

December 15, 2021

Department of Natural Resources
Meghan Williams – WY/3
Department of Natural Resources
101 S. Webster Street
PO Box 7921
Madison, WI 53707
Email: DNR105PFASRule@wisconsin.gov

RE: WY-23-19 relating to surface water criteria for PFOS and PFOA

The River Alliance of Wisconsin (RAW) submits these comments in support of proposed rule WY-23-19 that would add to NR 102 narrative surface water criteria with numeric thresholds and analytical methods for poly- and perfluoroalkyl substances (PFAS) including PFOS and PFOA. We appreciate the opportunity to submit comments on this important rule.

Wisconsin needs to act on PFAS to protect public health and the environment. This rule and the other rule packages on drinking water and groundwater are small steps in the right direction. While US EPA may start to act in some of these areas Wisconsin must *not wait*. The design of the Clean Water Act intends states to move to regulate substances in the manner appropriate for their conditions which Wisconsin has done consistently over the years and should continue to do so.

This rule is in line with what neighboring states are doing. Wisconsin's proposed criteria of 8 ng/L for PFOS is more stringent than Michigan's value of 11 ng/L and, less stringent than Minnesota's criterion of 0.05 ng/L. For PFOA, Wisconsin's proposed thresholds of 20 ng/L and 95 ng/L for PFOA in public drinking water supply waters and non-public drinking supply waters, respectively, are more stringent than Michigan's standards. Finally, the rule has a potentially very long compliance schedule for those facilities that will be required to address these two substances.

However, this rule and the others related to PFAS also point out weaknesses in the system Wisconsin has used to regulate toxic substances for almost forty years. PFAS are a prime example of these weaknesses. PFAS are a particularly difficult problem because it is a large family of chemicals which has led them to be ubiquitous in the environment, and they are also extremely difficult to destroy. Given this the only prudent course would have been to prevent them from entering the environment to begin with. No one has the right to pollute or impose risk on others. To prevent more "discoveries" like PFAS Wisconsin needs to initiate a system that screens chemicals *before* allowing them to be used to prevent problematic substances from entering the environment to prevent illness and harm to the environment, in other words prevent harm instead of managing risk.

The other flaw that PFAS demonstrate is the fact that our system does not take into account the interaction between substances. The system assumes we are exposed to chemicals one at a time which is not the case. Particularly, where you have a family of chemicals that are used for similar purposes and/or have similar chemical properties, we need to determine whether there is increased danger when we are exposed to multiple substances.

Finally, we must develop a better system than dollars for comparing relative burden from pollution. Again, no one has the right to pollute. Spending a million dollars on a piece of control technology is not the same as spending even half a million dollars in health care and other support for someone who suffers from a debilitating condition because of exposure to a substance that the control technology would prevent. It is simply not an apples-to-apples comparison and yet this is too often how we evaluate whether to regulate or not. Similarly, an economic comparison does not adequately evaluate long-term or in some cases permanent changes in the environment from pollution. Instead of moving in this direction in the last several years Wisconsin has moved the wrong way so that only costs of implementation and not benefits (however measured) are the dominant consideration. This is a disservice to the people of Wisconsin and the environment.

Sincerely,

A handwritten signature in black ink that reads "Allison Werner". The signature is written in a cursive style with a large, prominent initial "A".

Allison Werner
Executive Director
River Alliance of Wisconsin