



MuniWorks

Local Community Water Challenges and Possible Regional Solutions

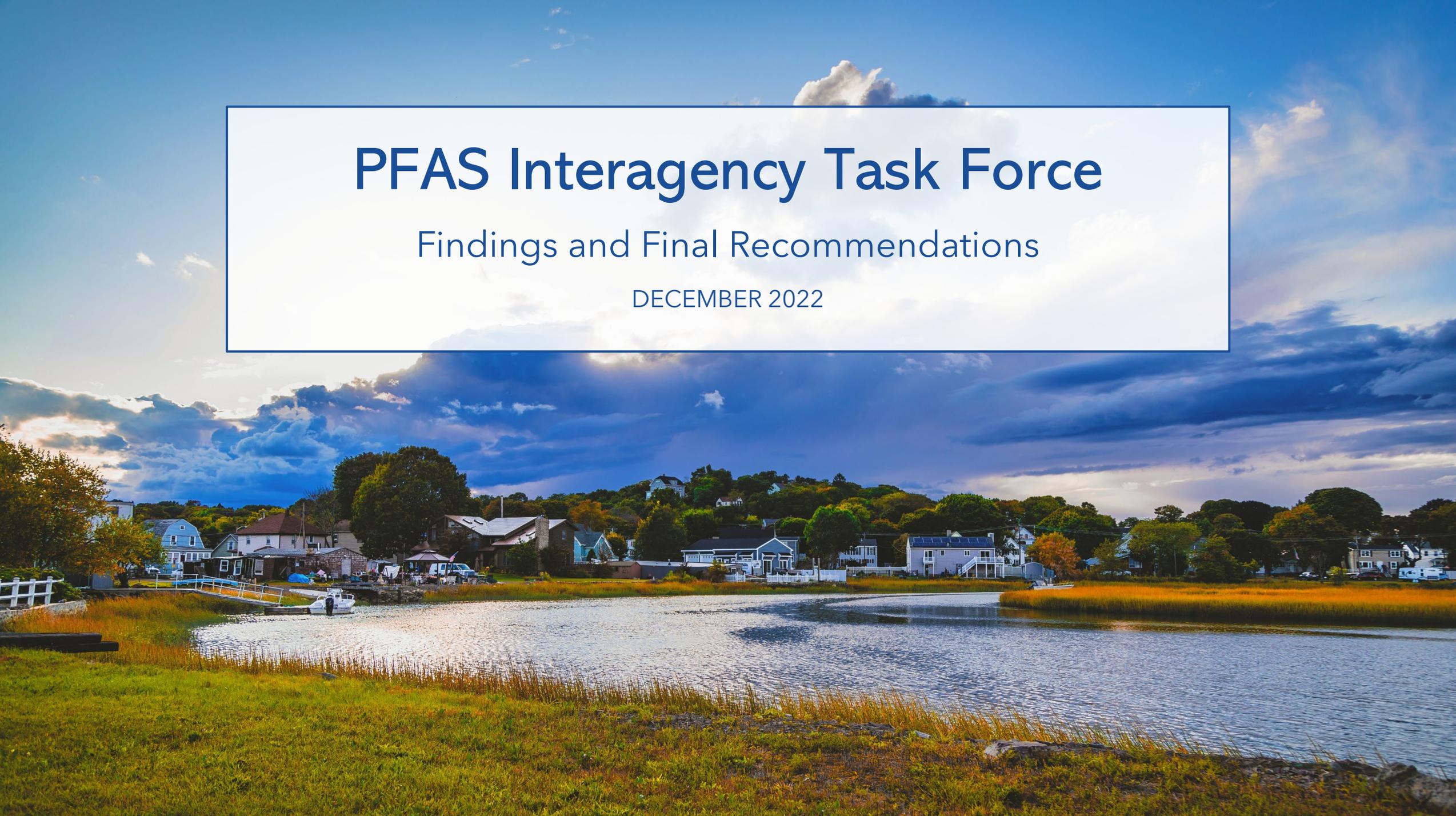
December 5, 2022



MuniWorks

Speaker Pro Tempore
Representative Kate Hogan

December 5, 2022



PFAS Interagency Task Force

Findings and Final Recommendations

DECEMBER 2022



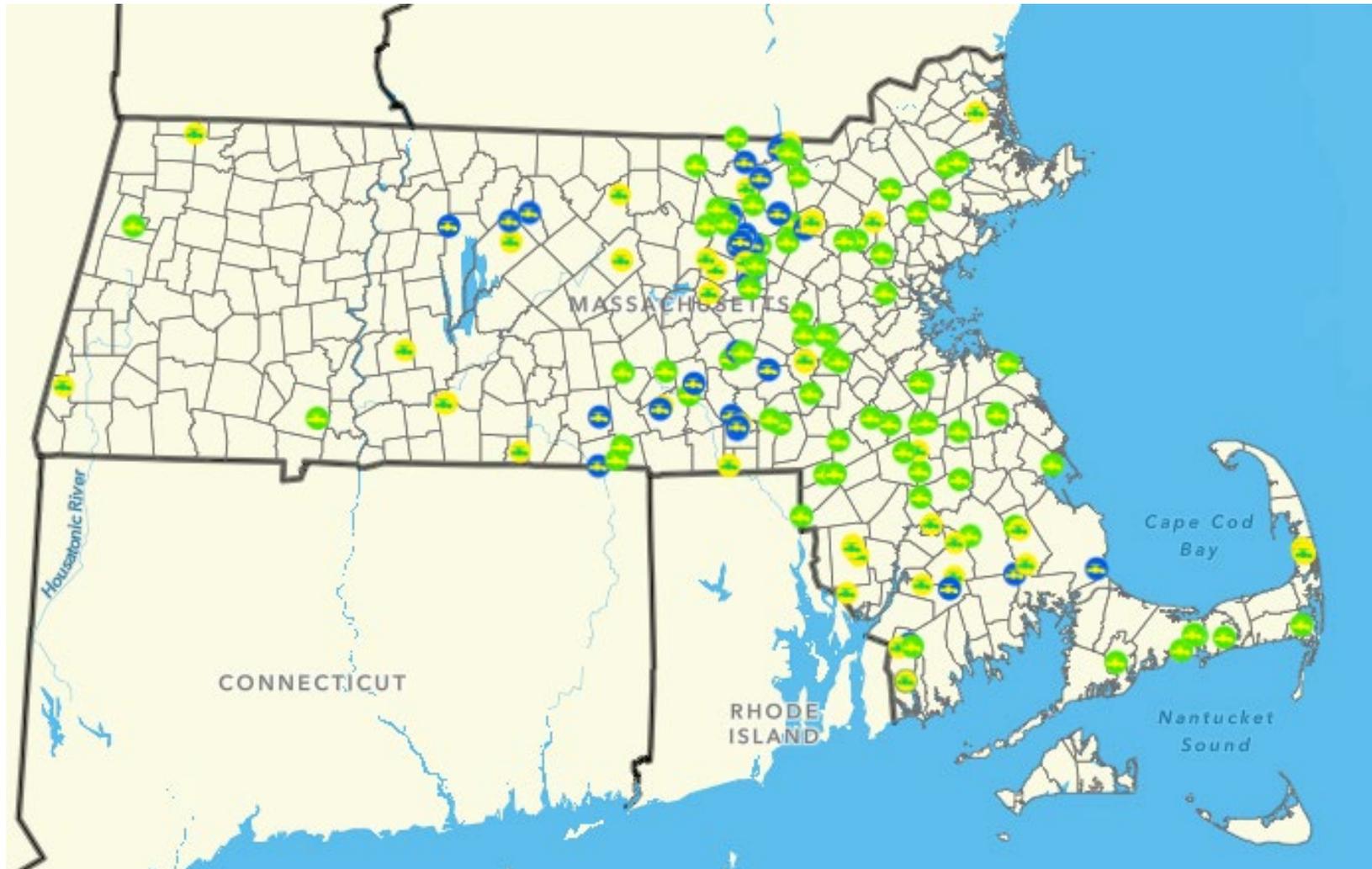
What are PFAS?

- PFAS are chemicals first invented in the 1930s and are widely used for their water, oil, and heat resistant properties
- Common products include non-stick cookware (Teflon), food packaging, water-resistant clothing, cosmetics, and firefighting foam
- Exposure to PFAS is associated with adverse health effects in humans and wildlife

Where have PFAS been detected in MA?

- MassDEP and DPH have detected PFAS across the state
- PFAS are in our public water systems, private wells, rivers, groundwater, soil, and wastewater
- Aqueous film-forming foam (AFFF) used at military installations, fire training sites, fire stations, and airports is considered a primary source of PFAS contamination in surrounding areas
- Facilities that produce or use PFAS are also considered sources of contamination
- Industries with the greatest number of facilities that may be handling PFAS include electronics, waste management, metal coating, plastics and resins, printing, and chemical manufacturing

Public water systems that detected PFAS6 over 20 parts per trillion



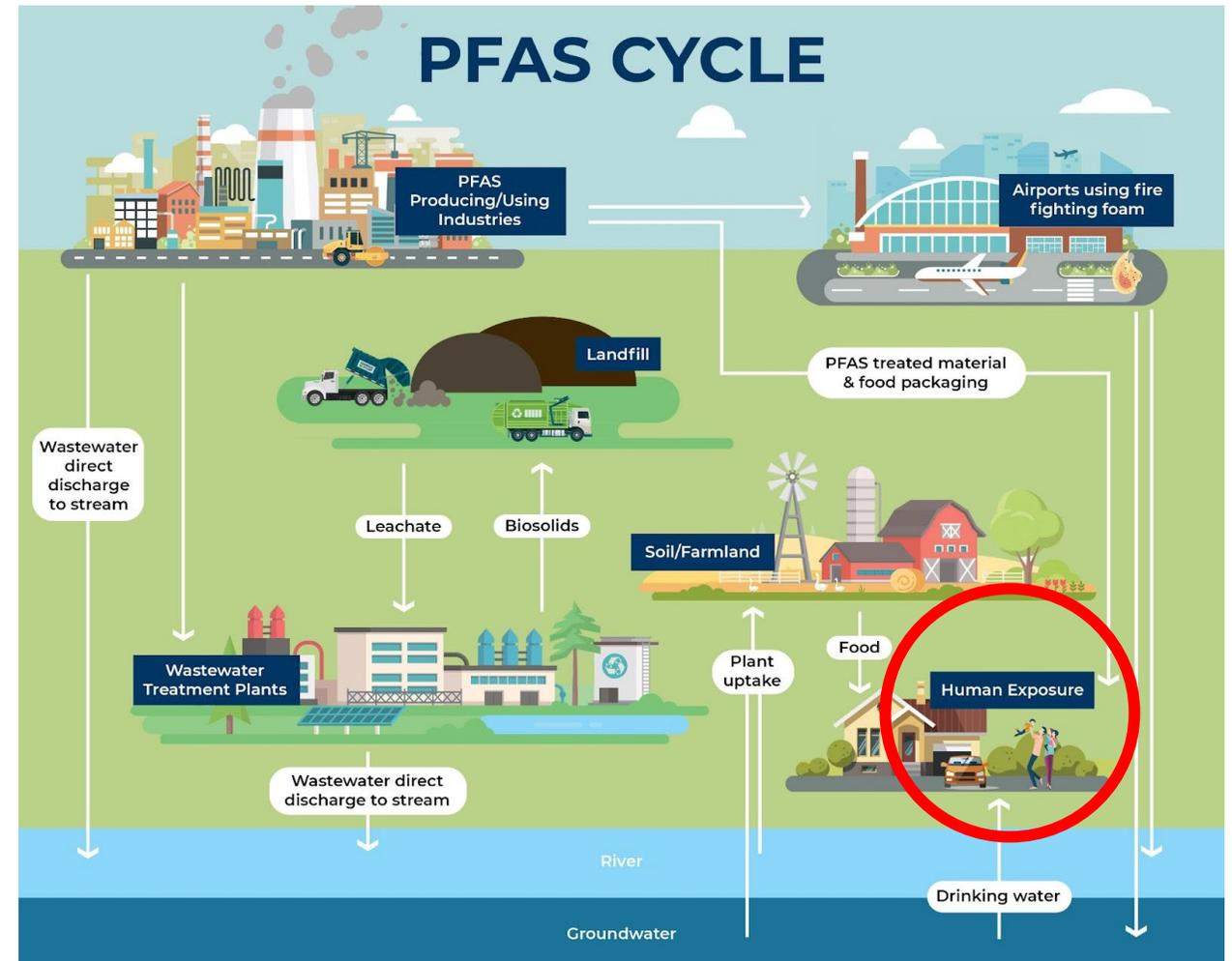
LEGEND

-  Community water system
-  Non-transient non-community water system
-  Transient non-community water system

Source: MassDEP
Link: <https://arcg.is/1rT85X0>
Accessed: December 1, 2022

What can we do about PFAS?

- CDC estimates that over 98% of U.S. residents have PFAS in their blood – there is no proven method to remove PFAS from our bodies
- Our solution is to stop PFAS at the source through legislation, regulation, and litigation



State Action

- Regulation
- Testing & Treatment
- Funding
- Public Education
- Legislation
- Litigation



Regulation

- MassDEP established a maximum contaminant level of 20 parts per trillion for six PFAS in drinking water, groundwater, and soil
- Public water systems are required to test drinking water for PFAS
- The Toxics Use Reduction Act Administrative Council voted to add certain PFAS to the TURA list of chemicals

Testing & Treatment

- MassDEP is administering programs to test and treat drinking water for PFAS
- 41 towns have been awarded a total of \$10.8 million to respond to PFAS contamination
- Clean Water Trust is offering 0% interest loans to public water systems for PFAS remediation projects

Funding

- Nearly \$30 million appropriated for PFAS testing and remediation
- Over \$100 million available in loans through the Clean Water Trust, with an additional \$21.3 million in ARPA funds
- Significant funding in the FY23 Budget for MassDEP to address PFAS contamination
- \$250,000 for the AFFF Take-Back Program in the FY23 Budget

Public Education

- MassDEP provides PFAS information on their website at mass.gov/info-details/per-and-polyfluoroalkyl-substances-pfas
- DPH has developed educational materials for primary care providers responding to PFAS concerns from patients

Litigation

In April 2022, Attorney General Healey filed a lawsuit against 15 companies for PFAS in firefighting foam:

- 3M
- DuPont
- Chemours
- Tyco
- Corteva
- AGC Chemical Americas
- Chemguard

Legislation

- PFAS Interagency Task Force was established in the 191st Session
- Legislators filed over a dozen bills in the 192nd Session to address PFAS contamination in:
 - Consumer products
 - Food packaging
 - Firefighter PPE
 - Mosquito pesticides

Federal Action

- EPA issued a proposal to designate PFOS and PFOA as hazardous substances under Superfund
- AG Healey led a coalition of 18 attorneys urging the U.S. Senate to require DOD to clean up PFAS contamination on military sites
- Billions of dollars in funding set aside in ARPA and Bipartisan Infrastructure Law for states to address PFAS in drinking water



PFAS Interagency Task Force

- The PFAS Interagency Task Force was established through Outside Section 98 of the FY2021 Budget
- The Task Force was chaired by Rep. Hogan and Sen. Cyr
- Task Force members included officials from state agencies, legislators, and experts



Task Force Public Hearings

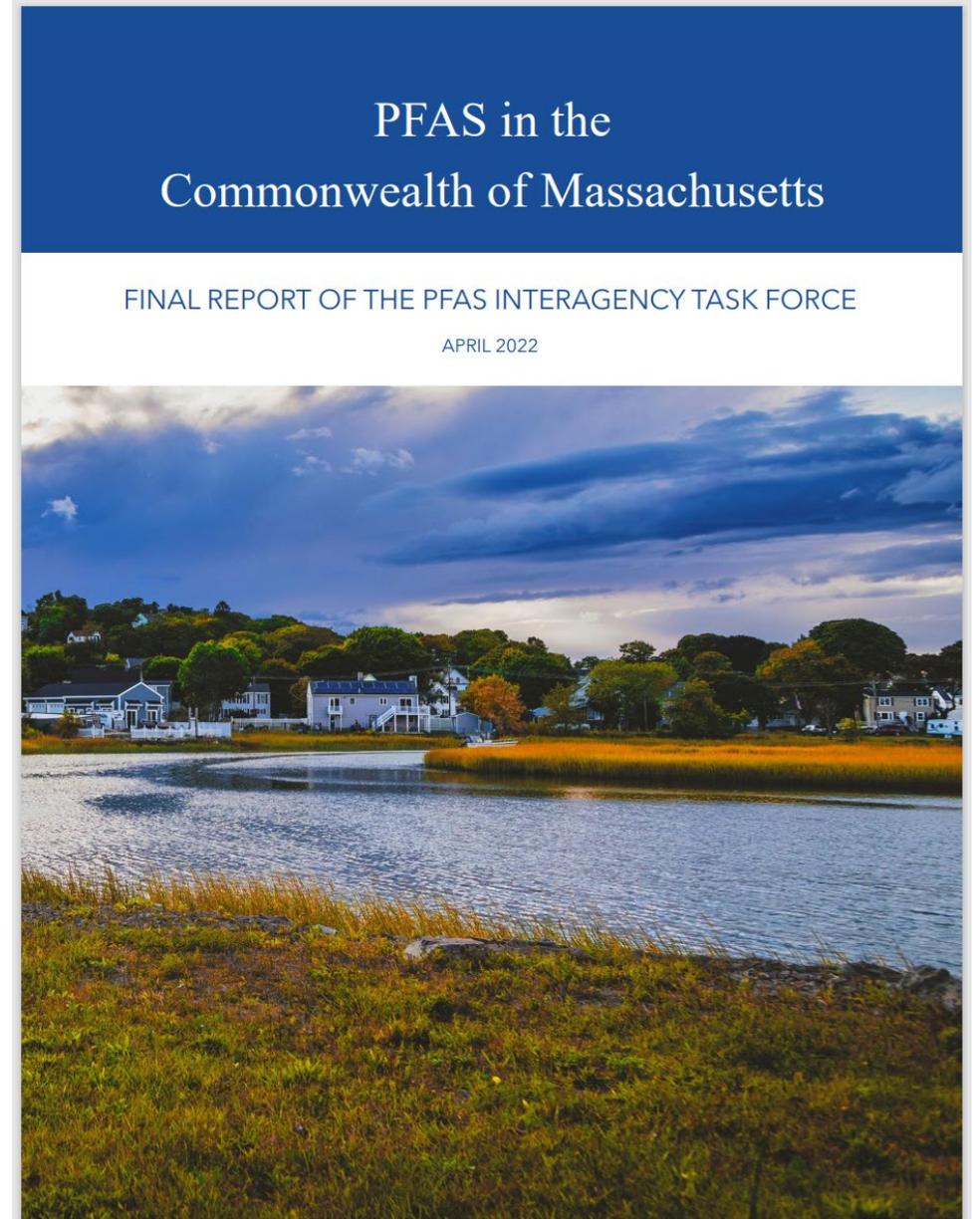
The Task Force held 11 public hearings on the following topics:

- PFAS detection and remediation in MA
- Exposure pathways
- Health and environmental impacts
- Environmental justice
- Possible sources of contamination
- State and federal action
- Costs and challenges
- Potential solutions

Task Force Final Report

On April 20, 2022, Task Force members voted unanimously to approve the final report.

The report includes findings from the Task Force and 30 recommendations under 8 strategies to address PFAS contamination.



Task Force Recommendations

1. Fund PFAS Detection and Remediation
2. Support Environmental Justice Communities
3. Phase Out PFAS in Consumer Products
4. Expand PFAS Regulation
5. Encourage Private Well PFAS Testing and Remediation
6. Support Firefighters and Local Fire Departments
7. Address PFAS Contamination Accountability
8. Enhance Public Awareness of PFAS

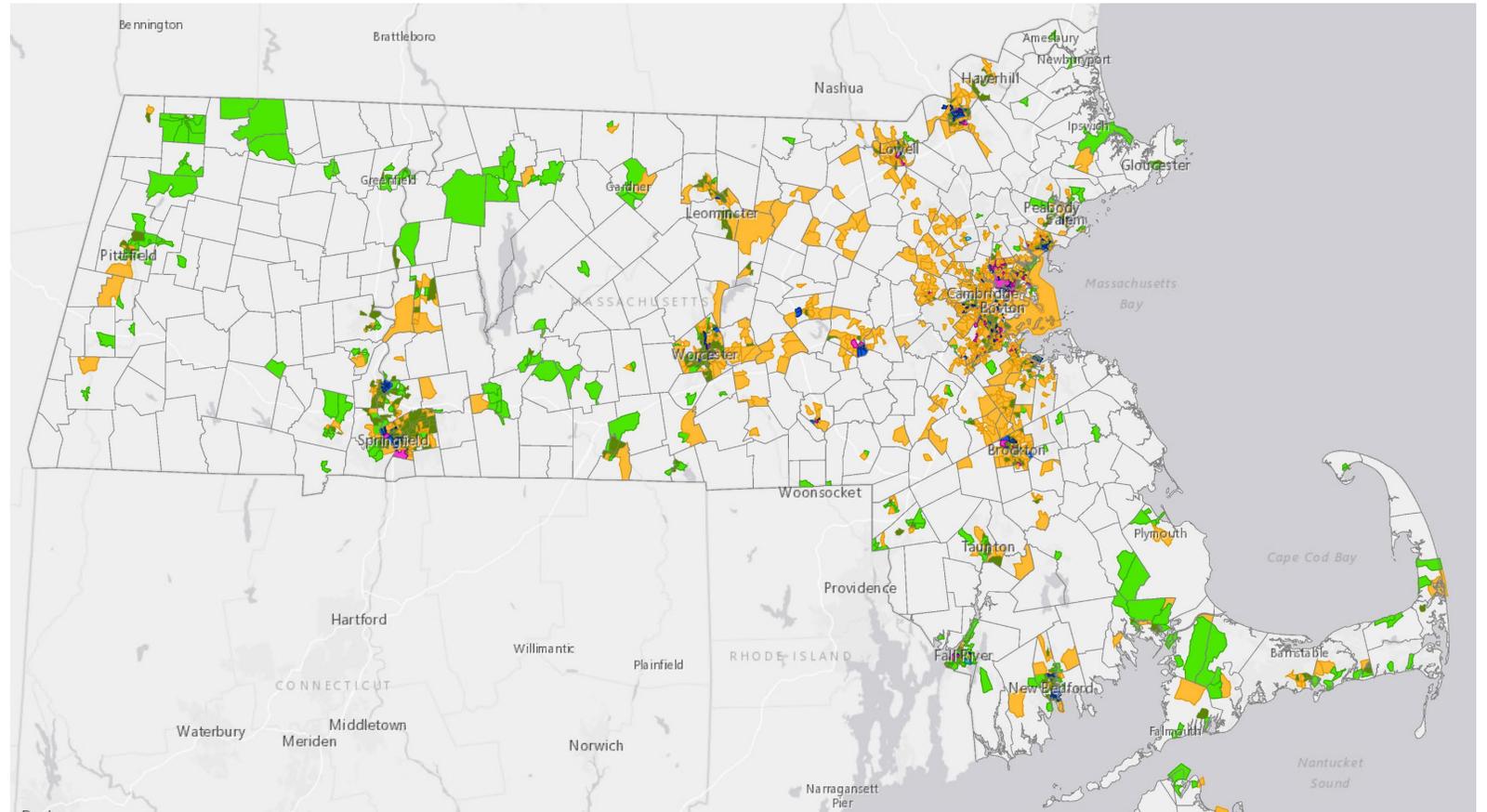


1. Fund PFAS Detection and Remediation

- Conduct PFAS testing in water supplies and the environment
- Conduct investigations in sites with known or suspected PFAS releases
- Provide technical assistance to homeowners, municipalities, and public water systems
- Appropriate additional funding to the Clean Water Trust for PFAS projects
- Establish a PFAS Remediation Fund

2. Support Environmental Justice Communities

- Provide additional support to communities with minority, low-income, tribal or indigenous populations through loan forgiveness for PFAS remediation projects
- Conduct community outreach



2020 Environmental Justice Populations (Source: <https://arcg.is/bb5Pf>)

3. Phase Out PFAS in Consumer Products



- Reduce PFAS exposure and contamination by regulating the sale of consumer products that contain intentionally added PFAS by phasing out the sale of these products by 2030
- Identify priority products for an earlier phase-out, such as food packaging, textiles, and children's products.
- Allow state agencies to grant temporary exemptions for products that do not have safer alternatives and are essential to the health and safety of the Commonwealth
- Implement disclosure and labeling requirements
- Fund research grants to identify and develop safer alternatives to PFAS in consumer products

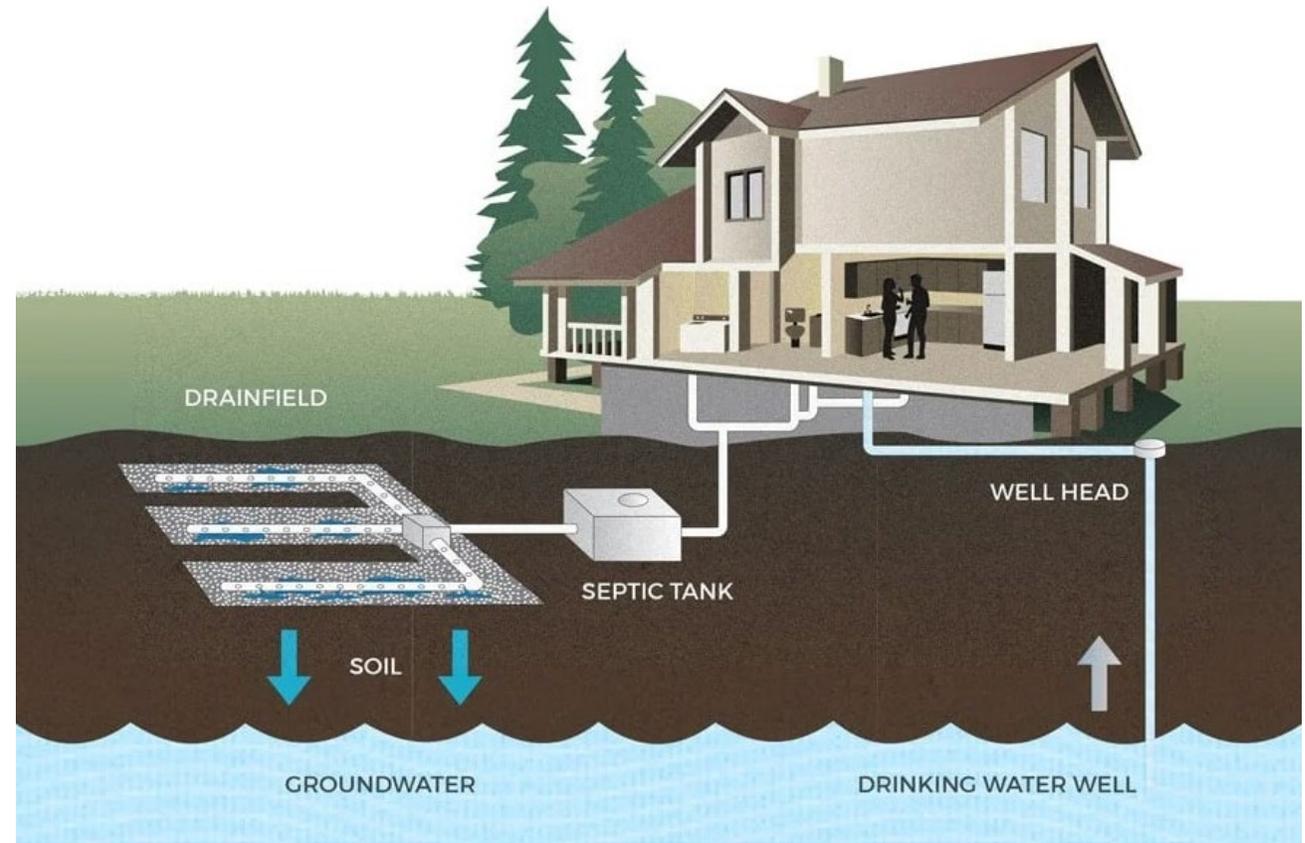
4. Expand PFAS Regulation

- Support efforts by MassDEP to review its drinking water standards over the next two years
- Encourage MassDEP to establish limits to PFAS in effluent for industrial wastewater in surface water discharge permits and groundwater discharge permits
- Define PFAS as a class for the purposes of consumer product regulation



5. Encourage Private Well PFAS Testing and Remediation

- Establish a loan program for homeowners with private wells
- Identify strategies to lower the cost of PFAS testing and remediation for homeowners
- Encourage municipalities to institute a PFAS testing requirement during transfers of property with a private well and with new well permits





6. Support Firefighters and Local Fire Departments

- Fund the AFFF Take-Back Program
- Prohibit the use of AFFF for training and maintenance
- Require fire departments to report releases of AFFF and take steps to minimize potential environmental impacts
- Review standards for turnout gear and ban the sale of turnout gear with PFAS once alternatives are identified
- Fund cancer awareness trainings for firefighters and update the Massachusetts Cancer Registry

7. Address PFAS Contamination Accountability

- Identify a path for adopting reasonable limitations for liability claims against homeowners and municipalities for PFAS contamination
- Evaluate potential claims against PFAS manufacturers to seek remediation costs and other damages for PFAS contamination
- Direct MassDEP to work with the U.S. Department of Defense to conduct PFAS testing and initiate PFAS removal actions





8. Enhance Public Awareness of PFAS

- Build upon existing efforts by MassDEP and DPH to conduct public education and awareness campaigns around PFAS contamination and state efforts to address PFAS
- Provide guidance to health care providers about how best to assess and discuss PFAS exposure and health risks with patients

Next Steps

- Since the conclusion of the PFAS Task Force, the state has allocated over \$21 million in funding to address PFAS contamination
- Attorney General Healey filed a lawsuit against 15 companies for PFAS in firefighting foam
- We will continue to look for funding opportunities through the state budget, ARPA, Bipartisan Infrastructure Law, etc.
- We plan to file an omnibus bill in the 193rd session to advance many of the Task Force recommendations



A scenic view of a sandy dune path with green grasses under a sunset sky. The path is a light-colored sand trail that curves through the dunes. The grasses are a mix of green and yellow, indicating a transition in the season. The sky is a soft gradient of blue, pink, and orange, suggesting the time is either dawn or dusk. The overall atmosphere is peaceful and natural.

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PFAS Interagency Task Force
<https://malegislature.gov/Commissions/Detail/556/>



MuniWorks

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