

June 10, 2020

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
4101 M
Washington, D.C. 20460

Dear Administrator Wheeler:

RE: Comments on Preliminary PFOS and PFOA Regulatory Determination Under the Safe Drinking Water Act (EPA–HQ–OW–2019–0583; FRL–10005–88–OW)

On behalf of the coalition of trade associations listed below and our member companies, we welcome EPA’s efforts to advance a key aspect of its February 2019 PFAS Action Plan, and we urge your consideration of our comments as you explore whether and how to move forward with the preliminary regulatory determination for PFOS and PFOA. The members of the coalition have a strong interest in ensuring the safety of our companies’ employees and the communities where we operate. Further, the coalition is committed to working with regulators and interested stakeholders to establish standards that protect human health and the environment through the risk-based approach enshrined in long-standing U.S. environmental law and policy.

Collaboration and transparency are critical to any such efforts, and the government, industry, and the scientific community must work together to share knowledge and focus resources on the highest priorities based on actual risk, while using existing regulatory processes to proactively address such issues. This starts with smart, science-based, and expeditious communication between stakeholders and appropriate officials on the public health risks presented.

As EPA is aware, per- and polyfluoroalkyl substances (PFAS) are a broad class of chemicals receiving increased industry and public attention amid federal efforts to communicate emerging issues and concerns. It is crucial that regulatory determinations take into account that PFAS are a diverse family of chemical materials used across a wide cross-section of industries, including aerospace, energy, first responder services, automotive, health care, telecommunications, and electronics. Beneficial products enabled by PFAS technologies include medical products and garments, coatings for medical devices, semiconductors, solar panels, high-performance electronics, and fuel-efficient automobiles. Certain fluorinated firefighting foams are still needed for emergency response operations.

Key Priorities for PFOA and PFOS Standards

As you consider how best to approach the establishment of standards for PFOA and PFOS under the Safe Drinking Water Act (SDWA), the coalition urges your attention to the following key priorities:

- We support EPA’s decision to regulate based on the characteristics of individual chemicals, not as a single class, and develop corresponding Maximum Contaminant Levels (MCLs) or treatment techniques where suitable. There are close to 5,000 PFAS class chemicals. The chemistries among these chemicals vary substantially and have different characteristics, profiles, and uses. Thus, regulatory actions should be undertaken on an individual chemical basis, rather than as a class. Individual chemicals should be regulated based on a comprehensive understanding of the specific risks posed. Potential risks associated with one member of the PFAS class should not be attributed to other members of the class without clear scientific justification and demonstrate that these specific chemicals present a similar toxicity and other factors. This approach is consistent with the intent of the SDWA. EPA should continue its efforts to establish PFAS regulatory levels based on the best available science. Moreover, it is important to note that PFOS and PFOA are not new sources, as they are no longer produced in the U.S.
- The coalition is open to considering the treatment-focused regulatory approach EPA has suggested in its *Federal Register* notice, but we suggest that EPA provide clear data and methodology indicating its effectiveness. It is critical to recognize that the treatment level and an MCL would not be the same.
- We support prudent action by EPA using existing statutory authorities to evaluate and establish, as appropriate, a national standard for specific PFAS for which the SDWA criteria are supported by sound science. With more than 20 states considering some type of PFAS regulation, national standards will provide certainty and consistency for businesses and other impacted stakeholders.
- The business community suggests that EPA identify and consider how economically achievable any required limitations would be and promote consideration of broader societal costs and interests, such as national and community security and safety issues that protect lives and property.
- Consistent with the aforementioned priority of ensuring a risk-based approach underpinned by sound science and data, the business community would like EPA to share its risk evaluation and cost-benefit methodologies to ensure that all stakeholders understand and prepare for the approaches selected. Accordingly, we urge the Office of Pollution Prevention and Toxics to clarify its planned approach to risk evaluation and how the agency’s proposed scientific transparency rulemaking may be integrated into this process. Once clarified, EPA should notify the public so that stakeholders are able to provide appropriate, informed comments regarding the preliminary regulatory determination.
- PFAS-related treatment and cleanup approaches are still under development, and while certain technologies have shown promise, significant additional progress must be made to advance technologically viable and cost-effective methods. Therefore, the business community urges EPA to allocate additional agency resources to address PFAS-related challenges associated with monitoring, testing, responding, and developing and deploying innovative technologies. The

funds would be available to communities and drinking water systems to deploy and pilot innovative technologies to address identified PFOS and PFOA public health risks.

Thank you for the opportunity to comment on this important issue.

Sincerely,

Aerospace Industries Association
Airlines for America
American Chemistry Council
American Coatings Association
American Forest and Paper Association
American Fuel and Petroleum Manufacturers
American Petroleum Institute
Association of General Contractors
Coalition of Automotive Innovation
Council of Industrial Boiler Owners
Fashion Jewelry & Accessories Trade Association
Flexible Packaging Association
Foodservice Packaging Institute
International Liquid Terminals Association
National Association of Chemical Distributors
National Association of Printing Ink Manufacturers
National Mining Association
Single Ply Roofing Industry
Printing United Alliance
U.S. Chamber of Commerce