



December 6, 2021

PFOS & PFOA Activity Update

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Update Contents

- PFOS & PFOA discussion from Oct 2021 Meeting recap
- Between meetings activity
 - SSAB emails
 - EMC discussion re: 70 ppt adoption
- DEQ's current path forward
 - EPA's SAB meeting Dec 16, 2021

October 4 SSAB Meeting Recap

- DEQ asked the SSAB:
 - *Would the SSAB recommend the use of the ATSDR MRLs to set the IMAC for PFAS (PFOA & PFOS)?*
- SSAB asked questions regarding the:
 - Appropriate use of ATSDR values (chronic vs intermediate)
 - Other states usage of ATSDR's values thus far
 - What the critical studies were in each of the evaluations to provide better context for their response.

DEQ / SSAB Between Meetings Interactions

- DEQ asked the SSAB:
 - *Would the SSAB recommend the use of the ATSDR MRLs to set the IMAC for PFAS (PFOA & PFOS)?*
- SSAB responded:
 - *In favor* of using ATSDR's values (5/6 responses)
 - More conservative/protective
 - More recent assessment
 - *Not in favor* of using ATSDR's values (1/6 responses)
 - Preferred EPA's 70 ppt
 - Clearly defined uncertainty factors
 - Critical study had a wider range of doses tested than ATSDR

EMC Related Actions at November 2021 Session

DWR's Requested Action:

The Division and the Environmental Management Commission-appointed Hearing Officer, Yvonne Bailey, recommend that the proposed and public-noticed revisions to 15A NCAC 02L .0202 be approved by the EMC, except as follows

1. The proposed total PFOA and PFOS groundwater standard not be adopted, as shown in the attached recommended rule text

EMC Related Actions at November 2021 Session

PFOS/PFOA Request Rationale:

1. The public reviewed the proposed 70 ppt standard.
 - Public comment period: January 15, 2021 - March 16, 2021
 - Virtual public hearing: February 2, 2021
 - 57 people registered to attend, 20 people registered to speak
 - 769 individual written comments were received prior to the close of the comment period
2. EPA expected to release new PFOA/PFOS guidance



EMC Related Actions at November 2021 Session

Summary of Public Comments Received:

Most of the comments received were in opposition to the proposed total PFOA and PFOS groundwater quality standard of 70 ng/L (ppt).

Main PFAS comment topics:

- Different values proposed
- Request that PFAS is regulated as a class
- Request to repeal current PFOA IMAC
- Other PFAS comments

Additional comments received include:

- Support of proposed changes
- Proposed additions and changes to rule language
- Comments on the Regulatory Impact Analysis
- Other general comments

EMC Related Actions at November 2021 Session

EMC Vote:

EMC voted to support the Hearing Officer's recommendation to not adopt the 70 ppt standard for all the reasons provided.

DEQ's Current Path Forward

DEQ has considered:

1. Extensive public comments
2. SSAB feedback
3. EPA's PFAS toxicity assessment activities
 - EPA's SAB will meet on Dec 16 to discuss the newly revised and proposed PFOA and PFOS Reference Doses (RfD)
 - PFOS and PFOA RfDs will lead to a Drinking Water Equivalency Level or Health Goal

DEQ's Current Path Forward

DEQ will attend EPA's SAB meeting:

1. Gain insight into new regulatory values
2. Determine when final values will be released
3. Compare the info from EPA to NC SSAB feedback regarding ATSDR's MRL values
 - PFOS & PFOA team has indicated that the ATSDR values are also out of date

Update Summary

1. EMC did not adopt 70 ppt value for PFOA & PFOS
2. DEQ has received feedback from NC SSAB about potential IMAC values (*i.e.*, ATSDR, EPA)
3. DEQ will follow EPA's progress and use information gained at EPA SAB meeting Dec 16 to determine next steps

Thank you



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