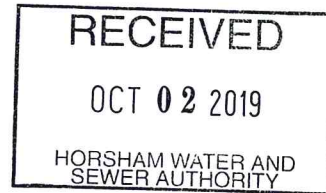


Draft limits for PFAS in drinking water move to Michigan governor's office

Updated Sep 27, 2019; Posted Sep 27, 2019

By Garret Ellison | gellison@mlive.com



LANSING, MI — Drinking water standards for toxic fluorochemicals called PFAS took a step toward reality following an advisory board's recommendation that Michigan adopt proposed limits in public water.

On Friday, Sept. 26, the Michigan PFAS Action Response Team (MPART) board recommended the state Department of Environment, Great Lakes and Energy (EGLE, formerly DEQ) move forward with draft rules to establish maximum contaminant levels (MCLs) for seven PFAS chemicals that would apply to about 2,700 water supplies in Michigan.

The unanimous vote moves levels proposed this summer by an expert panel to the next steps in the state rulemaking process; which includes review by Gov. Gretchen Whitmer's office and the wider public, and potentially a controversial state oversight panel.

"It's very much the intent of the state to make sure we're keeping our foot on the accelerator," said EGLE director Liesl Clark, who motioned to move the process forward.

State regulators spent the summer soliciting feedback from citizens and industry groups on the initial "health-based values" put forth in June by a science advisory panel.

Those values (in parts-per-trillion, or ppt) for seven compounds are: PFNA (6-ppt); PFOA (8-ppt); PFOS (16-ppt); PFHxS (51-ppt); GenX (370-ppt); PFBS (420-ppt); PFHxA (400,000-ppt).

Those levels remain unchanged moving forward.

Whitmer required that draft rules reach her desk by the new fiscal year start on Oct. 1. Her administration hopes to have final rules adopted by April 2020. Once finalized, public water supplies would be required to comply with the limits under the Safe Drinking Water Act.

Groups that lobbied for adjustments to the proposed levels include the Sierra Club and Natural Resources Defense Council (NRDC), as well as industry representatives from 3M Corp, the American Chemistry Council and the Michigan Chemistry Council.

"Bottom line was, we found the values that came out of our science advisory workgroup are navigating right in between where some of these different groups think we need to be," said Steve Sliver, director of MPART, which is an advisory board within EGLE.

Eric Oswald, EGLE drinking water division manager, said public hearings and a public comment period are expected to begin by early December.

Oswald called the Environmental Rules Review Committee (ERRC) a potential “wild card” in the process because the controversial panel, created last year by Republicans in the Legislature and signed into place by ex-Gov. Rick Snyder, has oversight power on EGLE rulemaking.

The committee is one of two such oversight bodies that were the focus of a showdown between Whitmer and Republicans earlier this year when the governor tried to abolish the 12-seat panel; half of which is filled by business representatives appointed by Snyder.

The committee meets next on Oct. 3 and could vote to intervene and review the proposed standards or allow the process to proceed unimpeded. Any dispute eventually goes to the governor and the legislature’s Joint Committee on Administrative Rulemaking.

Once adopted, Michigan PFAS drinking water rules would replace the state’s existing groundwater cleanup standard of 70-ppt for PFOS and PFOA set in early 2018.

Anna Reade, a staff scientist at NRDC, called into Friday’s MPART meeting to express disappointment that the proposed standards weren’t lower. Reade noted that the state of New Hampshire is recommending lower levels for the compound PFHxS in similar rules.

Environmental groups like NRDC have been pushing officials to regulate PFAS chemicals as a class of contaminants rather than developing standards for individual compounds.

“The continued focus on regulating individual PFAS chemicals puts us at risk of underestimating the real effects that are occurring in people’s bodies” through exposure to a mixture of compounds showing up at varying levels in water samples, Reade said.

The Michigan drinking water rules proposal occurs amid a growing awareness of and response to PFAS contamination nationwide. Multiple states, including New York, New Hampshire, Vermont and California are in the process of developing similar state-level standards.

While drinking water standards are usually developed by the U.S. Environmental Protection Agency and adopted by states, the EPA isn’t moving fast enough on deciding whether or not to regulate the chemicals to satisfy numerous states, including Michigan.

The state tested about 1,380 public water systems and 460 schools, daycares and Head Start centers using well water last year. That testing found PFAS chemicals at some level in public drinking water serving nearly 1.5 million people around Michigan.

Clark said peer regulators represented at a recent the Environmental Council of States meeting are closely watching Michigan.

“The work we’re doing here is being seen by our colleagues and counterparts as continuing to move the needle,” Clark said.