



BOARD OF DIRECTORS
Andy Morris, President
Chance Edmondson, Vice President

Harvey R. Ryan, Treasurer
Darcy M. Burke, Director
Jack T. Ferguson, Director

GENERAL MANAGER
LEGAL COUNSEL
DISTRICT SECRETARY

Greg Thomas
Best, Best & Krieger
Terese Quintanar

August 16, 2023

ELECTRONIC MAIL
PHG.Program@oehha.ca.gov

Ms. Hermelinda Jimenez
PHG Program
Pesticide and Environmental Toxicology Branch
Office of Environmental Health Hazard Assessment
1515 Clay St., 16th Floor
Oakland, California 94612

SUBJECT: PROPOSED PUBLIC HEALTH GOALS FOR PERFLUOROCTANOIC ACID AND PERFLUOROCTANE SULFONATE

Dear Ms. Jimenez:

Elsinore Valley Municipal Water District (EVMWD or District) appreciates the opportunity to submit written comments to the Office of Environmental Health Hazard Assessment (OEHHA) regarding the Second draft Public Health Goals (PHGs) for two prominent per- and poly-fluoroalkyl substances (PFAS) – perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS).

EVMWD is a public water agency providing water, wastewater and recycled water services to a population of approximately 170,000 in south-western Riverside County, with 1/3 of the parcels located in disadvantaged communities. The District is a retail agency of the Western Municipal Water District, a member agency of the Metropolitan Water District of Southern California. Approximately thirty-five percent of drinking water supply is obtained from the District's local groundwater and surface water sources. Many of the District's local water supply sources are impacted by PFAS detections.

EVMWD has previously provided comments expressing concerns to OEHHA, directly and in collaboration with Association of California Water Agencies (ACWA) on the PHG process and also when the first draft PHG levels were announced. The District is re-emphasizing concerns and comments regarding the PHG of .007 ng/L for PFOA and 1.0 ng/L for PFOS, which have remained unchanged in OEHHA's second draft release; and re-iterating the possible implications for the subsequent development of a Maximum Contaminant Level (MCLs) for PFOA and PFOS.

Under the California Safe Drinking Water Act, OEHHA is responsible for the development of a risk assessment, which informs the development of a PHG. The PHG is based exclusively on public health considerations and is not meant to be an enforceable standard, although water systems must publish information about PHGs in their Consumer Confidence Reports (CCR's). The development of a PHG is an important step that informs the establishment of

an enforceable drinking water regulation – the MCL. MCLs are established to be set as close as economically and technologically feasible to the PHGs. Thus, while OEHHA does not consider economic impacts in the development of PHGs, the PHG process nonetheless has significant economic, affordability, and public disclosure implications for public water systems, especially with respect to PFAS compounds. The PHG process needs to be applied consistently to ensure that a well-rounded literature review of studies can be applied. An informed PHG will serve as a bridge towards a well-developed MCL that regulates effectively against contamination, establishes clear guidance, and sets a level that is economically and technologically feasible for public water agencies to meet.

EVMWD provides the following considerations for OEHHA as it moves forward with the development of PHGs for PFOA and PFOS.

Comment 1 - PHGs have significant impacts on public water system.

EVMWD encourages balancing the net impact of the real-world implications of the PHG while developing recommendations that can achieve positive public health outcomes, while continuing to provide safe drinking water at a reasonable cost to customers. There are impacts to water systems associated with any PHG published by OEHHA. The currently proposed limits for PFOA and PFOS are very low and while health data may support this level (studies are still not conclusive or long term), there would certainly be impacts to public water systems as they attempt to comply with an MCL that is set near this PHG. EVMWD asks that the State Water Resources Control Board (State Water Board) and OEHHA continue to consider the impacts on public water agencies should this PHG proceed as proposed.

Public water agencies will be required to report exceedances of substances for which no regulatory standard exists.

Public water systems are required to evaluate costs and consider implementing treatment to meet any PHG that is exceeded in their water system every three years. Such treatment is expensive, and it is essential that this PHG is developed towards enabling an MCL that protects public health, is effective, and feasible for public water agencies to comply with while keeping water affordable for customers. Water systems that are ineligible for or unsuccessful in obtaining financial support from the state have difficulty preventing increased burdens on already socioeconomically disadvantaged communities. Per the SWRCB, the average cost of water increased by 45% between 2007 and 2015. This has already forced low-income households to make difficult household decisions about water consumption to balance other expenses.

Public water agencies are tasked with the essential element of effective and factual communication with the public to maintain trust with their communities. PHGs are required to be reported in annual CCR's along with MCLs - sometimes creating confusion and concern. The currently proposed PHGs for PFOA and PFOS might raise concerns from consumers who are unsure what they mean for the safety of their water.

Public water agencies must also prioritize the Human Right to Water, which is often impacted by the increased cost threshold of complying with new MCLs.

Comment 2 - OEHHA should continue to follow the regulatory framework for developing PHGs and work with the State Water Board to follow the regulatory framework to develop MCLs.

Consistent with our previous comment letter, we encourage OEHHA to continue to make use of additional resources as they become available to inform the assessment of health risk effects of PFOA and PFOs in setting these PHG which will in turn increase the accuracy of the future recommended MCLs. OEHHA and the State Water Board Department of Drinking Water should continue to develop and provide clear communication about the meaning and purpose of PHGs which are complex and can be difficult for the public to understand.

As new information and epidemiological studies become available and potential health risks are better understood, OEHHA should maintain a regular review and update process for PHGs. For example, Table A5.1 in Appendix 5 suggest that food is a much more prominent source of PFOA exposure than water, but the PHG for PFOA acknowledges that there is not sufficient data to determine the impact that food packaging and nonstick cookware have on human exposure to PFAS. As information on this exposure route is developed, OEHHA should reexamine these PHGs.

Consistent with our prior comments on previous PHG rulemaking, EVMWD supports the development of PHGs based on the risk assessment of public health impacts from studies that are grounded in sound, credible science and research, are well-documented, and collect and analyze current data and information. EVMWD urges OEHHA to adhere to the best available, peer-reviewed practices, principles, and methods used by epidemiological professionals, including U.S. EPA's risk assessment team. As referenced in the past comment letters regarding development of this PHG, the PHG should be established using studies that reflect human consumption of PFAS-contaminated drinking water, exposure routes in tap drinking water, drinking water consumption, and grouping PFAS compounds in groups based on shared and common health risk indicators.

EVMWD appreciates OEHHA staff's consideration of these comments as the PHGs are developed and look forward to working with OEHHA. If you have any questions or concerns, please feel free to contact me at gthomas@evmwd.net or (951) 674-3146.

Sincerely,



Greg Thomas
General Manager

PK/se