

Blue Ridge Environmental Defense League

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USEPA

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Interim Recommendations for Addressing Groundwater Contaminated with PFOA and PFOS

To whom it may concern:

On behalf of the Blue Ridge Environmental Defense League and our members I am submitting comments on the EPA's Interim Recommendations for Addressing Groundwater Contaminated with PFOA and PFOS.

The scope of this interim recommendations is too limited

There are approximately 4,000 – 5,000 chemicals in the PFAS (per- and polyfluoroalkyl substances) family. EPA limiting the discussion to only two of these is fruitless in protecting the health and well-being of the public. Congress' concerns about PFAS has led to thirteen bills currently being considered. These bills address how to reduce exposure, expediate cleanup and safe disposal of the chemicals.

We concur with scientists and experts who recommend using a "class" approach for all PFAS.

According to her testimony before a congressional subcommittee, Associate Professor Jamie DeWitt, PhD, DABT described PFAS as "'forever chemicals' due to their persistence in the environment. They aren't readily broken down by sunlight, microbes, or other processes. We, as a scientific community, have not yet uncovered an easy way by which these chemicals can be degraded, so forever chemical is an appropriate description of PFAS. In addition, this class of

chemicals is highly mobile once released to the environment. PFAS have been found everywhere scientists have looked, from the Arctic circle to the Marianas Trench.”¹

Dr. DeWitt also stated that, “PFAS are a class of nearly 5,000 closely related chemicals that all contain a carbon-fluorine bond...The US EPA has not set a legally binding regulatory limit for any chemical in two decades; it is time for Congress to act. Of the 5,000 known PFAS, the vast majority have NO associated research data or standards for human biomonitoring. It is not feasible from a time or resource perspective to ‘TEST’ our way out of this crisis. Employing a ‘CLASS’ approach for ALL PFAS will be protective for vulnerable populations and the general public.”²

Erik Olson from the Natural Resources Defense Council appeared before the same congressional subcommittee and testified that “A Harvard study found that just two members of this class of toxic chemicals, PFOA and PFOS, are present in the tap water of at least 16.5 million people in 33 states, including 6 million Americans at levels above EPA’s current weak and unenforceable “health advisories.” Evidence indicates that tens of millions of Americans may have tap water containing PFAS at levels CDC and independent scientists consider unacceptable.”³

Mr. Olson continued, “While EPA’s ‘Action Plan’ for PFAS32 says the agency will propose a regulatory determination for a drinking water standard for PFOA and PFOS by the end of 2019 and is considering whether to list these two chemicals under CERCLA [Comprehensive Environmental Response, Compensation, and Liability Act, known also as Superfund.], the process to set the drinking water standard will likely take 5 years or more based on the only other contaminant EPA has found it should regulate under the SDWA [Safe Drinking Water Act] in the past 22 years (in that case, it has been a decade since EPA proposed its regulatory determination and the agency still hasn’t proposed a standard, despite statutory deadlines and a consent decree). Listing these chemicals under CERCLA also is likely to take years. Moreover, regulating only two chemicals out of about 4,700 PFAS (and the only two that already have been withdrawn from manufacture in the U.S.), without any suggestion of regulating the rest of the class under the Safe Drinking Water Act or CERCLA, makes it clear that Congress and states must step in to fill the void.”⁴

¹ Jamie DeWitt, PhD, DABT, Associate Professor, Department of Pharmacology & Toxicology, Brody School of Medicine at East Carolina University; Testimony; May 15, 2019; <https://energycommerce.house.gov/committee-activity/hearings/hearing-on-protecting-americans-at-risk-of-pfas-contamination-exposure>

² Ibid.

³ Erik D. Olson, Health Program Director, Natural Resources Defense Council Testimony; May 15, 2019; <https://energycommerce.house.gov/committee-activity/hearings/hearing-on-protecting-americans-at-risk-of-pfas-contamination-exposure>

⁴ Ibid.

NC Policy Watch reported in May of this year that “A year’s worth of monitoring shows alarming levels of more than 17 types of PFAS have been detected in the groundwater and surface water at the Police & Fire Training Academy in southwest Charlotte...The 2018 annual groundwater monitoring report shows that in the 15 monitoring wells at the training center, cumulative totals of just two — PFOS and PFOA — ranged from 1,810 parts per trillion to 114,000 ppt. For all 17 types of PFAS, the cumulative totals in groundwater wells ranged from 21,136 to 654,420 ppt.”⁵

PFAS contamination is far and wide and just looking at two of a possible 5,000 chemicals is extremely inefficient. Urgent action is needed and these interim recommendations will do little to resolve the problem.

Short-chain replacement chemicals need to be addressed

EPA and other federal agencies routinely never properly study chemical after chemical. Instead, the agencies give the go ahead for use and wait until extremely costly damage has been done to the environment, not to mention the ill effects on human, animal and plant health.

GenX chemicals are used as short-chain replacements for PFOA in manufacturing Teflon. However, GenX has been shown to cause many of the same health issues as PFOA. In North Carolina, Chemours, a manufacturer of GenX, has agreed to pay North Carolina \$13 million to settle claims regarding air and water contaminated with GenX.

As pointed out by Mr. Olson’s testimony before a congressional subcommittee, “Unfortunately, evidence uncovered in litigation shows that the manufacturers of PFAS have known for decades that some of these chemicals pose serious health threats, but they hid the information from the public.”⁶

We have little faith that the EPA will act in the best interests of citizen’s health or the environment regarding PFAS and short-chain replacements. Chairman Tonko, NY, expressed

⁵ “PW exclusive: Toxic chemical contamination detected in Charlotte; NC lawmakers decline to act”, Lisa Sorg, 5/17/2019; <http://www.ncpolicywatch.com/2019/05/17/pw-exclusive-toxic-chemical-contamination-detected-in-charlotte-nc-lawmakers-decline-to-act/>

⁶ Erik D. Olson, Health Program Director, Natural Resources Defense Council Testimony; May 15, 2019; <https://energycommerce.house.gov/committee-activity/hearings/hearing-on-protecting-americans-at-risk-of-pfas-contamination-exposure>

urgency in his opening statement of the congressional subcommittee hearing on PFAS. He stated, “We cannot wait for EPA to act.”⁷

All potentially PFAS contaminated sites need to be investigated

EPA mentions the use of screening tools and setting remediation goals. In addition, EPA needs to document what industrial uses and sites either emitted/discharged or had the probability of emitting/discharging chemicals in the PFAS class since their use began in the 1940s. Then, these sites need to be investigated to determine the presence of PFAS contamination. Many of these sites may have closed – some decades ago- and may no longer be on people’s minds as a contamination source.

For example, Burlington Mills operated a carpeting manufacturing facility in the community of Rabun Gap, Georgia from circa 1955 to the summer of 1992. Research has shown that U.S. carpets contain PFAS chemicals including PFOA, PFOS, PFBA, PFPeA, PFHxA, PFHpA, PFBS and 6:2FTS.⁸

In 1992 Georgia EPD indicated the presence of fluorine, which can be an indicator of PFAS, in the site’s soil. Fluorine has not been tested since then.⁹

Rabun County is currently operating a water drinking supply facility adjacent to the old Burlington Mills site. This site and this community’s drinking water need to be tested for possible PFAS contamination.

Georgia currently does not require testing for PFAS contaminants.¹⁰

Meanwhile, North Carolina has recently notified some municipalities along the Cape Fear River Basin that they will need to start monitoring for PFAS starting in June. The state is requiring three consecutive months of monitoring.¹¹ Both the EPA and North Carolina Division of Water Resources data indicate PFAS contaminants are present in the Cape Fear River Basin.

⁷ Chairman Tonko, NY, Opening Statement; May 15, 2019; <https://energycommerce.house.gov/committee-activity/hearings/hearing-on-protecting-americans-at-risk-of-pfas-contamination-exposure>

⁸ Testing Carpet For Toxics, Chemicals affecting human health and hindering the circular economy, Changing Markets Foundation, Dec. 2018

⁹ GA EPD letter to Burlington Industries, Inc., Notice of Deficiency and Request for Corrective Action Plan, Feb. 11, 2002

¹⁰ 391-3-19 Hazardous Site Response regulations, Appendix (391-3-19) III MEDIA TARGET CONCENTRATIONS AND STANDARD EXPOSURE ASSUMPTIONS, Table 1. Groundwater Criteria

¹¹ <https://deq.nc.gov/news/press-releases/2019/05/06/state-takes-action-manage-emerging-compounds-wastewater>

North Carolina DEQ recommends (not a legal requirement) that drinking water should not contain more than 10 ppt for a single type of perfluorinated compound, or 70 ppt cumulatively. NC DEQ has a limit of 10 ppt for chemicals, such as PFAS, with no specific groundwater standards.

Soil, Surface and Ground Water, Air and Food

EPA needs to address PFAS contamination in our soil, surface and ground water, air and food.

On June 3, 2019, NC Policy Watch reported that the FDA found GenX and fourteen types of perfluorinated compounds in produce that was grown within 10 miles of the Chemours chemical facility in Fayetteville, NC.

We also have concerns about PFAS being present in sewer sludge that is spread on farmlands. All biosolids sewer sludge need to be tested for PFAS prior to being used on farms.

In Summary

The EPA interim recommendations for addressing groundwater contaminated with PFOA and PFOS needs to be expanded to include all PFAS as a class. Any talk of cleanup needs to examine previous industrial sites that probably emitted/discharged PFAS chemicals. All areas of PFAS contamination – soil, surface and ground water, air and food – need to be properly addressed. In addition to the class of PFAS, short-chain replacement chemicals that convey similar health impacts – such as GenX – also need to be included.

The federal government is hell-bent on fast tracking projects that harm the environment. For a change, how about fast tracking a plan that will clean up the entire class of PFAS contaminants and their short-chain replacements?

Respectfully submitted,



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