

May 26, 2023

The Honorable Radhika Fox
Assistant Administrator
Office of Water
Environmental Protection Agency
Washington, DC 20020

RE: PFAS National Primary Drinking Water Regulation Rulemaking
EPA Docket ID: EPA-HQ-OW-2022-0114
FRL 8543-01-OW

Dear Assistant Administrator Fox:

We, the undersigned organizations representing a coalition of state chambers of commerce are pleased to provide comments for 1) EPA's proposed regulatory determination for PFHxS, HPFO-DA, GenX chemicals, and PFNA; and 2) EPA's proposed maximum contaminant levels (MCLs) and proposed maximum contaminant level goals (MCLGs) for PFOA and PFOS and also the four PFAS chemistries for which EPA is proposing a regulatory determination.

State Chambers of Commerce across our nation support a national drinking water standard for PFOA and PFOS based on the best science and risk. State environmental policymakers are pursuing aggressive requirements including drinking water standard, broad bans, and disclosure regimes. EPA action could be helpful in replacing this current patchwork.

However, there are substantial questions with EPA's current proposal. It is critical that EPA gets this right, as the costs that the proposed rule would impose are significant, and likely underestimated, leading to several challenges to the water utilities and other industries. For example, the proposed rule does not consider that maximum contaminant levels (MCLs) set in this regulation would have direct relationship to the costs of Superfund cleanups, given the pending CERCLA hazardous substance designation for PFOA and PFOS. SDWA sets the standard for using the "best available peer-review science." The proposed MCL must be changed to properly balance these costs and benefits, as the statute requires and EPA has done in setting prior MCLs.

Accordingly, we request that the agency withdraw the proposal and await the results of the UCMR 5 process:

- **Lack of occurrence data at the proposed MCL level.** The current UCMR 3 occurrence data for PFOA and PFOS seems to indicate levels at between 20 ppt and 40 ppt. EPA does not have a robust understanding of occurrence levels at the proposed MCL levels for PFOA and PFOS or the other four PFAS. This lack of occurrence data for a preliminary regulatory determination requires more thoughtful and thorough analysis.

- **The novel hazard index approach.** The hazard index approach for the PFAS other than PFOA and PFOS has never been used in setting an MCL, and it presents technical, scientific, and legal questions about how it would be implemented.
- **There is limited understanding of risk at these levels.** There is significant uncertainty regarding the health risks at the proposed MCL levels for all six PFAS. WHO's recent study on potential guidelines for water quality, for example, proposed 100 ppt based on the most relevant public health data and seems to be consistent with known risk.
- **The Safe Drinking Water Act requires consideration of the costs and benefits.** The U.S. Chamber submitted a report to the Office of Management and Budget (OMB) modelling the potential costs attributable to various drinking water treatment levels. The estimated annualized costs for a proposed MCL of 4 ppt for PFOA and PFOS are approximately \$1.8 billion annually and are more than twice as much as the EPA estimated costs in their economic analysis. The Chamber cover letter to OMB and the report are [here](#) and [here](#). The significant costs and impacts and their connection to other elements of the PFAS Strategic Roadmap, such as the proposed hazardous substance designation under CERCLA demand a full vetting by the stakeholder community.

The broad impact of this proposal by EPA's own accounts may raise water bills for households in our communities by as much as \$1,000 per month. These are real costs of our employees and customers that are avoidable should EPA select a more reasonable and defensible approach.

We stand ready to assist you as the MCL proposals moves forward. For any questions or further discussion, please contact Kevin Sunday, Director of Government Affairs for the Pennsylvania Chamber of Business and Industry, at (717) 487-3571 or ksunday@pachamber.org.

Sincerely,

Greater North Dakota Chamber
 Idaho Association of Commerce & Industry
 Indiana Chamber of Commerce
 Iowa Association of Business and Industry
 Kansas Chamber of Commerce
 Kentucky Chamber of Commerce
 Maine State Chamber of Commerce
 Maryland Chamber of Commerce
 Michigan Chamber of Commerce
 Minnesota Chamber of Commerce
 Missouri Chamber of Commerce and Industry
 Nebraska Chamber of Commerce & Industry
 New Jersey Business & Industry Association

New Mexico Chamber of Commerce
North Carolina Chamber
Ohio Chamber of Commerce
Oregon Business & Industry
Pennsylvania Chamber of Business and Industry
South Carolina Chamber of Commerce
Tennessee Chamber of Commerce & Industry
Virginia Chamber of Commerce
Wisconsin Manufacturers & Commerce
Arizona Chamber of Commerce and Industry
Illinois Chamber of Commerce