

DWQI Meeting: PFNA – Proposed  
Drinking Water MCL  
Recommendation

June 4, 2015

Trenton, N.J.

## DWQI Response to General Comments:

**General Comments:** At the outset, I want to acknowledge that the DWQI members appreciated the substantive and technical comments that were submitted by a number of stakeholders.

The comments as received from the submitting group were posted on the website in part to ensure transparency for all interested individuals.

Having a number of outside interested parties read through the document pointed out areas where clarification was needed within tables and text, and resulted in some modifications within the document.

Each comment was directed to the specific subcommittee that it dealt with. The comments that were substantive were discussed, and the subcommittee came to consensus as to the merit of the comment and whether a change in the DRAFT documents should be made.

## **Public Participation:**

The DWQI employed a new public participation process to ensure transparency. As we are about to hear, comments received during this process resulted in amendments to the draft recommendation reports. The following opportunities were provided with respect to the development of a PFNA MCL recommendation over the last year:

- April 29, 2014 meeting – announced opportunity to present to the subcommittee.
- Request to provide technical information - May – August; chemical by chemical.
- April 6, 2015 – draft documents posted; written comments accepted through May 7<sup>th</sup>.
- April 8, 2015 – oral comments accepted.
- June 4, 2015 – oral comments accepted.

## **Provocative Non-Technical Comments:**

Any comments that were not substantive or technically relevant (including those regarding individual DWQI members) were not considered appropriate or relevant to the scientific task of developing an MCL recommendation.

## **Data Considered:**

Although this matter will be addressed in more detail by the Health Effects subcommittee as it relates to their report, some commenters asked DWQI to include data for which there was no documentation of study design, study oversight, IRB or peer reviewed/assessment for the design or data validation. If this documentation is not provided the DWQI members feel the data is not to be considered.

## Regulatory Comments:

The DWQI received some comments that seemed to confuse the DWQI's role vs. the Department's (NJDEP) role. The DWQI makes a **recommendation** to the Commissioner with supporting scientific documentation. The DWQI's recommendation does not have the effect of a rule.

The Department then can decide whether to propose an MCL as an amendment to the NJ Safe Drinking Water Act rules. The NJDEP can and has adopted rules that differ from the DWQI recommendations.

The NJDEP rulemaking process includes a stakeholder process and various analyses, including an economic impact statement, as well as a rule proposal and opportunity for public comment. If the proposed rule is adopted, a formal response to comments is provided.

The NJDEP is directed to consider a number of principles by Executive Order No. 2, which a few commenters referenced; **the DWQI, is not an “agency” as described in this order, and does not establish regulations or policy.** It is therefore not subject to the requirements in Executive Order No. 2.

## **Statutory Obligations:**

The DWQI is aware of its statutory obligations as set forth in N.J.S.A. 58:1A-20d. These obligations have been met. The DWQI is still awaiting appointment of several members, but these nominations are not at the discretion of me or any of the members of the DWQI.

**My comments and the Power Points to be presented by the DWQI subcommittees will be posted on the web site from each of the subcommittee presenters as they address how various comments were incorporated and the proposed recommendations.**