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May 23, 2018

Kara Steward
Washington State Department of Ecology
Hazardous Waste and Toxics Reduction Program
Kara.steward@ecy.wa.gov

Re: PFAS Interim Chemical Action Plan

Dear Ms. Steward,

Public Health – Seattle and King County (PHSKC) appreciates the opportunity to comment on the interim Chemical Action Plan (CAP) for per- and poly-fluoroalkylated substances (PFAS). We understand that while you are accepting comments at this time, you will not be revising the interim CAP and are considering it a final document. However, we are submitting comments and urging the Department of Ecology to 1) consider comments submitted to improve actions they will undertake as part of the interim CAP, and 2) incorporate submitted comments into the final CAP document. As you know, PHSKC serves over 2 million residents who live in the largest county in Washington State. We recognize that the recommendations that come out of Department of Ecology (ECY) processes such as the PFAS CAP, can impact nearly every resident in our jurisdiction, so we take this process and our involvement in it very seriously.

Through the interim CAP, we are pleased to see the Department of Ecology (ECY) addressing concerns around drinking water contamination and the need for soil and groundwater cleanup standards. Both of these are issues in King County that we cannot ignore and must be addressed. PHSKC also applauds Ecology's plan in the interim CAP to implement two new state laws banning PFAS in non-federally mandated firefighting foams and food packaging materials. Both of these laws are the first of their kind in the nation, and will set a precedent for other states to follow. We appreciate the forward-thinking approach that these laws have regarding regrettable substitutes for food packaging and firefighting foam. PHSKC is monitoring the progress to implement the new laws and determining where impacted residents and businesses may need additional direction as the laws are implemented.

We are particularly interested in implementation of the new law on PFAS in food contact paper (HB2658), which includes a ban after ECY determines which alternatives are safer. Existing information on safer alternatives, such as reports by the Center for Environmental Health, Clean Production Action, and others was presented during the legislative public hearings. We hope that ECY considers this information as it may provide useful information for the alternatives assessment. PFAS in food contact paper is also a major concern for compost, where it may lead to groundwater contamination, volatilization and atmospheric deposition, as well as uptake into produce if the final compost is used for crops. The law requires ECY to determine whether safer alternatives to PFAS exist by conducting an alternatives assessment as part of the PFAS CAP. PHSKC participates in the PFAS CAP advisory process, and we expect ECY to utilize, solicit and consider stakeholder input and expertise through a consultative process with the CAP advisory committee. This includes consulting the advisory committee on the scope of the planned alternatives assessment, updating them on progress, consulting them on the

draft, briefing them when the determination has been made, and soliciting public comment to capture concerns or suggested ideas.

To better justify the recommendations included in the interim CAP, we suggest incorporating into the interim CAP the chapters with supporting technical information and data that the advisory committee reviewed and commented on during 2017.

We continue to strongly encourage that that CAP address:

- PFAS as a class of chemicals
PHSKC encourages ECY and DOH to 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 as to whether the departments are addressing only PFOS and PFOA or PFAS as a class:
 - P.2 refers to replacing stockpiles of AFFF that contain PFOS and PFOA, while actions on p.17 recommends 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

- Approaches to alternatives that avoid regrettable substitutes
 - Products that require alternatives assessment or recommendations when little or no information exists about what replacement chemicals are used and how they affect health (e.g., firefighting foams, cosmetics, other textiles) will require specific consideration. We encourage ECY to clearly articulate the information that alternatives approaches will require. Short chain PFAS for which little information is known should not be considered suitable substitutes to PFOS and PFOA. ECY and DOH should obtain information from industry on any substitutes that are utilized whether they are PFAS alternative or non-fluorinated alternatives. This information should include the specific chemicals used as substitutes and any health data that industry has submitted to regulatory bodies to justify their safety.

- Equity and social justice considerations for each recommendation and how it may impact underserved communities
 - As discussed during PFAS CAP advisory meetings and in previous comment letters from PHSKC, we encourage ECY and DOH to consider equity impacts of the recommendations provided by interim CAP. These considerations should include all vulnerable communities such as children, pregnant women, low-income, immigrant and refugee communities as well as communities of color. As food packaging alternatives are assessed and drinking water rulemaking is developed, it is important that equity be included in the considerations for these projects so that our most vulnerable populations are protected from exposures to PFAS chemicals.

We look forward to continuing our work with ECY 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. PHSKC looks forward moving ahead with development of the final PFAS CAP later this year.

We thank you again for your time and consideration of these comments.

Respectfully,

A handwritten signature in black ink, appearing to read 'JSDuchin', written in a cursive style.

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