



Water Quality Coalition
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July 10, 2019

Secretary-Designee Andrea Palm
Department of Health Services
1 West Wilson St.
Madison, WI 53701

Re: Reconsideration of PFOA and PFOS Groundwater Standard Recommendation

Dear Secretary Palm:

We write to you regarding your June 21st recommendation for PFOA and PFOS enforcement standards.¹ The Department of Health Services (DHS) recommended to the Department of Natural Resources (DNR) that a combined water quality standard for these two compounds be set at 20 parts per trillion (ppt). In addition, DHS recommended a preventive action limit of 2 ppt.

Our coalition is made up of members who pride themselves on environmental stewardship, sustainability, and cooperative regulation. Our broad Coalition includes the largest industries, job creators, and tax payers in the state, as well as scientists and legal scholars. Our coalition has serious concerns not just with the ultra-conservative number proposed, but also with the transparency and legality of the process by which that number was determined.

A preventive action limit of 2 ppt for PFOA and PFOS combined could result in the most restrictive enforceable standard in the world.² We are deeply concerned that such a standard could devastate Wisconsin's economy and significantly raise the cost of residential water. It would require a permittee, including municipal utilities, industrial facilities, and energy producers, to reach near-zero discharge levels of compounds that are pre-existing in groundwater. All permit holders, including our smallest community utilities, may be required to install extremely expensive control equipment. Manufacturing and agricultural facilities will be forced to clean up compounds they may never have produced or used. This standard will drive resources and jobs from Wisconsin to other states with more reasonable, science-based standards, and will increase utility costs for all Wisconsin citizens.

¹ <https://www.dhs.wisconsin.gov/water/gws.htm>

² <https://pfas-1.itreweb.org/fact-sheets/>



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More importantly, there may be minimal health benefit, if any at all, from this regulation. It is important to note that these compounds are no longer produced in the United States, and the levels have been dropping significantly over the last decade.³ Moreover, there are many studies that suggest there is minimal, if any, health impact from these compounds even at levels of exposure that are several magnitudes higher than what is being proposed by DHS.⁴

Our coalition is also disappointed in the lack of transparency during this standard-setting process. The entire process was completed behind closed government doors, and with no input outside of the state agencies. Stakeholders and citizens were not allowed an opportunity to highlight scientific studies and information, nor to provide direct information to the agencies. According to recent testimony at a legislative hearing, the evaluation was completed by one, single toxicologist at DHS who relied on a total of three studies to set a standard that could shut down a significant portion of industry in our state. In addition, DHS published the support document, and with approval from the governor, allowed just one, single day for public comment.⁵

We also believe there are substantial legal flaws in DHS's proposed standard, as explained in the attached comments, that must be remedied before DNR rulemaking can begin.

At the Wisconsin Paper Council Annual Meeting on June 20th, Governor Evers committed to working with the paper industry on developing PFAS regulations. We appreciate his willingness to work with industry on this important issue and we would ask the same courtesy from DHS. With that in mind, this coalition respectfully requests the DHS reconsider the recommended standard, and undertake a process that gives due weight to *all* available scientific information, and allows an opportunity for science-based stakeholder input. We would greatly appreciate a response by August 1, 2019.

Thank you in advance for your cooperation on this important issue.

(Signature page follows.)

³ Center for Disease Control and Prevention. Fourth National Report on Human Exposure to Environmental Chemicals. (2009, updated tables January 2019). <https://www.cdc.gov/exposurereport/index.html>.

⁴ For example: Convertino M. *et al.* Stochastic pharmacokinetic-pharmacodynamic modeling for assessing the systemic health risk of perfluorooctanoate (PFOA). *Tox Sciences* 163(1):293-306 (2018).

⁵ Wisconsin Department of Health Services notice of Proposed Guidance Documents, accessed at https://docs.legis.wisconsin.gov/code/register/2019/763A2/register/guidance_documents/departments_of_health_services_dhs/public_notice_notice_of_proposed_guidance_070119



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Wisconsin Dairy Alliance

Scott Manley, Sr. VP of Government Relations
Wisconsin Manufacturers & Commerce

Scott Suder, President
Wisconsin Paper Council

Cc: DNR Secretary Preston Cole; Governor Tony Evers
Att: Comments on Recommended Groundwater Standards for PFOA and PFOS