Comments from NHDES

Is there a reference for the basis of 100 ppm? Is this based on 1) purely a human health risk assessment, 2) a technologically-achievable limit, or 3) a practical limit of quantitation?

If it is based on #1, the NHDES Environmental Health Program would appreciate the opportunity to review the basis before supporting this number. If 100 ppm is based on #2 or #3, we can defer to your program's expertise on attainability of these goals.

Sufficient toxicological information is available on a select number of PFAS and not the category as currently defined. There is health data on only a dozen or so chemicals in the class.

Definition for PFAS appears to be too broad, leaving the door open for industry to take issue with it. Given that toxicological information is not available for many of the PFAS to be included in this broad definition, there could be a challenge to them meeting the criteria in Section 6.1.

Depending on how broad the definition ultimately is, there is a risk of regrettable substitutions. By eliminating an entire class of compounds, switching to alternative and perhaps entirely new chemistries is possible. How does the Clearinghouse plan to track new technologies?

Section 5

Was there a reason that PFAS were not included in the exemptions? Could there be unique cases where specific PFAS are the only feasible choice given the application and other considerations?

Section 6

Distinction between chemicals of concern and chemicals of high concern (6A). Asking for clarification as to whether all the chemicals indicated in the group (currently the 4 metals, and pending addition of PFAS and ortho phthalates), are considered chemicals of high concern (as defined by the criteria in Section 6.1), or if there would be specific chemicals of **high** concern that will be called out as a subset of the chemicals of concern [e.g. the MA TURA program has a 'more' hazardous substances list (from which they nominate Higher and Lower Hazard substances), which is a subset of the larger TURA Toxic or Hazardous Substance List. The substances on the Higher Hazard list in this case generally receive more focused attention and resources to reduce their use. Along those same lines, similar to the Lower Hazard substances concept, does the TPCH currently offer any guidance around chemicals of low concern, preferred substitutes? Perhaps that is beyond their scope. It would be good to track who is researching that and providing solutions.]

Section 8

This is similar to my comment above regarding the tracking of substitutes. It looks like this report could consider those new technologies. Would the description include any mention of toxicological profiles for the substitutes?