



NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

Members:

Richard Moore,
Chair
Jill Witkowski Heaps,
Vice-Chair
Sylvia Orduño,
Vice-Chair
April Baptiste
Charles Chase
Ellen Drew
Jabari O. Edwards
Michael Ellerbrock
Lisa Finley-DeVille
Jan Fritz
Rita Harris
Erica L. Holloman
Cheryl Johnson
Virginia King
Rosalyn LaPier
Mildred McClain
Melissa McGee-Collier
Jeremy F. Orr
Na'Taki Osborne Jelks
Millicent Piazza
Dennis Randolph
Cynthia Kim Len Rezentes
Jerome Shabazz
Karen Sprayberry
Michael Tilchin
Hermila Trevino-Sauceda
Sandra Whitehead
Sacoby Wilson
Kelly C. Wright
Dewey F. Youngerman, III

August 14, 2019

Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Recommendations to Strengthen the PFAS Action Plan

Dear Administrator Wheeler:

The National Environmental Justice Advisory Council (NEJAC) is concerned about the critical public health problems associated with the Per- and Polyfluoroalkyl Substances (PFAS) class of chemicals. We believe that the EPA's National Leadership Summit on PFAS in May 2018 was a good first step to building a nationwide discussion and consensus among environmental quality agencies on the dangers of PFAS chemicals in our water systems. EPA's February 2019 follow up through issuance of the PFAS Action Plan (EPA 823R18004), along with the Administration's plan to address and prevent PFAS contamination and communicate with the public about these hazardous substances, are also good initial steps to address this growing crisis. However, we believe much more needs to be done and that a quicker timeline should be pursued.

Studies have shown that there are at least 713 PFAS contaminated sites in 49 U.S. states or territories, including drinking water systems serving 19 million people.¹ The 1999-2000 and 2003-2004 National Health and Nutrition Examination Surveys monitored the U.S. population for the presence of these "forever chemicals" that do not break down over time.² Researchers found that more than 98% of the population has been exposed to PFAS, and the concentrations of PFOS and related compounds were higher among non-Hispanic whites and males.

¹ "Mapping the PFAS Contamination Crisis: New Data Show 610 Sites in 43 States."
https://www.ewg.org/interactive-maps/2019_pfas_contamination/

² Polyfluoroalkyl Chemicals in the U.S. Population: Data from the National Health and Nutrition Examination Survey (NHANES) 2003–2004 and Comparisons with NHANES 1999–2000. *Environ Health Perspectives*. 2007 Nov; 115(11): 1596–1602. Published online 2007 Aug 29.
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2072821/>

Michigan is at the forefront of tracking contaminated sites and in cleaning up drinking water sources and has issued “do not eat” advisories or limitations for fish and deer. This is particularly troublesome for Michigan’s 12 federally recognized tribes who may rely on fish, wildlife, and nature for sustenance, medical remedies, and ceremonial purposes.³ Approximately 31 percent of the nation’s reported PFAS contaminated sites are found in Michigan. Beyond the immediate health and environmental impacts, PFAS contamination is putting at risk the state’s \$11.2 billion hunting and fishing industry.⁴

Following years of lead and Legionella health impacts, residents of Flint, Michigan are especially fearful of water contamination risks from high levels of PFAS recorded at the RACER Buick City site. Groundwater testing there in November 2018 reported levels of: 2,510 parts per trillion (ppt) and 6,070 ppt near the pickling and enameling area; 10,900 ppt near the paint shop; 18,660 ppt east of the railroad tracks; and 38,000 ppt near the former paint shop. Ten more nearby locations had PFOS levels over 1,000 ppt.⁵ While the state is seeking to enact lower regulatory limits on PFAS in drinking water by year end, grassroots groups like Need Our Water in impacted counties are seeking more federal intervention for public awareness, environmental remediation, and health assessments.

In January 2018, the Michigan Department of Environmental Quality⁶ issued a new drinking water actionable level of 70 ppt for the combined concentrations of PFOS and PFOA. This criterion matched the lifetime health advisory level set by the EPA for drinking water in May 2016 (EPA 822R005 and EPA 822R004). Other states are taking the lead to set legal limits or health-based guidelines for PFAS chemicals that are much lower than the EPA’s non-binding advisory level.

The NEJAC believes the EPA should follow necessary, realistic recommendations for a Maximum Contaminant Level Goal (MCLG) of zero for all PFAS and enforceable Maximum Contaminant Levels (MCLs) as close to the MCLG as technologically feasible for all PFAS for which there is an analytical method of detection. The NEJAC also believes that in order to protect children’s health,⁷ the

³ Federally Recognized Tribes in Michigan: https://www.michigan.gov/mdhhs/0,5885,7-339-73971_7209-216627--,00.html

⁴ Matheny, Keith, PFAS contamination is Michigan's biggest environmental crisis in 40 years. *Detroit Free Press*, updated April 26, 2019. <https://www.freep.com/in-depth/news/local/michigan/2019/04/25/pfas-contamination-michigan-crisis/3365301002>

⁵ PFAS Contamination Site Tracker. *Northeastern University Social Science Environmental Health Research Institute*. (Last updated Mar 8, 2019) <https://pfasproject.com/pfas-contamination-site-tracker/>

⁶ Renamed as Michigan Department of Environment, Great Lakes and Energy

⁷ Reade, Anna, et al. “Scientific and Policy Assessment for Addressing Per- and Polyfluoroalkyl Substances (PFAS) in Drinking Water” Natural Resources Defense Council, March 15, 2019.

treatment technique of reverse osmosis, or equivalent, should be required to attain the total PFAS level.

We ask that the EPA expand its investigation and assessments of the environmental and health impacts of PFAS contamination in the following ways:

- (1) Meet with frontline communities in each EPA region to understand the PFAS health impacts and concerns beyond regulatory issues.
- (2) Cease approval of new PFAS chemicals and stop adding more PFAS chemicals to the environment. Both the EPA and Food and Drug Administration can do this through actions, especially if companies are required to get EPA approval before using some kinds of PFAS chemicals. For instance, the European Commission has compulsory chemical registration.
- (3) Request Department of Defense investigation and remediation of military bases. We recommend reviewing a Union of Concerned Scientists study⁸ and a PFAS Project report⁹ for more information on the serious health impacts to military communities.
- (4) Increase assistance of clean-up efforts at Superfund sites by providing additional resources for PFAS clean up, such as was done in St Louis, Michigan.¹⁰
- (5) Evaluate whether the Safe Drinking Water Act can adequately address the complexity of PFAS contamination clean up in scope, scale and timeframe for public drinking water sources, and if PFAS can be added to the Clean Water Act.
- (6) Lower the EPA's 70 ppt actionable level of PFAS chemicals to match the lowest levels of the states, i.e., Vermont (20 ppt for PFOA, PFOS, PFNA, PFHxS, PFHpA) and New Jersey (14 ppt for PFOA and 13 ppt for PFOS and PFNA).¹¹

<https://www.nrdc.org/sites/default/files/assessment-for-addressing-pfas-chemicals-in-michigan-drinking-water.pdf>

⁸ "A Toxic Threat: Government Must Act Now on PFAS Contamination at Military Bases (2018)."

<https://www.ucsusa.org/center-science-and-democracy/preserving-science-based-safeguards/toxic-threat-pfas-contamination-military-bases>

⁹ Dart, Tom. "A trail of toxicity: the US military bases making people sick." *The Guardian*. May 23, 2019.

<https://www.theguardian.com/us-news/2019/may/23/chemical-colorado-springs-military-communities-pfes>

¹⁰ Ehrmann, Chris. "Cleanup of Michigan's largest Superfund site, begun in 1998, could take 7 more years." *MLive* May 21, 2019. <https://www.mlive.com/news/saginaw-bay-city/2019/05/cleanup-of-michigans-largest-superfund-site-begun-in-1998-could-take-7-more-years.html>

¹¹ *Environmental Working Group*.

- (7) Address the entire group of PFAS chemicals (not just one at a time) in the CWA and include them on the Toxics Release Inventory.
- (8) Refer to the European Commission report¹² on PFAS biomonitoring reviews and action standards at $\geq 0.005\%$ concentration to reduce health impacts and environmental risks.

Based on our review, the NEJAC strongly urges the EPA to further research and address the dire and widespread impacts on drinking water, human health, and environment from PFAS chemicals. We ask you to prioritize cleanup at sites with the highest and long-term levels of PFOS and PFOA contamination, and to assist the associated communities in providing potable water options, especially in low-income environmental justice communities.

We thank you greatly for your review and consideration of the NEJAC's concerns and recommendations and look forward to your timely response.

Sincerely,



Richard Moore, Chair

cc: NEJAC Members
Dave Ross, Assistant Administrator for the Office of Water
Peter Wright, Assistant Administrator for the Office of Land and Emergency Management
Brittany Bolen, Associate Administrator for the Office of Policy
Matthew Tejada, Director for the Office of Environmental Justice
Karen L. Martin, Designated Federal Officer and NEJAC Program Manager

¹² Camboni, Marco Camboni, Anthony Footitt, Meg Postle, et. al. "Study on the Calculation of the Benefits of Chemicals Legislation on Human Health and the Environment Development of a System of Indicators. Final Report." European Commission, April 2016.
http://ec.europa.eu/environment/chemicals/reach/pdf/study_final_report.pdf

