



EPA LAGS ON ISSUING DRINKING WATER LIMITS

When Maria Collett began knocking on doors as a Pennsylvania state Senate candidate in 2018, she heard one thing over and over: Do something about the drinking water.

Collett, a registered nurse and attorney from Lower Gwynedd Township, heard it from mothers who reminded her of herself. From a man who struggled with what to tell his children about the tap water they drank. From a woman who required life-altering surgery to treat a condition that could be linked to the chemicals that had been widely discovered in the local water supply.

Residents in the Horsham, Warrington, and Warminster Township areas were more than frustrated with government responses to the water-contamination crisis that has affected 90,000 in Bucks and Montgomery Counties and an estimated 19 million nationwide. They were scared. Exposure to PFAS chemicals has been connected to cancer, thyroid disease, immune-system problems, decreased fertility, and lower birth weight.

The federal response to PFAS contamination has been slow and piecemeal, even as residents in Pennsylvania, New York, New Jersey, and a handful of other states have clamored for aid, testing, and a nationwide safe drinking-water standard. In February, the EPA said it would take several years to establish such a standard; until then, the EPA will continue to rely on a nonbinding advisory level for drinking water that the federal government's own scientists have suggested doesn't go far enough to protect public health.

Now, seven states including Pennsylvania are taking unprecedented steps to set their own drinking-water limits, effectively seizing one of the EPA's key roles. Officials are navigating uncharted territory, with varying amounts of funding and political will, hoping state-level standards can circumvent - and pressure - the federal agency.

"This is about making sure that our kids are safe. It's about making sure that [people are] not suffering from side effects just because they were drinking water out of their tap," said Collett, who was elected in November and joined a group of legislators in Harrisburg who have introduced bills to clean up the mess.

Last year, New Jersey became the first state to establish a drinking-water standard for one type of PFAS. Along with New York and New Hampshire, it is also close to regulating the two types targeted by the EPA's health advisory and most state efforts. Vermont, Michigan, and Massachusetts, like Pennsylvania, are working on creating standards. At least three others are actively exploring it.

Regulating drinking water is just one step in dealing with PFAS. Researchers and regulators are also confronting contamination in groundwater, soil, and air; effects of other types of PFAS; and the need for health studies. Efforts are also underway to force accountability from polluters, including the Department of Defense and manufacturers like 3M.

"We can't wait for as long as we think it's going to take them to do it," Lisa Daniels, director of the Pennsylvania DEP's Bureau of Safe Drinking Water, said during a roundtable discussion hosted by members of Congress in Upper Dublin last month.

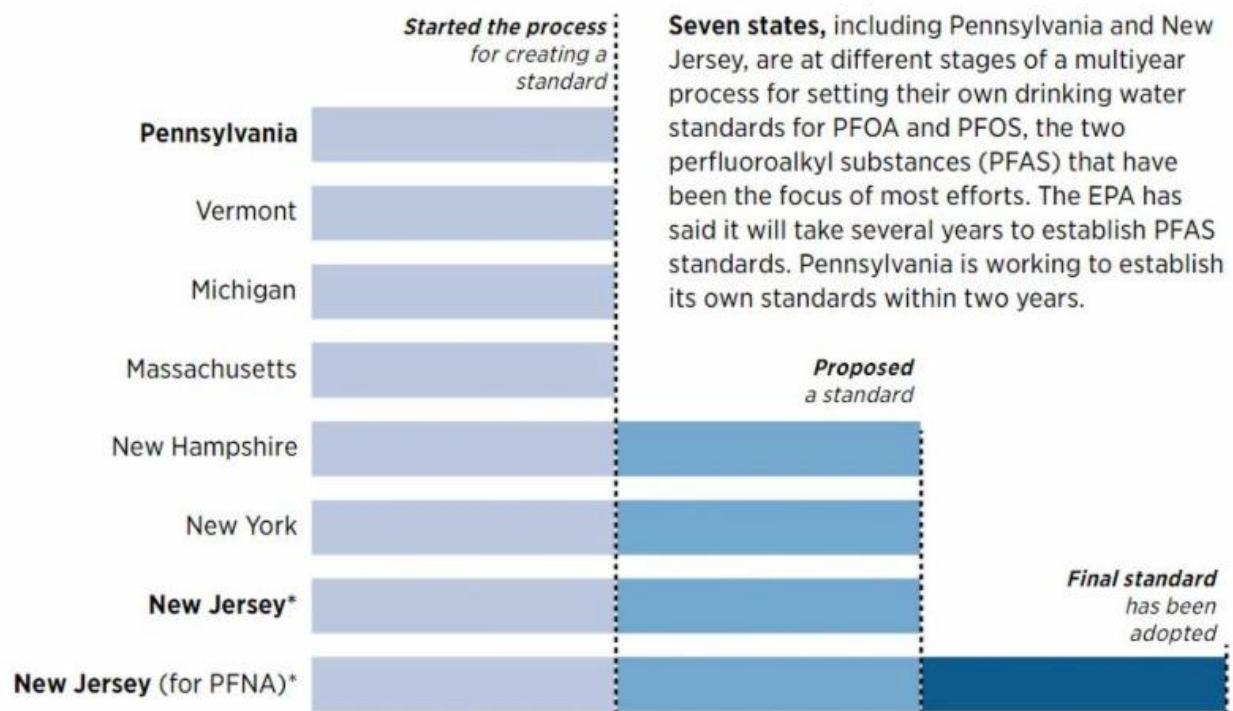
To sidestep the EPA, state officials must navigate a bureaucratic quagmire. Some states have made more progress than Pennsylvania, but none has adopted a standard for PFOA and PFOS, the two perfluoroalkyl substances most efforts have focused on.

In Pennsylvania, unlike in other states, the governor can't create an enforceable standard, known as a maximum contaminant level (MCL), and Harrisburg has not passed legislation to address the crisis. Officials say they are constrained by regulatory requirements, bureaucracy, funding, and the need for more research.

That means frustration continues among those imploring both state and federal officials to do more: Many think the state should simply decree that no PFAS is legal in drinking water. Dozens of skeptical residents filled the auditorium at Abington Senior High School for the April meeting where the DEP announced its plans.

"Other states are making changes promptly and Pennsylvania, as far as I can see, is really dragging and lagging behind," Hope Grosse, who grew up next to the former military base in Warminster and who has pushed for answers and action about PFAS, told officials at the meeting.

States Setting Their Own Drinking Water Standards



*In 2018, New Jersey became the first state to establish a drinking-water standard for PFNA, another type of PFAS. It is the only enforceable standard in the country to date.

SOURCE: Inquirer research

JOHN DUCHNESKIE / Staff Artist

Pennsylvania officials told The Inquirer last month they are pushing to get a safe drinking-water standard in place within about two years - far more quickly than the EPA's plan. They will also sample hundreds of the state's drinking-water systems.

"This is an unprecedented step for Pennsylvania and is a top priority of the administration," Gov. Tom Wolf, who formed a PFAS task force to address the issue, said in a statement. But Wolf noted that the PADEP was still bound by "the legal requirements of the rule-making process."

Some advocates and lawmakers have questioned Pennsylvania's timeline or urged the PADEP to create a temporary rule to tide the state over until the two- to three-year process is done. Not so easy, state officials say.

"Folks have to understand that these states have never done this before," Daniels said. "And so when you think about how you do that and how you move forward, there's a certain amount of infrastructure that you have to get into place."

For example, state law also requires the PADEP to make a cost-benefit analysis, complete a toxicological analysis - just hiring a toxicologist took months - and determine how much it will cost each water system to comply with a new drinking-water rule. It also must conduct statewide sampling, which began this month and will take one year, to gather data to justify a new standard, officials said.

A quick fix, like making a temporary standard or borrowing analysis from a state such as New York or New Jersey, can't happen, PADEP officials said: They must be able to account for state-specific data if the regulation is challenged in court. But Pennsylvania is communicating with other states responding to PFAS.

Not everyone believes the state should prioritize PFAS-related measures or the associated costs. The bills proposed in Harrisburg have not advanced so far this session.

"Given that EPA has not yet finalized its toxicological profile of these compounds, we believe it is premature for the state to set its own drinking water limit and that the better approach is to have a federal standard," said Kevin Sunday, director of government affairs at the Pennsylvania Chamber of Business and Industry.

While lawmakers and some state attorneys general are working to hold alleged polluters accountable for cleanup, costs for compliance with the state's standard would be borne by the water systems, the PADEP said.

Those responsible for contamination should absorb the cleanup costs, said Chris Crockett, chief environmental officer at Aqua America, which has addressed PFAS in some of its Montgomery County wells. He said Aqua was ready to meet any MCL implemented by the state, but said, "It is unfair for water customers to bear this cost."

Maria Collett, the state senator who represents communities with contamination but whose own drinking water was not tainted, said she believes that the more people learn about PFAS, the more support there will be for cleanup measures and standards.

"I commend the DEP and even the EPA for finally making this a priority," she said, "but I use the word finally because ... the actions are far overdue."

(By Justine McDaniel and Laura McCrystal - Philadelphia Inquirer - 6-9-19)



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Bridgeport, NJ 08014
Phone: (856) 467-2276 / FAX: (856) 467-3476

Southwest Pennsylvania

2001 Waterdam Plaza Drive, Suite 205
Cannonsburg, PA 15317
Phone: (724) 206-0348 / FAX: (724) 206-0380

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Suite 306, Pureland Complex
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(856) 467-3476

Southwest Pennsylvania

2001 Waterdam Plaza Drive
Suite 205
Cannonsburg, PA 15317
Phone: (724) 206-0348
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