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## **National Ground Water Association**

### **Comments on**

### **Environmental Protection Agency Proposed Rule: Addition of Certain Per- and Polyfluoroalkyl Substances; Community Right-to-Know Toxic Chemical Release Reporting**

Published: December 4, 2019

Document Citation: 84 FR 66369

Agency/Docket Numbers: EPA-HQ-TRI-2019-0375; FRL-10002-70

Date Comments Due: February 3, 2020.

Electronic Link: <https://www.federalregister.gov/documents/2019/12/04/2019-26034/addition-of-certain-per--and-polyfluoroalkyl-substances-community-right-to-know-toxic-chemical>

Date Comments Submitted: January 23, 2020

#### **SUMMARY**

In its advance notice of proposed rulemaking (ANPRM), EPA asks for information from the public on a proposed future rule to add certain per- and polyfluoroalkyl substances (PFAS) to the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) and section 6607 of the Pollution Prevention Act (PPA). In this ANPRM, EPA outlines what PFAS are, why the Agency is considering adding certain PFAS to EPCRA section 313, what listing actions are being considered, who may be required to report, the current understanding of hazard concerns for PFAS, EPA's hazard assessments on PFAS, and other information available on these chemicals. In considering a chemical for addition to the EPCRA section 313 list, EPA bases its listing decision on the chemical's hazard (i.e., toxicity), not the risk (i.e., toxicity plus potential exposures) related to that chemical. EPA is requesting comment on which, if any, PFAS should be evaluated for listing, how to list them, and what would be appropriate reporting thresholds given their persistence and

bioaccumulation potential. Lastly, EPA asks for any additional data to inform the Agency's evaluation and determination of which PFAS may meet the EPCRA section 313 listing criteria.

## COMMENTS OF THE NATIONAL GROUND WATER ASSOCIATION<sup>1</sup>

Which PFAS should be evaluated for listing?

At a minimum the following PFAS should be listed (Name, Synonym, Acronym, CAS Registry Number, Molecular Formula):

### Perfluoroalkyl Carboxylic Acids PFCAs

Perfluoroheptanoic Acid, PFHpA, 375-85-9, F(CF<sub>2</sub>)<sub>6</sub>COOH

Perfluorooctanoic Acid, PFOA, 335-67-1, F(CF<sub>2</sub>)<sub>7</sub>COOH

Perfluorononanoic Acid, PFNA, 375-95-1, F(CF<sub>2</sub>)<sub>8</sub>COOH

### Perfluoroalkyl Sulfonates/Perfluoroalkyl Sulfonic Acids PFSAs

Perfluorobutane Sulfonate, PFBS, 375-73-5, F(CF<sub>2</sub>)<sub>4</sub>SO<sub>3</sub>H

Perfluorohexane Sulfonate, PFHxS, 432-50-8 and 355-46-4, F(CF<sub>2</sub>)<sub>6</sub>SO<sub>3</sub>H

Perfluorooctane Sulfonate, PFOS, 1763-23-1, F(CF<sub>2</sub>)<sub>8</sub>SO<sub>3</sub>H

### Other PFAS Compounds

Perfluorobutyric acid (C<sub>4</sub>), PFBA

Perfluoropentanoic acid (C<sub>5</sub>), PFPeA

Perfluorohexane sulfonic acid (C<sub>6</sub>), PFHxS

Perfluorohexanoic acid (C<sub>6</sub>), PFHxA

Perfluorooctane sulfonamide (C<sub>8</sub>), PFOSA

Perfluorodecanoic acid (C<sub>10</sub>), PFDA

Perfluorodecane sulfonate (10), PFDS

Perfluoroundecanoic acid (C<sub>11</sub>), PFUnA

Perfluorododecanoic acid (C<sub>12</sub>), PFDoA

Perfluorotridecanoic acid (C<sub>13</sub>), PFTTrDA

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<sup>1</sup> Adapted from: National Ground Water Association (NGWA). 2017. Groundwater and PFAS: State of Knowledge and Practice. National Ground Water Association Press, Westerville, Ohio. ISBN 1-56034-037-1.

Perfluorotetradecanoic acid (C14), PFTeDA

6:2 Fluorotelomer sulfonic acid (6:2 FTS), 27619-97-2, C<sub>8</sub>H<sub>5</sub>F<sub>13</sub>O<sub>3</sub>S

8:2 Fluorotelomer sulfonic acid (8:2 FTS), 39108-34-4, C<sub>10</sub>H<sub>5</sub>F<sub>17</sub>O<sub>3</sub>

Ammonium 2,3,3,3-tetrafluoro-2-(heptafluoropropoxy)propanoate (GenX), 62037-80-3, C<sub>6</sub>H<sub>4</sub>F<sub>11</sub>NO<sub>3</sub>, analyzed as hexafluoropropylene oxide dimer acid (HFPO-DA), 13252-13-6, C<sub>6</sub>H<sub>2</sub>F<sub>10</sub>O<sub>3</sub>

Additionally, EPA should consider for EPCRA listing any PFAS compound regulated in any state. The Interstate Technology Regulatory Council (ITRC) has created a series of tables tracking PFAS-related regulatory activities in states that may be useful in evaluating which PFAS compounds should be in the listing. The ITRC tables are updated quarterly.

How should PFAS be listed?

PFAS should be listed by Name, Synonym, Acronym, CAS Registry Number, and Molecular Formula.

PFAS compounds should be listed individually, not as categories.

What would be appropriate reporting thresholds given PFAS persistence and bioaccumulation potential?

TRI Reporting Requirements - Your facility is required to report to the TRI Program if it meets ALL of these three [current] threshold criteria:

- (1) The facility is included in a TRI-covered North American Industry Classification System (NAICS) code; and
- (2) The facility has 10 or more full-time employee equivalents (i.e., a total of 20,000 hours or greater; see 40 CFR 372.3); and
- (3) The facility manufactures (defined to include importing), processes or otherwise uses any EPCRA Section 313 chemical in quantities greater than the established threshold during a calendar year.

Add to the threshold listing criteria interim screening level of 40 ppt, concentrations at or exceeding the lifetime health advisory (LHA) of 70 ppt or then current LHA, and considerations of environmental impacts of any PFAS compounds released to inform communities.

EPA should also consider adding the category of per- and polyfluoroalkyl substances (PFAS) to the TRI chemical list and establish a 10-gram reporting threshold for the category, similar to the action EPA took for dioxins & dioxin-like compounds (<https://www.epa.gov/toxics-release-inventory-tri-program/pbt-chemicals-lowering-reporting-thresholds-certain-pbt>).

What additional data exist to inform the Agency's evaluation and determination of which PFAS may meet the EPCRA section 313 listing criteria?

Sources of data should include:

National Ground Water Association (NGWA). 2017 (and Updates). Groundwater and PFAS: State of Knowledge and Practice. NGWA Press, Westerville, Ohio.

ITRC PFAS references may be found at: <https://pfas-1.itrcweb.org/references/>

NGWA members are working with states and industry regarding the occurrence and toxicology of PFAS compounds. EPA can contact NGWA members actively involved in PFAS activities through the Association at 614-898-7791 and [ngwa@ngwa.org](mailto:ngwa@ngwa.org).

The National Ground Water Association appreciates the opportunity to comment on this advance notice of proposed rulemaking.

For further follow-up, please contact:

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