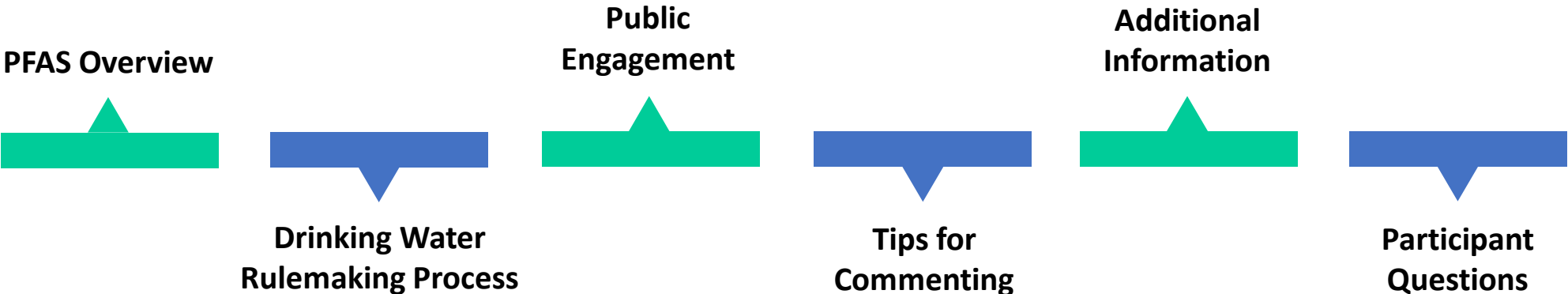


Preparing for Engagement in EPA's Upcoming Proposed Per- and Polyfluoroalkyl Substances (PFAS) Drinking Water Regulatory Process

November 2022

Outline for Today's Training



PFAS Overview



**Drinking Water
Rulemaking Process**



**Public
Engagement**



**Tips for
Commenting**



**Additional
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Questions**

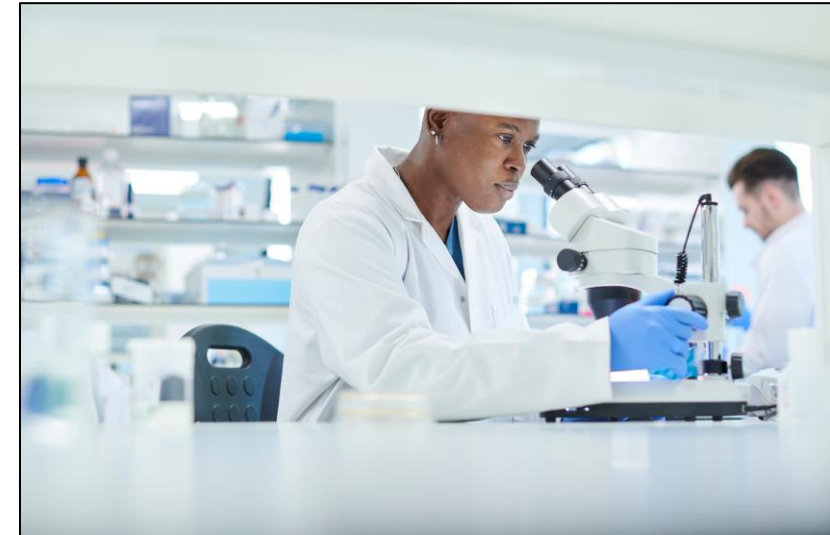


What are PFAS?

- PFAS are a group of synthetic chemicals that have been in use since the 1940s.
- There are thousands of types of PFAS chemicals, some of which may have been more widely used than others.
- PFAS can be found in stain and water repellants used in fabrics, carpets and outerwear, among other consumer products.
- PFAS can also be found at manufacturing and processing facilities, and airports and military installations that use firefighting foams which contain PFAS.
- PFAS can be present in water, soil, air, and food, including in public drinking water systems and private drinking water wells.

PFAS Health Effects

- Perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) have been the most extensively studied PFAS, though other types of PFAS have also been researched.
- Current scientific research has shown links between oral exposure to studied PFAS chemicals and adverse health effects, including prenatal and postnatal development, cancer, liver effects, immune effects, and other effects (e.g., cholesterol changes).
 - Studies have shown that only a small amount of PFAS can get into your body through skin. Therefore, showering, bathing, and washing dishes in water containing PFAS are unlikely to significantly increase health risks.



PFAS Drinking Water Occurrence

- PFOA and PFOS occur with a frequency and at levels of public health concern at public water systems based on available nationwide occurrence information from EPA's third Unregulated Contaminant Monitoring Rule (UCMR 3) collected from 2013-2015.
- More recent state PFAS monitoring data from many states demonstrates occurrence of these two PFAS, as well as other types of PFAS, at similar and often greater frequencies, and at lower concentrations, than under the UCMR 3 monitoring.



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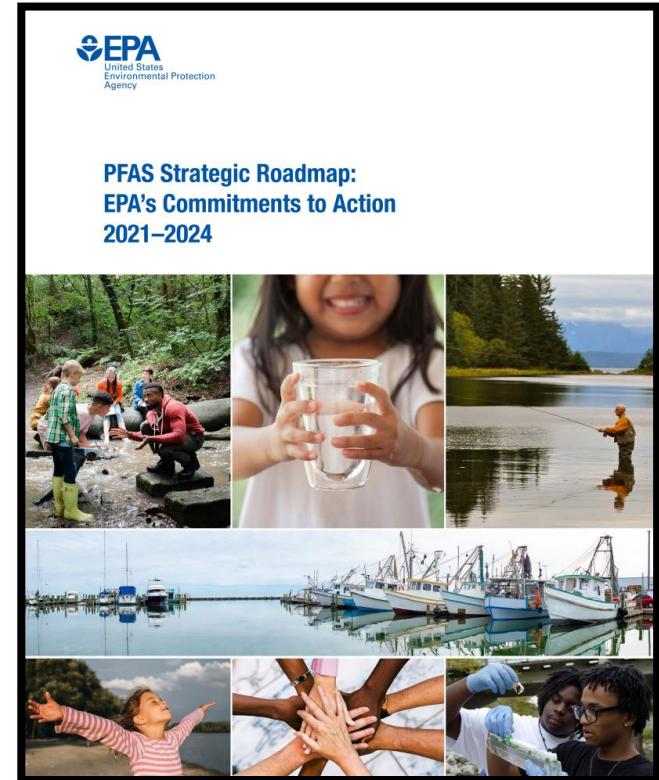
EPA Actions to Regulate PFAS in Drinking Water

- EPA gets their authority to issue regulations (also may be referred to as “rules”) from laws enacted by Congress. EPA has authority under the **Safe Drinking Water Act (SDWA)** to develop drinking water regulations.
- In March 2021, EPA reissued the final regulatory determinations for PFOA and PFOS under SDWA and is currently developing a proposed National Primary Drinking Water Regulation (NPDWR) for PFOA and PFOS.
- EPA is also further evaluating additional types of PFAS to consider regulatory actions for groups of PFAS as supported by the best available science.



EPA Actions to Address PFAS

- The PFAS Strategic Roadmap was released in October 2021 and lays out the EPA's commitment to addressing PFAS through an overall strategy of tangible actions both upstream and downstream to deliver public health benefits to all people using EPA's statutory authorities, including SDWA.
- Under the PFAS Roadmap, establishing a PFAS drinking water regulation is a key action.
- The Roadmap includes many other actions that proactively prevent PFAS from entering air, land, and water and actions that accelerate cleanup of PFAS contamination.
- Additionally, under the Roadmap a key principle of EPA's approach to tackling PFAS is to prioritize protection of disadvantaged communities and ensure they have equitable access to solutions and opportunities to participate in and influence EPA's decision-making.
- More information on the Roadmap and all EPA PFAS actions can be found at: <https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024>.



SDWA Drinking Water Rulemaking Process

- Under SDWA, drinking water regulations establish requirements that apply to **public water systems**.
 - Public water systems (as defined by SDWA) provide water to at least 15 service connections or serve at least 25 people.
 - Drinking water regulations may apply differently to public water systems based on how often they serve the same people and how many people they serve.
- EPA does not regulate private wells but does provide information on private well testing and guidance on technologies that may be used to treat or remove contaminants at: <https://www.epa.gov/privatewells>.



SDWA Drinking Water Rulemaking Process

- EPA first proposes a drinking water regulation for public comment, considers the public comment, and then issues a final drinking water regulation.
- Following the final drinking water regulation, primacy agencies (typically a State, Tribal, or Territorial agency) implement EPA drinking water regulations at public water systems within their jurisdictions to ensure compliance.
 - There are 49 States, 1 Tribe, and 5 Territories that have primacy for administration and enforcement of drinking water regulations and would need to seek primacy for a new PFAS drinking water regulation after the rule is finalized.
- Under SDWA, public water systems generally have three years from the date the regulation is finalized to comply with the regulation.

SDWA Drinking Water Rulemaking Process

- EPA must propose a **non-enforceable Maximum Contaminant Level Goal (MCLG)**, the level where no known or adverse health effects occur. The MCLG does not account for limits of detection or treatment technology effectiveness.
- Once the MCLG is determined, EPA sets an **enforceable standard** which is, in most cases, a **Maximum Contaminant Level (MCL)**. The MCL is set taking feasibility, costs, and benefits into consideration.
- If it is not feasible to determine the level of the contaminant EPA may propose a **Treatment Technique (TT)** as the enforceable standard.
- EPA must develop a **Health Risk Reduction and Cost Analysis** that informs the determination as to whether the benefits of the proposed MCL justify, or do not justify, the costs.
- EPA must also develop monitoring and reporting requirements and identify available treatment technologies to remove the contaminant.



SDWA Drinking Water Regulation Components

- EPA is currently developing the proposed PFAS drinking water regulation. **The specific details and regulatory requirements of the proposed PFAS drinking water regulation will be available once it is issued** (anticipated by the end of 2022).
- Drinking water regulations generally contain information on:
 - Enforceable levels of regulated contaminant(s) in drinking water (i.e., the maximum concentration allowable in drinking water) and health goal levels (i.e., the level where no known or adverse health effects occur)
 - The health effects of the contaminant(s)
 - Occurrence of the contaminant(s) in drinking water
 - National costs and benefits of regulating the contaminant(s) in public drinking water systems and how EPA makes this determination



SDWA Drinking Water Regulation Components

- Drinking water regulations generally contain information on (continued):
 - Public water system monitoring and reporting requirements to determine the level of the regulated contaminant(s) in their drinking water. These include both initial and ongoing compliance monitoring requirements.
 - Drinking water treatment information on technologies that are effective at removing the contaminant(s) in drinking water.
 - Public water systems that exceed the enforceable levels of the contaminant(s) identified during their monitoring will be required to install treatment or take other actions to reduce levels of the regulated contaminant(s) in their drinking water and meet enforceable levels.
 - Analytical methods for measuring the contaminant(s) in drinking water
 - Public notification requirements
 - Public water systems may be required to issue public notification to customers if the levels of the contaminant(s) in drinking water exceed regulatory standards.
 - Community water systems may also be required to include monitoring results of regulated contaminant(s) in the Consumer Confidence Report distribution to their customers.

Potential Funding for Implementation of PFAS Drinking Water Regulation

- The Bipartisan Infrastructure Law (BIL) provides for significant investments in safe drinking water infrastructure and drinking water programs.
- EPA is working to ensure the funds are available to drinking water systems, especially those within disadvantaged communities.
- Specific funds to potentially support implementation of the PFAS drinking water regulation:
 - \$11.7 billion: Funding to supplement the Drinking Water State Revolving Loan Fund (DWSRF)
 - \$4 billion: Funding to specifically address emerging contaminants, including PFAS, through the DWSRF
 - \$5 billion: Funding through the Small, Underserved, and Disadvantaged Communities Grants, which can be used to address and remediate emerging contaminants, including PFAS, in drinking water within disadvantaged communities
 - An example eligible project for all of these funds may include upgrading treatment technologies.



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Public Engagement Highlights for PFAS Drinking Water Regulation



Pre-Rule Proposal: Public Engagement

- EPA held two public meetings earlier this year to specifically gather input related to environmental justice (EJ) considerations to inform the development of the proposed PFAS drinking water regulation.
- Public docket opened to gather written input on EJ considerations.
 - To view written public comments received during comment period and materials from the public meetings, including meeting summaries, visit <https://www.regulations.gov/>.
 - Search for **Docket ID No. EPA-HQ-OW-2022-0114**
 - We will go through how to navigate regulations.gov in a few slides.
 - This will be same docket number for the proposed rule.
- Today's webinar on preparing for future proposed regulation engagement.

Pre-Rule Proposal: Public Input on EJ Considerations

- Input on EJ considerations received to date includes:
 - EPA should establish a national drinking water regulatory standard for PFOA, PFOS, and other PFAS as quickly as possible.
 - EPA should take a class-based approach to regulating PFAS in drinking water, rather than regulating each individual PFAS compound separately, and should consider mixtures of PFAS.
 - There may be financial challenges for people exposed to PFAS in drinking water, particularly those in underserved and overburdened communities and those served by small public water systems, in obtaining resources to address the contamination.
 - There should be more accountability for the polluters of PFAS into drinking water sources.
 - Note that the Safe Drinking Water Act authorizes EPA to regulate public water systems and other laws address discharges and releases of contaminants.

Pre-Rule Proposal: Public Input on EJ Considerations (cont.)

- EPA should consider a variety of factors, including income, marginalized communities, communities of color, tribal communities, and vulnerable demographic groups, when evaluating communities that are more impacted than others by PFAS in drinking water.
- EPA should continue to build and maintain strong relationships with community groups in disadvantaged communities particularly.
- EPA should provide more public awareness and information about PFAS in drinking water as many citizens may not be aware.
- PFAS contamination in drinking water adds to the burden already on certain communities experiencing other types of environmental contamination and impacts.
- Summaries of all input received during the meetings and the written comments are available in the public docket at www.regulations.gov under Docket ID: EPA-HQ-OW-2022-0114.

Pre-Rule Proposal: Other Stakeholder Engagement

- To inform the development of the proposed regulation, EPA also gathered input from several stakeholder groups including:
 - Local, state, and tribal governments and officials
 - Small drinking water systems through a Small Business Advocacy Review Panel
 - Science Advisory Board
 - National Drinking Water Advisory Council



After Rule Proposal: Public Comment Period and Docket

- Public **dockets** contain information that EPA uses in a rulemaking to explain or support its decisions. They also contain public input provided through the formal comment process.
- The **preamble** of the proposed rule posted in the Federal Register and to EPA's PFAS NPDWR website will provide details about the proposed rule and specific direction on submitting comments.
- The **comment period** for the proposed rule will open when the proposed rule is published in the Federal Register. Comment periods typically range from 30-90 days after publication in Federal Register notice.
 - A prepublication version of the proposed rule preamble will be available on EPA's PFAS NPDWR website prior to publication in the Federal Register, allowing for additional review time.

After Rule Proposal: Public Comment Period and Docket

- The public docket on www.regulations.gov will accept public comments on the proposed rule when it is published. Comments on the proposed rule should go to the public docket **No. EPA-HQ-OW-2022-0114**.
 - EPA's preference is to receive comments through the Federal eRulemaking portal at www.regulations.gov.
 - EPA will also accept written comments via email, fax, and mail.
- Submit comments by the **comment period deadline** outlined in the proposed rulemaking and on EPA's PFAS NPDWR website: <https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas>
- For more information on submitting information to EPA dockets: <https://www.epa.gov/dockets/commenting-epa-dockets>.



After Rule Proposal: Public Hearing

- There will be an opportunity to make oral comments at a virtual **public hearing** which is a formal meeting where EPA listens to the public's views and concerns about the EPA proposal.
- Details about a public hearing will be included in the preamble of the proposed rule. Information will also be posted to EPA's PFAS NPDWR website.
 - The public hearing will occur during the public comment period.
 - Generally, presenters register in advance to attend the public hearing and have approximately 2-4 minutes to provide oral remarks. If wishing to provide longer remarks, they can also be submitted as written comments that the Agency will consider.
 - Oral remarks will be transcribed and available in the public docket for final rule.



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Using Regulations.gov for Proposed PFAS Drinking Water Rule

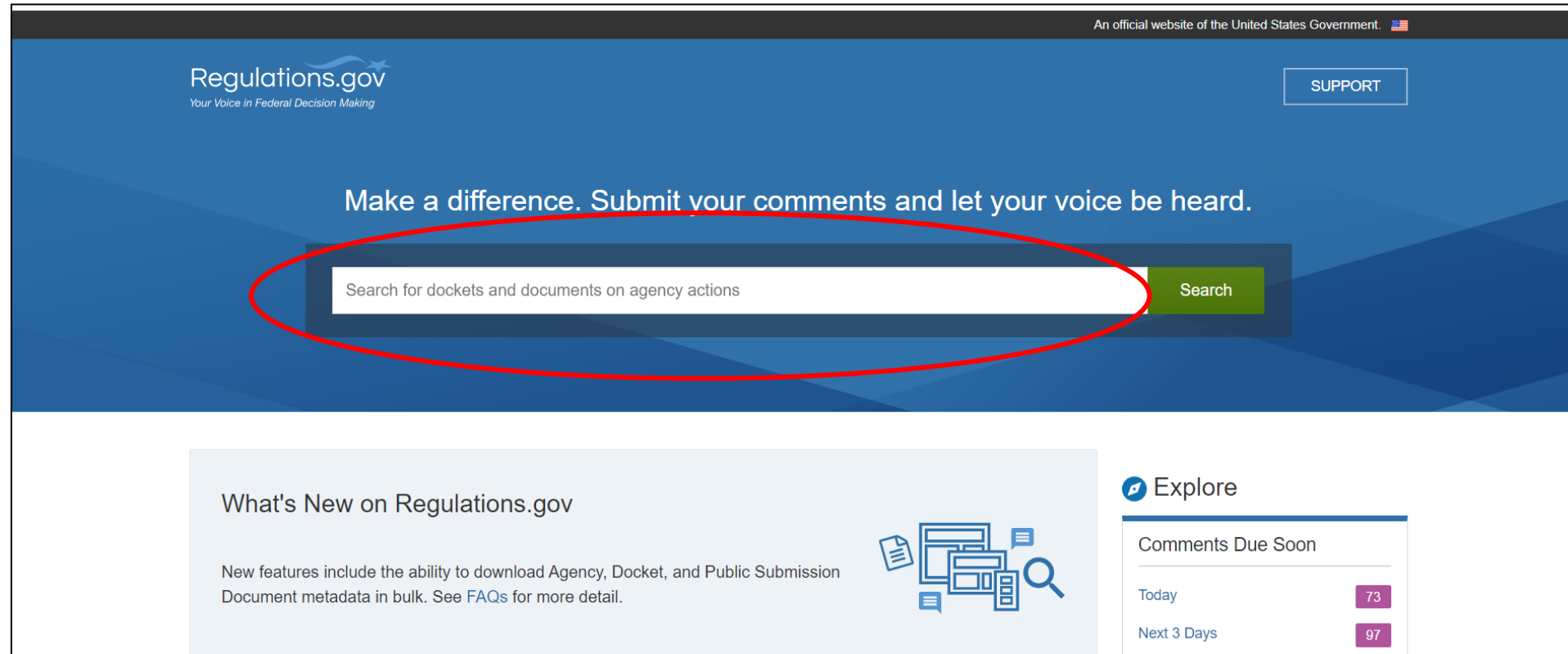
Go to <https://www.regulations.gov>

The screenshot shows the homepage of Regulations.gov. At the top right, it says "An official website of the United States Government." The main header features the "Regulations.gov" logo with the tagline "Your Voice in Federal Decision Making" and a "SUPPORT" button. The central message reads "Make a difference. Submit your comments and let your voice be heard." Below this is a search bar with the placeholder text "Search for dockets and documents on agency actions" and a green "Search" button. The lower section is divided into two columns. The left column, titled "What's New on Regulations.gov", contains a paragraph about new features for downloading metadata in bulk, accompanied by an icon of documents and a magnifying glass. The right column, titled "Explore", has a sub-section "Comments Due Soon" with a table showing 73 comments due today and 97 due in the next 3 days.

Comments Due Soon	
Today	73
Next 3 Days	97

Using Regulations.gov for Proposed PFAS Drinking Water Rule

Type in the docket ID number (EPA-HQ-OW-2022-0114) into the search box



The screenshot shows the homepage of Regulations.gov. At the top right, it says "An official website of the United States Government." The logo "Regulations.gov" is on the left with the tagline "Your Voice in Federal Decision Making". A "SUPPORT" button is in the top right. The main heading reads "Make a difference. Submit your comments and let your voice be heard." Below this is a search bar with the placeholder text "Search for dockets and documents on agency actions" and a green "Search" button. A red oval highlights the search bar. Below the search bar, there are two sections: "What's New on Regulations.gov" and "Explore".

What's New on Regulations.gov

New features include the ability to download Agency, Docket, and Public Submission Document metadata in bulk. See [FAQs](#) for more detail.

Explore

Comments Due Soon

Today	73
Next 3 Days	97

Using Regulations.gov for Proposed PFAS Drinking Water Rule

In the docket, you will see the rulemaking support information and the proposed rule to provide comment on

The screenshot displays the Regulations.gov website interface. At the top, it says "An official website of the United States Government." The main header includes the "Regulations.gov" logo with the tagline "Your Voice In Federal Decision Making" and a "SUPPORT" button. A search bar contains the text "EPA-HQ-OW-2022-0114" and a "Search" button. Below the search bar are three tabs: "Dockets", "Documents" (which is selected), and "Comments".

The "REFINE DOCUMENTS RESULTS" section on the left includes filters for "Document Type" (Supporting & Related Material (4), Proposed Rule (1)), "Posted" (Last 30 Days (1), Last 90 Days (1), Custom Dates), and "Comments Due" (Custom Dates).

The "SEARCH RESULTS" section on the right shows two results, both categorized as "SUPPORTING & RELATED MATERIAL". The first result is titled "Proposed PFAS NPDWR EJ Public Meetings Presentation - FINAL" and includes the text "EPA-HQ-OW-2022-0114" and "Questions can be submitted to PFASNPDWR@epa.gov...". The second result is titled "March 2022 Proposed PFAS NPDWR EJ Public Meeting Summary - Final" and includes the text "EPA's full presentation can be referenced in the public docket at www.regulations.gov, Docket ID: EPA-HQ-OW".

Using Regulations.gov for Proposed PFAS Drinking Water Rule

To submit a comment, click on the “Comment” icon on the webpage*

The screenshot displays the Regulations.gov interface. At the top, a search bar contains the ID 'EPA-HQ-OPP-2017-0653-0020' and a 'Search' button. Below the search bar are tabs for 'Dockets', 'Documents', and 'Comments'. The 'Documents' tab is active. On the left, there are filters for 'REFINE DOCUMENTS RESULTS', including a checkbox for 'Only show documents open for comment (1)', 'Document Type' (Rule (1)), and 'Posted'. The main area shows 'SEARCH RESULTS' for a 'RULE' titled 'Pesticide Tolerances: Picarbutrazox' by the 'Agency Environmental Protection Agency', posted on 'Mar 5, 2021' with ID 'EPA-HQ-OPP-2017-0653-0020'. A 'Comment' button is highlighted with a red box, and a 'Comments Due May 4, 2021' box is also highlighted with a red box. The page indicates 'Displaying 1 - 1 of 1 results'.

*This is an example rule for illustrative purposes only.

Using Regulations.gov for Proposed PFAS Drinking Water Rule

Write your comment and/or attach any supporting files and submit comment

Write a Comment

[Read Agency Guidelines](#) | [Commenter's Checklist](#)

Comment*

Start typing comment here...

5000

Attach Files

You can attach up to 20 files, but each file cannot exceed 10MB. Valid file types include: bmp, docx, gif, jpg, jpeg, pdf, png, pptx, rtf, sgml, tif, tiff, txt, wpd, xlsx, xml.

Drop files here or

Email Address

Email Address

Opt to receive email confirmation of submission and tracking number? (We will never post on Regulations.gov or share your email with anyone else.)

For more information on submitting information to EPA docket, visit <https://www.epa.gov/dockets/commenting-epa-dockets>

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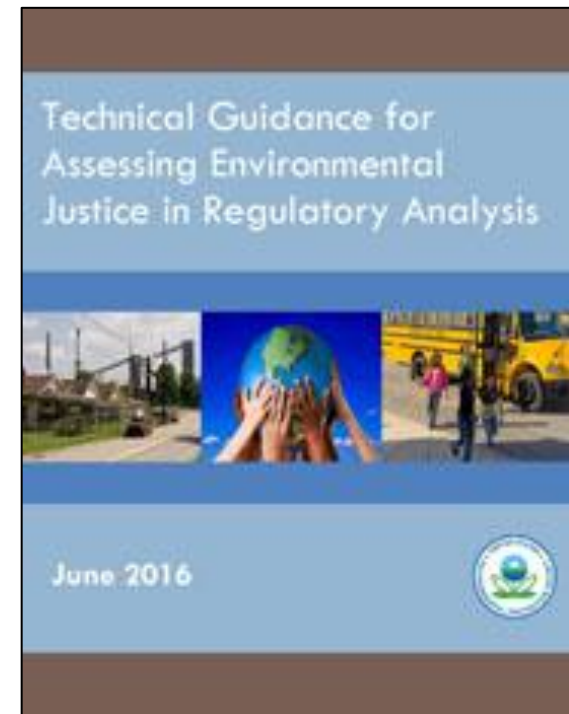


Participant
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EJ Considerations for Proposing a Drinking Water Regulation

- Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (Executive Order 12898)
- EPA is committed to ensuring the fair treatment and meaningful involvement of all people with respect to environmental laws, regulations, and policies.
- To directly support this commitment to EJ, EPA's *Technical Guidance for Assessing Environmental Justice in Regulatory Analysis* outlines particular technical approaches and methods to help EPA analyze potential EJ concerns for regulatory actions.
- As a part of the PFAS drinking water rule development process, EPA is currently conducting this analysis and will provide this information when issuing the proposed rule.



What Can I Do to Learn About and Protect Myself from PFAS in Drinking Water Right Now?

- Learn more about PFAS and how to limit your exposure in drinking water:
<https://www.epa.gov/pfas/pfas-explained>
- Some recommended steps include:
 - Reach out to your local public drinking water utility to learn about how they may be addressing PFAS and potentially ask them to test the drinking water for PFAS or share information if they have already tested your water. You can also contact your state environmental protection agency or health department to find out what actions they may recommend for your area.
 - If you are concerned about levels of PFAS in your drinking water, consider installing in-home water treatment (e.g., filters) that are certified to lower the levels of PFAS in your water. More information can be found at: <https://www.epa.gov/sciencematters/reducing-pfas-drinking-water-treatment-technologies>.
 - More information on additional steps you can take is available at:
<https://www.epa.gov/pfas/meaningful-and-achievable-steps-you-can-take-reduce-your-risk>.

Additional Resources

- EPA Website: [PFAS NPDWR](#)
- EPA Website: [PFAS](#)
- EPA Website: [Basics of Regulatory Process](#)
- EPA Website: [Get Involved in EPA Regulations](#)
- EPA Website: [Commenting on EPA Dockets](#)
- [Regulations.gov](#)
- [FederalRegister.gov](#)
- For more information, please contact PFASNPDWR@epa.gov



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Thank you for attending today's training webinar.

EPA will post the recording and slides for today's webinar to our website as soon as possible at this address:

<https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas>

For additional questions, please contact PFASNPDWR@epa.gov

