

Final Public Notification Recommendation Memo

To: EGLE MPART

From: CAWG

Date: July 13, 2021

On November 13, 2017, Governor Snyder signed Executive Order 2017-4 regarding MPART.

The following excerpt is foundational to this memo in which the CAWG makes the following recommendations to MPART regarding prompt notification to all stakeholders, most notably citizens, about PFAS contamination investigations that could impact drinking water wells, surface water and/or other exposure pathways near a PFAS investigation site.

“[MPART] shall direct the implementation of the state's action strategy which includes, but is not limited to research, identify, and establish PFAS response actions relative to the discovery, communication, and mitigation of PFAS. To the extent practicable, the [MPART] shall do each of the following...

D. Perform state and local public outreach in order to ensure that residents in the impacted areas, including all members of the community, local government, corporate and non-profit partners, and impacted stakeholders are informed, educated and empowered.”

On March 9, 2021 the Michigan Department of Environment, Great Lakes and Energy (EGLE) Michigan PFAS Action Response Team (MPART) Executive Director charged the Community Action Work Group (CAWG) Engaging the Public Subcommittee (the Subcommittee) to develop a proposal to inform citizens about PFAS contamination investigations that could impact drinking water wells, surface water and/or other exposure pathways near the investigation site.

The Subcommittee has since held three work sessions of its own, as well as a fourth work session with the entire CAWG. Members of the Subcommittee have attended over 21 PFAS informational, local leaders or town hall meetings held by MPART since March 9, 2021. Of the 17 unique sites addressed by these meetings, one had PFAS contained at the site, five had only surface water detections of PFAS compounds, six had surface water and residential well contamination by PFAS compounds and five had surface water detections of PFAS compounds and likely drinking water well contamination above at least one of the State of Michigan PFAS Minimum Contamination Levels (MCLs).

To date, MPART has identified 170 PFAS sites and the Subcommittee realizes that there could be hundreds of additional PFAS site investigations in the future. It is essential that public health is the paramount concern as these investigations continue. Informing the public of PFAS investigations taking place near their residences and community needs to be done as each investigation begins.

Therefore, the MPART Informing the Public Sub-Committee is recommending that the CAWG consider proposing to MPART the following actions for implementation by MPART.

Policy and Guiding Principles. The policy of the State of Michigan should be to fully notify any and all potentially impacted individuals as soon as the State has information sufficient to commence an investigation of possible PFAS contamination or exposure and to keep those individuals fully and timely apprised of all material developments throughout the course of the investigation. The following recommendations are intended to provide guidance for implementing that policy. These recommendations should be interpreted in all instances to effectuate the policy's fundamental and guiding principles, which are (i) that potentially impacted individuals have the right to know, immediately, all relevant information about the risks of the possible PFAS exposure(s) being investigated, and (ii) that those individuals have the right to make their own timely and informed health decisions (and to provide input to the State) when an investigation is begun and as it unfolds. Accordingly, whenever there is doubt or uncertainty as to whether, when or the extent to which an individual should be notified, the State should err on the side of full notification, without delay.

1) **Qualifying Investigation** – EGLE/MPART should notify the public of all PFAS Investigations with the potential to impact any household or other water supply, body of surface water, or other exposure pathway. This notification must be provided at the beginning of any investigation or any current investigation. Direct notification at a minimum must be given to local units of government and potentially impacted households and individuals.

2) **What Constitutes Initial Notice** - Prior Subcommittee discussions reached a conclusion that notification should, as a minimum, require “notice to impacted and potentially impacted households and individuals, regardless of property ownership status, local units of government, including but not limited to local government, health departments, and local media outlets.” Notice should include a brief summary of:

a) The basis for the Investigation – e.g., historical records, sampling, type of facility, witnesses etc.

- b) What PFAS Chemicals are likely or possibly Involved -including known associated health risks
- c) Extent of the Contamination – to the extent known. If not known, explain why & provide timeline
- d) Next Steps – if known, including expected sampling schedules, testing planned and drinking water treatment.
- e) Residential Well Sampling and Testing – directing residents to information and expertise on how to sample their own well water if concerned.
- f) Contact Information – provide the names of state and local officials familiar with the site, with the investigation(s) and with PFAS contamination generalities and specifics.

3) **Need for Ongoing Progress Notification** – Water and other test results and other relevant information should be released for public access, with notification, as soon as the data are verified to have met laboratory Quality Assurance/Quality Control (QA/QC) criteria. If responsible parties are not investigating as required, let neighbors and the media know. Rather than waiting for all testing to be completed smaller batches of qualified test results should be released to the public as they become available.

4) **Provide Education Resources** – including an on-line easily accessible periodically-updated PFAS 101 course and includes content on residential drinking water wells, as well as links to local resources including names and contacts for local health department and medical expertise.

5) **Continued Development of the Web Based PFAS Contamination Location System** – currently anticipated for first quarter of 2022, such a computerized mapping system would allow private drinking water well owners across the state to independently gauge PFAS hazards in their area based on available information.