

July 2, 2018

Howard A. Zucker, M.D., J.D.  
Commissioner  
New York State Department of Health  
Corning Tower Empire State Plaza  
Albany, NY 12237

RE: Drinking Water Quality Council Recommendations on PFOA, PFOS, and 1,4-dioxane

Dear Commissioner Zucker:

We write to you today to express our strong support for establishing Maximum Contaminant Levels (MCLs) for PFOA, PFOS, and 1,4-dioxane that are based on the best available science, as well as our support for universal testing of emerging contaminants in New York State.

With the drinking water crises in Hoosick Falls, Petersburg, Newburgh, and on Long Island, and as the federal government abnegates its responsibility to prioritize the health and safety of its citizens, it is imperative that New York State lead the way on setting strong clean water safeguards.

Thankfully, you have tools at your disposal to do this through the Drinking Water Quality Council and by creating MCLs. According to legislation passed in the SFY2017-18 budget and testimony from the Department, before the end of 2018, the council will recommend MCLs for PFOA, PFOS, and 1,4-dioxane.

The following are our recommendations for how New York can lead the country in protecting public health against these chemicals:

- 1. Establish a combined MCL of 4 parts per trillion (ppt) for PFOA and PFOS:** New York should take the greatest precautions with these toxic chemicals and assign a combined MCL for PFOA and PFOS of 4 ppt. This number is based on a scientific study recently released by the Natural Resources Defense Council that examined the exposure to PFOA and PFOS on our state's most vulnerable populations, including pregnant women and children. An MCL must be determined first and foremost by the health impacts of PFOA and PFOS on these populations.

Studies have shown that exposure to PFOA and PFOS, the chemicals found in Hoosick Falls, Petersburg, and Newburgh, can lead to diseases such as thyroid disease, testicular cancer, kidney cancer, pre-eclampsia and ulcerative colitis. Due to widespread use of these chemicals in common items, like Teflon products and firefighting foam, PFOA and PFOS are increasingly being detected at unsafe levels in drinking water supplies across the country.

The federal guidance level for PFOA and PFOS of 70 ppt is woefully inadequate to protect the health and safety of New Yorkers. According to a recently released toxicological profile produced by the Agency for Toxic Substances and Disease Registry (ATSDR) **exposure to PFOA**

**at more than 11 ppt and PFOS at 7 ppt could be dangerous for sensitive populations like infants and breastfeeding mothers.**

Several states have already come to the conclusion that the federal standards for PFOA and PFOS are too weak to prevent widespread negative health impacts. New Jersey plans to set an MCL for PFOA at 14 ppt, and Vermont has a combined groundwater enforcement standard of 20 ppt.

- 2. Establish an MCL no higher than 0.3 parts per billion (ppb) for 1,4-dioxane:** The EPA has determined that this chemical, present in many detergents and personal care products, is likely carcinogenic to humans. Studies have found that exposure to high levels of 1,4-dioxane over time can cause chronic kidney and liver effects as well as liver cancer. 1,4-dioxane is especially prevalent on Long Island, with dozens of drinking water sources detecting the chemical at levels that far exceed EPA's lifetime cancer risk guideline of 0.35 ppb. Massachusetts has set a drinking water guidance level for 1,4-dioxane at 0.3 ppb. **To protect New Yorkers from the risks associated with exposure to 1,4-dioxane, an MCL no higher than 0.3 ppb should be established.**
  
- 3. Immediately adopt regulations to require statewide testing of emerging contaminants:** The problem of water contamination extends beyond PFOA, PFOS, and 1,4-dioxane. There are over 80,000 unregulated chemicals on the market today, whose health impacts are largely unknown. Thanks to legislation passed in the SFY2017-18 budget, the Department must create a list of emerging contaminants that would be tested for in all public water systems, regardless of size. This list should, at a minimum, include the chemicals listed on the federal UCMR 3 (unregulated contaminant monitoring rule) emerging contaminant list.

We urge the Council and the Department to make the protection of public health their greatest priority as they craft recommendations and regulations. Given the lack of leadership from the federal government on these issues, it is important to note that **federal guidance is a floor, not a ceiling**. States can adopt stronger policies and regulations if they determine that their citizens need greater environmental, health, and safety protections.

By leading the nation in establishing MCLs and testing for emerging contaminants, New York can ensure that every citizen has access to safe, clean, and reliable drinking water.

Thank you for your consideration of these comments.

Sincerely,

Ramsay Adams  
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**Catskill Mountainkeeper**

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**Hudson River Clearwater Sloop, Inc.**

CC: Basil Seggos, Commissioner, New York State Department of Environmental Conservation

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