Activists, legislators see shortcomings in EPA report on PFAS in water sources

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The Environmental Protection Agency last week released a long-awaited report outlining its plan for dealing with toxic per- and polyfluoroalkyl substances (PFAS) in sources of water.

But many critics say the plan falls short of what they'd hoped for, and only kicks the can farther down the road amid a response effort that, in their view, has already been moving too slowly.

"This plan falls far short of the commitments promised by EPA leadership a year ago," said U.S. Sen. Gary Peters, D-Michigan, in a press release last week. "We know PFAS contamination can have devastating health impacts — and Michigan families across the state that have been exposed for too long rightly deserve answers, but more importantly they deserve action."

Per- and polyfluoroalkyls (PFAS) are a family of synthetic substances which were developed in the 1940s and have been used in manufacturing, nonstick or stain-repellent consumer products and in firefighting foam.

In recent years, concerns have risen on both state and national levels about those substances leaching into drinking water sources. When that happens, it can cause growth and learning defects in children, fertility issues in women, an increased risk of cancer and other complications. Those risks might also be present if people eat fish which have been exposed to PFAS-contaminated water.

On Thursday, acting EPA administrator Andrew Wheeler released a 64-page report, which Wheeler's predecessor, Scott Pruitt, had promised last year. The document promises expanded research and tighter regulations for PFAS in the next few years. For example, it will list two types of PFAS as hazardous substances under the Superfund law, shoring up more potential federal resources to help cleanup sites affected.

But the plan does not do one thing activists have been calling for for a long time: Setting a specific, science-based "action level" for PFAS in the environment.

While the EPA does not have stringent action levels for PFAS, it does have "lifetime health advisory" levels for two types of the compound: perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS).

That health advisory level is set at 70 parts per trillion (ppt). But critics say there are two problems with that: One, the health advisory level does not have any teeth, the way and "action level" would, and two, some research suggests the limit should be much, much lower.

"We need bold, aggressive action to begin addressing the problem of PFAS," Jennifer McKay, policy director for Tip of the Mitt Watershed Council in Petoskey said in an email. "Unfortunately, the PFAS Action Plan put forth by the EPA falls short on actual action steps needed to protect drinking water and the health of Michigan's citizens. Michigan has more than 1.4 million residents drinking water contaminated with PFAS. Yet, the plan failed to include a commitment to implement an enforceable federal drinking water standard for PFOA and PFOS."

According to the EPA website, health advisory levels are "non-enforceable and non-regulatory." They function as a guideline for states and public health officials.

"EPA's health advisory level for PFOA and PFOS offers a margin of protection for all Americans throughout their life from adverse health effects resulting from exposure to PFOA and PFOS in drinking water," the website states.

Michigan, which is undergoing its own extensive PFAS response effort, bases its cleanup criteria on that figure, but it wouldn't have to.

What's more, other sources — including a study conducted by the Federal Agency for Toxic Substances and Disease Registry and released in June — suggest the limits should fall closer to 7 ppt for PFOA and 11 ppt for PFOA.

The EPA report suggests future reports and recommendations for those two types of PFAS are currently being finalized, and should be done this year. Similar reports on other variants are still in their earlier stages, but are also in the works.

"Michigan's citizens deserve better," McKay said. "It is now incumbent upon the State to establish a drinking water standard for PFAS under the Michigan Safe Water Drinking Act by creating a Maximum Contaminant Level (MCL) for PFAS that uses the best science available."

In the final weeks of last year, Michigan released its own report, conducted by a team of independent researchers, who determined that 70 ppt "might not provide a sufficient margin for safety."

But the researchers were not willing to recommend a specific lower standard for PFAS levels, arguing that that falls beyond the scope of their specific study.