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November 19, 2018

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Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Acting Administrator Wheeler:

On May 29, 2018 you charged the Local Government Advisory Committee to give our advice and recommendations on an action plan to address poly-per-fluoroalkyl substances (PFAS). The LGAC is honored you are seeking our guidance regarding emerging contaminants, such as PFAS. For some communities, this issue is at the highest level of alert, and for many others it has become increasingly complex, challenging and costly. We commend EPA for engaging communities and national experts in developing a national plan for action.

In response to the agency's charge, the LGAC is submitting our report entitled, *EPA's Local Government Advisory Committee's Findings and Recommendations on PFAS.* The report reflects the perspectives of LGAC members as well as in consideration of input from the four public engagement meetings and the National Summit held in Washington, D.C. in May 2018.

EPA proposes to develop a PFAS Management Plan which will outline strategic actions to support states, tribes and communities in addressing PFAS. The LGAC strongly urges EPA to prioritize actions within a risk-based approach to first address communities and citizens at highest risk of PFAS contamination and potential harm.

We strongly urge EPA to place the highest priority on addressing the most imminent threats and danger to human health in communities at greatest risk. This would include identifying communities located near military installations, areas with historical or active large -scale fire-fighting operations (such as airports), industrial sites or landfills where PFOS and PFOAs have a legacy of use and known releases. Based on EPA regional guidance communities should be able to self-identify their level of risk.

Frances Eargle, DFO

The second highest priority is assessment of public drinking water systems. The LGAC recommends that EPA identify and map those areas which have shown exceedances above the Health Advisory Level threshold of 70 parts per trillion (ppt). Furthermore, EPA should work with the States and tribes to assist them in helping these public systems to take corrective actions.

EPA has a commitment to health equity and a high priority should be placed on communities that are at risk for exposure but may not fall under the regulatory umbrella for public drinking water systems. Examples of vulnerabilities could include small communities, those communities with well water in high risk areas or communities where subsistence fishing is common. We urge EPA to provide guidance for testing methodologies such as establishing screening panels for testing of all public water systems and surface water. A risk-based approach will help high risk communities with limited resources evaluate and mitigate their exposure.

The LGAC encourages development of a groundwater policy as a high priority, short term step. PFAS can travel long distances from contaminated sites, moving through soil and seeping into groundwater. It is important to move ahead with groundwater policy because migration is one of the ways contamination can spread undetected.

The LGAC also recommends EPA to immediately enact designation of PFOA and PFOS as “hazardous substances,” under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). A ‘hazardous waste’ designation will help communities address the source of contamination and place the burden of clean up on the polluter and not the rate payer. We also urge EPA to continue and accelerate actions to develop toxicity values for two newer PFAS: GenX and perfluorobutane sulfonate, or (PFBS).

In addition, EPA should continue to work with the industrial and manufacturing sectors on good stewardship practices to eliminate the use of these chemicals and the potential to produce dangerous waste. Product manufacturers should also be encouraged to use product stewardship approaches to manage the use and waste stream of PFAS chemicals currently used throughout the entire life cycle of the product.

Regulatory actions take time and produce the best results through a deliberative and collaborative decision-making process. While regulation certainly has a place in the PFAS Management Plan, there are more immediate steps that can be taken to help communities struggling with this issue.

The bottom line is that communities across the nation depend on EPA’s leadership to address this emerging public health crisis. EPA will need to work collaboratively with other federal agencies such as the Center of Disease Control, Department of Defense, U.S. Department of Agriculture, Food and Drug Administration, Indian Health Services, National Institute of Health and others to identify sources of contamination, management strategies and assessment of environmental and public health risks. The LGAC urges you to lead the creation of an interagency task force to engage all applicable federal resources necessary to define and manage emerging contaminant risks including to the food supply.

Communication among EPA Regions working in partnership with the states is also a priority to ensure that consistent and accurate information is available to local and tribal governments. Communities and citizens are concerned about potential exposure and the dangerous health impacts of PFAS. The presence or suspected presence of these emerging contaminants in drinking water, ground water and air causes alarm regarding health effects and can lead to devastating and lasting economic impacts. Communities are also wary of escalating testing, remediation and treatment costs. It can be a significant challenge for local governments and especially small communities, to address emerging contaminant issues at the local level. Clean and safe water must remain

affordable in every community.

The LGAC recognizes that the EPA will need to prioritize short and long-term strategies for action. Protecting public health and the environment from further contamination should remain the highest priority. Developing coordinated risk communication is of utmost importance. Transparency is especially critical moving forward. The LGAC believes the best course of action is to get consistent and credible communication out to local and tribal governments so that citizens can feel confident in the management of these issues at the local level.

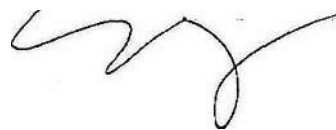
EPA should continue to address the multiple topics relating to emerging contaminants including: direct engagement with states and tribes on any new PFAS advisories and guidelines; the need for more health effects research for additional PFAS compounds and advancement of analytical methods. Guidance for wastewater discharges, underground injection control, soil leaching standards and air emissions is also needed. EPA's leadership is crucial to mitigating a building public health crisis that is not easily solvable without coordinated and collaborative action.

The EPA's focus on this growing threat to communities is welcomed at the state and local level. The engagement of the LGAC in responding to the charge will provide a strong local voice to assist EPA is developing a comprehensive management/action plan. Thank you for the opportunity to provide our thoughts regarding PFAS and emerging contaminants. We look forward to continuing to work together in the spirit of cooperative federalism as this issue continues to evolve.

Sincerely,



Bob Dixon
Chair



Susan Hann
Chair, Water Workgroup



Mayor Karen Freeman-Wilson
Chair, Revitalizing Communities Workgroup

Enclosure