

Rural Water Policy Advisory [5/29/2018]

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Rural Water to Reject Calls for Safe Drinking Water Act Maximum Contaminant Level (MCL) for Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS).

Numerous stakeholders have recently called the U.S. Environmental Protection Agency (EPA) to set a federal regulatory standard (MCL) under the Safe Drinking Water Act for the PFAS class of man-made chemicals that includes perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS), GenX, and many other chemicals. PFAS have been manufactured and used in a variety of industries around the globe, including in the United States since the 1940's. Many of the PFAS chemicals are very persistent in the environment and in the human body – meaning they don't break down and they can accumulate over time. There is evidence that exposure to PFAS can lead to adverse human health effects.

At the EPA's [PFAS National Leadership Summit and Engagement](#) meeting last week (May 22) on the issue of PFAS, EPA Administrator Scott Pruitt announced a multi-media effort to address contamination from PFAS, stating that EPA will "*take the next step*" to evaluate the need for a drinking water standard for PFOA and PFOS.

The PFAS class of chemicals, which number more than 3,000 substances, have been used to make a wide range of products, including fire fighting foam, waterproof textiles and cookware. While EPA in 2016 set lifetime health advisory levels for PFOA and PFOS at 70 parts per trillion, the agency stopped short of setting an enforceable MCL and provided limited guidance to states and public water systems on how to use the advisory levels.

Lawmakers, community groups across the country, environmentalists and states have pressured EPA in recent months to take action, including setting a national standard (MCL) to ensure "*regulatory certainty*" to address PFAS in a growing number of drinking water supplies as well as at contaminated sites. In the absence of a federal standard, many states are adopting their own standards, creating a variety of cleanup levels for drinking water systems and responsible parties at contaminated waste sites across the country.

On Friday, the NRWA [Regulatory Committee](#) convened to craft association policy for a number of active policy issues including PFAS issues (May 25 [committee agenda](#)).

The Regulatory Committee unanimously adopted a policy recommendation that NRWA urge Congress and the EPA to resist a call for a national Safe Drinking Water Act MCL for PFAS and instead urge for alternative federal initiatives to "*assist*" communities dealing with PFAS contamination. In identifying the new policy for NRWA, the committee included the following findings:

- MCLs are regulatory enforcement levels for local governments that may result in fines and what is actually needed in affected communities is funding for treatment, monitoring assistance, on-site technical assistance for emergency operations, credible public health information, emergency access to safe drinking water and locally supported solutions.
- The Safe Drinking Water Act's mechanism of levying federal fines on local consumers for violations of MCLs is not a helpful solution for small and rural communities adversely affected by PFAS contamination.

- The federal government should identify at what level PFAS becomes unsafe in drinking water or acknowledge whether such a determination is possible. MCLs are not based on public health levels, but rather are determined by what a large metropolitan community can “feasibly” afford. There is a level authorized in the Safe Drinking Water Act for EPA to identify a health base level, the so-called “unreasonable risk to health” level.
- Most communities impacted by PFAS will be small and rural communities.
- Local governments are not responsible for PFAS contamination and responsible parties should be held accountable for remediation, treatment and providing alternative sources of safe drinking water.

The Regulatory Committee recommendation will be reviewed by the NRWA Executive Committee on June 30, 2018.

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