



September 3, 2021

Jocelyn W. Jones
Department of Health—Office of the Assistant Secretary
PO Box 47820-7820
Olympia, WA 98504-7820

Dear Ms. Jones:

Toxic-Free Future greatly appreciates the work of the Department of Health (DOH) to adopt drinking water rules that address per and polyfluoroalkyl substances (PFAS) in Washington State's drinking water.

DOH's proposed rule takes important steps to require testing for PFAS in drinking water in the state and establish State Action Levels (SALs). We thank the agency for these steps and request that the rule be strengthened before it is finalized.

Toxic-Free Future and a number of organizations petitioned DOH in 2017 to adopt drinking water standards and the urgency to finalize strong rules continues to grow:

- PFAS drinking water contamination has already had a serious impact on communities in Washington state, including Issaquah, Whidbey Island, Lakewood, and Airway Heights.
- Protecting communities from PFAS exposure is particularly important due to the ability of the chemicals to impact the immune system. [PFAS can weaken the immune system and make people more likely to catch infectious diseases like colds, stomach bugs—and potentially Covid-19.](#) This is suggested by several studies finding people with higher exposures to PFAS are at increased risk of communicable diseases. PFAS can also reduce vaccine effectiveness.
- Lawsuits are mounting. The [Washington State Department of Corrections](#), the City of Airway Heights, the [Lakewood Water District](#) and the [Kalispel Tribe](#) have each filed lawsuits this year to help recoup the costs of clean-up and other impacts of inaction by the U.S. government and chemical companies.
- [EPA data from 2016](#), not previously included in the PFAS Chemical Action Plan, shows significant PFAS groundwater contamination at a [Moses Lake Superfund site](#).
- The Centers for Disease Control recently measured elevated levels of PFAS in the blood of Airway Heights residents. As stated in the supporting document for the draft rule, "a recent Center for Disease Control / Agency for Toxic Substances and Disease Registry study in the community of Airway Heights, Washington showed that study participants had mean serum levels of PFHxS that were 60 times higher than national norms even two years after PFAS contamination had been fully mitigated in their community drinking water."

- In 2020, new drinking water contamination was found by the Navy in an [PFAS investigation of Kitsap Naval Base-Bangor](#).

We urge the Department of Health to strengthen the rule in the following ways:

1. **Address PFAS as a class**: There are more than 5000 PFAS in the class of PFAS and Dept of Health is proposing to address five. We urge the department to also obtain information on the presence of other PFAS by requiring testing for total fluorine or using the total oxidizable precursor assay. This approach is essential to our understanding of what chemicals are present in drinking water in our state, and will inform the department for development of future standards. DOH should also establish a limit for total PFAS detected.
2. **Do not delay testing or rule implementation until 2023**: We strongly urge immediate PFAS testing and implementation of the drinking water rule. Washington is far behind many states such as Michigan, New Jersey, and others. There is no reason for such a long delay and water systems have known this rule would be adopted since 2017. As mentioned above this is an urgent matter of protecting health, particularly the most vulnerable.
3. **Require PFAS testing for transient noncommunity systems once every three years**. For some systems, like those that serve churches and motels, the draft rule only requires testing if the department finds they are at risk. Transient noncommunity systems include several categories that often serve individuals for an extended period: motels, restaurants, churches, and farmworker housing. We urge the department to include transient noncommunity systems in the full monitoring requirement and require testing once every three years.
4. **When SALs are exceeded, it should be clear that mitigation is required to meet the SAL**. The draft rule requires water systems to notify consumers when SALs are exceeded as well as continued monitoring and investigation of the cause of contamination. It also requires action as directed by the department. The rule should more clearly require that systems ensure the SALs are not exceeded. What other actions would DOH require other than meeting the action level? It should be clear to water systems that these levels are to be met.

Thank you for the opportunity to provide these comments.

Sincerely,

Laurie Valeriano
Executive Director
Toxic-Free Future