



DATE: October 11, 2017

TO: Washington State Board of Health Members

FROM: Keith Grellner
Chair

SUBJECT: PETITION FOR RULE MAKING TO ESTABLISH DRINKING WATER STANDARDS FOR POLY- AND PERFLUOROALKYL SUBSTANCES (PFAS)—GROUP A PUBLIC WATER SUPPLIES (CHAPTER 246-290 WAC)

Background and Summary:

The Administrative Procedures Act (RCW 34.05.330) allows any person to petition a state agency to request adoption, amendment, or repeal of any rule. Upon receipt of a petition, the agency has 60 days to either (1) deny the petition in writing stating the reasons and, as appropriate, offer other means for addressing the concerns raised by the petitioner, or (2) accept the petition and initiate rule making.

In July, the Washington State Department of Health received a letter from ten organizations drawing attention to the problem of poly- and perfluoroalkyl substances (PFAS) in drinking water and requesting action to establish drinking water standards for the chemicals. Department staff briefed Secretary Wiesman and forwarded the letter to the Board for consideration as a petition to amend chapter 246-290 WAC. Board authority to adopt such standards comes under RCW 43.20.050(2), RCW 70.119.080(1), and RCW 70.142.010.

PFAS chemicals have thousands of applications and have been widely used since the 1950s. Valuable properties include fire resistance and oil, stain, grease, and water repellency. Well known trademark examples include Teflon®, Scotchgard®, Stain Master®, and Gore-Tex®. PFAS have also been commonly used in firefighting foams. Manufacturers have phased out production and use of certain PFAS compounds.

People are exposed to PFAS primarily through food, drinking water, and indoor air/dust. PFAS have been linked to many adverse health effects. PFAS are very strong, persistent, bioaccumulative, and water soluble, typically leaching to groundwater in areas with some form of environmental release. In 2016, the U.S. Environmental Protection Agency (EPA) established a lifetime health advisory level of 70 parts per trillion for two chemicals in the PFAS group (PFOA and PFOS). In Washington, PFAS have been measured in drinking water at levels above EPA's health advisory and appear to be associated with use of firefighting foam and nearby military airfields (Fairchild Air Force Base, Joint Base Lewis McChord, and Naval Air Station Whidbey Island).

Lauren Jenks, Director of the Department of Health's Office of Environmental Public Health Sciences, will join Board staff to explain the Department's recommendation on the petition and answer questions.

Recommended Board Action:

The Board may wish to consider, amend if necessary, and adopt the following motion:

The Board accepts the petition for rule-making to explore options to establish standards for poly- and perfluoroalkyl substances (PFAS) in chapter 246-290 WAC and directs staff to file a CR-101, Preproposal Statement of Inquiry, to further evaluate the request and possible rule change.

Staff: Stuart Glasoe