



Great Lakes-St. Lawrence
Legislative Caucus

2020 Virtual Meetings of the Great Lakes-St. Lawrence Legislative Caucus

September 11-October 9

Calling for Federal Guidance and State Planning to Address Potential Contamination from PFAS Chemicals

- WHEREAS,** per- and polyfluoroalkyl substances (“PFAS”) are a large group of human-made chemicals used in consumer products and industrial processes, persist in the environment due to their chemical properties,¹ and have been found to adversely affect human health; and
- WHEREAS,** to provide Americans with a margin of protection from a lifetime of exposure to two specific types of PFAS contaminants – per-fluorooctanoic acid (“PFOA”) and per-fluorooctanesulfonic acid (“PFOS”) – the U.S. Environmental Protection Agency (EPA) has established a health advisory level for drinking water of 70 parts per trillion;² and
- WHEREAS,** between 2000 and 2002, PFOS was voluntarily phased out of production in the U.S. by its primary manufacturer, 3M;^{3,4} and
- WHEREAS,** Congress, under the 1996 Amendments to the Safe Drinking Water Act, provided the EPA Administrator with broad, singular subjective discretion to decide whether to regulate PFAS,⁵ and
- WHEREAS,** EPA has been aware of and studying the potential health effects of PFOA/PFOS since initiating a priority review in 2002; and
- WHEREAS,** at least 12 states, frustrated with the lack of progress by Congress and the EPA, have adopted or proposed their own health guidelines or Maximum Contaminant Levels (MCLs) for PFAS; and
- WHEREAS,** on February 20, 2020, EPA announced the implementation of its PFAS Action Plan by proposing regulatory determinations for PFOS and PFOA in drinking water;⁶ now therefore be it
- RESOLVED,** that the Great Lakes- St. Lawrence Legislative Caucus urges EPA to expedite establishing an MCL for PFOS and PFOA based on risk to the public’s health; and be it further
- RESOLVED,** that, in the absence of an EPA standard, states and their respective regulatory agencies should consider establishing a task force to collaborate with each other and with federal



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agencies, regulators, and water and wastewater utilities to develop mitigation plans that address:

- (1) PFAS contaminations at military installations;
- (2) Reporting requirements for industrial discharges of PFAS;
- (3) Guidance on the destruction and disposal of PFAS wastes;
- (4) Standardized metrics for water and wastewater utilities to use in testing and reporting to regulators; and
- (5) Advocacy for the EPA's expedited contaminant designation and establishment of a federal MCL; and
- (6) Cost recovery by water and wastewater utilities for testing, treatment, and reporting to address the problem of PFAS contamination in the water supply; and be it further

RESOLVED, that this resolution be shared with the appropriate state and federal officials.

Adopted on October 9, 2020.

¹ <https://www.epa.gov/newsreleases/epa-announces-proposed-decision-regulate-pfoa-and-pfos-drinking-water>

² <https://www.epa.gov/ground-water-and-drinking-water/drinking-water-health-advisories-pfoa-and-pfos>

³ https://www.epa.gov/sites/production/files/2016-06/documents/drinkingwaterhealthadvisories_pfoa_pfos_updated_5.31.16.pdf

⁴ PFOS is a specific compound of the PFAS class of contaminants.

⁵ NRDC v. EPA, 16 F.3d 1395, 1401 (4th Cir. 1993) (the court realizes that it must give due weight to EPA's interpretation and administration of this highly complex statute, particularly when its determination appears to be reasonable and is supported by substantial evidence in the administrative record).

⁶ <https://www.epa.gov/newsreleases/epa-announces-proposed-decision-regulate-pfoa-and-pfos-drinking-water>