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July 1, 2019

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Comments on Preliminary Chemical Action Plan Advisory Committee recommendations for PFAS chemicals

Dear Ms. Steward,

Thank you for the opportunity to comment on the Department of Ecology's preliminary chemical action plan for per- and poly-fluorinated alkyl substances (PFAS). The Association of Washington Business (AWB) and our members believe in the importance of meaningful water quality and clean-up standards that protect drinking water, human health and the environment. We also understand the complexity of any rulemaking the department must undertake due to the high number of chemicals identified as PFAS. Below is a list of our comments with some specific concerns and suggestions highlighted by our members.

- In regards to the recommendations which include funding for drinking water mitigation (1.1) we urge the department to include language that clarifies that the identification of responsible parties is done clearly and in accordance with all state and federal laws. Given that existing PFAS test methods are still being developed and not yet refined, clarity of responsible parties is particularly important.
- The recommendations around the funding for biomonitoring (1.3) are unclear and would benefit from further clarification. The recommendation makes it unclear if the Department of Health (DOH) is advocating a new, long-term study with data or if it is about tying in with the existing studies cited in the recommendation. Administering a long-term DOH study would seem to be beyond the scope of this recommendation and funding request. In addition, it is not apparent that comparing biomonitoring to national averages alone is enough reason to conduct such an assessment. Biomonitoring should be for a scientifically based purpose or to support large (e.g., national) studies.
- While the use of the Model Toxics Control Act (MTCA) to provide clean up funds would fall under the existing authority, legislation is also pending at the federal level that would designate PFAS as a hazardous substance under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Any steps the Department takes should be in coordination with the federal agencies to minimize and prevent conflicting regulations.

Kara Steward

July 1, 2019

Page 2

- Recommendations 2.3 and 3.0 both refer to methods to minimize pathways for PFAS to be introduced into the environment in reference to consumer goods. It is our recommendation that the Departments of Ecology and Health focus on those exposure pathways to allow them to target the areas with the most potential for human health or environmental impacts. For instance, the agencies' efforts related to carpets and textiles should focus on residential uses (3.1). The word "consumer" should be added to the following areas to increase the clarity of the statement:
  - (3.0) *Adopt rules to implement regulatory actions, including reporting or restrictions on the use of a chemical in a [consumer] product*
  - (3.3) *Propose a ban on the import or sale of [consumer] products in Washington containing phased-out long-chain PFAAs. Long-chain PFAAs include perfluorinated carboxylates (PFCAs) with eight or more fully fluorinated carbons (for example, PFOA) and perfluorinated sulfonates (PFSAs) with six or more fully fluorinated carbons (for example, PFHxS and PFOS), their salts, and precursor compounds capable of forming long-chain PFAAs.*

Thank you for the opportunity to comment on the Preliminary Chemical Action Plan. AWB appreciates the opportunity to provide feedback.

Sincerely,



Peter Godlewski  
Government Affairs Director

