



President  
**Gilbert Trejo**  
El Paso Water, TX

Vice President  
**Craig Lichty**  
Black & Veatch, CA

Treasurer  
**Diane Taniguchi-Dennis**  
Clean Water Services, OR

Secretary  
**Karen Pallansch**  
Alexandria Renew  
Enterprises, VA

Past President  
**Paul Jones, II**  
Eastern Municipal Water  
District, CA

June 10, 2020

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

Re: Comments on Preliminary Regulatory Determinations for Contaminants  
on the Fourth Drinking Water Contaminant Candidate List (Docket ID No.  
EPA-HQ-OW-2019-0583-0001)

Dear Administrator Wheeler:

On behalf of the WaterReuse Association (WaterReuse), I am pleased to submit our comments regarding the U.S. Environmental Protection Agency's (EPA) Preliminary Regulatory Determinations for perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA).

WaterReuse is a not-for-profit trade association for water utilities, businesses, industrial and commercial enterprises, non-profit organizations, and research entities that engage in and on water reuse. WaterReuse and its state and regional sections represent nearly 250 water utilities serving over 60 million customers, and over 300 businesses and organizations across the country. WaterReuse's mission is to engage its members in a movement for safe and sustainable water supplies, to promote acceptance and support of recycled water, and to advocate for policies and funding that increase water reuse.

The WaterReuse Association supports the timely establishment of a federal Maximum Contaminant Level (MCL) for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) in accordance with the established regulatory process under the Safe Drinking Water Act.

As you work to develop drinking water standards for PFOS and PFOA, we urge you to utilize the following guiding principles, which the WaterReuse Association developed in the fall of 2019:

**Guiding Principles on the Regulation of Per- and Poly-fluoroalkyl Substances (PFAS)**

PFAS compounds are contained in dozens of common household products, in the dust we breathe, and in the blood of nearly every person in America. There are thousands of varieties of PFAS that have been created, with about 75 of these used in commercial applications; very little is known about most of them. What is known is that PFAS

compounds are ubiquitous in the environment and can now be detected in the parts per trillion range. The WaterReuse Association urges appropriate action now to address the presence of PFAS contaminants that exist at concentrations that create a risk to public welfare and the environment. WaterReuse believes that regulatory decisions should be based on science, tied to public health and environmental risk, and informed by an understanding of treatment technologies.

Regulatory decisions on PFAS-related issues must recognize that:

- PFAS compounds have been and are still being used in many military, industrial, and commercial products, including use in common household and food-packaging products. As a result, the compounds are already ubiquitous in the environment;
- Source control is important to lowering the amount of PFAS in our environment;
- Water and wastewater utilities provide essential public services and are not manufacturers or primary sources of PFAS;
- There are important scientific questions about PFAS that need to be resolved, including questions related to the fate, exposure, and toxicity of the compounds;
- Financial and technological feasibility, including analytical capabilities and treatment options, must be considered;
- PFAS-related regulations should aim to protect public health and the environment, and should be data-driven, risk-based, and informed by peer-reviewed science;
- Federal regulation should emphasize pollution prevention, product replacement, and source control, and should be designed to prevent or eliminate the introduction of PFAS into wastewater and drinking water;
- Water utilities and their rate payers should not bear the financial burden of removing PFAS from impaired water supplies;
- Removing PFAS from water creates treatment residuals, which will need to be managed;
- Any regulation that applies to multiple PFAS compounds as a class must be scientifically defensible and must recognize that individual PFAS compounds have unique characteristics and varying levels of human health toxicity;
- As with other water, recycled water may contain detectable levels of PFAS. The presence and potential impacts of PFAS across the multitude of reuse applications should be carefully evaluated using the best scientific information available and peer-reviewed, risk-based approaches; and
- When developing federal regulations, decision makers should evaluate and consider potential adverse consequences of new rules, including implications for existing water recycling projects.

The WaterReuse Association supports federal policies that advance:

- Additional and timely research and development into PFAS characteristics and solutions, including:
  - Development of analytical methods to measure PFAS compounds in water, wastewater, and treatment residuals,
  - Evaluation of the toxicity and risks associated with individual PFAS compounds, and the efficacy of regulating PFAS compounds by class or type versus by individual compound,



- Studies of fate and transport in various types of water recycling,
- Studies of routes of PFAS exposure attributable to various types of water recycling, and any associated public health and environmental risks,
- Evaluation of treatment efficacy for individual compounds,
- Evaluation of options for safe residuals management, and
- Evaluation and identification of safe product substitutes;
- Useful and timely information for consumers and water professionals;
- Public health and environmental standards that are based on science and a comprehensive understanding of risk;
- More federal support for extended producer responsibility, pollution prevention programs, and source control;
- A focus on the most persistent individual PFAS compounds that pose the greatest human health risk;
- A proactive approach through better evaluation of new chemicals and applications, using the Toxic Substances Control Act (TSCA) and other authorities; and
- Federal financial assistance for communities that are forced to address contaminated water supplies (whether through purchase of replacement water supplies or implementation of treatment). This should include support for management of residuals.

The WateReuse Association opposes:

- Designating PFAS as hazardous material under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). If PFAS is designated as hazardous under CERCLA, then wastewater and water utilities must be exempted from liability because water and wastewater utilities do not produce or create PFAS – rather, they receive PFAS in the water and wastewater they treat; and
- Adoption of any new PFAS regulatory standards or thresholds that are not based on rigorous science and an understanding of public health and environmental risks.

Thank you for your consideration of our comments.

Sincerely,



Patricia Sinicropi  
Executive Director  
WateReuse Association

