



Comment Clerk  
ID: EPA-HQ-TRI-2019-0375  
Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, DC 20460

**RE: Addition of Certain Per- and Polyfluoroalkyl Substances; Community Right-to-Know Toxic Chemical Release Reporting [Docket # EPA-HQ-TRI-2019-0375](#)**

The Association of Clean Water Administrators (ACWA), the Association of State Drinking Water Administrators (ASDWA), and the Environmental Council of the States (ECOS) appreciate the opportunity to comment on the “Addition of Certain Per- and Polyfluoroalkyl Substances (PFAS); Community Right-to-Know Toxic Chemical Release Reporting.” ACWA, ASDWA, and ECOS are nonpartisan organizations representing the voices of state and territorial clean water, drinking water, and environmental agencies and leaders. The following comments are intended to address this advance notice of proposed rulemaking, but do not necessarily reflect the concerns of individual states.

Our collective state members face many challenges on PFAS as they work to enact state programs to provide safe and clean water and ensure public health safeguards. States value federal leadership on PFAS and as such, we recommend that EPA work closely with other Federal agencies on a holistic approach to coordinate and administer all possible federal regulatory authorities to understand, assess, address, and remove PFAS from the environment or prevent PFAS from entering the environment from all contributing media. This includes adding PFAS to the Toxics Release Inventory (TRI) under Section 313 of the Emergency Planning and Community Right-To-Know Act (EPCRA), as outlined below.

We support the provisions in “Title LXXIII (PFAS), Subtitle B, Section 7321: Additions to Toxics Release Inventory” in the [National Defense Authorization Act of 2020 \(NDAA\)](#), for which EPA has provided a helpful [summary](#). Specifically, we support the NDAA provisions to include select PFAS in the TRI annual reporting. Further, with respect to EPA considering addition of certain per- and polyfluoroalkyl substances to TRI, we support the listing of each individual PFAS, as well as each class of PFAS (with reference to [ITRC’s naming conventions](#)). It is important that this “hybrid” reporting approach be taken – listing specific PFAS and, additionally, listing each major class of PFAS – to ensure states and other stakeholders understand the extent and varieties of PFAS being used in their jurisdiction, as well as how the extent and varieties change over time as markets and technologies adapt to demand and regulatory requirements.

We believe that making a distinction between the most prevalent and toxic substances for individual reporting (e.g., PFOA, PFOS, GenX, PFNA, and PFHxS), rather than grouping all PFAS as a class, will help states and public water utilities better understand which of these PFAS have been released, where, and in what quantity. It will also gauge the potential of certain PFAS to impact drinking water sources, human health and aquatic life for reporting purposes. This TRI reporting information will support better

decision-making by our data-driven state programs and states' utility partners as they seek to assess and address PFAS in all water and other environmental resources to protect public health.

Regarding reporting requirements, we believe that the NDAA reporting threshold of 100lbs for the TRI is too high and not appropriate for PFAS specified in the NDAA or for future additions of PFAS to the TRI. State experiences have demonstrated this to be the case. As monitoring methods to identify PFAS in land, air, and water have improved, strategies to trace PFAS sources from a site or watershed are hindered by a lack of data. Apart from aqueous fire-fighting foams, states and local governments generally lack information related to the location and extent of PFAS used in industrial processes. Often, an enterprise may not manufacture PFAS, but does otherwise use it in product formulations. In this more-common scenario, a PFAS may represent a small proportion of the total compounds used in a product going to market, but still cause widespread environmental contamination above state and/or federal PFAS regulatory or advisory levels. This is especially important because of PFAS' mobility across environmental media. For example, very low concentrations of PFAS – such that they would not be captured by a 100lb reporting threshold – released in a manufacturing facility's permitted discharges or accidental releases (either to air or water) can rapidly accumulate to unacceptable levels in waterbodies within the watershed and beyond, potentially affecting public drinking water supplies, fish tissue intended for human consumption, aquatic life, and soils. At present, it is extremely costly and inefficient for states to identify and quell the source of a discovered PFAS without an inventory of facilities which have either manufactured, processed, or otherwise used PFAS. Thus, this TRI action under consideration by EPA represents an enormous opportunity to fill critical information gaps and improve state capacity to responsibly address and respond to PFAS in the environment.

EPCRA (313(f)(2)) and the NDAA (7321(b)(2)) provide that it is at the discretion of the Administrator of the EPA to revise a TRI reporting threshold, and the NDAA provisions require this to be completed within 5 years. Therefore, we urge EPA to consult states before making determinations related to the revision of TRI reporting thresholds for any and all PFAS listed in the TRI, with respect to PFAS identified in the NDAA and future actions. Additionally, we acknowledge that classes of PFAS may warrant a different reporting threshold(s) than individual PFAS; EPA may receive comments from individual states delineating their technical preferences on this matter, and we ask that EPA consider them carefully. Appropriate reporting thresholds articulated by individual states will enable state agencies to cost-effectively identify the source of a PFAS and optimize their existing protocols. We note that the low-threshold approach has been used by EPA in the past to list (a) compounds that pose or potentially pose significant threats to human health and the environment *and* (b) compounds for which states lack sufficient information to trace sources, act within their authorities, or make fully-informed decisions.

Additionally, we believe that the criteria for TRI inclusion (i.e., EPCRA 313(d)(2)(c)) are unquestionably met. Because of each PFAS' noteworthy environmental persistence and accumulation potential, the mounting evidence of significant adverse effects to human and aquatic life, and the growing number of PFAS under study, we believe that individual PFAS can reasonably be anticipated to cause significant adverse effects on the environment unless demonstrated otherwise. Therefore we urge EPA to err on the side of inclusion when considering a PFAS' listing in TRI and request that the Administrator of the EPA articulate to their state co-regulators why this was not the case in any instance that a PFAS is not determined to meet the 313(d)(2)(c) criteria.

We are confident that information gleaned from the TRI, as informed by states' needs, will not only help states assess and address impacts to water resources and the environment from PFAS, but also better

inform policy and regulatory decision-making across environmental media within each program that serves to protect human health at the national, state, and local levels.

Thank you for your considering the comments provided in this letter that are needed to ensure effective public health and environmental protection. Please contact Julia Anastasio, ACWA's Executive Director at 202-756-0600 or [janastasio@acwa-us.org](mailto:janastasio@acwa-us.org); Alan Roberson, ASDWA's Executive Director at 730-812-9507 or [aroberson@asdwa.org](mailto:aroberson@asdwa.org); or Don Welsh, ECOS' Executive Director at 202-266-4929 or [dwelsh@ecos.org](mailto:dwelsh@ecos.org) to provide more information or to ask questions.

Sincerely,

A handwritten signature in black ink that reads "Julia Anastasio". The signature is fluid and cursive, with the first name being larger and more prominent.

Julia Anastasio  
Executive Director and General Counsel  
Association of Clean Water Administrators

A handwritten signature in blue ink that reads "J. Alan Roberson". The signature is cursive and written in a consistent blue color.

J. Alan Roberson  
Executive Director  
Association of State Drinking Water Administrators

A handwritten signature in blue ink that reads "Donald L. Welsh". The signature is cursive and written in a consistent blue color.

Donald Welsh  
Executive Director  
Environmental Council of the States