



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

September 11, 2024

Environmental Management Commission
512 N Salisbury St
Raleigh, NC 27604

Chair Solomon, Committee Chairs, and Commission members,

It has come to my attention that you received a [letter](#) dated September 5, 2024, providing commentary on behalf of some members of the business community and led by the NC Chamber, regarding the proposed groundwater and surface water standards for PFAS. While the letter does outline a call for broader public input on the proposed standards, a step that DEQ has long been in favor of, it also contains various inaccuracies and relies heavily on commentary from individuals whose work has been called into question by members of the international scientific community. In line with DEQ's mission of providing science-based environmental stewardship for the health and prosperity of all North Carolinians, I offer the following clarifications and context as we move through the rulemaking processes.

Regarding the letter's request for a public process to review and offer comment on the proposed standards, DEQ has provided rule text and a certified regulatory impact analysis (RIA) for groundwater and surface water standards and has recommended that the relevant committees approve proceeding to the EMC with a request for public notice and hearings. Approval by the full Commission would trigger a 60-day public comment period including public hearings. This is a key component of the rulemaking process that allows impacted residents from North Carolina communities to take part in reviewing the rules that will impact their health and their utility rates as part of cleaning up PFAS contamination.

DEQ has demonstrated our dedication to receiving and reflecting public input in the rulemaking process. We began holding stakeholder meetings in January of this year regarding both the O2L (groundwater) and O2B (surface water) PFAS rulemakings. As we move forward, an open and transparent process with public input will ensure that the perspectives and needs of all North Carolinians – not just those of a select few industry groups – are taken into account and given equal weight in the development of water quality standards. We agree with the NC Chamber that the public should have the opportunity to weigh in on the benefits and costs associated with these regulations and strongly urge the committees to act to bring the proposed standards to this public process when they meet this week.

Many of the comments in the September 5, 2024 letter have already been raised by EMC members and addressed by DEQ. There are also some key points in the provided commentary that represent a fundamental misunderstanding of what is contained in the RIA. These proposed rules are not, in any way, imposing a ban on the use of PFAS – rather, they would ensure responsible use by limiting the amount of PFAS that is discharged into our environment.



North Carolina Department of Environmental Quality

217 West Jones Street | 1601 Mail Service Center | Raleigh, North Carolina 27699-1601

919.707.8661

Furthermore, the commentary enclosed by the NC Chamber in their September 5, 2024 letter attempts to cast doubt on the integrity of the underlying science supporting the proposed O2L and O2B standards. Many of the international values to which the letter refers are outdated and do not consider the significant advancements in our understanding of human health impacts.

It is important to note that various publications have reported on concerns about the conduct of industry-backed scientists, including those that are cited in the Chamber's letter. Some excerpts are below:

"Others involved in the process worked as consultants for or were paid by companies like chemical giant Chemours and the nation's water utilities, which oppose strong PFAS limits."
[\(The Guardian, August 13, 2024\)](#)

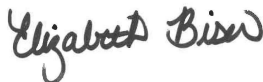
"The [documents](#) also show that Mr. Dourson's center at the university, which accepted money from the trade group and other companies for research, sent a draft paper based on that research to the industry council to edit before submitting it to a journal for publication — considered by most to be an unacceptable practice in academia."
[\(NY Times, December 13, 2017\)](#)

"Scientists at University of California, San Francisco, said in a paper that PFAS manufacturers were using a strategy commonly used by the tobacco, pharmaceutical and other industries to influence regulation: suppress unfavorable research and distort public discourse."
[\(Wall Street Journal, May 22, 2024\)](#)

Concerns like these [prompted](#) the World Health Organization (WHO) in 2024 to essentially restart its process to establish guidance for PFAS in drinking water, forming a new advisory group, and expanding its literature review to encompass more recent studies and take into account studies regarding human health impacts, which had previously been excluded. The WHO is not alone in reconsidering initial guidance that suggested high levels of tolerance for PFAS. [Canada](#), for instance, has noted that it plans to update its PFAS guidance for drinking water in the next several years.

DEQ's proposed groundwater and surface water standards for PFAS are important to the residents, communities, and businesses of North Carolina exposed to PFAS pollution. I strongly encourage the EMC to take action on the proposed O2L and O2B standards for PFAS and move them forward to the full public process.

Sincerely,



Elizabeth Biser
Secretary, North Carolina Department of Environmental Quality

CC:

Gary Salamido
Senator Phil Berger
Speaker Tim Moore

