

December 11, 2025

Hon. James McDonald, M.D., M.P.H.
Commissioner
NYS Department of Health
Corning Tower, Empire State Plaza
Albany, NY 12237

Re: Public Comment before the NYS Drinking Water Quality Council - December 16, 2025

Dear Commissioner McDonald and members of the NYS Drinking Water Quality Council,

We write to urge you to take action at this upcoming NYS Drinking Water Quality Council (DWQC) meeting to protect New Yorkers' drinking water from the federal government's rollback of PFAS protections, as well as from other emerging contaminants.

Specifically, we ask that the Council:

1. Recommend that New York adopt the federal limits on PFAS in drinking water as finalized in 2024 via state regulation;
2. Use the process outlined at the last DWQC meeting to evaluate new contaminants of concern and create an emerging contaminant list annually. Include NDMA and certain cyanotoxins, including total microcystins and anatoxin-a, for Notification Levels (NLs) or Maximum Contaminant Levels (MCLs); and
3. Explore a variety of strategies to support small systems in gaining compliance with the PFAS limits.

When the federal government abdicates its responsibilities to protect public health, it is vitally important that state governments step in and fill the void.

Protecting New Yorkers from Federal PFAS Rollbacks

In May, the US Environmental Protection Agency (EPA) [announced](#) its intent to delay and weaken regulations finalized in 2024 to regulate six PFAS in drinking water (PFOA, PFOS, PFHxS, PFNA, GenX and PFBS). While New York acted proactively in 2020 to create MCLs for PFOA and PFOS at 10 ng/L, the federal MCLs would reduce that limit to 4 ng/L as well as limit four additional compounds through MCLs and a Hazard Index, including the first short-chain PFAS, PFBS and GenX.

EPA's rollback will harm New Yorkers. At least [1.3 million New Yorkers](#) are exposed to PFOA and/or PFOS above the federal MCLs of 4 ng/l but below New York's MCLs of 10 ng/l, meaning these New Yorkers will have to unnecessarily wait two extra years for clean water, putting their health at risk. According to [NRDC](#), health care-related costs in New York are conservatively estimated to range between \$2.7 and \$4.4 billion annually.

In June, the Council discussed EPA's actions but did not specifically recommend that New York adopt and maintain the current federal PFAS limits to prevent state residents from losing drinking water protections. In the months since the meeting, the need for New York to

act has only grown. In September, EPA made a legal filing [reaffirming](#) their intent to rollback PFAS protections and even asked a federal court to declare the limits on PFNA, PFHxS, GenX, and PFBS invalid.

Other states have codified the federal PFAS limits since EPA's announcement, showing that New York need not wait for the current court case to conclude or for EPA to complete a regulatory rollback. This summer, the State of Maine [enacted](#) legislation enshrining the federal PFAS limits in state law, insulating Mainers from any loss of drinking water protections. New Yorkers deserve the same guarantees for the safety of their water that Mainers now have.

In fact, New York is fast-approaching a deadline by which it must act to retain primacy over the still-in-effect federal PFAS limits. Under the [Safe Drinking Water Act](#), once EPA adopts drinking water regulations, DOH must adopt its own regulations within 2 years in order to gain enforcement authority. EPA adopted its regulations on April 10, 2024, meaning that DOH has just a few more months to complete a state rulemaking process. This will likely be the last DWQC meeting before that deadline; DOH and the Council must commit now to moving forward with strong, health-protective limits on PFAS.

Importantly, New York must maintain the full suite of federal PFAS limits, not just stronger MCLs on PFOA and PFOS. The NYS Attorney General supports the full suite of protections and argued in an [amicus brief](#) that the four other PFAS occur frequently enough in drinking water to warrant regulation; that because these PFAS can have additive and synergistic health effects when found together in drinking water, EPA was in fact obligated to regulate them with a Hazard Index; and that the Hazard Index is not overly complex compared to other drinking water standards (e.g., EPA regulates a sum of radionuclides that require fairly complex calculations).

At the last Council meeting, DOH presented data suggesting that few water utilities in New York would exceed the limits on PFNA, PFHxS, HDPO-DA, and PFBS without also having an exceedance of the PFOA and PFOS MCLs. While we don't dispute DOH's analysis of the occurrence data, limits on the four PFAS continue to be essential in two key ways.

First, we know that these four PFAS continue to be produced and used throughout the U.S., and that levels of these PFAS in drinking water may rise over time. Just because some water utilities would not exceed these PFAS limits today does not mean that they will not have exceedances next year or in the years to come. New Yorkers should not have to wait to be protected from these PFAS until they are exposed to levels harmful to their health.

In fact, according to NYS Department of Environmental Conservation [data](#) on permitted discharges into New York's waters, all four of these PFAS are currently being released by industries like airports, paper mills, car washes, laundromats, and landfills into our drinking water sources. For example, out of 531 effluent samples, there were 246 detects of PFNA, with the highest detect being 1250 ppt from Lockheed Martin in Owego. Out of 529 effluent samples, there were 200 detects of PFHxS, with the highest detect being 966 ppt from the Atlas Corporation in Voorheesville. These discharges are just one pathway by which our drinking water continues to be vulnerable to increased contamination from these PFAS.

Second, short-chain PFAS are not removed as efficiently by granular activated carbon filtration as long-chain PFAS like PFOA and PFOS and can break through filtration more easily. Limits on PFAS like PFBS and GenX are critical to ensure that utilities maintain and operate treatment technology in a way that minimizes the chance of PFAS breakthroughs.

Fortunately, there is state funding available to implement the federal PFAS limits today and help utilities afford to install new treatment technology. New York has [invested](#) \$6 billion into the Clean Water Infrastructure Act since 2017, which provides grants for drinking water and wastewater infrastructure improvements. The state has already dedicated over \$300 million in grants to remove PFOA and PFOS from drinking water, and hundreds of millions more remain available to help implement the federal PFAS limits, protecting public health and keeping water affordable.

Addressing Other Emerging Contaminants

At the last meeting, DOH presented a methodology for adding new contaminants to New York's emerging contaminants list (an annual requirement mandated by [Public Health Law 1113\(5\)\(a\)\(iv\)](#)). We support the use of this framework to evaluate and add new contaminants of health concern to the list in order to collect additional data to make determinations on the creation of new state MCLs.

We appreciate the difficulties in adding new state-level NLs and MCLs at a time when DOH is resource constrained and when small systems across the state struggle to meet current state MCLs for PFOA and PFOS. At the same time, New Yorkers served by small systems deserve just as much protection for their drinking water as those served by large systems. DOH should identify strategies to work with small systems and enable compliance by studying what has been done in other states and regions, including potential utility consolidation, while still working to develop new NLs and MCLs to protect all New Yorkers from the emerging contaminants known to be occurring at levels of health concern in New York's drinking water.

We have previously submitted recommendations for emerging contaminants that could be regulated in New York. In particular, we wish to highlight the need for new regulation on N-nitrosodimethylamine (NDMA) and certain cyanotoxins, including total microcystins and anatoxin-a.

NDMA is a disinfection byproduct that EPA has [linked](#) to cancer and that has been detected in New York via EPA's Second Unregulated Contaminant Monitoring Rule (UCMR), though more widespread testing is needed. Several other states, including California, Massachusetts, and Minnesota, have set notification levels or guidance values for NDMA in drinking water.

Some Harmful Algal Blooms, which are becoming more frequent and severe due to climate change, result in the development of cyanotoxins [linked](#) to upset stomachs, vomiting and diarrhea as well as liver and kidney damage. Two types of cyanotoxins, total microcystins and anatoxin-a, were in almost a third of the samples collected in New York via EPA's UCMR 4. EPA already has developed Health Advisory Levels for microcystins and California has developed Notification Levels for both microcystins and anatoxin-a.

These recommendations are intended to ensure that New Yorkers are protected from exposure to well-established toxins that are known to occur at levels of concern throughout the state. Addressing these contaminants will protect New Yorkers from two known, present and increasing threats and make our state more resilient to climate change. Because both contaminants are more likely to occur in surface waters that serve the majority of New York's Disadvantaged Communities, these regulations will also advance environmental justice.

Conclusion

Thank you for the opportunity to provide these comments, and we look forward to working with the Council to ensure every New Yorker has safe, clean water.

Sincerely,

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