



SIERRA CLUB

MICHIGAN CHAPTER

Comments on the proposed PFAS MCL

July 22, 2020

Joint Committee on Administrative Rules
Boji Tower - 3rd floor
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Senator Peter Lucido, Chairperson
Representative Matt Maddock, Alternate Chairperson

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Honorable Members of JCAR:

On behalf of Sierra Club's 150,000 members and supporters in Michigan, we support quick adoption and implementation of the proposed PFAS MCL.

Thank you for the opportunity to provide written testimony in support of the proposed PFAS Maximum Contaminant Load (MCL) currently in front of the Joint Committee on Administrative Rules. It is Sierra Club's position that the current proposed MCL should have gone farther to protect public health based on the most recent science, however, we need swift action to get these new rules finalized to lower people's exposure to these harmful chemicals as quickly as possible.

In June, the CDC's Agency for Toxic Substances and Disease Registry [released a report](#)¹ showing that exposure to PFAS suppresses the immune system and increases the risk of contracting COVID-19 as well as the severity of the symptoms COVID-19. As COVID-19 persists in Michigan it is imperative that we decrease public exposure to any factors that may increase the risk of contracting the virus and the severity of its symptoms.

Hundreds of Sierra Club members, and over 7,000 Michiganders, participated in the public hearings held in January of this year as a part of development of the PFAS MCL process. The message from the public is clear: we demand swift action to clean up and prevent these

¹ Agency for Toxic Substances and Disease Registry (ATSDR). (2020). What are the health effects of PFAS: Statement on the potential intersection between PFAS exposure and COVID-19. Retrieved from: <https://www.atsdr.cdc.gov/pfas/health-effects/index.html>



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dangerous chemicals from persisting in our drinking water supply. The proposed PFAS MCL in front of JCAR is an important first step. It is estimated that two million Michiganders have PFAS in their drinking water supply--this is unacceptable. Clean safe drinking water is foundational to protecting public health.

To reiterate, it is Sierra Club's position that these rules must be passed and implemented quickly to address the immediate needs of millions of Michiganders that are exposed to PFAS in their drinking water. However, we will take this opportunity to address some areas of where the proposed PFAS MCL should be strengthened to fully comport with scientific evidence to date.

We applaud setting a state-wide MCL for drinking water. We are heartened to see that 7 PFAS were included in the MCL. We are also glad to see the mandate that any long-chain PFAS included in the USEPA's method 537.1 should be screened based on the strictest health based value (6 ppt for PFNA) because, "while there is not enough information available to support HBV's for [all other long-chain PFAS included in USEPA method 537.1], these compounds are expected to produce similar health effects...and the values are trending lower nationally over time" (pg. 3 Michigan Science Advisory Workgroup).

We support the logic of this step, however, when it was proposed we asked that MPART extend this same well informed conclusion to its other recommendations. There are thousands of PFAS chemicals in commerce. Most PFAS chemicals have been poorly studied, but those that have been studied appear to impact the same body systems, including the immune system, liver, kidney, and endocrine system, as well as reproduction and development. Michigan should continue to study the total amount of synthetic fluorinated chemicals in water, and consider the potential risks posed by other unidentifiable PFAS chemicals, including those longer-chain precursors which break down to form chemicals with health based values.

Combined MCL for PFAS: The proposed risk evaluations for specific PFAS chemicals do not take into account the additive effects of concurrent exposures to multiple PFAS. Aggregate exposure is a scientifically supported method used for dioxins and PCBs, and it is not protective of public health to set separate limits for a small number of individual PFAS chemicals. Michigan's water testing confirms that when water is contaminated with PFAS, people are nearly always exposed to multiple PFAS. As the MPART's Scientific Advisory Workgroup report notes on pg. 25, "...health concerns are based on total exposure to PFAS across many sources."

Given the ubiquity of PFAS in consumer products it is incumbent upon the State of Michigan to implement drinking water standards that will take into account all the possible avenues of exposure to PFAS for Michigan citizens. Vermont took a step in this direction by setting a



combined MCL of 20 ppt for 5 chemicals - PFOA, PFOS, PFHxS, PFHpA and PFNA. Another option would be to set a cumulative standard for PFNA and the related longer-chain chemicals.

In the future we must go farther and set PFAS MCLs at levels low enough to account for scientific uncertainties as well as the additive effects of exposure to multiple PFAS chemicals over a lifetime of exposure.

All Exposure Models Should Be Protective of the Most Vulnerable Populations: Michigan should also take into account the most developmentally vulnerable populations in our state when setting drinking water standards. We are supportive of MPART and EGLE's use of exposure models that take into account the exposure of fetuses, infants, and children to PFAS. Unfortunately, the modelling used for the GenX deviated from the exposure models used for the other 6 PFAS, and used adult assumptions regarding liver toxicity. We agree with the assessment of the Natural Resources Defense Council that this is a problem, especially because there is no combined MCL for PFAS currently proposed. We understand that EGLE and MPART may have felt that there is not enough data available to draw conclusions about how GenX affects children. However, we think that the recommendations for GenX should reflect the logic of MPART's Scientific Advisory Workgroup's own report, and require a significantly more protective MCL until enough information becomes available to assess the GenX threat.

Chemicals like GenX should not be treated as innocent until proven guilty, and we must put the burden of proof of safety on the manufacturers that profit from the sale of these chemicals, instead of waiting until Michigan citizens are sick to act. The Scientific Advisory Workgroup report states that, "Drinking water values for PFOS and PFOA have gone down over time. This is a reflection of the evolving science...it is quite possible that the same trend will be seen with other PFAS where the drinking water values become lower over time" (pg. 26 Michigan Science Advisory Workgroup). As the science comes in, we are seeing more health concerns related to PFAS; we should not wait for children and families to get sick before taking action.

Account for Mammary Gland Development Impacts from PFAS: Problematically, the proposed PFAS MCLs do not take into account the effects of PFAS exposure on mammary gland development. Recent observational studies in people and experimental findings in laboratory studies links exposure to PFOA with shorter durations of breastfeeding. The delays in mammary gland development associated with PFOA at very low levels can lead to long-term adverse health effects.



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Sierra Club strongly supports a combined MCL for PFAS that accounts for the inevitable multiple exposures faced by citizens, lower health based values that reflect incontrovertible research trends of much lower drinking water values as more data comes in, exposure models that account more accurately for the effects of PFAS on our most vulnerable citizens, and a risk assessment that accounts for the effects of PFAS on mammary gland development.

Although we have outlined the shortcomings in the proposed PFAS MCLs in front of JCAR today, we also think it is an important first step towards addressing the toxic drinking water contamination threatening the health of millions of Michiganders. We urge members of JCAR to support the proposed MCLs, and work with us in the future to implement stronger public health protections.

Sincerely,
Christy McGillivray
Sierra Club Michigan Chapter
Political and Legislative Director