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October 23, 2018

Howard A. Zucker, M.D., J.D.  
Commissioner  
New York State Department of Health  
Corning Tower Empire State Plaza  
Albany, NY 12237

Re: Maximum Contaminant Levels for PFOA, PFOS, and 1,4-dioxane

Dear Commissioner Zucker,

I write today to urge the Department of Health to immediately move forward with developing Maximum Contaminant Levels (MCLs) for PFOA, PFOS, and 1,4-dioxane. New Yorkers cannot wait any longer to have their drinking water protected from these dangerous chemicals.

The state's Drinking Water Quality Council has repeatedly delayed taking action on PFOA, PFOS, and 1,4-dioxane. The Council was required by statute to produce MCL recommendations by October 2, but failed to meet the deadline. At its most recent meeting on October 17, the Council again failed to announce recommendations. No exact date for the Council's next meeting has been determined.

There is no reason to delay any longer. The science is clear on the threat PFOA, PFOS, and 1,4-dioxane pose to drinking water and public health. New Yorkers need to know that their water is being tested for these chemicals, and that action will be taken if dangerous levels are discovered. The longer New York waits, the greater the chance that people will get sick.

The Department does not need to wait for the Council to act – your agency already has the authority to begin a rulemaking process to develop Maximum Contaminant Levels for PFOA, PFOS, and 1,4-dioxane. MCLs that are the most protective of public health, taking into consideration the effects of exposure on the most vulnerable populations, including pregnant women and children, are urgently needed:

- **DOH must set a combined MCL for PFOA and PFOS at 4 parts per trillion (ppt).** The towns of Hoosick Falls, Newburgh, and Petersburg have already suffered the terrible consequences of PFOA and PFOS exposure, including higher incidents of kidney cancer, testicular cancer, and thyroid disease. To prevent future water contamination crises, the most recent science tells us that New York needs an MCL for PFOA and PFOS far lower than the EPA's guidance level of 70 ppt. A recent Natural Resources Defense Council study recommends a combined MCL between 4 ppt and 11 ppt, and an Agency for Toxic Substances and Disease Registry study recommends between 7 ppt and 11 ppt. **These recommendations are roughly 7 to 10 times lower than current EPA guidance.** New York must exercise extreme caution towards these chemicals and establish a combined MCL of 4 ppt.
- **DOH must set an MCL for 1,4-dioxane at 0.3 parts per billion (ppb).** Towns across Long Island have discovered alarmingly high levels of 1,4-dioxane in their groundwater. Commonly found in household cleaning products and detergents, 1,4-dioxane is considered a likely carcinogen by the EPA. Massachusetts has set a guidance level of 0.3 ppb for 1,4-dioxane - New York should establish this level as an MCL.

The Department of Health has previously stated that testing for PFOA, PFOS, and 1,4-dioxane will begin by the end of the year. To meet this important goal, DOH must take immediate action to establish MCLs for these chemicals. Your leadership will be of critical importance to ensure that when New Yorkers turn on their taps, they can rest assured that their water is clean and safe to drink.

Thank you for consideration.

Sincerely,

A handwritten signature in black ink that reads "Liz Krueger". The signature is written in a cursive, flowing style.

Liz Krueger  
State Senator