



BY ELECTRONIC MAIL

November 19, 2019

Dr. Meredith Tipton
Chair
PFAS Task Force
17 State House Station
Augusta, ME 04333-0017

Re: Draft PFAS Task Force Report Outline

Dr. Tipton:

The Chemical Products and Technology Division of the American Chemistry Council (ACC/CPTD)¹ appreciates the opportunity to comment on task force's report on per- and polyfluoroalkyl substances (PFAS). ACC/CPTD represents a number of companies with a strong interest in the science used to develop policies related to PFAS such as those proposed by the task force. These companies include PFAS manufacturers, current and former users of products containing these substances, and manufacturers of treatment technologies to remove PFAS from water. In addition to the comments provided below, ACC/CPTD supports the comments of ACC's FluoroCouncil submitted under separate cover.

ACC/CPTD supports the Task Force's recommendations to identify potential sources of PFAS releases and to prioritize sampling in those areas most likely impacted. Recent state-wide drinking water surveys conducted in the states of Michigan and Vermont provide further evidence that contamination resulting from historic uses of PFAS and PFAS-related products is limited geographically. ACC/CPTD also supports the emphasis in the task force report on education and outreach to affected communities to improve understanding of the steps being taken to reduce potential risks associated with exposure to PFAS.

The Report Should be Specific in Describing PFAS

¹ ACC represents the leading companies engaged in the business of chemistry. ACC members apply the science of chemistry to make innovative products and services that make people's lives better, healthier and safer. ACC is committed to improved environmental, health and safety performance through Responsible Care®, common sense advocacy designed to address major public policy issues, and health and environmental research and product testing. ACC's Chemical Products and Technology Division is composed of a wide range of more than 60 self-funded product and sector groups that are focused on specific chemistries and related technologies. Members participating in these groups include large and small manufacturers, formulators, downstream users, distributors, suppliers and other trade associations.



As a critical first step in the state's outreach, the report must be more specific in clarifying which PFAS are included in the various activities identified in the plan. Although the term PFAS refers to several thousand substances, most of the information available about the occurrence and potential hazards of PFAS is based on substances that are no longer manufactured - primarily perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS). Over the past two decades, manufacturing has shifted to shorter-chain PFAS that have very different physical, chemical, and toxicological properties that can significantly reduce their potential to bioconcentrate and to cause harm.

Related to the need for specificity in identifying the substances to be addressed by the report is the importance of focusing on validated testing method for the sampling activities recommended by the task force. While the number is likely to increase, the US Environmental Protection Agency's (EPA) Method 537.1 is applicable to only 18 PFAS in drinking water.² Validated methods do not currently exist for measuring these substances in other environmental media, moreover, but are likely to be available in the future. Whatever sampling is contemplated as part of the task force's report, it is critical that the state work closely with EPA, academic institutions, commercial laboratories, and others to ensure the validity and credibility of the data to be collected.

The Report Should Acknowledge Current Capacity Limitations

Where validated test methods are available, the capacity for commercial laboratories to conduct the testing recommended by the task force is limited and should be considered in discussing the timing of the activities to be recommended by the report. Although state and university lab capacity likely can be expanded, it will not be sufficient to address the demand for sample analysis – particularly as other states in the region implement similar sampling programs. Overstating the speed at which data can be generated may lead to public confusion and mistrust.

The report also should address the available capacity for disposal of PFAS-containing materials, particularly in light of the recommendation to establish a take-back program for Class B aqueous film forming foam (AFFF) containing legacy PFAS. Thermal destruction at high temperature (≥ 900 degrees Celsius) appears to be the only method for complete mineralization of fluorinated substances.³ While ACC/CPTD supports the recommendation to collect legacy

² https://cfpub.epa.gov/si/si_public_record_Report.cfm?Lab=NERL&dirEntryId=343042

³ United Nations Environment Programme. Guidance on best available techniques and best environmental practices for the use of perfluorooctane sulfonic acid (PFOS) and related chemicals listed under the Stockholm Convention on Persistent Organic Pollutants (January 2017 Updated). <http://chm.pops.int/Implementation/NIPs/Guidance/GuidanceonBATBEPfortheuseofPFOS/tabid/3170/>



AFFF for disposal, national capacity for appropriate high-temperature destruction is limited. Consequently, implementation of a take-back program likely will require transportation of the material to other parts of the country for ultimate disposal.

The Report Should Indicate the Need to Establish Standards for Individual PFAS

Grouping multiple substances under a single standard, level, or guideline is only used when the substances are believed to result in a cumulative increase in the risk of health effects by the same mechanism of action.⁴ This is clearly not the case for the class of substances included under the broad term PFAS. Although EPA's lifetime health advisories (LHAs) for PFOS and PFOA are based on developmental effects, the critical developmental endpoints identified by EPA for the two substances do not suggest a common mechanism.⁵

While the mechanisms of toxicity of PFAS have not been fully elucidated, there is strong evidence that some effects observed in rodents, such as hepatotoxicity, immunotoxicity, and developmental toxicity, involve the activation of the peroxisome proliferator-activated receptor- α (PPAR α). The available scientific evidence indicates that humans are far less responsive to PPAR α agonists than rodents.⁶ As a result, careful consideration of the relevance of PPAR α -mediated effects reported in rodent studies is critical in evaluating the toxicity of PFAS in drinking water.

The Report Should Not Recommend a Public Notification Level for PFAS in Advance of Federal Action

ACC/CPTD is very concerned about the recommendation to the legislature to require public notification by community water systems of results that exceed 10 parts per trillion (ppt) of any PFAS. As described above, applying a reporting threshold to any PFAS compound is not supported by the available science. Even for the two well studied substances – PFOS and PFOA – the task force has provided no rationale for the appropriateness of such a low level. If the task force wishes to recommend a notification level to the legislature, it should be no lower than the LHA of 70 ppt established by EPA.

⁴ EPA. Guidance for identifying pesticide chemicals and other substances that have a common mechanism of toxicity. Office of Pesticide Programs (January 26, 1999). <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/guidance-identifying-pesticide-chemicals-and-other>

⁵ EPA. Health effects support documents for PFOs and PFOA (2016). <https://www.epa.gov/ground-water-and-drinking-water/drinking-water-health-advisories-pfoa-and-pfos>

⁶ Hall AP *et al.* Liver hypertrophy: a review of adaptive (adverse and non-adverse) changes—conclusions from the 3rd International ESTP Expert Workshop. *Toxicol Pathol* 40(7): 971–994 (2012). <https://doi.org/10.1177/0192623312448935>



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Please do not hesitate to contact me at srisotto@americanchemistry.com or at 202-249-6727 if you questions about the above information.

Sincerely,

Steve Risotto

Stephen P. Risotto
Senior Director

