



November 18, 2022

Katherine Ceroalo  
New York State Department of Health  
Bureau of Program Counsel, Regulatory Affairs Unit  
Corning Tower, Empire State Plaza, Rm. 2438  
Albany, NY 12237

**RE: HLT-40-22-00002-P Amendment of Subpart 5-1 of Title 10 NYCPP (Maximum Contaminant Levels (MCLs))**

Dear Katherine Ceroalo,

On behalf of the Water Quality Association (WQA), the International Association of Plumbing and Mechanical Officials (IAPMO), and NSF, we would like to offer our technical assistance to the NYS Department of Health regarding recent efforts to address PFAS and emerging contaminants in drinking water. While our associations do not provide direct recommendations on appropriate MCL levels for PFAS chemicals, we hope you will utilize our technical expertise when considering amendments to Subpart 5-1 of Title 10 NYCPP (Maximum Contaminant Levels (MCLs)) and responding to contamination.

Setting MCLs and monitoring water supplies is the first step in navigating drinking water challenges. However, regulating and responding to contamination is a complex task. When an MCL is established and areas of contamination are identified, the public will begin looking for ways to remediate these health contaminants or look to the state to provide short-term or long-term relief. Ensuring water systems comply with new MCLs can take some time; so it is important for residents to have knowledge and accessibility of available technology. This includes understanding the feasibility of certain options such as Point-of-Use (POU) and Point-of-Entry (POE) water treatment systems; many of which are already playing a role in mitigating PFAS in drinking water.

Final barrier technologies can be deployed immediately in response to public health concerns and are being utilized today in many households, businesses, and schools. For example, Granular Activated Carbon (GAC) and Reverse Osmosis (RO) POU systems are especially effective at reducing PFAS as well as other health-based contaminants.<sup>1</sup> Furthermore, these technologies are tested and certified to national standards by third-party certification bodies. These national standards have been developed with the participation of all interested and affected stakeholders including manufacturers, non-profits, advocacy organizations, representatives of government (such as the EPA), and academia.

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<sup>1</sup> Zhou, Z. (2022). Emerging Contaminant Removal and Microbial Growth in POU Membrane Filtration and Activated Carbon. Unpublished manuscript. Purdue University. Retrieved from <https://www.wqrf.org/completed-studies.html>



Currently, two existing national standards for certified water filtration systems offer elective claims to reduce PFOA and PFOS. Those are NSF/ANSI 53: *Drinking Water Treatment Units – Health Effects* and NSF/ANSI 58: *Reverse Osmosis Drinking Water Treatment Systems*. These standards cover material safety, structural integrity, and elective health-related contaminant claims. Under the 2023 editions of these standards (which will be published in early 2023), water filtration systems certified to PFOA and PFOS reduction claims will be required to reduce PFAS concentrations in water to a cumulative 20 ppt. Additional PFAS compounds in the scope of the 2023 standard and their respective maximum effluent concentrations are included in Table 1. The threshold of 20 ppt for PFOA and PFOS has been determined based on the validation of routinely achievable analytical sensitivity. As technology advances in PFAS detection, ideally, subsequent editions of these drinking water standards would continue to drive to lower PFAS detection limits and an increasingly comprehensive list of PFAS analytes. Based on the continued efforts of drinking water certification bodies to advance PFAS reduction, POU and POE drinking water treatment systems certified by an accredited third party to the relevant NSF/ANSI standards can play a crucial role in reducing exposure to specified PFAS.

We welcome the opportunity to help support the mitigation of PFAS in drinking water and would be willing to serve as a resource to the Department. Thank you for your consideration of this important matter and for working to ensure the health and well-being of New Yorkers.

Sincerely,

Jim Scarborough, Director of Government Affairs, IAPMO  
Harold Chase, Director of Legislative & Regulatory Affairs, NSF  
Jeremy Pollack, Director of Government Affairs, WQA



### **About IAPMO**

IAPMO was founded in 1926 by government officials in the US to protect public health and safety by developing the most progressive and technically advanced plumbing, mechanical, and water efficiency codes in the world. A large part of IAPMO's work focuses on product testing for the industry. Our research and testing labs are capable of testing products to more than 400 standards and we provide testing to new plumbing products that enter the market every year. These include such devices as showerheads, faucets, and water filters. Our rigorous process includes following the criteria of the American National Standards Institute (ANSI) and the International Organization for Standardization (ISO).

### **About WQA**

WQA is a not-for-profit trade association representing the residential, commercial, and industrial water treatment industry with over 2,700 members worldwide. Since its creation in 1974, WQA has worked tirelessly to improve water quality through sustainable technologies and services. Our members are manufacturers, dealers, and distributors who specialize in point-of-use (POU) and point-of-entry (POE) water filtration systems, which treat water at the tap or entry point of a home or building. WQA also operates an American National Standards Institute (ANSI) accredited testing and certification laboratory that certifies water filtration products to nationally accepted industry standards for contaminant removal.

### **About NSF**

NSF is an independent, not-for-profit organization founded in 1944 in Ann Arbor, MI that develops consensus national standards, provides product inspection, testing and certification, auditing, education, and related services in public health and safety. The core purpose of NSF is to "protect and improve human and environmental health." NSF has a long history of working with the EPA, FDA, USDA, CDC, and health related governmental entities at the state and local levels, as well as international bodies. NSF is a Collaborating Centre of the World Health Organization for Food Safety, Water Quality, and Medical Device Safety. NSF/ANSI 53 and NSF/ANSI 58, American National Standards developed by NSF, allow for the certification of some point of use and point of entry drinking water treatment units to reduce the levels of specified contaminants in drinking water.

Table 1. PFAS compounds in the scope of NSF/ANSI 53 & 58 2023 update

Analytes	LOQ (ppt)	Calibration Range (ppt)	Task Group Max Effluent (ppt)
HFPO-DA (GenX)	100	100-10000	135
PFBS	10	10-1000	10
PFDA	5	5-1000	10
PFHpA	5	5-1000	20
PFHxS	10	10-1000	30
PFNA	5	5-1000	6
PFOS	20	20-1000	20 (PFOS and PFOA)
PFOA	20	20-1000	