



State of Oregon Department of Environmental Quality

Post RAC Meeting 1 Feedback

PFAS 2025 Rulemaking

Introduction

The following summarizes feedback received from the rulemaking advisory committee (RAC) members following the first RAC meeting on Nov. 19, 2024 via email and discussions as well as two comment letters included as attachments. A summary of the discussion that took place during the RAC meeting is available in the Meeting Minutes, available on the [rulemaking website](#).

Comments in response to discussion topic: disproportionately impacted populations and communities

- Minorities and disadvantaged communities experience daily unfairness, including access to environmentally safe drinking water, food, and living conditions, with indigenous Tribal communities in particular being disproportionately impacted.
- Tribal populations are many times more likely to experience disease and chronic illness, terminal and non-terminal, compared to the larger population. Environmental conditions contribute to these discrepancies.
- Despite Treaty rights for access to clean and healthy fish and game for federally recognized Tribes, Tribes are still significantly more likely to experience impacts by contaminated food and water compared to the larger population.
- Pacific Northwest Tribes consume tens or hundreds of times more fish compared to the larger population, making them more vulnerable to contaminants that bioaccumulate in fish, especially children and pregnant or nursing parents.

Comments in response to discussion topic: enforcement, exemptions, and liability

- Excluding closed sites or sites with No Further Action determinations from this rulemaking would do little to nothing to address legacy contamination that already exists and affects Tribes and other populations disproportionately. For example, this approach would not address PFAS contamination in water and fish.
- Excluding closed sites or sites with NFAs from this rulemaking would result in many sites with no regulatory means for remediation.
- In many cases, new releases will likely be relatively insignificant compared to existing and historical releases. As a result, responsible parties would not be held accountable, and Oregonians and the environment would not be protected.
- Reopening all sites with NFAs would be excessive, but prioritizing and reevaluating these sites on a case-by-case basis would be warranted. For example, higher priority

Translation or other formats

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sites could include facilities such as airports, fire training areas, and metal plating facilities, while lower priority sites could include facilities such as small paint shops.

- In some cases, an initial assessment of a site's current and historical activities may negate the need for further investigation and actions.

Comments regarding the discussion topic: rule scope

- How will potential additional PFAS added as hazardous substances at a later date be handled in existing investigations and cleanups?
- Adding PFOA and PFOS as hazardous substances now and potentially adding additional PFAS compounds later may result in lengthy delays or high costs at sites with ongoing or completed investigations, evaluations of cleanup alternatives, or cleanup actions.
- A total PFAS approach should be considered to avoid duplicative efforts, though addressing PFOA and PFOS at sites may also address other PFAS compounds.

Points of clarification requested

- Clarify whether other legacy contaminants have exemptions for certain industries.
 - DEQ notes that some limited exemptions for certain parties exist for Oregon hazardous substances rules, as described in [OAR 340-122-0030](#).
- Clarify the scope of the Cleanup Program and rulemaking.
- Clarify why additional PFAS compounds aren't proposed.
- Clarify when the Cleanup Program may become involved at sites.
- Clarify rulemaking impact to wastewater.
- Clarify what input DEQ is seeking from the RAC.

Links to scientific studies provided for reference

- [Nonlethal detection of PFAS bioaccumulation and biomagnification within fishes in an urban- and wastewater-dominant Great Lakes watershed - PubMed](#)
- [Is the fresh water fish consumption a significant determinant of the internal exposure to perfluoroalkylated substances \(PFAS\)? - ScienceDirect](#)
- [Perfluoroalkyl substances and fish consumption - ScienceDirect](#)
- [Fish consumption benefits and PFAS risks: Epidemiology and public health recommendations - ScienceDirect](#)

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