

April 28, 2022

Dr. Mary Bassett
Commissioner
NYS Department of Health
Corning Tower, Empire State Plaza
Albany, NY 12237

Re: Regulating PFAS in Drinking Water

Dear Commissioner Bassett,

As doctors, nurses, scientists, and other public health professionals, we urge you to regulate perfluoroalkyl and polyfluoroalkyl substances (PFAS) in drinking water at the lowest possible level. The most health-protective standards are needed to keep New Yorkers safe from these toxic chemicals when they turn on the tap.

Clean water is a key building block of healthy people and healthy communities. The more that the NYS Department of Health (DOH) can reduce exposure to harmful chemicals in drinking water, the better. Protecting clean water will decrease New Yorkers' risk of getting sick and reduce strain on our healthcare infrastructure.

PFAS pose one of the greatest threats to public health in New York. There are over 9,000 chemicals in the PFAS family, of which only a small fraction can currently be detected in drinking water using US EPA-approved testing methods. PFAS are extremely persistent in the environment and highly mobile in water. Many PFAS that have been studied can bioaccumulate in the human body, and have been linked to serious health effects including cancer, suppression of the immune system, endocrine disruption, low birth weight, and reproductive harm. Infants and fetuses are especially at risk; PFAS ingested through drinking water can transfer across the placenta and have been found in human breast milk.

It is essential to comprehensively monitor for PFAS, fully inform the public about what is in their water, and clean up any dangerous contamination. Too many communities across New York, from Hoosick Falls to Newburgh, have already experienced devastating health consequences from PFAS pollution in their drinking water.

We appreciate that DOH has already set Maximum Contaminant Levels (MCLs) for two PFAS chemicals, PFOA and PFOS, and intends to set MCLs or notification levels for many more in the coming months. An MCL requires every water utility in the state to monitor for a contaminant, and to notify their customers and take corrective action if the MCL is exceeded. Notification

levels require statewide testing and public notification if there is an exceedance, but do not require corrective action.

Currently, DOH is planning to set MCLs for 4 PFAS and notification levels for 19 additional PFAS (see attached for a listing of each PFAS). At the March 10 meeting of the NYS Drinking Water Quality Council, DOH proposed MCLs of 10 parts per trillion (ppt) each for the 4 PFAS. At the December 22 meeting of the Council, DOH proposed notification levels of 200 ppt for several of the 19 additional PFAS. The Council will vote to recommend final MCLs and notification levels at their next meeting on May 2.

DOH's proposed levels, however, are too high to fully protect human health. Many authoritative bodies have recognized the health risks that PFAS pose at the lowest levels of exposure. Vermont has set Maximum Contaminant Level Goals of 0 ppt for five PFAS in drinking water (PFOA, PFOS, PFNA, PFHpA, and PFHxS). California has proposed Public Health Goals of 0.007 ppt for PFOA and 1 ppt for PFOS in drinking water, as well as a notification level of 2 ppt for PFHxS. In November, US EPA proposed updated reference doses for PFOA and PFOS confirming there is no safe level of exposure to those two chemicals.

We therefore urge you to set MCLs and notification levels at 2 ppt, the lowest level at which PFAS can be reliably detected. This will ensure that New Yorkers are informed about the full extent of PFAS in their water, and ensure that many more communities will have these chemicals removed from their water.

Finally, rather than setting individual MCLs and notification levels, we urge you to set a combined MCL and a combined notification level, in which the levels of multiple PFAS in drinking water are added together to determine if the combined standard is exceeded. Many more PFAS will likely need to be regulated in the future as testing technology improves. DOH can protect the public much more swiftly from new PFAS by adding them to a combined standard, rather than spending years developing individual standards for each of them.

The PFAS drinking water standards that New York will set in the coming months will set a precedent for other states and the federal government seeking to protect public health from these “forever chemicals.” We hope that you will seize this opportunity for national leadership. Thank you for your consideration of this letter.

Sincerely,

Linda S. Birnbaum, PhD
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CC: Member of the NYS Drinking Water Quality Council

List of PFAS to be regulated with MCLs in New York:

perfluorononanoic acid (PFNA)

perfluorohexanesulfonic acid (PFHxS)

Perfluorodecanoic acid (PFDA)

perfluoroheptanoic acid (PFHpA)

List of PFAS to be regulated with notification levels in New York:

perfluorobutanesulfonic acid (PFBS)

hexafluoropropylene oxide dimer acid (HFPO-DA)

Perfluorododecanoic acid (PFDoA)

Perfluorohexanoic acid (PFHxA)

Perfluoroundecanoic acid (PFUnA)

11-chloroeicosafluoro-3-oxaundecane-1-sulfonic acid (11Cl-PF3OUdS)

9-chlorohexadecafluoro-3-oxanonane-1-sulfonic acid (9Cl-PF3ONS)

4,8-dioxa-3H-perfluorononanoic acid (ADONA)

Nonafluoro-3,6-dioxaheptanoic acid (NFDHA)

Perfluorobutanoic acid (PFBA)

1H, 1H, 2H, 2H-Perfluorodecane sulfonic acid (8:2FTS)

Perfluoro(2-ethoxyethane)sulfonic acid (PFEEESA)

Perfluoroheptanesulfonic acid (PFHpS)

1H,1H, 2H, 2H-Perfluorohexane sulfonic acid (4:2FTS)

Perfluoro-3-methoxypropanoic acid (PFMPA)

Perfluoro-4-methoxybutanoic acid (PFMBA)

1H,1H, 2H, 2H-Perfluorooctane sulfonic acid (6:2FTS)

Perfluoropentanoic acid (PFPeA)

Perfluoropentanesulfonic acid (PFPeS)