



May 26, 2023

The Honorable Michael S. Regan  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Re: Docket ID No. EPA-HQ-OW-2022-0114, Public Health Considerations for the Development of the Proposed Per- and Polyfluoroalkyl Substances National Primary Drinking Water Regulation

Dear Mr. Regan,

The Center for American Progress (CAP) is an independent, nonpartisan policy institute dedicated to improving the lives of all Americans, and committed to advancing policies and practices that strengthen health and tackle environmental injustice. We are submitting these comments in response to the proposed rule to create a new National Primary Drinking Water Regulation (NPDWR) for six types of per- and polyfluoroalkyl substances (PFAS): perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorononanoic acid (PFNA), hexafluoropropylene oxide dimer acid (HFPO-DA, commonly known as GenX Chemicals), perfluorohexane sulfonic acid (PFHxS), and perfluorobutane sulfonic acid (PFBS).

We applaud the Environmental Protection Agency's (EPA) efforts to limit exposure to PFAS, otherwise known as forever chemicals, after years of inaction at the federal level. Combined with the funding made available by the Infrastructure Investment and Jobs Act to help local drinking water systems monitor and remove forever chemicals and other emerging contaminants from the drinking water supply, this rule will protect Americans from these dangerous chemicals and invest in and improve their drinking water systems.

After nearly 70 years of widespread use in manufacturing, PFAS can be found virtually everywhere in our environment. They enter our water supply through industrial sites, fire response training sites, landfills, and wastewater treatment centers,<sup>1</sup> and are extremely resistant to breakdown and can stay in the environment for centuries. Humans are frequently exposed to these chemicals by drinking contaminated water directly, eating food—particularly fish—contaminated by PFAS, or breathing contaminated air. It is no surprise that 97 percent of Americans have at least some forever chemicals in their blood,<sup>2</sup> and depending on the level of exposure, the presence of these chemicals in humans can be very dangerous.

More research into the dangers of forever chemicals on human health is needed, but the existing science is clear: exposure to PFAS negatively impacts the human immune system, heart health, reproductive system, and childhood development, and it is associated with an increased risk of cancer. Studies have linked exposure to PFAS with decreased antibody response to disease in both adults and children, high cholesterol in adults and children, decreased fetal and infant growth, and increased risk of cancer in adults.<sup>3</sup> Evidence also suggests PFAS can be linked to an increased risk of breast cancer, testicular cancer, thyroid disease and dysfunction, inflammatory bowel disease, and pregnancy-induced high blood pressure.<sup>4</sup>

Since the passage of the 1996 Safe Drinking Water Act (SDWA), the EPA has issued regulations on over 90 contaminants to protect the public from the danger of water contaminants to human health—including disease-causing pathogens, heavy metals, and

radioactive particles— but up until now, has not acted on forever chemicals. In proposing a strict new NPDWR for forever chemicals, the EPA is taking an important step to protect public health against PFAS. The rule would set legally enforceable Maximum Contaminant Levels (MCLs) at four parts per trillion for both PFOA and PFOS, while HFPO-DA, PFBS, PFHxS, and PFNA would be regulated together as a mixture using a “Hazard Index” method. At those levels, the NPDWR would be the strictest PFAS standard ever imposed in the United States, including at the state level. These standards would further protect individuals in states with existing standards as well as individuals in states that have not taken action against PFAS. All Americans, but particularly communities overburdened by exposure to dangerous chemicals, stand to benefit. Thousands of public drinking-water systems across the United States are not being tested regularly for PFAS, and no nationwide system dedicated to tracking the proliferation of forever chemicals or their impact on communities exists. Numerous studies, however, have documented the inequitable distribution of PFAS concentration and exposure; across the United States, low-income communities and communities of color are far more likely to live near PFAS-contaminated areas.<sup>5</sup>

The benefits of reducing forever chemicals in the water greatly outweigh the costs of its removal and to prevent future contamination. The EPA estimates bringing the nearly 66,000 water systems that will be subject to regulation into compliance will cost between \$772 million to \$1.20 billion, but the savings that the rule will generate in terms of avoided adverse health effects are greater, with estimates ranging from \$908 million to \$1.23 billion.<sup>6</sup> Critically, local water systems will not shoulder the financial burden of coming into compliance alone, since the Biden Administration is making billions of dollars available to help them monitor and remove PFAS from the drinking water. Between the Drinking Water State Revolving Fund (DWSRF) and the Emerging Contaminants in Small or Disadvantaged Communities (EC-SDC) Grant Program, President Biden has made over \$9 billion dollars available to state, local, and tribal governments.

More research on PFAS and the extent to which all Americans, specifically disadvantaged communities and children, are exposed to them is needed, including the effect of each individual PFAS on health and the impact of exposure levels. This research may call attention to the need for greater, more stringent regulation, but at this moment, this proposed rule is an important step to ensure all communities have access to safe drinking water. We strongly urge the EPA to safeguard public health and finalize the rule as proposed.

Sincerely,

Jill Rosenthal  
Director, Public Health Policy

Sarah Millender  
Research Assistant, Health Policy

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<sup>1</sup> California State Water Resources Control Board, Division of Water Quality, “PFAS – Frequently Asked Questions” (Sacramento, CA: 2020), available at [https://www.waterboards.ca.gov/pfas/docs/master\\_pfas\\_faq\\_mar.pdf](https://www.waterboards.ca.gov/pfas/docs/master_pfas_faq_mar.pdf).

<sup>2</sup> Ryan C. Lewis and others, “Serum Biomarkers of Exposure to Perfluoroalkyl Substances in Relation to Serum Testosterone and Measures of Thyroid Function among Adults and Adolescents from NHANES 2011–2012,” *International Journal of Environmental Research and Public Health* 12 (6) (2015): 6098 – 6114, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4483690/>.

<sup>3</sup> National Academies of Sciences, Engineering, and Medicine; Health and Medicine Division; Division on Earth and Life Studies; Board on Population Health and Public Health Practice; Board on Environmental Studies and Toxicology; Committee on the Guidance on PFAS Testing and Health Outcomes, “Guidance on PFAS Exposure, Testing, and Clinical Follow-Up” (Washington, DC: 2022) available at

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<https://www.ncbi.nlm.nih.gov/books/NBK584690/>

<sup>4</sup> Ibid.

<sup>5</sup> Anita Desikan and others, "Abandoned Science, Broken Promises: How the Trump Administration's Neglect of Science Is Leaving Marginalized Communities Further Behind" (Cambridge, MA: Center for Science and Democracy at the Union of Concerned Scientists, 2019) available at

<https://www.ucsusa.org/sites/default/files/2019-10/abandoned-science-broken-promises-web-final.pdf>;

Susan Lee and others, "Dirty Water: Toxic 'Forever' PFAS Chemicals are Prevalent in the Drinking Water of Environmental Justice Communities" (New York, NY: Natural Resources Defense Council, 2021) available at <https://www.nrdc.org/sites/default/files/dirty-water-pfas-ej-communities-report.pdf>.

<sup>6</sup> United States Environmental Protection Agency, "Addressing PFAS in Drinking Water with the Drinking Water State Revolving Fund" (Washington, DC: 2019), available at

[https://www.epa.gov/sites/default/files/2019-03/documents/pfas\\_fact\\_sheet\\_and\\_case\\_studies\\_final.pdf](https://www.epa.gov/sites/default/files/2019-03/documents/pfas_fact_sheet_and_case_studies_final.pdf).