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SAN GABRIEL VALLEY WATER ASSOCIATION

August 12, 2021

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Lauren Zeise, Ph.D.
 Director
 California Office of Environment Health Hazard Assessment
 Post Office Box 4010
 Sacramento, CA 95812-4010

RE: COMMENTS REGARDING OEHHA PUBLIC HEALTH GOAL
 PFOS/PFOA NOTIFICATION LEVELS

Dear Dr. Zeise:

I am writing on behalf of the San Gabriel Valley Water Association (SGVWA) with comments related to the Office of Environmental Health Hazard Assessment's (OEHHA) release of public health goals (PHG) that also impacts notification levels for PFOS and PFOA. The SGVWA's 60 members provide drinking water to 2 million residents in 31 cities through special districts, municipal utilities, investor-owned utilities, and not-for-profit mutual water companies. Our member water suppliers are deeply committed to ensuring equitable access to water that is safe for all and we feel that the proposed PHG levels present complications for some water systems statewide. The SGVWA is proposing that you address the flawed regulatory framework leading to development of the PHG and RL for PFOS and PFOA. The SGVWA has a number of purveyors with PFOS and PFOA levels exceeding current response levels (RL). OEHHA's responsibility is to set PHGs using the most up to date scientific research. In so doing, OEHHA is supposed to allow for consideration of technical research with the aim of setting a PHG reflected by the best available science. The State Water Resources Control Board (SWRCB) must set a maximum contaminant level (MCL) enforceable standard as close to the final OEHHA PHG as possible.

In practice, passage of AB 756 (C. Garcia) leaves water suppliers with no option but to treat response levels set by OEHHA as enforceable standards, as would otherwise only be the case for MCLs. The current ambiguity between a protective precautionary response level (RL) and enforceable standards (MCL) has created impacts for water suppliers and threatens public confidence in the drinking water supply. In fact, the final PHGs themselves will be treated as enforceable standards by some state agencies. This negatively affects public perception, and causes confusion when applied by others as demonstrated by the following examples:

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The California Public Utilities Commission (CPUC) is not permitting investor-owned utilities to recover costs for PFOS and PFOA treatment because a response level is not an enforceable standard. Simultaneously, the Division of Drinking Water (DDW) under the SWRCB has refused to approve operating permits for some new water treatment systems if a supplier does not include treatment for PFOS and PFOA in exceedance of the RL.

The contradicting approaches by the CPUC and DDW contribute to public alarm when water systems can not immediately afford a treatment system for PFOS and PFOA. Residents in turn exhibit a distrust of tap water in favor of less regulated bottled and vending machine water. Studies demonstrate that about 40% of bottled water and 100% of vending machine water comes from domestic water supplies, including those with levels of PFOS and PFOA exceeding RLs set by OEHHA. According to studies by the Natural Resources Defense Council (NRDC), reliance on bottled water purchased at supermarkets and poorly maintained vending machines in some communities can lead to dental decay and gastrointestinal ailments.

To protect public health, we would like OEHHA to consider the combined health impacts of constituents of concern, as well as the negative impacts of California's self-defeating regulatory framework and the trade-offs in erosion of public confidence. It is essential that we protect the public by viewing PFOS and PFOA as part of the larger overall challenge created by a flawed regulatory framework as much as water quality monitoring and treatment.

The SGVWA acknowledges that PFOS and PFOA may be a health concern. We believe that the health impacts should be properly addressed. However, we must avoid at all costs undermining public confidence by creating a flawed regulatory framework.

Respectfully submitted,



Greg Galindo

President

San Gabriel Valley Water Association

cc: Jared Blumenfeld, Secretary, CalEPA
Joaquin Esquivel, Chair, State Water Resources Control Board
Darrin Polhemus, Deputy Director, Division of Drinking Water