



April 11, 2019

The Honorable Andrew Wheeler  
Administrator  
United States Environmental Protection Agency (EPA)  
1301 Constitution Avenue NW  
Washington, D.C. 20460

Dear Administrator Wheeler:

The Rural Community Assistance Partnership (RCAP), Inc. works with rural and tribal communities across the country on issues relating to safe drinking water and sees firsthand the impacts dangerous contaminants have at the local level. RCAP also understands the profound impact that regulatory compliance can have on the economic viability and operation of small systems, and the financial and health implications for both the system and the larger community. It is vital that all systems protect the health of their community, and that all considerations are taken to ensure the safety of the public's water sources and systems. With the responsibility of managing a water system also comes the need to balance the technical, managerial and financial (TMF) aspects of sustaining that system (and the community that it serves), and regulations can sometimes affect the ability to ensure sustainability of the system when the TMF implications are not properly understood. A balance must be achieved between ensuring the sustainability of the system and the incredible responsibility each system has to ensure the community is safe and healthy.

With our vast experience working with some of the smallest and most distressed communities across the country, RCAP supports the development of maximum contaminant levels (MCLs) under the Safe Drinking Water Act (SDWA) for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) by the United States Environmental Protection Agency (US EPA). These compounds are being detected in drinking water, and MCLs are needed to ensure consistent and effective protection of public health.

US EPA classifies PFAS as emerging contaminants, which means that they are characterized as a perceived, potential, or real threat to human health or the environment. As some PFAS are bioaccumulative, they build up in the body over time and they are slow to be eliminated. Currently, there is much confusion on how to address the detection of these compounds in drinking water. In 2016, EPA issued health advisories for PFOA and PFOS. EPA stated:

EPA has established health advisories for PFOA and PFOS based on the agency's assessment of the latest peer-reviewed science to provide drinking water system operators, and state, tribal and local officials who have the primary responsibility for overseeing these systems, with information on the health risks of these chemicals, so they





can take the appropriate actions to protect their residents. EPA is committed to supporting states and public water systems as they determine the appropriate steps to reduce exposure to PFOA and PFOS in drinking water. As science on health effects of these chemicals evolves, EPA will continue to evaluate new evidence.

In the absence of MCLs, these health advisories are being used as defacto MCLs in states. When these compounds are detected, state and local regulatory agencies have no choice but to require treatment or other action because there is no MCL in place to help guide these decisions. In many cases they do not have the authority to do so, leading to many states scrambling to develop their own regulatory requirements. To the public, exceeding an advisory level means the water is unsafe. PFAS are pervasive and are becoming a hot-button issue across the country and many states have taken regulatory action, meaning that it is imperative to regulate them uniformly from a federal perspective.

RCAP strongly recommends a national MCL process be undertaken by EPA to ensure a transparent, scientifically defensible, and consistent approach is taken, including understanding the health risks to individuals and families and the sustainability of systems to abide by regulations required by the MCL. A robust public process will allow stakeholders an opportunity to comment, review, and debate the science required for MCL development. Stakeholder input is also required and needed to ensure that the regulations can be effectively implemented while not placing an undue burden on communities, especially the smallest and most distressed regions of the country. The voice of systems of all sizes are needed, and the MCL process allows for that input.

A national total MCL will provide states, utilities, and technical assistance providers clear guidance on how to address these compounds through a transparent and clear process. It is important to understand the impact this will have on small systems across the country, and a MCL should be accompanied by additional resources, through technical assistance and funding, to help small systems comply. This will help ensure small systems continue to maintain the health of the public they serve, while addressing the sustainability issues many are facing on a daily basis.

RCAP stands ready to work with EPA, states, and small water systems nationwide as the regulatory process for these contaminants is determined.

Sincerely,

RCAP Board of Directors

CC: David Ross, Jennifer McLain

