

**Testimony of Dave Greco, Director of Regulatory and Environmental Affairs
Michigan Manufacturers Association**

Joint Committee on Administrative Rules

July 22, 2020

Good afternoon. Thank you for the opportunity to comment on the proposed PFAS drinking water standards as they move through the JCAR process.

I'm Dave Greco, Director of Regulatory and Environmental Affairs with the Michigan Manufacturers Association.

MMA represents nearly 1,700 manufacturers, large and small, employing more than 635,000 Michigan citizens and located throughout the state.

Michigan takes great pride in its manufacturing expertise, and manufacturing continues to be Michigan's largest economic sector, providing quality workplaces and livelihoods, a broad array of products and innovations, and contributions to the quality of life in every corner of the state.

The proposed PFAS drinking water standards before you today reflect a significant amount of work by many, including MMA, over the past several years.

Recognizing the importance of Michigan's drinking water quality and safety to every citizen of our state, MMA and our members continue to appreciate every opportunity we have to be part of the solution to a complex problem and ensure Michigan gets this right. We have been deeply invested and engaged at every phase of the process.

The safety of public drinking water supplies is paramount, as is public confidence *in* drinking water safety.

We believe the state can protect the public health and its economic competitiveness.

As part of MMA's process, we engaged a trio of PFAS experts to provide a peer review of the proposed rules, back in October of 2019.

We believe in the rigor of peer review for rulemaking, especially ones as important as these are to ensuring drinking water safety.

We provided the peer review report to EGLE during the public comment period, because the proposed health-based values were not vetted through a peer review process, which we submit is vital.

We believe the expert peer review report we contributed to the process is a valuable resource.

In fact, one of experts on our technical peer review, Dr. Dourson, has had his work that was used in our report receive the paper of the year award by the respected Society of Toxicology earlier this year. With this honor, Dr. Dourson's paper is now being further referenced by the U.S. EPA as it moves forward with its own PFOA and PFOS regulations.

Michigan is attempting, for the first time ever, to set its own standard, called a Maximum Contaminant Level (MCL). The standard is being set without the extensive scientific research and peer reviews that normally underpin MCLs.

This is an important point, as it is the basis of the peer review critique, and underscores the importance of peer reviews, which the federal government is required to undertake extensively, and which Michigan did not conduct, and why again, MMA undertook the effort and cost to produce and share an independent peer review with the Department.

The peer review found a number of gaps and inconsistencies, which still have not been adequately addressed, and need to be for the integrity of the rules, ease of implementation by water suppliers, expectations of upstream industries, and accountability to the public.

The public's confidence in the safety of their drinking water is rooted in their confidence that regulators use credible and proven research and in setting safety levels. We see that today as the American public relies on the integrity and wisdom of public health officials as a credible voice on COVID.

We also believe there has been an insufficient cost-benefit accounting. With the expectation that our local units of government – local water utilities, water authorities, and nongovernmental public water suppliers – are tasked with implementing new rules, they and their customers, should know what the costs and water bills are going to be.

As Michigan only begins to emerge from the pandemic's economic hammering, and local governments wrestle with budget challenges over the next few years, the legislature and department need to make sure they're not adding to the problems.

Finally, MMA is flagging the need to prevent unintended consequences of applying drinking water standards to Part 201 clean-up standards – the regulations that govern PFAS groundwater clean up sites. Michigan's ahead of the game on this important aspect of addressing PFAS. Now is not the time to jeopardize efforts underway or planned to stop PFAS in groundwater *before* it becomes an issue for drinking water.

While the rules move forward, scientific integrity and public accountability need improvement. MMA has inventoried specific deficiencies that fall under these themes, and we remain committed to working with the state in resolving them to ensure these important new rules are implementation-ready, defensible, and affordable.

As JCAR considers approving PFAS standards for community drinking water systems, we would urge the committee to carefully consider that changes are needed to fill in gaps that further limit the dangers of PFAS in proposed drinking water standards by:

- Ensuring new regulations are implementation-ready
- Transparent in terms of cost of treatment to utilities and our citizens
- Remain in step and consistent with the latest and best scientific research on PFAS, and
- Are properly funded so as not to become unfunded mandates on already overextended local governments.

Thank you again for the opportunity to comment this afternoon. I welcome your questions.