

Overview

The following document includes transcribed comments that the public or stakeholders provided verbally during a public comment meeting on November 19, 2020 at 2:00 p.m., focused on the Draft PFAS Chemical Action Plan. This transcript was prepared by Ecology staff based on the recorded portion of the meeting.

Transcript

[START RECORDING]

[Maria Blackshear] The recording has started.

[Kimberly Goetz] Great. Thank you. Uh, good afternoon. My name's Kimberley Goetz, and I'll be coordinating the public *[inaudible]* easy for me to say, public comment portion of today's webinar. We're here to receive public comments about the PFAS Chemical Action Plan.

Let the record show it is currently 2:26 P.M. on November 19th, 2020, and this public comment opportunity is being provided via a Webex webinar.

Ecology provided notice to the public that a Draft Chemical Action Plan was issued and available for public comment. The notification included the dates and times of the public comment webinars as well as information about other methods the public can use to submit comments. The notification was published in the Washington State Register on October 7th, 2020, under Washington State Register number 20-19-130.

A notice about the public comment opportunities was also posted to Ecology's web site. In addition, Ecology issued a news release on October 8th, 2020, about the public comment period and email notices were sent to approximately 600 people subscribed to Ecology's Chemical Action Plan, Safer Products for Washington and PFAS Listservs.

Maria will be calling on people to provide oral, oral comment based on the order that your name appears on our end of the Webex platform. Please remember to keep your comments to about three minutes. When you reach that limit, I will ask you to summarize your comments so that the next person can be called to comment.

And I think Maria has already explained how to raise your hand. If you wish to comment today please raise your hand via the Webex feature that Maria explained and Maria will be able to unmute you. After you have completed commenting please put your hand down so that we can track who's still left.

Please speak clearly so that we can get a good recording of your testimony. We ask that you please tell us your name for the record and if you want to be notified when the CAP is finalized please also provide either your mailing or your email address. Please note that any address you provide will be part of the public record.

So, Maria, who's up first?

[Maria Blackshear] Maddie Smith you have been unmuted, you can now give your verbal comment.

[Maddie Smith] Great. Can you hear me?

[Kimberly Goetz] *[inaudible]*

[Maria Blackshear] We can hear you.

[Maddie Smith] Okay great. Um, my name is Mattie Smith, and I'm here today as a former chemistry student, person of faith and current staff member at Earth Ministry a small nonprofit that works with faith communities to advocate for environmental justice. Um, I want to share that people of faith are incredibly passionate and concerned about PFAS and great-ful, grateful for all that you're doing to protect our families and communities from the negative health effects linked to PFAS.

And as a person of faith, I believe that it's not enough to just warn folks about the dangers of PFAS and where contamination is, but we must also create systems of accountability for the manufacturers of these chemicals who continue to make billions off of PFAS with the knowledge that they cause serious health problems and did not break down once released in the environment.

We must do what we can to clean up PFAS when it is found in the environment and hold folks responsible for that pollution accountable. And I encourage folks working on the CAP to do whatever you can, to ask your colleagues and Ecology to designate PFAS as a hazardous substance under the Model Toxics Control Act so that we can begin to hold polluters responsible.

Please also establish a concrete timeline for establishing cleanup standards for sites contaminated with PFAS, and it's important that these standards be for PFAS as a class, and considering many different PFAS chemicals and not just for the one or two most infamous PFAS chemicals of PFOA and PFOS.

I'm proud to live in Washington where together our state legislature and agencies have been leading on PFAS. Having said that, the PFAS CAP can be improved by developing a standard for PFAS in biosolids and sludge like Maine currently has.

Over the past year I've spoken to folks concerned about the use of PFAS in textiles, carpets and floor waxes used in their congregations, especially where children spend extended periods of time. I worry that waiting until the second Safer Products for Washington Cycle to examine products not included in the first cycle is too long and will result in significant exposure through the PFAS containing consumer products. so I hope to see something in the CAP about, um, you know, how we can deal with PFAS in consumer products outside of the Safer Products for Washington process.

Thanks for the opportunity to speak, for extending the comment period so that more people can make their voices heard and for your important moral and scientific work to help keep communities healthy and free of exposure to PFAS.

[Kimberly Goetz] Great, thank you so much for your comment. Maria, who's next?

[Maria Blackshear] Michelle Chow you have now been unmuted; you can give your verbal comment.

[Michelle Chow] Hi, can you guys hear me.

[Kimberly Goetz] We can.

[Michelle Chow] Great. My name is Michelle Chow, and I am the stormwater and toxics policy manager for the Washington Environmental Council. Ah, we're a statewide nonprofit advocacy organization that has been driving positive change to solve Washington's most critical environmental challenges for over 50 years. Ah, thank you for the opportunity to provide public comment on the PFAS Chemical Action Plan.

PFAS are a group of toxic chemicals that have been linked with liver disease, reduced immune response, endocrine disruption and certain cancers. They are chemicals that are both, that are used in both industrial and household products and its contamination is widespread. They're ubiquitously found in human blood samples across the country and it *[inaudible]* drinking water standards in numerous communities, including several in our state.

PFAS are the type of chemicals that must be immediately addressed. Washington state has the opportunity to demonstrate their leadership and create a model for other states and the nation to follow. We can't just depend on federal action as it could take a very long time and it does not guarantee to be sufficiently protective. This is our chance to create a strong blueprint for addressing PFAS and reduce the harms to human health and the environment. We must take bold action to eliminate PFAS in our drinking water, our household products and in the environment.

We would like to thank the Departments of Ecology and Health in addition to the PFAS Advisory Committee for all of your hard work in developing this action plan. We believe the plan outlined several important actions to address PFAS. However, we would like to see the plan strengthened, particularly when it comes to using existing regulatory authority, setting more productive timelines and aggressively investing in solutions. Our communities deserve swift and bold action that bans, clean up's and regulates PFAS in our state.

Um, I look forward to submitting written comments that outline additional recommendations for strengthening the plan. Thank you again for your time today and for your hard work on this important action plan.

[Kimberly Goetz] Great. Thank you so much. Maria. Who's up? Next?

[Maria Blackshear] Karl Yost, you have been unmuted, you may give your verbal comment.

[Karl Yost] Thank you, can I be heard okay? Everybody? OK

[Kimberly Goetz] Yes, please.

[Karl Yost] I've been involved in the, Thank you.

My name's Karl Yost and in the environmental cleanup and remediation industry for almost 40 years, more on the clean-up side, in policy and investigation and monitor.

In general document is extremely well done a lot of detail. Um, I do have some recommendations. One is that a simplistic discussion on the PFAS cycle be included in layman terms, and simplistic terms so it's easier for the public to understand. Um, the PFAS cycle is critical that it be broken.

I've been watching PFAS ah, quite heavily and prevalently in the last couple of years in Michigan and also Australia, and the public has been most responsive to the PFAS issues when they understand the cycle and how it's used in their daily lives and products as well as industry and commercial uses, and then where it moves in the environment. So that's one comment.

The second I mentioned a little bit is break the cycle. Um, typically you've talked about removal of PFAS from products, you've talked about isolating PFAS from receptors. Um, I think there could be a little more discussion on the fixation of PFAS so that it does not leach and move into water supplies and last, destruction. I know you've got all those in there, but I think a section, a discussion, on breaking the PFAS cycle would be very helpful.

Um, the document as you know is based on current knowledge and that's going to expand as more and more agencies and entities across our country in the state as well and also the world find out more about PFAS. And so I recommend that this document be dynamic to the extent possible.

Um, and in particular, when you start looking at the various *[inaudible]* of PFAS, from the most toxic and most um, prevalent ones to those that are less critical. So, I think a list of prioritized telomers might be appropriate to include.

Um, the last comment I had, um, primarily about, um, mitigation. Um, that'd be one area of the document that could be expanded upon. Um, for example, most mitigation methods, if it's in groundwater, even drinking water, utilize granulated, granulated activated carbon or ion exchange resin. But that doesn't do anything with the PFAS other than transfer it from one media to another and that it's in that media it goes somewhere. And right now most of the businesses are involved in disposal aren't taking that material. So it's a cost issue and mitigation should be looked at beyond what's looked at now.

Thank you.

[Kimberly Goetz] Thank you. Is there anybody else?

[Maria Blackshear] I don't see any other hands raised at this time.

[Kimberly Goetz] All right then thank you, I'm going to give folks a few minutes to... um.

[Maria Blackshear] It looks like we just got somebody.

[Kimberly Goetz] Great. Okay.

[Maria Blackshear] So, Richard, Abraham, you have been unmuted, you may give your verbal comment.

[Richard Abraham] Okay, I'm having a little technical difficulties of my own, but I think I've worked it out. First of all I think more than three minutes isn't adequate time for meaningful public comment and I think that should be extended.

Uh, But here's my comments. If there is credible evidence of a problem, such as test results provided by citizens, Ecology and Health should conduct investigations with or without the support of local health departments, cities or counties.

Why? Because the reality is that many public officials would rather ignore or downplay a toxic pollution problem. That's my experience based on 25, 30 years of working as an environmental consultant and advocate, including investigating PFAS contamination in at least five different states. Politicians, public officials do this, because they're afraid of economic impacts such as loss of tourism, decline of property values, and simply a bad reputation. But usually the case is they don't want to hold politically powerful polluters accountable. That's the reality of the world we live in. They'd rather keep a problem out of sight, out of mind, finding it easier to ignore the science and the growing body of studies that document health risks and harms. Polluters should not be turned loose to investigate themselves with minimum agency oversight.

And as an example of this is the case with the Navy here on Whidbey Island when realistically there was no agency oversight. As an example the Navy sampled some PFASs in the community but not all the PFASs they knew to be in the aquifer. The Navy used higher detection limits when sampling community's water then were used and sampling on its own property. This allowed for some levels of PFASs found in Navy water to go undetected in the community's water. This is the kind of thing that happens all-, all often across the board.

At the Navy's request the county health department kept the plan for testing the community's water from the public until after testing was underway. The county done no testing of its own. The little league park served by, with serve by drinking water well was last tested in December of 2016 by the Navy. It only tested for three PFASs. Sites near in the sites near the runway where PFAS contaminated, uh, the city supply well have not been independently tested.

The Town of Coupeville tested its water in January 2017, for, ah, and announced that it found three PFASs, that it found only one PFAS in the water PFOA, PFOA. It was later revealed that the Town had been testing its water for six PFASs beginning in November 2016. The public was only told for over a year about one of the PFASs found.

That's what cities do who are concerned about, uh, their reputations, property values and local businesses more so than they are the people who live in those towns.

[Kimberly Goetz] Mr. Abraham, I'm going to have to ask you to start wrapping up please.

[Richard Abraham] Okay. The public does not have to and should not have to absorb expensive costs when responsible parties are identified.

Existing laws allow for responsible, responsible parties to be held accountable much like tobacco companies. What is needed is for our public officials, including those at Ecology and Health to exercise the political will to do so.

I'll submit ah, more comments, but again, I'll say this is this is not an adequate opportunity for people to, to make these comments.

[Kimberly Goetz] Okay. Thank you very much. All right. Maria, do we have anybody else?

[Maria Blackshear] No other hands are raised at this time.

[Kimberly Goetz] Okay, um, we're going to give folks just a few more minutes. There may be somebody in attendance who's still gathering their thoughts, so we will give you folks a few more minutes to put those comments together. *[Silence]*

[Kimberly Goetz] All right. Do we have any additional hands raised at this time?

[Maria Blackshear] It doesn't look like we have any other hands raised at the moment.

[Kimberly Goetz] All right. Well since we don't we could circle back and Mr. Abraham if you had additional comments that you wanted to complete, we could take that now. Maria, do you want to go ahead and unmute him? Just in case?

[Maria Blackshear] Mr. Abraham, you have been unmuted.

[Richard Abraham] Thank you. I appreciate that.

[Kimberly Goetz] Not a problem.

[Richard Abraham] Uh. The statement is made that replacement products are still poorly understood which seems to suggest that we need to understand more before we can take needed action. If these products are so poorly understood, why are they being manufactured and released to the environment and why are people finding them in their drinking water? In fact, they are understood enough to know that they are harmful. Increased risk of harms and action is needed to keep them out of people in the environment. Examples include Fayetteville, North Carolina, where DuPont and it's spin off company Chemours, have contaminated drinking water of numerous municipalities and thousands of residents with, with the PFAS Gn, Genex. That's a place that I worked investigated in 1995 and again earlier this year. Ah, both of those, and another company Solvay in New Jersey, also the same kind of problem.

Both of those companies have been forced to undertake mitigation efforts by state health and environmental, environmental agencies. They didn't have to wait on new laws to be passed. What we need are the agencies who have the political will to take action, hold these people accountable.

Washington residents should have the opportunity to participate in health studies, biomonitoring, even when local officials don't want them done.

That's clearly the case where you have, like in Coupeville, a school district that did not want to tell people about, parents about the PFASs is in the water their children were drinking. Those local jurisdictions aren't going to want to see health studies *[short portion of testimony not recorded]* monitoring sure we need it done, but we need testing and monitoring done in a way that identifies all the contaminants in the water and testing should be done at the lowest uh, to, to detect these chemicals at the smallest concentrations, because that's how you, you track them, you find the source and uh, that's not being done. In fact, testing is being done, often, being done in a way that misses pollute, pollutants that are known to be in the water or later found to be in the water.

So, I guess that, that, that ends my comments, and I apologize for the broken nature of the presentation. My computer is screwing up and this you know is a problem I'm sure for all of us, this kind of communication. But I will be submitting comments in the future. And thank you.

[Kimberly Goetz] Excellent, thank you so much. And thank you for your understanding. We appreciate that. All right any, any others. Last chance.

[Irina Makarow] Kimberly, I see that Michel Chow has her hand up. Um, I don't know if that is for additional comments?

[Maria Blackshear] Oh, she just lowered it that must have been from before.

[Irina Makarow] Ah, all right, there we go, just double checking.

[Kimberly Goetz] Hey, we want to make sure everybody's had their chance. So anyone else wishing to provide comments. Please remember, you can ah, also provide written comments if you prefer to do so.

All right, I'm going to say that that was the last comment for today so I'm going to move the, along and close the public comment portion of today's webinar and ah, just ah, read a little bit more information into the public record.

Um, so, as Irina mentioned, this is the last of our scheduled public comment webinars. And please take note that, as Irina mentioned, the deadline for receiving written comments has been extended to January 4th, 2021. If you would like to send Ecology written comments, you have the following options. First, you can submit them by mail as long as they are postmarked by January 4th, 2021. You can submit them online using our online comment form at the address on the, on the slide. They must be submitted no later than January 4th, 2021. You can also submit online using email. Again, any email comments must be submitted no later than January 4th, 2021. If you need additional accommodation to submit a comment please contact Irina Makarow. Contact information will be included at the end of today's presentation.

All testimony received at this and the other two online hearings, along with all written comments received by January 4th, 2021, will be, ah or mail comments postmarked by January 4th, 2021, will be a part of the official record for the PFAS Chemical Action Plan. WAC 173-333-430 requires that a response to comments be prepared. This response will be included in the Final CAP.

Ecology will send notice about the availability of the Final CAP to everyone that provided written comments on this Draft CAP and provided a valid email or mailing address so that we can reach them, to everyone that commented in today's hearing who also provided an email or mailing address, by publishing a notice in the Washington State Register and to other interested parties on the agency's mailing lists for this CAP. If you want to be notified when the response to comments is available please sign up at the PFAS CAP Listserv.

That concludes the public comment portion of today's webinar. Let the record show that it is currently 2:51. P.M.

And Maria, you can stop the recording and I'll pass the webinar back.

[END RECORDING]