



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 21 2018

OFFICE OF WATER

Mr. Trent Dougherty
General Counsel
The Ohio Environmental Council
1145 Chesapeake Avenue, Suite I
Columbus, Ohio 43212

Dear Mr. Dougherty:

This letter confirms receipt of your April 20, 2018, petition to the U.S. Environmental Protection Agency (EPA), in which you requested that the EPA promulgate regulations for perfluorooctanoic acid (PFOA) and other perfluoroalkyl substances (PFAS) under the Clean Water Act and the Safe Drinking Water Act (SDWA), pursuant to Sections 303 and 304 of the Clean Water Act (33 U.S.C. §1313(c)(4)(B) and 33 U.S.C. §1314(a)(1)), and Sections 1412 and 1431 of the Safe Drinking Water Act, (42 U.S.C. §300g-1(b)(2)(A) and 42 U.S.C. §300i(a)). This letter contains the EPA's interim response to your petition; the Agency will send a final response after the EPA's deliberations are concluded.

The EPA shares your concern for communities across Ohio and the nation that face challenges from PFAS in the environment. The EPA is committed to supporting states, tribes, and local communities in addressing these challenges. For example, the EPA held a National Leadership Summit in Washington, D.C., in May 2018 and visited several states across the nation over the summer to hear directly from citizens regarding their concerns about PFAS. From these engagements, the EPA heard clearly the public's desire for federal action to address potential health and economic impacts on communities.

Using information from the National Leadership Summit, community engagements, and public comments submitted to the EPA, the Agency is developing a PFAS Management Plan. This Management Plan will provide the EPA's approach to identifying and understanding PFAS, the Agency's actions to address PFAS, and effective strategies for communicating with the public on PFAS. The EPA is working to release the plan as soon as possible.

Regarding your request for the EPA to set a Safe Drinking Water Act (SDWA) maximum contaminant level (MCL) for PFAS, the Agency has taken a number of initial steps. As a first step, the EPA has included PFOA and PFOS as priority contaminants on the SDWA Contaminant Candidate List for regulatory consideration. The EPA also collected monitoring data for six PFAS compounds, including PFOA and PFOS, from drinking water systems across the country, from 2013 to 2015, as part of the third Unregulated Contaminant Monitoring Rule.

The SDWA also requires the EPA to publish preliminary regulatory determinations on whether to regulate contaminants and issue final regulatory determinations after considering public input. Currently, the EPA is evaluating available information to determine if PFOA and PFOS meet the three criteria for regulation in accordance with the SDWA: (1) whether a contaminant may have adverse health effects; (2) whether a contaminant is found in public water systems with a frequency and at levels of concern; and (3) whether, in the sole judgement of the Administrator, there is a meaningful opportunity for health risk reduction through a national drinking water regulation. If the EPA makes a determination to regulate PFOA and PFOS, the SDWA requires that, prior to issuing a drinking water standard, the Agency must undertake a number of actions, including developing a health risk reduction and cost analysis, consulting with the National Drinking Water Advisory Council, seeking recommendations from the Science Advisory Board, and publishing a proposed regulation for review and comment.

The EPA may also exercise its emergency powers under the SDWA, Section 1431, in the event of an imminent and substantial endangerment. The EPA has issued Administrative Orders under Section 1431(a) for PFAS-related matters in the EPA's Region 1 (for the former Pease Air Force Base in Portsmouth, New Hampshire,¹ and in the EPA's Region 3 (for the Chemours (formerly DuPont) Washington Works facility in Washington, West Virginia).² The EPA will continue to evaluate the need for emergency action under Section 1431 to address PFAS contamination in impacted communities.

The EPA thanks you for your interest in protecting the nation's waters from PFAS. The EPA is considering your petition and will respond after the Agency's deliberations are concluded. If you have any questions relating to your petition, you may contact Ryan Albert, in the EPA's Office of Ground Water and Drinking Water, at albert.ryan@epa.gov or (202) 564-0763.

Sincerely,



David P. Ross
Assistant Administrator

¹ U.S. Environmental Protection Agency, *Pease Air Force Base Portsmouth/Newington, NH*. Retrieved from <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.stayup&id=0101213>).

² U.S. Environmental Protection Agency, *E.I. Dupont de Nemours and Company PFOA Settlements*. Retrieved from <https://www.epa.gov/enforcement/ei-dupont-de-nemours-and-company-pfoa-settlements>.