

In other words, EPD cannot simply choose to adopt regulations for just two of the federally regulated PFAS chemicals. True, EPA under the current administration has expressed its intention to rescind the PFAS limits other than on PFOA and PFOS, but an intention is not a regulation, and Georgia's rules must be as stringent as EPA's regulations, not its intentions. Indeed, EPA currently is litigating in the United States Court of Appeals whether the court can vacate EPA's regulatory determinations and regulations for PFNA, PFHxS, HFPO-DA, and the Hazard Index.³⁰ It is unclear whether EPA will take other, intervening action, such as a rulemaking, to rescind those limits pending a ruling in that case. EPD therefore is left with the choice between adopting all six duly enacted PFAS limits or violating federal law.

Because EPD's proposed update to the safe drinking water rules is not as stringent as the federal PFAS regulations, the proposed rule is unlawful. Accordingly, we urge EPD to propose a new draft of the rule update that includes requirements for all six PFAS that are currently regulated under the federal safe drinking water rules.

III. Proposing a new draft that adopts MCLs for all six PFAS is necessary to protect Georgia residents, especially where PFBS and PFHxS are the prevailing PFAS contaminants.

Adopting all six of the PFAS limits in the April 10, 2024 EPA rule is not just required by law; it's good for all Georgians. As EPA explained in its press release announcing the six PFAS limits, "By reducing exposure to PFAS, this final rule will prevent thousands of premature deaths, tens of thousands of serious illnesses, including certain cancers and liver and heart impacts in adults, and immune and developmental impacts to infants and children."³¹

Notably, EPD's own data show that public drinking water systems in Georgia are contaminated with the very PFAS chemicals EPD now wants to omit from the safe drinking water rules. For instance, UCMR5 data and EPD's PFAS Story Map show that drinking water systems serving hundreds of thousands of people in Augusta-Richmond County, Calhoun, Centerville, Chatsworth, Chickamauga, Dalton, Griffin, Lafayette, Lyerly, Ringgold, Rome, Spalding County, Summerville, Trion, Walker County, and Woodstock have all reported exceedances of the federal MCLs for PFHxS, PFBS, or the Hazard Index at various times between 2021 and 2024.³² In some of these drinking water systems, drinking water meets the MCLs for PFOA and PFOS but exceeds the MCLs for other PFAS like PFBS.

³⁰ *American Water Works Assoc., et al. v. United States Environmental Protection Agency, et al.*, No. 24-1188, United States Court of Appeals for the D.C. Circuit (Doc. 2134523, Respondents' Mot. for Partial Vacatur).

³¹ See Press Release, EPA, *Biden-Harris Administration Finalizes First-Ever National Drinking Water Standard to Protect 100M People from PFAS Pollution* (Apr. 10, 2024) <https://www.epa.gov/newsreleases/biden-harris-administration-finalizes-first-ever-national-drinking-water-standard> [<https://perma.cc/HW29-DQNP>].

³² Georgia Environmental Protection Division, PFAS Information & Interactive Story Map, <https://gaepd.maps.arcgis.com/apps/MapSeries/index.html?appid=e8f2c6a51c1c41088002350f1eabe598>.