisory. EPA tests conducted between 2013 and 2015 of drinking water systems serving 10,000 or more people didn't find any PFAS chemical compounds above 70 ppt. About 85 percent of the public drinking water systems were tested at the time.

Delaware: The state doesn't have its own standards but wants the EPA to expedite a regulatory determination on whether enforceable limits are needed for the chemicals. "Give the states something more concrete to work with," a spokesman for the state's Department of Natural Resources and Environmental Control said.

Maine: Since 2016, the state has used the EPA's 70 ppt health advisory, which applies to each of the PFAS chemicals individually except for PFOA and PFOS, which have a guideline of 70 ppt when they're found together.

Maryland: The state hasn't initiated any action to set drinking water standards for PFOA or PFOS but is awaiting the results of the EPA's evaluation of the need for a maximum contaminant level.

Massachusetts: Interim guidance issued June 8 for five PFAS chemicals (PFOA, PFOS, PFNA, PFHpA, and PFHxS) recommends that pregnant women, nursing mothers, and infants not consume water containing the PFAS substances at levels above 70 ppt, individually or in combination.

New Hampshire: The state is considering a stricter state limit for PFAS and PFOA in drinking water than what the EPA recommends following the discovery in 2016 of PFOA contamination in the private drinking water wells of more than 500 families in southern New Hampshire.

New Jersey: The Department of Environmental Protection set a 13 ppt standard Sept. 4 for PFNA. State officials are reviewing New Jersey Drinking Water Quality Institute recommendations for a

standard of 14 ppt for PFOA and 13 ppt for PFOS. The state aims to adopt the standards by the end of the year.

New York: The state has been considering drinking water limits for PFOA and PFOS for almost a year but has yet to issue standards.

Pennsylvania: The Department of Environmental Protection began evaluating in 2017 whether additional measures are needed to address PFAS compounds in drinking water in the state.

Rhode Island: The state sampled 35 public drinking water systems within a mile of suspected releases and found one system, serving 175 people, with PFOA and PFAS above the 70 ppt advisory level. Residents there are still using bottled water. The state still relies on the EPA's 70 ppt health advisory level.

Vermont: The state has a health advisory of 20 ppt for any combination of PFOA, PFOS, PFHxS, PFHpA, and PFNA. About 570 private wells in southern Vermont near a Saint-Gobain Performance Plastics plant were tested in 2016, and 266 of them exceeded the 20 ppt limit. Vermont passed a law in June 2017, which is retroactive, requiring companies found responsible for contamination to pay for cleanups, monitoring, and to extend public drinking water to affected areas.

Midwest Region



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Illinois: The state is developing groundwater quality standards that will include limits for PFOA and PFOS of 70 ppt combined or individually.

Indiana: The state follows the EPA's 70 ppt health advisory.

Iowa: The state has no standards for PFOA and PFOS, and none are being developed.

Kansas: The state has no standards for PFOA and PFOS, and none are being developed. The state is planning to test for PFOA and PFOS contamination and would rely on the EPA health advisory if the

chemicals are found in drinking water supplies.

Michigan: The state imposed a drinking water limit for PFOA and PFOS in January, mirroring the EPA level of 70 ppt.

Minnesota: The state set an unenforceable health-based value of 35 ppt for PFOA and 27 ppt for PFOS in 2017 and is about to propose an enforceable limit for perfluorobutyrate and PFOA. Violations of health values for drinking water can prompt the state to compel responsible parties to mitigate or remediate contaminated aquifers under the Superfund program.

Missouri: The state has no standards for PFOA and PFOS, and none in the works. The Department of Natural Resources is monitoring federal policy and action related to the contaminants.

Nebraska: The state has no standards for PFOA and PFOS, and none in the works.

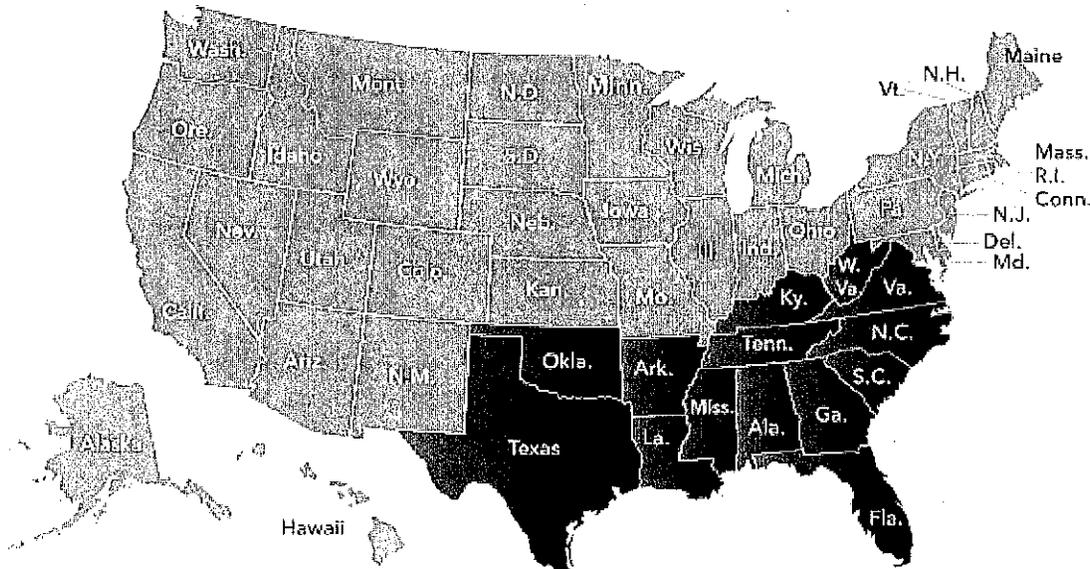
North Dakota: The state has no standards for PFOA and PFOS, and none in the works, but it is conducting tests to determine the prevalence of these compounds in the environment.

Ohio: The state is working on benchmarking PFAS levels and sampling wells, but no standards are in the works.

South Dakota: The state has no standards for PFOA and PFOS, and none are being developed.

Wisconsin: The state asked its Department of Health Services to recommend health-based groundwater quality standards for a number of substances, including PFOA and PFOS, and expects a response this fall.

Southeast Region



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Alabama: The state is "working to develop appropriate testing protocols, health-based standards, proper messaging to the public, and to address other issues related to PFAS, a spokeswoman said.

Eight of the state's water systems showed levels of PFOA and PFOS that exceeded the EPA's health advisory level of 70 ppt. The systems have "either changed water sources, installed treatment, or are in the process of installing treatment to bring the levels of PFOA and PFOS below the lifetime drinking water health advisory level."

Arkansas: The state isn't pursuing standards for PFOA and PFOS.

Florida: The state is focused on ensuring drinking water facilities comply with existing state and federal laws, a spokeswoman said. The Florida Department of Environmental Protection also continues to work with the few water systems that have PFOA or PFOS levels exceeding the EPA's advisory level.

Georgia: The state isn't working on any PFOA or PFOS regulations now but "will reassess once U.S. EPA releases its PFAS management plan later this year," a spokesman said.

Kentucky: The state isn't considering action but is relying on the EPA health advisory.

Louisiana: The Department of Health adopts standards set by EPA in the Safe Drinking Water Act regulations, a spokesman said.

Mississippi: The Department of Health is considering state standards for PFOA and PFOS, a spokeswoman said.

North Carolina: The state has set a provisional health goal for GenX in drinking water at 140 ppt. Discharges of GenX and other PFAS compounds of concern into the Cape Fear River have led to a state and federal investigation, several lawsuits, and administrative actions against Chemours Co. and its past parent company DuPont. State regulators are completing a court order that would require Chemours to conduct toxicity studies on chemical discharges from its Fayetteville, N.C., facility.

Oklahoma: The state supports the "evaluation of which PFOA/PFOS compounds may need to be phased out of common usage" under the Toxic Substances Control Act, the nation's chemicals law. "We also support consideration of making specific PFOA/PFOS compounds Superfund hazardous substances in order for EPA and/or states to use Superfund authority to address contaminated groundwater and surface water," a spokeswoman said.

South Carolina: The state is "engaged in national conversation and working with EPA as science drives the policy making decisions on how best to address PFOS/PFOA in drinking water," a spokeswoman said.

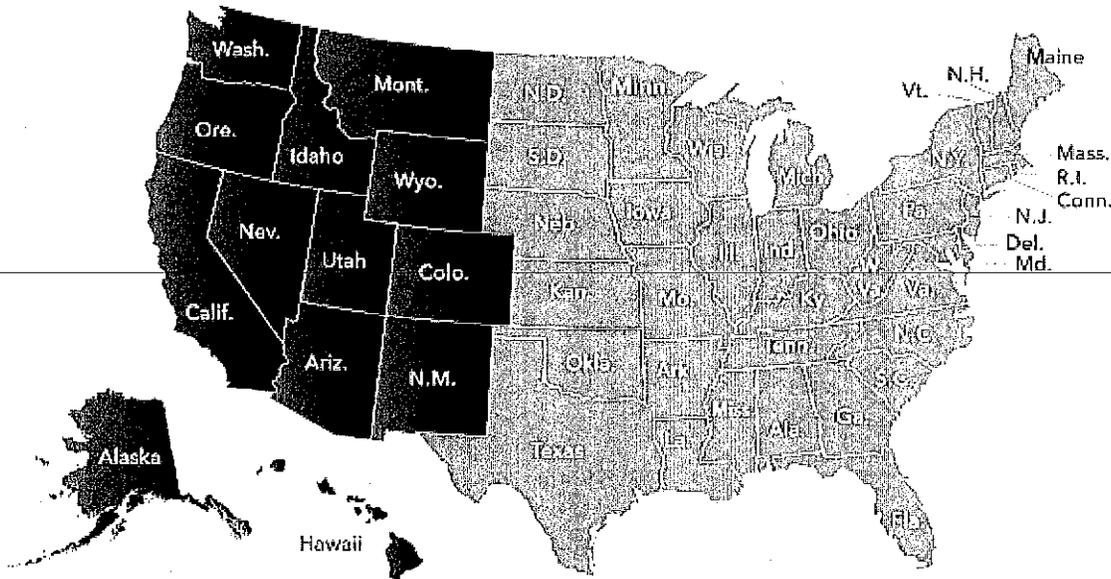
Tennessee: The state doesn't regulate PFAS chemicals but has established a workgroup to identify sites with the potential for contamination. The data will guide any needed drinking water and environmental monitoring efforts.

Texas: The state has no drinking water standards for PFOA and PFOS but does have residential and commercial/industrial cleanup standards for 16 perfluorinated chemicals. These are referred to as protective concentration levels under the Texas Risk Reduction Program, which only apply to contaminated sites. Levels exceeding the protective concentration levels would be subject to action or cleanup by state's remediation program.

Virginia: The state follows the EPA's 70 ppt health advisory.

West Virginia: The state follows the EPA's health advisory.

West Region



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Alaska: The state follows EPA health guidance of 70 ppt but may develop groundwater standards later for cleanup purposes.

Arizona: The state has worked with water systems for the last four years to mitigate PFAS and PFOA concentrations that exceed the EPA's health advisory but is prohibited from setting standards stricter than federal limits.

California: The state set drinking water notification limits for PFOA and PFOS July 13, but water agencies aren't required to test for the compounds. If they do and detections are at or above 14 ppt for PFOA or 13 ppt for PFOS, the agency must notify its governing board and the state. The state is also conducting biomonitoring studies to screen for PFAS chemicals.

Colorado: The state listed PFOA and PFOS as hazardous constituents in the state's hazardous waste regulations in February. The Colorado Water Quality Control Commission adopted a limit of 70 ppt for an area in the vicinity of Fountain Creek in central El Paso County.

Hawaii: The state follows the EPA health guidance of 70 ppt.

Idaho: The state follows the EPA health guidance of 70 ppt.

Montana: The state is looking into setting water quality standards for PFAS in groundwater at the EPA health advisory level. Changes would require a rulemaking.

Nevada: The state follows EPA health guidance of 70 ppt.

New Mexico: The Water Quality Control Commission voted to add PFOA and PFOS to the list of toxic pollutants the state regulates in July. "We will regulate it at a risk-based level" of 70 ppt, since there is no maximum contaminant level, a spokeswoman said.

Oregon: The state follows the EPA health guidance of 70 ppt.

Utah: "We have begun to explore options for monitoring based on experience in other states but have not yet collected any ambient water quality samples. We can't make any policy recommendations until we know if this is an issue of concern in Utah," a water quality spokesman said.

Washington: The first state to pass laws partially banning perfluorinated compounds in firefighting foam and food packaging is now working with the Washington Board of Health to set a drinking water standard.

Wyoming: The state is conducting a review of potential PFOA and PFOS contamination at sites throughout the state. "We're working to identify an inventory of locations and whether they pose a risk to ground water," spokeswoman said.

States Leading

PFAS contamination has been found in at least 172 sites in 40 states, according to the Environmental Working Group, a Washington, D.C.-based advocacy group that tracks pollution and supports tougher standards. More than 1,500 drinking water systems serving 110 million people may be contaminated with PFOA or PFOS, it said in May.

David Andrews, senior scientist at the Environmental Working Group, told Bloomberg Environment that it could take several years for the EPA to act, but "states seem to be more responsive and have the ability to act more quickly."

Saint-Gobain Performance Plastics Corp, which has been linked to PFOA contamination at locations in New Hampshire, New York, and Vermont, supports legislation that is "based on sound science," Dina Silver Pokedoff, a spokeswoman for the company, told Bloomberg Environment in an email.

Donna Fleming Runyon, a spokeswoman for 3M Co., which phased out its manufacturing of perfluorooctanol compounds in 2000, said state or federal regulations "must be guided by the best available science and a realistic assessment of risk."

"The vast body of scientific evidence does not show that PFOS or PFOA cause adverse health effects in people at current exposure levels," she told Bloomberg Environment in an email.

—With assistance from Paul Stinson in Austin, Texas; Stephen Joyce in Chicago; Alex Ebert in Columbus, Ohio; Brenna Goth in Phoenix; Emily Dooley in Sacramento, Calif; Leslie Pappas in Philadelphia; Karn Dhingra in Houston; Adrienne Appel in Boston; Chris Marr in Atlanta; Andrew Ballard in Raleigh, N.C.; Tripp Baltz in Denver; and Paul Shukovsky in Seattle



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