

June 11, 2026

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 - June 15, 2026

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 (the Council) meeting to protect New Yorkers' drinking water from the federal government's proposed rollback of PFAS protections, as well as from other emerging contaminants.

Specifically, we urge you to:

1. Express your support for A.8634-B/S.3207-B, a bill recently passed unanimously by the NYS Legislature to codify most of the federal PFAS drinking water limits being delayed and weakened by the US Environmental Protection Agency (EPA);
2. Recommend that DOH advance regulations to implement the bill and adopt the federal PFAS limits as soon as the Governor signs it; and
3. Recommend that DOH adopt new regulations on a suite of emerging contaminants that pose risks to New Yorkers' drinking water.

Risks to Human Health and Clean Water from Proposed Federal Rollbacks

Ever since the Trump administration announced its intention in [May 2025](#) to rollback the current federal PFAS limits, our organizations have [urged](#) you to [commit](#) to adopting these science-based safeguards so New Yorkers do not lose protections for their health. State residents deserve safe drinking water regardless of what happens in Washington.

At the two Council meetings held in 2025, however, DOH and the Council declined to take action, arguing that New York should wait to see exactly what rollback regulations EPA proposed.

On May 18, 2026, EPA issued those proposed regulations, which track closely with its May 2025 announcement. The [first](#) would allow water utilities to apply for a two-year delay in complying with the PFOA and PFOS Maximum Contaminant Levels (MCLs) of 4 ppt each, pushing compliance from 2029 to 2031, despite the fact that the prior administration already gave water utilities a generous 5-year compliance timeline, the maximum allowed by the Safe Drinking Water Act. The [second](#) would scrap entirely the Hazard Index to address cumulative PFAS exposure as well as the individual MCLs of 10 ppt each on PFNA, PFHxS, and GenX, leaving New Yorkers without any protections from these chemicals.

There is now no further reason for New York to delay action. It is time for you to use your authority under the Safe Drinking Water Act to set stronger drinking water protections than the federal government and insulate New Yorkers from EPA's reckless rollback. Other states, including [Maine](#), [Vermont](#), and [Wisconsin](#), have already come to this conclusion and have adopted state laws and regulations enshrining the current federal PFAS limits in their jurisdictions. New York State elected officials like [Attorney General James](#) and [US Senator Schumer](#) have also strongly opposed EPA's attempts to weaken PFAS protections.

Critically, the Trump EPA is not abandoning the scientific findings underlying the federal PFAS limits. Rather, EPA claims that the prior administration did not follow the proper procedure to promulgate the limits on PFNA, PFHxS, GenX, and PFBS, a claim that our organizations dispute and which does not affect your ability to adopt them in New York.

We know that EPA's proposed rollback will harm New Yorkers. At least [1.3 million New Yorkers](#) are exposed to PFOA and/or PFOS at levels that may exceed the federal MCLs of 4 ppt but that are below New York's MCLs of 10 ppt, meaning these New Yorkers could 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. EPA has concluded that there is no safe level of exposure to PFOA or PFOS.

New Yorkers also need protections from PFNA, PFHxS, GenX, and PFBS. These PFAS continue to be used by industries and put in products, eventually contaminating our water. According to [DEC data](#) on permitted discharges into New York's waters, PFNA has been detected as high as 7,280 ppt, PFHxS as high as 3,900 ppt, GenX as high as 98.8 ppt, and PFBS as high as 39,000 ppt. So long as PFAS remain in use, PFAS levels in drinking water are likely to rise over time. It is more health-protective to establish limits on these PFAS now rather than waiting for contamination to reach harmful levels before taking action. As an added benefit, these limits will ensure that water utilities operate filtration in ways that prevent these PFAS from "[breaking through](#)" filtration.

NYS Legislative Action

The New York State Legislature recognized that urgent action is needed to ensure New Yorkers have clean water when they turn on the tap. During the recent state legislative session, the NY Senate and Assembly both unanimously passed a bill ([A.8634-B/S.3207-B](#)) to 1) maintain the 2029 compliance deadline for the federal PFAS limits, and 2) codify the MCLs for PFOA, PFOS, PFNA, PFHxS, and GenX. The only difference between the bill and current federal regulations is that the bill does not codify the Hazard Index, and instead directs DOH to "report to the governor and the legislature by May 1, 2028 what additional requirements, if any, are warranted to address cumulative exposure to multiple PFAS."

We hope the Governor signs the bill and that you express your support for it. In the interim, DOH should prepare draft regulations to adopt the federal PFAS limits, including the Hazard Index, that can be issued as soon as the Governor provides her assent to waste as little time as possible. Nothing in the legislation prohibits DOH from adopting the Hazard Index, which would provide New Yorkers an interim protection against cumulative PFAS exposure (along

with protections against PFBS) while DOH examines whether additional protections, such as the inclusion of more PFAS covered by the Hazard Index, are needed.

Fortunately, there is significant state funding available to implement the federal PFAS limits and help utilities afford to install new treatment technology. New York has invested \$6.5 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 more remains available to help keep water both clean and affordable.

Addressing Other Emerging Contaminants

Finally, in addition to the above, we urge you to swiftly set long-delayed Notification Levels on 23 PFAS and other emerging contaminants. Legislation that the Governor [signed](#) in December 2021 required DOH to designate 23 PFAS chemicals as “emerging contaminants” by October 2022. In November 2023, you recommended that DOH set Notification Levels for these PFAS at the level of detection, which will ensure water utilities inform New Yorkers any time these PFAS are in their water and raise awareness about the need to prevent PFAS pollution across New York.

However, DOH has still not proposed these Notification Level regulations, despite now being more than three years past the statutory deadline to do so. Since that time, concerns about other contaminants like NDMA, disinfection byproducts, and cyanotoxins have increased, which we have also [called on](#) you [to address](#). Now is the time to move these regulations forward as a comprehensive package to safeguard our drinking water.

Thank you for your consideration of this public comment, and we look forward to working with you to ensure New York continues to be a national leader on PFAS and clean water.

Sincerely,

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