



June 9, 2020

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave N.W.
Washington, D.C. 20460

Robin Vos
Assembly Speaker
Wisconsin
President, NCSL

Martha R. Wigton
Director
House Budget & Research
Office
Georgia
Staff Chair, NCSL

Tim Storey
Executive Director

RE: Announcement of Preliminary Regulatory Determinations for Contaminants on the Fourth Drinking Water Contaminant Candidate List, Docket ID No. EPA-HQ-OW-2019-0583

Dear Administrator Wheeler:

On behalf of the National Conference of State Legislatures (NCSL), the bipartisan organization representing the legislatures of our nation's states, commonwealths and territories, we appreciate the opportunity to provide input on the announcement of preliminary regulatory determinations for containments on the Fourth Drinking Water Contaminant Candidate List, particularly with regard to the agency's preliminary determinations to establish a national primary drinking water regulation for perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA). We recognize and applaud the agency's recent efforts to address these toxic, bio-accumulative, chemicals in the nation's drinking water, soil and groundwater, and look forward to working together with the agency to further strengthen the state-federal partnership to ensure clean and safe drinking water for our citizens.

States possess the independent authority to adopt laws, regulations and policies, which are at least as stringent as federal laws, regulations and policies and have demonstrated their commitment to ensuring clean and safe drinking water and safeguarding their citizens from known harmful toxins. While the federal government has undertaken its own efforts to address this class of chemicals, states are enacting limits of their own, with many maximum containment levels more stringent than those of EPA's, non-enforceable, health advisory level. As the agency considers a preliminary determination for these chemicals, we encourage early, meaningful and substantial state involvement in such discussions to ensure states, at a minimum, maintain their authority to enact drinking water standards more stringent than the minimum federal counterparts. We also urge you to acknowledge the voices of state expertise and experience, working regularly and directly with state legislative and regulatory arms during any federal action to address these chemicals as to not discount existing state laws or regulations, and the expertise required to develop those standards.

States currently possess the ability to obtain/retain primary enforcement responsibility (primacy) for public water system supervision under the Safe Drinking Water Act via the Public Water

System Supervision (PWSS) Program, with all states and Territories, with the exception of Wyoming and the District of Columbia, having obtained primacy. While federal funds are authorized to assist primacy states administer the PWSS program, the establishment of an additional national primary drinking water regulation comes with increased administrative and implementation costs, beyond what is currently allocated. With a rise in implementation costs, the agency must ensure states receive adequate and timely federal financial and technical assistance to account for this additional responsibility to protect public health.

NCSL looks forward to continuing dialogue as the agency works to address these toxic chemicals in the nation's waters. If you have any questions, please do not hesitate to contact NCSL staff: Kristen Hildreth (202-624-3597 or kristen.hildreth@ncsl.org) or Ben Husch (202-624-7779 or ben.husch@ncsl.org).

Sincerely,



Representative Stephen Handy
NCSL Natural Resources and Infrastructure
Committee Co-Chair
Utah House of Representatives



Representative Andrew McLean
NCSL Natural Resources and Infrastructure
Committee Co-Chair
Maine House of Representatives