

Setting limits for PFAS in drinking water

Fact Sheet July 2019

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On July 24, the New York State Department of Health proposed enforceable drinking water standards, or “maximum contaminant levels” (MCLs), for two toxic chemicals, perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA).¹ Exposure may cause negative developmental effects in fetuses and breast-fed infants, kidney and testicular cancer, liver damage, and other health problems.² PFOS and PFOA are merely the two best known of a whole class of chemicals – 4,500 per- and polyfluoroalkyl substances (PFAS) – that have been manufactured, used, and, too often, released into the environment, harming people and wildlife.

In 2016, Newburgh declared a state of emergency in response to PFOS contamination in Washington Lake, the City’s primary drinking water source. Several other PFAS have been detected in the reservoir, and the City has been using alternate drinking water sources ever since. Shortly after the emergency declaration, the Department of Environmental Conservation listed the Stewart Air National Guard Base – the largest source of PFAS contamination, due its use of firefighting foams – as a state Superfund site.

The Health Department is just now beginning to regulate PFOS and PFOA in drinking water by proposing MCLs. In addition to providing enforceable limits for drinking water, the final MCLs will also be used by the Department of Environmental Conservation to set cleanup standards for the Air National Guard Base.

Stringent MCLs are necessary to protect public health.

The Health Department is proposing individual MCLs of 10 parts per trillion (ppt) each for PFOS and PFOA. If adopted, the MCLs would be the most stringent limits for those contaminants in the country. But those levels may still fail to protect the most vulnerable populations. A peer-reviewed assessment of PFAS in drinking water suggests that the Health Department’s goal should be zero exposure and that PFOS and PFOA should be subject to a combined MCL of 2 ppt.³

The Health Department should regulate other PFAS.

PFAS have contaminated drinking water and fish at hundreds of locations, including in and around the City of Newburgh. In order to protect New Yorkers from these toxic chemicals, the Health Department should regulate other PFAS at levels consistent with the most recent science.

What can you do?

You can tell New York State to set a combined MCL of 2 ppt for PFOA and PFOS by submitting comments to regsna@health.ny.gov. Comments will be accepted until September 23, and can also be mailed to:

New York State Department of Health, Bureau of Program Counsel, Regulatory Affairs Unit
Attention: Katherine Ceroalo
Corning Tower, Empire State Plaza, Rm. 2438, Albany, New York 12237-0031

¹ N.Y. Dep’t of Health, Amendment of Subpart 5-1 of Title 10 NYCRR (Maximum Contaminant Levels (MCLs)) (July 24, 2019), <https://regs.health.ny.gov/sites/default/files/proposed-regulations/Maximum%20Contaminant%20Levels%20%28MCLs%29.pdf>.

² Lifetime Health Advisories and Health Effects Support Documents for Perfluorooctanoic Acid and Perfluorooctane Sulfonate, 81 Fed. Reg. 33250 (May 25, 2016), <https://www.govinfo.gov/content/pkg/FR-2016-05-25/pdf/2016-12361.pdf>.

³ NRDC, PFAS in Drinking Water 2019: Scientific and Policy Assessment for addressing Per- and Polyfluoroalkyl Substances (PFAS) in Drinking Water (Apr. 2019), <https://www.dropbox.com/s/aquxsbv6ncog0dz/NRDC%20PFAS%20Report.pdf?dl=0>.