Message

From: Keller, Kaitlin [keller.kaitlin@epa.gov]
Sent: 5/7/2019 9:13:39 PM
To: Dunn, Alexandra [dunn.alexandra@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]
CC: Strauss, Linda [Strauss.Linda@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]
Subject: FW: OPPT/OPP/OCSPP, 5/7/2019

Flagging one of these articles for IO awareness this week given that a PPDC member is quoted.

E&E News
Enviros file FOIA suits for pesticide docs
https://www.eenews.net/greenwire/stories/1060291185/search?keyword=epa
Michael Doyle
Tuesday, May 7, 2019

Environmentalists went to court today in hopes of squeezing myriad pesticides-related documents out from several allegedly unresponsive federal agencies.

In a flurry of four Freedom of Information Act lawsuits, the Center for Biological Diversity seeks to compel disclosures from EPA, the Interior Department, the Department of Agriculture, NOAA Fisheries and others.

All told, the lawsuits filed in U.S. District Court for the District of Columbia, revolve around 20 different FOIA requests for which meaningful responses have not yet been forthcoming.

"Federal agencies that are supposed to be protecting human health, wildlife and our environment from dangerous pesticides have fallen into a terrible pattern of withholding critical information from the American people," Lori Ann Burd, director of the center's environmental health program, said in a statement.

One lawsuit concerns documents involving the harm certain pesticides cause to endangered species. Another seeks records of meetings between agency staff, including political appointees, and CropLife America, a pesticide industry trade group.

A third lawsuit involves an interagency working group on pesticides, and a fourth centers on what steps EPA has taken to prevent the pesticide chlorpyrifos from jeopardizing 37 endangered species.

"Failure to comply with FOIA harms the Center's ability to provide full, accurate, and current information to the public on a matter of public interest," the lawsuits state, citing the group's "mission to protect native species and their habitat."

In the case of chlorpyrifos, the Center for Biological Diversity filed a comprehensive FOIA request with EPA on Jan. 30. So far, according to the lawsuit, EPA has not provided anything other than an automated and unhelpful response.

In fiscal 2018, EPA reported receiving 11,364 FOIA requests. During the Trump administration, its backlog has grown along with the number of requests. At the end of fiscal 2018, the agency had 3,730 pending requests, up markedly from 2,054 at the end of 2016.

Interior has been crushed and slowed as well. In fiscal 2018, the department received 8,402 FOIA requests and had 3,707 pending at year's end. In fiscal 2016, Interior received 6,428 requests and had 1,048 pending at the end.

From: D'Andrea, Anthony
Sent: Tuesday, May 7, 2019 4:50 PM
To: Pierce, Alison <Pierce.Alison@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Fan, Shirley <Fan.Shirley@epa.gov>; Scheifele.Has@epa.gov; Schmit, Ryan <schmit.ryan@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>; OPP AD Managers <OPP_AD_Managers@epa.gov>; OPP BEAD Managers <OPP_BEAD_Managers@epa.gov>; OPP Deputy & Associate Directors <OPP_Deputy_&_Associate_Directors@epa.gov>; OPP Division Directors <OPP_Division_Directors@epa.gov>; OPP EFED Managers <OPP_EFED_Managers@epa.gov>; OPP FEAD <OPP_FEAD@epa.gov>; OPP HED Managers <OPP_HED_Managers@epa.gov>; OPP IO <OPP_IO@epa.gov>; OPP PRD Managers <OPP_PRD_Managers@epa.gov>; OPP RD Managers <OPP_RD_Managers@epa.gov>; Rust, Mary <Rust.Mary@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; OPPT IO Managers <OPPT_IO_Managers@epa.gov>; OPPT CCD Managers <OPPT_CCD_Managers@epa.gov>; OPPT CESSD Managers <OPPT_CESSD_Managers@epa.gov>; OPPT EAD Managers <OPPT_EAD_Managers@epa.gov>; OPPT IMD Managers <OPPT_IMD_Managers@epa.gov>; OPPT NPCD Managers <OPPT_NPCD_Managers@epa.gov>; OPPT RAD Managers <OPPT_RAD_Managers@epa.gov>; OPPT TRI Managers <OPPT_TRI_MANAGERS@epa.gov>; OSCP Managers <OSCP_Managers@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Strauss, Linda <Strauss.Linda@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: OPPT/OPP/OCSPP, 5/7/2019

OPPT/OPP/OCSPP
May 7, 2019

Lead
Business North: EPA Sets Aside $13.8M For Cleaning Up Howards Bay

Pesticide
E&E News: Enviros file FOIA suits for pesticide docs
The Guardian: The EPA is meant to protect us. The Monsanto trials suggest it isn't doing that
U.S. News and World Report: Pesticides and Produce: The Problem With the EWG's 'Dirty Dozen'

Toxic
Chemical Watch: EPA pressed to revise TSCA CBI procedure proposal

Water
CBS News: New study claims 43 states expose millions to dangerous chemical in drinking water
E&E News: House Democrats hope to pass PFAS legislation this year
The Intelligencer: Madeleine Dean, colleagues promise House action on PFAS chemicals
WHYY: N.J. home to 35 sites where two PFAS chemicals top new state limits
WTOP: Montgomery Co. passes stricter limits on lead in public school water

LEAD

Business North
EPA Sets Aside $13.8M For Cleaning Up Howards Bay
http://www.businessnorth.com/kuws_wisconsin_public_radio/epa-sets-aside-m-for-cleaning-up-howards-bay/article_ea6d8044-70f0-11e9-a645-c7d736efaf03.html
Danielle Kaeding
Tuesday, May 7, 2019

The U.S. Environmental Protection Agency announced Tuesday it has awarded $13.8 million for cleanup of a contaminated bay on Lake Superior.

The federal government is funding roughly two-thirds of the $18.5 million cleanup of Howards Bay in Superior as part of efforts to remove the St. Louis River as a contaminated hotspot on the Great Lakes.

The river is one of 43 sites that were designated the most polluted areas on the lakes under the Great Lakes Water Quality Agreement. The cleanup project will remove sediments from the bay contaminated with metals like lead, mercury and polycyclic aromatic hydrocarbons.

Darienne McNamara, environmental regulatory manager for the city of Superior, said the EPA's announcement is a significant step forward for the cleanup.

"They were the last signature to go on the project agreement, which is the agreement between the EPA and all of the nonfederal sponsors," she said. "That's the agreement we needed to have in place to get those funds earmarked for our project."

In March, the Superior City Council approved signing onto a project agreement to conduct the work, marking the city's contribution of around $2.6 million through in-kind contribution. The city of Superior will pay for the cost of stormwater treatment related to the project, as well as some road repairs from hauling dredged material.

The city will also accept dredged material at the Wisconsin Point landfill, which has been closed for almost 40 years. Around 87,000 cubic yards of dredged material will be placed at the landfill.

"The Howards Bay project is yet another example of progress being made through public-private partnerships under the Great Lakes Restoration Initiative," said Cathy Stepp, EPA regional administrator in a release. "Cleaning up decades' worth of contaminated sediment in the bay is a critical step in restoring the St. Louis River Area of Concern."

The EPA said more than $2.4 billion has funded around 4,700 projects through the Great Lakes Restoration Initiative that began in 2010.

McNamara said the last step is for the EPA to sign an agreement with the U.S. Army Corps of Engineers to move forward with implementation of the project. Howards Bay hasn't been dredged for navigation since 2011 and some portions haven't been dredged since 1981.

The project removes hurdles to access and investment for Fraser Shipyards, said Jason Serck, the city's planning and port director.

"From the port side, the investment continues and it's really exciting to see," Serck said. "It just makes us viable and those little incremental steps continue to add value to our port not only in Superior but also in Duluth."

Fraser Shipyards is contributing more than $2.6 million to the project and the Wisconsin Department of Natural Resources is contributing around $1.5 million.

The cleanup is expected to begin next year.

PESTICIDE

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https://www.eenews.net/greenwire/stories/1060291185/search?keyword=epa
Michael Doyle
Tuesday, May 7, 2019

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The Guardian
The EPA is meant to protect us. The Monsanto trials suggest it isn't doing that
https://www.theguardian.com/commentisfree/2019/may/07/epa-monsanto-round-up-trial
Nathan Donley and Carey Gillam
Tuesday, May 7, 2019

Ever since Monsanto introduced its line of Roundup weedkillers to the world in 1974, the products have been touted by the company and regulators as extremely safe. The EPA reiterated that stance last week.

But the emergence of long-held corporate secrets in three public trials has revealed a covert campaign to cover-up the pesticide's risks and raised troubling questions about lax oversight of all pesticides by the Environmental Protection Agency and other regulatory agencies that are supposed to be protecting public health.

Two recently concluded Roundup product liability trials in California have resulted in large damage awards against Monsanto, after juries found the company's herbicides contributed to cancer and that it failed to warn of the risks. Closing arguments in a third trial under way now in Oakland, California, are expected this week. Revelations that have emerged from the trial testimony include:

* Monsanto never conducted epidemiology studies for Roundup and its other formulations made with the active ingredient glyphosate, to see if the products could lead to cancer in people who used them.

* At the same time as Monsanto was refusing to conduct long-term product safety studies, the company was spending millions of dollars on secretive PR campaigns – including $17m budgeted in a single year – to finance ghostwritten studies and op-eds aimed at discrediting independent scientists whose work found dangers with Monsanto's herbicides.

* Several Monsanto scientists spent years putting together a sweeping paper that was published in a scientific journal in 2000, concluding Roundup posed no health risk to people. Internal emails show the team was applauded by corporate leaders for their hard work on the paper. But when the work was published in a scientific journal, no Monsanto employees were listed as authors. A company scientist referred to the paper internally as one the company had "ghost" written. Monsanto has denied that characterization. Regulators, including the EPA, have cited that paper as a reference in assuring consumers that Roundup is safe.

* Numerous other examples of Monsanto employee ghostwriting have surfaced. In one from 2013, a company scientist emailed co-workers about a manuscript he wrote that he hoped he could make appear to be authored from someone other than himself by finding a willing academic, then "turn it over to them and just be a ghost-writer". The scientist said it would be best if the paper did not appear to have come from Monsanto. But he was concerned that faculty members "may not want to just take something they did not produce and slap their names on it".

* When the US Agency for Toxic Substances and Disease Registry sought to evaluate glyphosate toxicity in 2015, Monsanto expressed concern about what the agency might find and engaged the assistance of EPA officials to delay that review. The efforts delayed the release of the public draft of the review – originally to be issued three years ago – until earlier this month. Just as Monsanto had feared, the agency's review found links between cancer and glyphosate.

* Although Monsanto was aware of tests showing how easily the chemicals in Roundup are absorbed into human skin, neither the company nor the EPA have warned consumers of a need to wear protective clothing.

* In the 1980s EPA scientists saw that mice dosed with glyphosate developed rare kidney tumors, which they said demonstrated cancer risks for people. But after protests from Monsanto, the EPA's top brass overruled its own scientists and assured Americans that glyphosate poses no cancer risk.

Precisely because the chemical has been treated as so much safer than other pesticides, over the past 45 years glyphosate has become virtually ubiquitous: residues of the chemical have been documented in food, air, water and soil samples, as well as within the bodies of people who have never used the pesticide. The chemical has even been detected in raindrops.

It all raises this troubling question: if what has been touted as perhaps our "safest" widely used pesticide actually causes cancer, what assurance do we have about the hundreds of other pesticides that the EPA has assured us are safe?

For years the EPA has been called upon to fully ban the brain-damaging pesticide chlorpyrifos but has refused to do so, saying it is still evaluating the science. A federal appeals court recently ordered the EPA to make a final decision, noting the weighty scientific evidence showing the harm the insecticide does to children. The EPA has thus far refused to act

but some states are not waiting. Hawaii passed a ban on chlorpyrifos last year. Now New York, Oregon and California are moving to do the same, trying to protect their residents if the EPA won't.

Many European countries prohibit regulators from approving pesticides that are considered mutagens, carcinogens, reproductive toxicants or endocrine disruptors. But these same products in the US face little to no resistance from regulators.

Monsanto – which was purchased last year by Bayer AG – continues to assert glyphosate's safety. But with more than 13,000 plaintiffs awaiting their own day in court, a California judge has ordered Monsanto/Bayer to enter into talks to consider settling the cases.

Meanwhile, the evidence revealed within the courtrooms has been resonating across the country as several cities, schools and neighborhoods are limiting or banning glyphosate and other pesticides. New York City council members have introduced legislation that would ban city agencies from spraying glyphosate-based herbicides and other toxic pesticides in parks and other public spaces. City commissioners in Miami voted in favor of a ban on glyphosate herbicides in February, and in March the Los Angeles county board of supervisors issued a moratorium on glyphosate applications on county property.

Harrell's, a Florida-based turf, golf course and agricultural product supplier, stopped offering glyphosate products as of 1 March. And just as the spring planting season is getting under way, consumers are discovering that Roundup is no longer available at Costco, the retail giant that routinely ranks among the nation's five largest.

It is heartening to see consumers and some cities and businesses stepping up to try to protect themselves from pesticides known to be harmful.

But until our elected leaders in Congress require the EPA to adopt more transparent, science-based practices that prioritize the health of Americans over industry profits, consumers should assume they're on their own when it comes to protecting themselves and their families.

Nathan Donley is a former cancer researcher who now works as senior scientist in the Center for Biological Diversity's environmental health program. Carey Gillam is a journalist, a public interest researcher for US Right to Know, and author of the book Whitewash: The Story of a Weed Killer, Cancer, and the Corruption of Science

U.S. News and World Report
Pesticides and Produce: The Problem With the EWG's 'Dirty Dozen'
https://health.usnews.com/health-news/blogs/eat-run/articles/pesticides-and-produce-the-problem-with-the-ewgs-dirty-dozen
Joan Salge Blake
Tuesday, May 7, 2019

EVERY YEAR, THE Environmental Working Group releases its list of the "Dirty Dozen," or the 12 fruits and vegetables available in the U.S. that have the most pesticide residues. The media publicizes the list and unfortunately scares some folks out of enjoying Mother Nature's finest.

As a registered dietitian, I beg you: Don't let this list prevent you from eating fruits and veggies. I'd rather you stress over the weather – or, even more threatening, the Red Sox bullpen – than panic over produce.

For one, of course, there are so many health benefits of consuming fruits and vegetables (whether fresh, frozen, canned, organic or conventional), from heart health to weight loss. Even the EWG admits that "the health benefits of eating a diet rich in fruits and vegetables outweigh the risks of pesticide exposure" and that "eating conventionally grown produce is far better than skipping fruits and vegetables."

What's more, there's already a robust process in place to make sure the produce that winds up on store shelves – even those landing in the "Dirty Dozen" – are safe for you to consume. It's a science-based, four-step assessment conducted by the U.S. Environmental Protection Agency and the U.S. Department of Agriculture's Pesticide Data Program, or PDP, which launched in 1991 and manages the sampling, testing and reporting of pesticide residues on both domestically grown and imported foods.

"The U.S. Environmental Protection Agency applies very stringent criteria to ensure that pesticide residues on foods provide a 'reasonable certainty of no harm' to consumers," says Carl K. Winter, a professor at the University of California–Davis whose research on how to detect pesticides in foods and evaluate their risk to humans is used to inform the PDP's work.

For example, EPA considers all the ways people could be exposed to each pesticide (food, water and the environment); considers "the cumulative exposure for entire families of pesticides possessing a common toxicological mechanism," Winter explains; and applies extra safety measures in cases where kids and babies may be more susceptible to pesticides than adults. "Only after such criteria are met does EPA allow pesticides to be used on specific crops," he says.

The process is so rigorous, in fact, that the latest PDP report found that over 99 percent of the foods it tested, including produce, had pesticide residues well below the levels that the EPA has established as safe to consume. And get this: This is the very report the EWG used to create its "Dirty Dozen."

So while, as the EWG points out, some produce is more likely to have pesticide residues than others, it's virtually all safe to consume. The Dirty Dozen report misses that very important point.

So why is it released every year? According to an email response from an EWG spokesperson, it's to support the organization's recommendation to buy organic whenever possible for health and environmental issues. But, Winter says, "the worse thing for consumers is to be scared to feed produce to themselves and their families."

I agree. Get the most bang for your buck when it comes to buying produce. Buy what is on sale and wash it before you eat it. Enjoy Mother Nature's finest, in hefty amounts, no matter how it's grown or how "dirty" one list deems it.

TOXIC

Chemical Watch
EPA pressed to revise TSCA CBI procedure proposal
https://chemicalwatch.com/77165/epa-pressed-to-revise-tsca-cbi-procedure-proposal
Kelly Franklin
Tuesday, May 7, 2019

The Environmental Defense Fund (EDF) has called on the US EPA to modify and begin a new consultation on its proposed TSCA confidential business information (CBI) procedural rule, to ensure it is consistent with a recent court ruling.

The NGO's request stems from a 26 April decision with respect to its 2017 legal challenge of the agency's TSCA inventory notification rule.

In the matter of the case, EDF v EPA, the DC Circuit court ruled that the agency had erred by not requiring companies to substantiate that a confidential chemical identity is not discoverable through reverse engineering. The court's decision means the EPA will need to revisit its inventory notification rule to address this misstep.

But in a 2 May letter to the agency, the EDF has argued that this has implications beyond the 2017 rule.

More specifically, the NGO says that the EPA's recently proposed CBI rule – which lays out how it will require substantiation of existing confidentiality claims and then review them – incorporates the same "flawed questions" that the court determined were inadequate in the notification rule.

The agency, it says, must revise these questions and the rule's substantive standard for review to comply with the court's ruling.

Moreover, the EDF points out that the proposed rule allows companies that provided voluntary substantiation as part of the inventory notification process to rely on this to support a confidentiality claim. But it argues that because the substantiation guidelines the companies were adhering to for their submissions were inadequate, then those businesses will need to provide more information to be compliant with the statute.

It has therefore also called on the EPA to modify its proposed rule to require companies that already voluntarily substantiated their claims to provide information to address the reverse engineering factor.

The consultation on the agency's proposed CBI rule is currently scheduled to end on 24 June.

WATER

CBS News
New study claims 43 states expose millions to dangerous chemical in drinking water
https://www.cbsnews.com/news/drinking-water-may-contain-pfas-chemicals-in-43-states-according-to-new-study-by-environmental-working-group/
Brian Pascus
Tuesday, May 7, 2019

A new report by the non-profit Environmental Working Group and Northeastern University finds people in nearly every state in the country are exposed to unhealthy drinking water. According to the researchers, 43 states have locations, including drinking water sites, contaminated with PFAS chemicals. The CDC says these chemicals have been linked to health issues that include birth defects, cancers and infertility.

The study compiled information taken from Pentagon data and water utility reports. It shows an estimated 19 million people are exposed to contaminated water. Researchers found at least 610 contaminated locations ranging from public water systems and military bases to civilian airports, industrial plants, dumps and firefighter training sites.

"This should be frightening to all Americans in many ways," David Andrews, a senior scientist for the Environmental Working Group, told CBSN's Anne-Marie Green. "These chemicals... don't break down in our body and they don't break down in our environment and they actually stick to our blood. So levels tend to increase over time."

The Environmental Working Group said in a statement that its interactive map is the most comprehensive resource available to track contamination with a class of chemicals known as PFAS in the United States. According to the Environmental Protection Agency, PFASs are used in a broad range of consumer goods, such as cleaners, textiles, leather, paper and paints, firefighting foams, and wire insulation.

"These chemicals can impact a lot of different health systems, cause numerous health problems, everything from testicular and kidney cancer, heart to the liver, heart to the thyroid," Andrews said, adding that the chemicals can also impact childhood development, low birth weight and immune system health.

ENVIRONMENTAL WORKING GROUP
"The Environmental Protection Agency has utterly failed to address PFAS with the seriousness this crisis demands, leaving local communities and states to grapple with a complex problem rooted in the failure of the federal chemical regulatory system," said Ken Cook, president of the Environmental Working Group, which has studied these compounds for almost two decades. "EPA must move swiftly to set a truly health-protective legal limit for all PFAS chemicals, requiring utilities to clean up contaminated water supplies."

"The updated map shows that PFAS contamination is truly a nationwide problem, impacting millions of Americans in hundreds of communities," said Phil Brown, a professor of sociology and health sciences at Northeastern University and director of the Social Science Environmental Health Research Institute.

This report comes less than one week after another study by the Environmental Working Group claimed a collection of toxic chemical pollutants found in California drinking water could be responsible for an excess of 15,000 estimated cancer cases over the coming decades. Scientists published that study in the journal Environmental Health after finding toxins and carcinogens in more than 2,700 California community water systems between 2011 and 2015.

A review of drinking water contaminants regulations show the EPA has two categories of drinking water standards: a primary standard which focuses on harmful containments in water, and a secondary standard which focuses on water that causes skin and tooth discoloration and has either poor taste, odor or color.

According to the Environmental Working Group, the EPA does not have a legally enforceable limit for PFAS chemicals in drinking water.

"The EPA has set a health advisory value, but it's not a legal binding limit," Andrews told CBS News. "Part of the problem is they haven't set a new legal drinking water limit for any contaminant in over two decades. The whole system of regulating chemicals that may end up in our water and setting limits is broken and the agency is really falling behind the science here."

His organization is proposing a limit for all PFAS chemicals of 1 ppt, or part per trillion — a much smaller amount than regulators at other agencies have deemed safe.

The Environmental Working Group has sometimes come under fire for its research methods and for warnings that are not in agreement with other global organizations.

In a statement to CBS News, the EPA said in part, "EPA is moving forward with the maximum contaminant level (MCL) process outlined in the Safe Drinking Water Act (SDWA) for PFOA and PFOS. The process prescribed by the Act ensures scientific integrity and transparency when developing regulations for contaminants in public water systems."

The agency released a PFAS Action Plan this year outlining "concrete steps the agency is taking to address PFAS and to protect public health."

E&E News
House Democrats hope to pass PFAS legislation this year
https://www.eenews.net/eedaily/stories/1060287157/search?keyword=epa
Corbin Hiar
Tuesday, May 7, 2019

House lawmakers will soon begin sorting through the many bills introduced to address the dangers posed by a class of widespread water contaminants, a leader of the Energy and Commerce Committee said yesterday.

"I'm hoping that in a matter of weeks we can have people come to the table and begin the process of reviewing all the solutions that are being presented by our colleagues and move forward," said New York Democratic Rep. Paul Tonko, chairman of the Energy and Commerce Subcommittee on Environment and Climate Change.

That effort could lead to both legislative hearings and markups on proposals — include a forthcoming bill from Rep. Madeleine Dean (D-Pa.) — for tackling the environmental and public health risks posed by per- and polyfluoroalkyl substances, or PFAS.

"I can imagine we'll have witnesses, and we also will most likely end up with markups on these bills," Tonko said in a phone interview.

The congressman spoke with E&E News from Fort Washington, Pa., a suburb of Philadelphia that has been affected by PFAS contamination. Prized by industry for their nonstick and flame-retardant properties, the widely used chemicals are now linked to cancer and other health ailments.

Tonko toured a water treatment facility and other locations around town with Dean, whose district includes Fort Washington, and Reps. Dan Kildee (D-Mich.) and Brian Fitzpatrick (R-Pa.), the co-chairmen of the recently launched Congressional PFAS Task Force (E&E Daily, Jan. 24).

At a press conference with her colleagues, Dean promised to "soon introduce a new bill to regulate PFAS under the Toxic Substances Control Act — and to stop the production of these hazardous compounds in the first place."

The bill would phase out the chemicals "by banning the manufacturing and processing of PFAS, while also requiring EPA to regulate PFAS disposal," she said in remarks provided to E&E News.

Dean's bill will join 15 others introduced this congressional session that are focused on PFAS, according to legislative information compiled by the Library of Congress (E&E News PM, April 30). E&C is responsible for vetting four of those measures.

Tonko said the trip to Fort Washington underscored for him the need to quickly move legislation on PFAS. "EPA has punted on the whole challenge of coming up with acceptable standards, the maximum contamination levels," he said. "They have not tackled it; they've hinted around it. But no more punting. We need action."

The agency disputed Tonko's claim that EPA isn't working to curb PFAS contamination, noting that it has worked with industry to phase out two types of PFAS and hosted a national summit devoted to controlling the chemicals, among other steps.

Last month, for instance, EPA proposed nonbinding cleanup guidance for groundwater polluted by PFAS. But critics noted it didn't include any emergency response provisions for extremely contaminated areas (E&E News PM, April 25).

"EPA's work to address PFAS is extensive," agency spokesman Michael Abboud said in an email.

Regardless, the subcommittee chairman aims to get bipartisan legislation on PFAS through Congress before the August recess. "I would hope we could do that in the next few months, hopefully before break," Tonko said. "But certainly I'm hoping this year that we can get something done so that we have a very productive first year of this two-year session."

Whether E&C moves PFAS measures as a series of stand-alone bills, riders to must-pass spending packages, or a broader package, however, remains to be seen.

"There are a number of elements to this," Tonko said. "We'll determine that road that we need to travel as we get into the hearings."

The Intelligencer
Madeleine Dean, colleagues promise House action on PFAS chemicals
https://www.theintell.com/news/20190507/madeleine-dean-colleagues-promise-house-action-on-pfas-chemicals
Kyle Bagenstose
Tuesday, May 7, 2019

U.S. Rep. Madeleine Dean was joined by colleagues from Michigan and New York on Monday in touring an area of chemical contamination in Bucks and Montgomery counties. They then discussed potential legislative solutions at a round-table meeting in Upper Dublin.

U.S. Rep. Madeleine Dean, D-4, of Abington, was joined by colleagues from Michigan and New York at a meeting Monday afternoon to discuss firefighting foam chemicals that have contaminated drinking water supplies in Bucks and Montgomery counties.

Reps. Dan Kildee, D-Michigan, and Paul Tonko, D-New York, first joined Dean on tours of the former Naval Air Station-Joint Reserve Base Willow Grove and the treatment plant of the Horsham Water & Sewer Authority, followed by a round-table discussion with regulatory agencies and environmental activists at the Upper Dublin Township building. Dean said the tours helped emphasize the importance of Congress acting on per- and polyfluoroalkyl substances, or PFAS, in lieu of swift regulation by the Environmental Protection Agency.

"We were waiting for the EPA to come forward ... it might be years," Dean said. "We're not going to wait any longer."

The meeting largely followed the themes of similar events held since PFAS was first discovered in the drinking water of tens of thousands of residents along the Bucks and Montgomery border nearly five years ago, with local residents pleading for action and elected officials expressing concern and pledging to address the issue. Horsham Township Manager Bill Walker recapped how his township drafted an emergency plan that is costing it millions of dollars but purifying its drinking water, after discovering some of the highest levels of contamination in the nation.

"If your local community can come up with a short-term plan in six weeks," Walker said. "It shouldn't take the federal government five years."

Jill Florin, an Upper Dublin resident concerned over local PFAS levels in drinking water, expressed her frustration that a number of government groups have previously promised to address the issue, including the EPA's PFAS Action Plan and Pennsylvania Gov. Wolf's separate but similarly titled PFAS Action Team. The EPA has committed to addressing the chemicals, but has drawn criticism for rolling out regulations too slowly, while the Pennsylvania group has said it will create its own standards and water testing programs, which also could take years to complete.

"I'm kind of tired of all the talking," Florin said. "Kids are ingesting this toxic water every day that we sit and talk about it."

But Dean said Monday she believes the "momentum is with" her and and her colleagues. They said a bipartisan PFAS Task Force launched earlier this year has grown to more than 40 members, who have combined to introduce more than 15 bills. Dean revealed Monday she will introduce a bill to regulate all PFAS chemicals under the Toxic Substances and Control Act, a law that can curtail the use of unsafe chemicals.

Tonko, who is chair of the House's Environment and Climate change subcommittee, said it's a "matter of weeks" before legislators hold hearings on the bills and decide what to prioritize and how to move forward.

"Put all the solutions on the table, so that we can look at how we can gather the best step forward. We want to build momentum," Tonko said.

He hinted a top priority would be setting a national drinking water standard for the chemicals, and added the committee also has to review all the science around the chemicals, to ensure that they are properly disposed of from cleanup efforts.

Kildee said whatever time it takes to legislate doesn't preclude interim action, and offered an opinion that the Department of Defense hasn't requested additional funding to clean up the chemicals since it would prefer to spend money elsewhere.

"But we don't need to wait to spend the resources to cleanup the problems we already know about," Kildee said.

The lawmakers said they believed public pressure on the issue was crucial to keep growing their PFAS team and put the issue on the radars of political leadership.

The meeting also offered a chance for some agencies to gives updates on their actions. Rick Rogers, associate director of the EPA's regional office of drinking water, said his office has taken some actions at area military bases, including enforcement orders that led to the filtration of some public water supplies. He said the agency is now focused on trying to stop the flow of contaminated water from Willow Grove and the adjacent Horsham Air Guard Station.

"Which have affected water suppliers many miles downstream," Rogers said.

But he added the issue is complicated: Taking a drastic measure to stop the chemical flow entirely wouldn't work "because it has nowhere else to go," Rogers said. Instead, he said the agency was trying to get the military to install better filtration systems for the water, as current measures are overwhelmed during rain storms.

"What we are working toward is getting the Air Guard and the Navy to identify locations best suited to put in pump and treat wells," Rogers said. "They are conducting studies at the moment."

Lisa Daniels, director of the Pennsylvania Department of Environmental Protection's Bureau of Safe Drinking Water, said the state PFAS Action Team will begin sampling hundreds of water supplies across the state in the coming months, which she said is a prerequisite to setting any state standard. She added the DEP is currently engaged in making sure it will know how to sample for numerous PFAS chemicals and properly dispose of them.

One mystery left open by Monday's meeting were comments made by Neil Mara, chief deputy attorney general for special litigation in the office of state Attorney General Josh Shapiro. Mara said policy prevents him from going into "any particular detail of things that may or not be going on" at the office.

"This issue has this administration's attention," he offered, before entertaining a question from Tonko on how the manufacturers of the foam could theoretically be sued.

Kildee will be in Warminster on Tuesday morning for another PFAS panel, this time hosted by Bucks Congressman Brian Fitzpatrick, R-1, of Middletown. Dean said the meetings were not scheduled separately due to any conflict, and that Fitzpatrick, who is a member of the congressional PFAS task force, had joined them on the tour of the Navy base Monday morning.

WHYY
N.J. home to 35 sites where two PFAS chemicals top new state limits
https://whyy.org/articles/386766/
Jon Hurdle
Tuesday, May 7, 2019

Researchers have identified 35 New Jersey sites where drinking-water tests in recent years reveal contamination with two toxic PFAS chemicals exceed limits now being implemented by state officials.

Environmental Working Group, a national advocate for stricter limits on the chemicals, compiled PFAS (per- and polyfluoroalkyl substances) testing data from local water systems, an academic survey, and military authorities throughout the country, and presented it in a national map that was first published in July 2018.

An updated map, published on Monday, shows 23 New Jersey sites where PFOA, a type of PFAS chemical, topped a new health limit of 14 parts per trillion (ppt) that's due to be set by the Department of Environmental Protection. The data shows another 12 sites where contamination with the chemical PFOS was higher than a new state health limit of 13 ppt.

While contamination levels may have declined following treatment by water utilities, it is likely that some level of the chemicals remain because they don't degrade in the environment. That represents a continuing health concern, said Bill Walker, vice president for EWG.

"When a water system is contaminated with PFAS, treatment will lower the concentration but not completely remove it. So the contamination is still there, just being treated at a cost to the water district and its customers," he said.

EWG isn't saying that every site on the map has water that's unsafe to drink but it does endorse research showing that PFOA (perfluorooctanoic acid) and PFOS (perfluorooctanesulfonic acid) can harm human health at levels as low as 1 ppt, Walker said.

Elsewhere in New Jersey, PFOA or PFOS in two places exceeded a much higher health-advisory limit of 70 ppt, as recommended — but not required — by the Environmental Protection Agency, according to the data.

Getting tough on setting limits

Officials in some states including New Jersey are setting tough health limits on PFAS chemicals in drinking water and ground water in response to growing evidence of their links to cancer and other health conditions including thyroid problems, low birth weights, and elevated cholesterol.

The chemicals, whose uses once included nonstick cookware and flame-retardant fabrics, are more widespread in New Jersey than in many other places because of the state's industrial heritage. While the better-known PFAS chemicals have been phased out by U.S. manufacturers, they persist in waterways and soil because they don't break down in the environment.

Some are being replaced by substitute chemicals such as GenX, which scientists say may be just as toxic as the originals.

In 2014, the DEP published its own PFAS study from data gathered in 2009 and 2010, finding that two-thirds of samples taken from 31 municipal water systems contained the chemicals.

The new map shows New Jersey with 43 sites where the chemicals have been found at various levels. That's the third-highest in the country after California and top-ranked Michigan, and is 36 more in New Jersey than when the map was first published.

Growing understanding of scope of problem

Nationally, there are now 610 sites in 43 states with PFAS contamination, up from 172 contaminated sites in 40 states the last time the map was published. The two maps are not directly comparable because new data sources were added this time, but they show growing knowledge about a widespread national problem, EWG said.

The additional sites probably indicate new data sources rather than the spread of contamination, EWG said. But it warned that the overall results are still likely to understate the true scale of the problem.

The EPA requires reports from utilities only at a relatively high level of contamination, so the data is likely to exclude many lower-level results that still represent a threat to public health, EWG officials said.

Walker said there is "ample reason to believe" that PFAS contamination is more widespread than indicated by the EPA data because of the agency's high reporting levels, and because many states have not done the extensive testing that is currently being done, for example, in Michigan.

The EPA required national testing for PFAS in public water systems from 2013 to 2015 but did not release the results of PFAS below 90 ppt, according to EWG. Later testing by a private company found 28 percent of public water systems had PFAS chemicals at or above 5 ppt, and the number almost doubled when the limit was reduced to 2.5 ppt — which some scientists believe is still a threat to human health.

On that basis, EWG calculated in May 2018 that 110 million Americans, or more than five times the previous estimate, could have PFAS in their tap water.

EPA issues 'Action Plan'

In February, the EPA released an "Action Plan" on PFAS but declined to commit to setting a national maximum contaminant limit (MCL) that advocates say is essential to curbing the chemicals.

In New Jersey, the new data compilation found by far the highest contamination at the McGuire-Dix-Lakehurst Joint Base, where testing in 2015 found ground water as high as 264,300 ppt or 3,775 times higher than the EPA's limit, the data shows.

At the former Naval Air Warfare Center Trenton, now Trenton Mercer airport, DOD officials testing in 2018 found 23 out of 38 monitoring wells contained PFOA and PFOS combined as high as 27,800 ppt, or almost 400 times the EPA's limit.

At both bases, as in many other military sites across the country, high levels of PFAS are attributed to the use of fire-fighting foam containing the chemicals.

Most of the New Jersey data comes from reports to the EPA by 38 local utilities, under a program called the Safe Drinking Water Information System. The highest level was at a United Water location where officials found up to 3.12 million ppt of six PFAS chemicals in drinking water in January 2018, or almost 45,000 times higher than the EPA's health limit for PFOA and PFOS in drinking water.

Tracy Carluccio of Delaware Riverkeeper Network, a longtime campaigner for stricter PFAS limits, said the EWG data compilation offers a helpful guide to the extent of contamination in New Jersey, and should spur officials to finalize the proposed regulation of PFOA and PFOS.

"We have a huge problem in New Jersey with widespread PFAS contamination that begs for immediate and comprehensive action by the state," she said. "This information will help make it clear that New Jersey must finalize the regulatory package that DEP has proposed."

WTOP
Montgomery Co. passes stricter limits on lead in public school water
https://wtop.com/montgomery-county/2019/05/montgomery-co-to-set-stricter-limits-on-lead-in-public-school-water/
Neal Augenstein
Tuesday, May 7, 2019

Almost a year after water tests showed elevated lead levels in more than a third of Montgomery County public schools, the County Council has voted unanimously to dramatically lower the acceptable limits of lead in water in school buildings.

On Tuesday morning, the council passed a bill that will set stricter water standards than those of the federal government and the State of Maryland.

Currently, lead concentration in Maryland cannot exceed 20 parts per billion. The U.S. Environmental Protection Agency's "action level," above which remediation is required, is 15 parts per billion.

Under the bill, sponsored by Councilman Tom Hucker, Montgomery County's bill sets the limit at 5 parts per billion.

"Nothing's really more fundamental to the long-term success of this county than our kids' brains, and their ability to perform well," Hucker said before the council vote. "We frankly had elevated lead levels in our drinking water inside our schools for many years."

Councilmember Craig Rice, chair of the council's Education and Culture Committee, echoed Hucker's concern.

"This is incredibly serious," said Rice. "When you talk about the health of our children, whose bodies and brains are still developing, we want to make sure we're providing them with the safest environment possible."

In August 2018, 86 of 208 Montgomery County public schools had elevated levels of lead in at least one fixture. Those fixtures were taken out of service and replaced.

"I want to applaud Montgomery County Public Schools for realizing that this was an issue, and listening to the greater community, acting in true fidelity, and getting these dangerous situations corrected," said Rice.

Once older lead-containing water pipes, faucets and joints were replaced, test results returned to acceptable levels.

"Scientists know more now than they did when lawmakers set the state action level," Hucker said.

The EPA has said young children, infants and fetuses are particularly vulnerable to lead because the physical and behavioral effects of lead occur at lower exposure levels in children than in adults.

"A dose of lead that would have little effect on an adult can have a significant effect on a child," according to the EPA website. "In children, low levels of exposure have been linked to damage to the central and peripheral nervous system, learning disabilities, shorter stature, impaired hearing and impaired formation and function of blood cells."

The Centers for Disease Control and Prevention said people exposed to elevated levels of lead may experience symptoms including abdominal pain, memory loss, headaches and pain or tingling in the hands and feet.

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