



EPA Region 10 Tribal Operations Committee (RTOC)
P.O. Box 689
Spokane, Washington 99210
www.region10rtoc.net

April 28, 2025

Office of Water
Health and Ecological Criteria Division
U.S. Environmental Protection Agency
1301 Constitution Ave. NW
Washington, D.C. 20460

SENT VIA REGULATIONS.GOV

RE: EPA-HQ-OW-2024-0454; Draft National Recommended Ambient Water Quality Criteria for the Protection of Human Health for Perfluorooctanoic Acid, Perfluorooctane Sulfonic Acid, and Perfluorobutane Sulfonic Acid

Dear Administrator Zeldin:

This letter is sent on behalf of the Tribal Caucus members of EPA Region 10's Tribal Operations Committee ("RTOC"). This letter is not sent on behalf of EPA Region 10 or any employees of EPA, but solely tribal government representatives of the RTOC.

This letter is sent regarding the draft national recommended ambient water quality criteria for Perfluorooctanoic Acid ("PFOA"), Perfluorooctane Sulfonic Acid ("PFOS"), and Perfluorobutane Sulfonic Acid ("PFBS"). The RTOC supports this action and recommends further action as being consistent with statutory obligations, the Federal Government's trust relationship with Tribes, and specific treaty provisions which depend on the health of the nation's waters and aquatic life. As the White House stated on April 22, PFAS chemicals are "linked to significant long-term health conditions," which should be stopped from "infiltrat[ing] the water supply."¹ Consistent with this recognition, the RTOC suggests that PFAS be regulated as a class, rather than a piecemeal regulation that allows for more forever chemicals to be made while single variants are considered.

¹ White House, "On Earth Day, We Finally Have a President Who Follows Science," available at: <https://www.whitehouse.gov/articles/2025/04/on-earth-day-we-finally-have-a-president-who-follows-science/>

1. The Criteria Properly Consider Both Ingestion and Fish Consumption

Fish consumption is a serious matter for Tribes of the Pacific Northwest and Alaska Native Villages. Fish compose a disproportionately large amount of Indigenous People's diet relative to the US population as a whole. Fish are both nutritionally and culturally essential. In order for water to be conducive to human health, the aquatic life in that water must be edible.

Furthermore, many Tribes in the Pacific Northwest have treaties which guarantee the right to fish; this promise is made hollow when the fish are poisoned. For these reasons, the RTOC supports the EPA's promulgation of recommended human health criteria for fish consumption as well as ingestion of the water.

2. The Scope is Properly Limited to Scientific Considerations, Not Feasibility

The Clean Water Act mandates that the EPA provide national criteria based on science, and not the economic impacts or technological feasibility. This limitation is important for both States and Tribes in promulgating binding water quality standards of their own. By limiting the criteria's scope to the purely technical questions of the adverse effects of PFAS, Tribes are enabled to apply those conclusions to the circumstances of their lands. Although there are questions regarding the attainability of these limits, the promulgation of these criteria is essential for informed decision-making by the actual implementers of the Clean Water Act: States and Tribes.

3. PFAS Should Be Regulated as a Class

To better protect the human health and the environment from PFAS contamination, regulation and recommended human health criteria should address PFAS as a class. Addressing these chemicals individually is too slow in light of the durability of the chemical class. While the EPA addresses the consequences of mass producing PFOS, which was voluntarily stopped 20 years ago, industry has already begun the mass production of other PFAS. PFOS production changed to PFBS, GenX, or other PFAS production. The class of PFAS contains many iterations of similar chemicals, many of which have different Chemistry Abstract Service registry numbers. Most, if not all, of these chemicals will remain in the environment and in our bodies once produced. Effective regulation cannot be done through a piecemeal consideration of each iteration of PFAS when there is no effective means of eliminating dangerous chemicals that have already been made. Regulating as a class would ensure that regulatory "whack-a-mole" does not result in even more forever chemicals saturating the environment.

4. The Promulgation of These Criteria Are Statutorily Mandated

The Clean Water Act requires that the EPA promulgate criteria for the protection of water quality and human health that accurately reflect the latest scientific knowledge.² In light of the previously promulgated regulations on certain PFAS under the Toxic Substance Control Act,³ it is generally known that these chemicals are hazardous to human health. As such, the RTOC supports the EPA in the promulgation of this recommended criteria for certain PFAS chemicals

² 33 U.S.C. § 1314(a).

³ 67 Fed. Reg. 11008-13 (Codified in 40 C.F.R. pt. 721).

in water, as it is both statutorily mandated and helpful for the protection of human health and the environment.

5. Conclusion

The RTOC supports the EPA's promulgation of these recommended ambient water quality criteria for certain PFAS chemicals. By considering both the ingestion of waters and the consumption of aquatic life, the criteria appreciate the significance of fish to the Indigenous Peoples of the Pacific Northwest and Alaska. Through these recommended criteria, the EPA is better facilitating Tribal sovereignty and empowering Tribes to be meaningfully informed when setting their own water quality standards, thereby furthering the goals of the Clean Water Act. The RTOC also recommends the furtherance of the EPA's efforts to research and address the hazards of PFAS in the environment, and suggests that this could be better done by regulating the chemicals as a class.

The RTOC appreciates your consideration of these comments.

Sincerely,

A handwritten signature in cursive script that reads "Raymond Paddock".

Raymond E. Paddock III
Central Council of the Tlingit and Haida Indian Tribes of Alaska
Region 10 Tribal RTOC Chair