

November 12, 2019

Wisconsin Department of Natural Resources
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RE: Public Comment on the Wisconsin DNR Statements of Scope SS 089-19, SS 090-19, and SS 091-19 relevant to PFAS and other Contaminants of Concern

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Citizens for Safe Water Around Badger (CSWAB) was organized in 1990 when rural residents learned that private drinking water wells near Wisconsin's Badger Army Ammunition Plant had been contaminated with high levels of cancer-causing chemicals for decades. Nearly 30 years later, CSWAB continues its work to unify and strengthen citizens working for a healthy and sustainable future free of military and industrial toxins. CSWAB currently coordinates the PFAS Community Campaign – a statewide network of 34 Wisconsin organizations working together to prevent exposures to PFAS via drinking water and other pathways.

On behalf of CSWAB, I am writing today to voice our strong support for the three scope statements and the rulemaking process moving forward. We support the State's proposed steps to identify and protect communities from exposure to PFAS and to prevent harm to all natural systems including air, water, soil and biodiversity. Several specific recommendations are noted at the end of our comments, with emphasis on immediate testing of all public water supplies for PFAS – **of the more than 11,000 public water systems in Wisconsin, only 90 have been tested for PFAS.**

Per- and polyfluoroalkyl substances (PFAS) are a group of toxic man-made chemicals that are very persistent and mobile in the environment, creating huge groundwater contaminant plumes that readily migrate miles from source areas. PFAS contamination from the 3M facility in Woodbury, Minnesota, has reached four underlying drinking water aquifers, contaminating groundwater in an area exceeding 100 square miles.

Approximately two-thirds of the people living in Wisconsin rely on groundwater for their drinking water. Adequate supplies of uncontaminated groundwater are crucial to the health of all residents and their families, particularly expectant mothers and newborns. The major types of human exposure sources for PFAS include contaminated drinking water and food contaminated with PFAS, including fish and shellfish. Other human exposure pathways include incidental soil/dust ingestion, dermal exposure and inhalation.

Human health studies have shown that exposure to certain PFAS may affect growth, learning, and behavior of infants and older children, lower a woman's chance of getting pregnant, interfere with the body's natural hormones, increase cholesterol levels, affect the immune system, and increase the risk of cancer.

There are currently no enforceable federal standards for PFAS in groundwater or drinking water. The U.S. EPA has established a lifetime Health Advisory Level for PFOA and PFOS in drinking water however it is not applicable to the complex mixture of PFAS found in Wisconsin's groundwater and affected drinking water wells. Moreover, ATSDR's recently-released draft toxicological profile for perfluoroalkyls provides strong evidence that the current federal HAL is not sufficiently protective.

There is growing evidence that babies, even before they are born, are particularly vulnerable to harm. PFAS in a mother's body can move from her blood into her unborn child and from her breastmilk into her breastfed baby. Therefore we ask that this population in particular be a priority consideration in the State's efforts.

The reality is that human exposures are invariably a mixture of PFAS compounds and the State must address total exposure to all PFAS as opposed to the focus on one substance in isolation. Approaching PFAS as a class for assessing exposure and health effects is the best way to protect public health.

PFAS chemicals never occur alone. They are present in complex mixtures within products, the environment, and people. The PFAS family is incredibly large – numbering in the thousands, with more than 600 in active commercial

use. Assessing risks of chemicals having a similar mechanism of toxicity is not unusual and is similar to how other chemical groups such as dioxins, PAHs and PCBs have been assessed and regulated.

A class approach is also consistent with environmental field data which consistently finds PFAS as a mixture of widely varying relative ratios and combinations which, in turn, may shift in response to other factors such as aerobic conditions. And further, a class approach is made necessary by the fact that manufacturers and responsible parties uniformly refuse to disclose PFAS product content and composition, arguing that such information is proprietary.

Finally, the class approach should be straightforward because the precedent has already been set by the U.S. Environmental Protection Agency. Pursuant to the Toxic Substances Control Act (TSCA), chemical industry agreed to cooperate with the EPA and end the production and use of a **group** of PFAS substances, often referred to as long-chain PFAS.

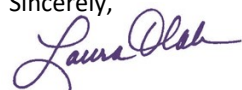
Altogether, 28 environmental and social justice organizations representing communities from all corners of Wisconsin have formally endorsed the assessment and regulation of PFAS as a class. (*See attached.*)

Specific recommendations for all Scopes of Statement, as applicable:

- Assessment and regulation of PFAS as a class or subclasses must be clearly retained as a goal.
- Background summaries should include drinking water/groundwater testing by the Department of Defense and the detection of significant PFAS contamination at a number of military/National Guard sites in Wisconsin.
- Protection of the Great Lakes should be identified as a goal – both as a significant source of drinking water and fisheries for Wisconsin residents and as an aquatic system.
- Under steps to protect the ecological health of aquatic systems, specific mention of wetlands, natural springs and estuaries is recommended.
- Language referring to consultation and cooperation with tribal government is recommended to provide clarity of intent.
- **The State of Wisconsin should require that all public water supplies are immediately tested for PFAS** to identify and STOP current exposures that may pose a serious risk to public health. Similar statewide testing has been accomplished in neighboring Michigan, to the benefit of healthy mothers and families.

Thank you for the opportunity to provide comment and to participate in this important decision-making process.

Sincerely,



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Enclosures (as three .pdf files)

- PFAS Community Campaign, *Joint Position Statement Supporting Regulation of PFAS as a Class*, Signed by 28 Wisconsin organizations, April 2019.
- Inside EPA Publications, *National Academies of Sciences Backs Subclass Review For Flame Retardants, Highlighting PFAS Method*, May 21, 2019.
- Citizens for Safe Water Around Badger (CSWAB), *PFAS Community Campaign Timeline – 2006 to 2019*, May 28, 2019.