



New York State Assembly

STEVE ENGLEBRIGHT, CHAIR, ENVIRONMENTAL CONSERVATION COMMITTEE

RICHARD N. GOTTFRIED, CHAIR, HEALTH COMMITTEE

August 12, 2022

Mary Bassett, MD, MPH
Commissioner
New York State Department of Health
Corning Towner, Room 2531
Empire State Plaza
Albany, NY 12237

Dear Dr. Bassett:

The recent Environmental Protection Agency announcement regarding the development of drinking water health advisories for per- and polyfluoroalkyl substances (PFAS) confirms that there is no safe drinking water exposure level for PFOA, PFOS or similar PFAS. This announcement represents an important opportunity to revisit New York's standards.

We urge the Department to revisit the Maximum Contaminant Levels (MCLs) for PFOA and PFOS to lower the proposed MCLs – setting them as close to zero as possible. We also urge the Department to establish individual MCLs for GenX, PFNA, PFHxS, PFHpA, and PFDA as close to zero as possible and lower combined PFAS MCLs and notification levels.

Revisions are especially important for Gen X, since the EPA recently adopted a health advisory level of 10 ppt. Section 1112 (6) of the Public Health Law states, “Any notification level established pursuant to this subdivision shall be equal to or lower than any federal lifetime health advisory level...” The Council’s proposal of 30 ppt for a PFAS combination including GenX, and the possibility of a 30 ppt result just for GenX seems to violate the intent of that requirement.

Section 1112 of the Public Health Law required the Department to publish draft regulations establishing new PFAS drinking water standards by June 19, but that still has not happened. We urge you put forward these regulations promptly and avoid any further delays.

The Department should review the State’s PFAS testing methods. Recent news articles, including “[Revealed: US Water Likely Contains More ‘forever chemicals’ than EPA Tests Show](#)” from The Guardian, suggest that the current EPA 537 testing method undercounts the PFAS content of water samples, in some cases by as much as 24 times. Given the significant health implications of PFAS exposure, it is imperative that any testing deficiencies be corrected expeditiously.

Municipal water systems have tremendous financial needs and significant constraints. We were pleased to see the recent announcement regarding the availability of \$225 million for wastewater infrastructure upgrades, including PFAS removal technology, and \$30 million available for emerging contaminant testing and treatment. Please continue to release these important financial resources and ensure that New York State receives its fair share of the \$3.4 billion available from the federal Infrastructure and Jobs Act. We stand ready to help in this endeavor.

Please don't hesitate to contact us if you have any questions or need anything further.

Very truly yours,

The image shows two handwritten signatures in black ink. The signature on the left is 'Steve Englebright' and the signature on the right is 'Richard N. Gottfried'. Both signatures are written in a cursive, flowing style.

Steve Englebright
Chair, Environmental
Conservation Committee

Richard N. Gottfried
Chair, Health Committee