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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
LANSING



June 10, 2020

VIA ELECTRONIC SUBMISSION

Water Docket  
United States Environmental Protection Agency  
Mail Code 28221T  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Sir or Madam:

SUBJECT: Docket ID No. EPA-HQ-OW-2019-0583

On behalf of the Michigan PFAS Action Response Team (MPART) and our Drinking Water Workgroup, thank you for the opportunity to offer comments on the United States Environmental Protection Agency's (USEPA) *Preliminary Regulatory Determinations for Contaminants on the Fourth Drinking Water Contaminant Candidate List* (Preliminary Determination), 85 *Federal Register* 14098 (March 10, 2020).

In this Preliminary Determination, the USEPA shared its decision to regulate perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), both of which are members of the large class of chemical compounds commonly referred to as per- and polyfluoroalkyl substances (PFAS). This preliminary determination is the first step toward the development of a National Primary Drinking Water Regulation (NPDWR) and a maximum contaminant level (MCL) for these two PFAS compounds, pursuant to the federal Safe Drinking Water Act (SDWA).

The MPART Drinking Water Workgroup is uniquely positioned to comment on this determination, in part thanks to our work on a first-of-its-kind statewide PFAS sampling survey and also through our partnership with the MPART Science Advisory Work Group (SAWG) in the development of Michigan's own PFAS MCLs.

In 2018 the MPART Drinking Water Workgroup began a statewide survey designed to test the drinking water resources of three-quarters of Michigan's approximately 10 million residents for PFAS, specifically those who get their drinking water from one of our state's public water supplies. This survey continues to be administered by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Drinking Water and Environmental Health Division (DWEHD).

This survey was done by simultaneously mobilizing multiple sampling teams across Michigan's 83 counties. The order in which counties were tested was determined based on relative risk factors, including the incidence of wellhead protection areas and geologic sensitivity cross-referenced against population, current industrial activities, and

historic activities tied to PFAS use. Because of this approach, the city of Parchment public water supply was successfully identified as a supply with PFAS levels exceeding the USEPA Lifetime Health Advisory (LHA) very early in the survey. This led to the rapid mobilization of the State of Michigan, the USEPA, and local agencies to address the risk of PFAS exposure to the over 3,000 residents of Parchment and Cooper Township, Michigan.

The MPART survey benefitted from advancements in laboratory capabilities in the years since the USEPA Third Unregulated Contaminant Monitoring Rule (UCMR3) PFAS survey, determining the incidence of PFAS with detection levels set as low as 2 parts per trillion (ppt). This was done by using USEPA Method 537 version 1.1 and more recently USEPA Method 537.1, both of which represent prescriptive and established analytical methods for PFAS in drinking water. With these methods, Michigan had at its disposal a standard and reliable means to determine PFAS levels in its public water supplies, and their consistency and availability at multiple laboratories nationwide allowed EGLE to maintain the pace of the statewide PFAS survey, including during times when MPART's overall PFAS testing demand (and that of our fellow states) was at an increased level.

To effectively handle results communications and recommendations for over 2,300 supplies tested and over 4,000 individual samples collected, EGLE developed a prioritization scheme wherein supplies were grouped by PFAS detection levels: (1) Supplies with results of the USEPA LHA of 70 ppt combined PFOA and PFOS; (2) Supplies where the USEPA LHA was not exceeded, but the level of total tested PFAS was at least 10 ppt; and (3) Supplies where total tested PFAS levels were less than 10 ppt (including supplies with no PFAS detected).

Using this metric, EGLE assessed the incidence of PFAS in Michigan's public water supplies in a broad sense, finding that while 90% of supplies tested did not return a detection for any PFAS compounds, nearly 4% had detections of at least 10 ppt and three supplies exceeded the USEPA LHA. This 4% number represents over 80 public water supplies across the state, ranging in size from the very small (childcare providers) to the very large (municipal supplies).

PFAS compounds detected in finished drinking water included not only PFOA and PFOS (4.7% and 2.9% of supplies, respectively), but also perfluorobutanesulfonic acid (PFBS, 5.4% of supplies), perfluorohexanoic acid (PFHxA, 5.0% of supplies), perfluorohexanesulfonic acid (PFHxS, 3.5% of supplies), perfluoroheptanoic acid (PFHpA, 1.7% of supplies), perfluorononanoic acid (PFNA, 0.22% of supplies), ethyl perfluorooctane sulfonamido acetic acid (EtFOSAA, 0.17% of supplies), and methyl perfluorooctane sulfonamido acetic acid (MeFOSAA, 0.17% of supplies).

This wider spectrum of PFAS detections, in part, has been a catalyst in the development of PFAS MCLs in Michigan. With the statewide survey data in-hand, the MPART SAWG also undertook a methodical approach to evaluate existing and

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proposed standards, and available research, from across the country for the 18 PFAS compounds comprising the USEPA Method 537.1 analyte list. From those 18 compounds, the SAWG selected seven analytes that were sufficiently subjected to peer reviewed studies and derived Health Based Values (HBVs) for those PFAS compounds.

These HBVs were then provided to EGLE as a starting point for the promulgation of Michigan's PFAS MCLs. These seven include six compounds detected in public water supplies during the statewide PFAS survey (PFBS, PFHxS, PFOS, PFHxA, PFOA, and PFNA), as well as Hexafluoropropylene Oxide Dimer Acid (HFPO-DA, also known as GenX). HFPO-DA has not yet been detected in Michigan's public water supplies, due to USEPA Method 537.1 only recently being brought online in Michigan's effort and as-yet utilized in only a small subset of the public water supplies tested.

We appreciate the opportunity to comment on the USEPA's Preliminary Determination to regulate PFOA and PFOS under the SDWA. We support the USEPA's decision to develop an NPDWR and an MCL for these PFOA and PFOS, pursuant to the SDWA.

Additionally, respectfully and consistent with the findings of MPART's PFAS-related studies, we request the USEPA to also promulgate drinking water standards for additional PFAS compounds. Based on the incidence data collected through the statewide PFAS survey, and the risk to public health that they represent, drinking water standards promulgated need to include PFBS, PFHxS, PFHxA, PFNA, and HFPO-DA, in a manner which sufficiently protects public health.

If you have any questions, please contact me at 517-290-2943 or SliverS@Michigan.gov; or you may contact Mr. George Krisztian, Assistant Director, DWEHD, at 517-284-6719; KrisztianG@Michigan.gov; or EGLE, DWEHD, P.O. Box 30817, Lansing, Michigan 48909-8311.

Sincerely,



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Michigan PFAS Action Response Team  
517-290-2943

cc: Mr. Kurt Thiede, Regional Administrator, USEPA, Region 5  
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