

12/2/2022

Katherine Ceroalo
NYS Department of Health
Bureau of Program Counsel, Reg. Affairs Unit
ESP Tower Building, Albany, NY 12237

Dear Ms. Ceroalo,

We appreciate the opportunity to comment on the NYS Department of Health's (DOH) proposed regulations to establish Maximum Contaminant Levels (MCLs) and Notification Levels (NLs) for twenty-three per- and polyfluoroalkyl substances (PFAS) in drinking water. PFAS pose a great threat to drinking water and public health of New Yorkers across the state. New York has positioned itself as a national leader on PFAS and we urge you to continue to be at the forefront of protecting drinking water and public health by strengthening this proposal and continuing to limit exposure to these "forever chemicals."

New Yorkers deserve clean drinking water. On Election Day, New Yorkers voted overwhelmingly for the Environmental Bond Act – showcasing the want for stronger clean water protections, not weaker ones. According to the US EPA¹ and the National Academies of Sciences, Engineering, and Medicine², there is no safe level of PFOA, PFOS or similar PFAS in our drinking water. We are encouraging the DOH to set PFAS drinking water standards as close to zero as technologically feasible. Specific suggestions include:

- Lower the proposed individual PFAS Maximum Contaminant Levels (MCLs) for PFHxS, PFHpA, PFNA, and PFDA to as close to 2ppt as possible, and no higher than 4 ppt. Lower the current MCLs on PFOA and PFOS as close to 2ppt as possible, and no higher than 4ppt. Currently other states have lower individual PFAS MCLs than New York. For example, Michigan has set a MCL of 6ppt for PFNA and a MCL of 8ppt for PFOA.
- Lower the proposed combined PFAS MCL (which would cover these 6 PFAS chemicals: PFOA, PFOS, PFHxS, PFNA, PFHpA, PFDA) from 30ppt to 20ppt or lower. Massachusetts and Maine have set a combined MCL (or an interim combined MCL) of 20ppt for the same PFAS compounds. New Yorkers drinking water should, at minimum, be set at the same standard as these other states.
- Lower the proposed combined Notification Level of 30ppt for 6 PFAS and 100ppt for 13 PFAS. Set a single combined Notification Level to 20ppt or lower.
- Establish an MCL for GenX, rather than a Notification Level.

¹ <https://www.epa.gov/newsreleases/epa-announces-new-drinking-water-health-advisories-pfas-chemicals-1-billion-bipartisan>

² <https://www.nationalacademies.org/news/2022/07/new-report-calls-for-expanded-pfas-testing-for-people-with-history-of-elevated-exposure-offers-advice-for-clinical-treatment>



According to calculations by Environmental Advocates NY, at least half a million New Yorkers are currently exposed to dangerous PFAS contamination. Our state has never had more resources to enact the most health protective PFAS standards. The Environmental Bond Act includes hundreds of millions of grant dollars to help water utilities install treatment technology, as does the state's Clean Water Infrastructure Act and federal Bipartisan Infrastructure Law. We can get PFAS out of our water and keep water affordable; we don't have to choose between one or the other.

Strengthening the proposed regulatory levels would lead to more investigation, and then cleanup at additional sites across the state. Further, New Yorker's deserve to be better informed about PFAS levels in their drinking water and the State needs to reduce residents exposure to these harmful chemicals. These drinking water standards will then inform other environmental standards, which will lead to a larger impact for PFAS reduction statewide, protecting resident's health and well-being.

Thank you for your consideration of these comments,

Respectfully Submitted,

Elizabeth Cute
Community Engagement Program Manager
Buffalo Niagara Waterkeeper