



King County

Water and Land Resources Division

Department of Natural Resources and Parks

King Street Center

201 South Jackson Street, Suite 600

Seattle, WA 98104-3855

206-477-4800 Fax 206-296-0192

TTY Relay: 711

May 31, 2018

Kara Steward
Hazardous Waste and Toxics Reduction Program
Washington State Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

RE: Comments on Interim PFAS CAP

Dear Ms. Steward:

Thank you for providing the opportunity to comment on Washington Department of Ecology's Interim Chemical Action Plan (CAP) for per- and poly-fluorinated alkyl substances (PFAS). King County Water and Land Resources Division's mission is to protect King County's water and lands so that residents can enjoy them safely today and for generations to come. Our participation as a member of the CAP advisory committee has helped to advance several of the agency's goals, including providing research to support sound science and policy to protect resources, as well as protecting human health and minimizing hazards from toxic exposures.

To date, we commend several actions being taken by Ecology and Washington State Department of Health (DOH) to advance the CAP goals. Addressing concerns of drinking water contamination and soil and groundwater cleanup standards are important for King County citizens. We also are pleased that you plan to implement the two new state laws that will reduce exposures to PFAS, and we commend your thoughtful approach to avoid regrettable PFAS substitutes in food packaging and firefighting foams.

As previously expressed during PFAS advisory committee meetings, we continue to have concerns that PFAS are being addressed as individual compounds and not as a chemical class. We recommend that Ecology and DOH treat all PFAS as a chemical class, including long-chain compounds, short-chain compounds, and polymers. There are several examples in the Interim PFAS CAP where it is unclear if the departments will address only perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA), long-chain compounds, or PFAS as a class.¹

¹ p. 2 refers to replacing stockpiles of aqueous film-forming foam (AFFF) that contain PFOS and PFOA, while actions on p.17 recommend developing outreach materials on stockpiles containing the entire class of PFAS

p. 17 refers to finding sources of long-chain PFAS, and similarly on p. 18 identifying likely remaining sources of only PFOA and PFOS

p. 19 alternatives talk about short-chains as alternatives, instead of non-PFAS

We are concerned that PFAS, as a chemical class, may especially impact underserved or disadvantaged communities via exposure through fast-food packaging or legacy products. We encourage Ecology and DOH to incorporate equity into the recommended actions, and illustrate how different solutions may improve the health and wellbeing of underserved communities.

We request that Ecology incorporate technical information and evidence to support recommended actions and that the alternatives assessment focus on in-use products with the highest exposures and/or risks. We encourage Ecology to include the more detailed information covering legacy products, biosolids, compost, and landfills outlined in the draft PFOS CAP chapters and previously reviewed by the CAP advisory committee, but absent from the Interim CAP. In addition, we recommend Ecology enhance the draft chapters based on comments provided previously by the CAP advisory committee. We encourage Ecology to evaluate non-halogenated alternatives, since short-chain PFAS and fluoropolymers also appear to result in bioaccumulation concerns due to their comparable carbon-fluorine bonds; other halogenated compounds are subject to the same concerns.

It is our understanding that the Final CAP is being developed concurrently with implementation of HB2658, which bans PFAS in food contact paper after Ecology identifies safer alternatives. We expect the ban to be implemented quickly, as information on safer alternatives is currently available. These include reports by the Center for Environmental Health, Clean Production Action, and reports provided in HB2658's public hearings. We encourage Ecology to develop a collaborative stakeholder process utilizing members and interested parties of the CAP advisory committee to provide input and expertise to HB2658's alternatives assessment.

Please note that King County anticipates submitting additional comments and working together with Ecology to ensure that the final PFAS CAP represents the best available science. In the meantime, we recommend that Ecology clarify the role and purpose of the Interim CAP since they are not defined in WAC 173-333-240.

We appreciate the time and effort Ecology has made to coordinate the CAP advisory committee. We look forward to continuing our work with Ecology and DOH regarding these important issues in order to advance our common goals of reducing the impact of persistent bioaccumulative toxic chemicals, such as PFAS, on human health and the environment.

Sincerely,



Josh Baldi
Division Director