

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO) R2022-018
GROUNDWATER QUALITY) (Rulemaking – Public Water Supply)
(35 Ill Adm. Code 620))

NOTICE

TO: SEE ATTACHED CERTIFICATE OF SERVICE LIST

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the AMERICAN CHEMISTRY COUNCIL'S PRE-FILED QUESTIONS to the PRE-FILED TESTIMONY OF DR. ROBYN PRUEITT, GRADIENT CORPORATION, in the matter of the Illinois Environmental Protection Agency's proposed amendments to groundwater quality, a copy of which is herewith served upon you.

Dated: October 27, 2022

Respectfully Submitted,

AMERICAN CHEMISTRY COUNCIL

By: /s/ Stephen P. Risotto
Stephen P. Risotto
Senior Director
Chemical Products and Technology
Division

700 2nd Street, Northeast
Washington, DC 20002
(202) 249-6727
srisotto@americanchemistry.com

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO) R2022-018
GROUNDWATER QUALITY) (Rulemaking – Public Water Supply)
(35 Ill Adm. Code 620))

**AMERICAN CHEMISTRY COUNCIL PRE-FILED QUESTIONS
TO THE PRE-FILED TESTIMONY OF DR. ROBYN PRUEITT, GRADIENT
CORPORATION**

1. To calculate its proposed groundwater standards for the seven PFAS, IEPA uses USEPA's Screening Level Hierarchy for selecting toxicity values developed by other agencies, which is intended for use in the derivation of screening levels at contaminated sites.
 - Are there issues with using USEPA's Screening Level Hierarchy for choosing toxicity values for use in developing groundwater standards?
2. Some of the standards proposed by IEPA are derived from an analysis conducted by the Agency for Toxic Substances and Disease Registry (ATSDR). For its analysis ATSDR only considered studies with animal strains that had pharmacokinetic model parameters to derive its toxicity values for PFAS.
 - What are the concerns with the approach taken by ATSDR to derive toxicity values?
3. IEPA indicates that PFOA meets the definition of a carcinogen because the International Agency for Research on Cancer (IARC) has classified PFOA as "possibly carcinogenic to humans."
 - What does the IARC classification of "possibly carcinogenic to humans" mean?
 - What other substances are listed by IARC as "possibly carcinogenic to humans?"
 - Is an IARC listing as possibly carcinogenic an adequate basis for IEPA to conclude that PFOA causes cancer in humans?
4. IEPA used a cancer slope factor derived by OEHHA as the toxicity value for its proposed standard for PFOA. In deriving its value, OEHHA uses a linear dose-response model for carcinogenic effects of PFOA.
 - Is a linear dose-response model appropriate for evaluating PFOA carcinogenicity?

5. OEHHA's cancer slope factor for PFOA is based on the results of a carcinogenicity study in laboratory rats.
 - Is the rat cancer study scientifically sound?
 - Does the rat study provide evidence to suggest human carcinogenicity of PFOA?
6. In developing toxicity values toxicologists select the dose at which no adverse health effects were observed to occur or are predicted to occur. USEPA considers adverse effects to be those that cause harm to the normal functioning of the test species.
 - Is there evidence that any of the effects used to derive the toxicity values chosen by IEPA should be considered to be non-adverse?
 - What is the significance of a non-adverse effect?
 - Is it appropriate to base a toxicity value on a non-adverse effect?
7. Most of the toxicity values on which the IEPA proposed standards are based, including the values for the seven PFAS, are derived from studies in laboratory mice and/or rats. While it is often assumed that the effects seen in the laboratory studies are relevant to humans, available evidence indicates that some observed effects are unique to the rodent species and not of human relevance.
 - Is there evidence that any of the critical effects that form the basis for the toxicity values chosen by IEPA are not relevant to humans?
 - Is it appropriate to base a toxicity value on a health effect that is not relevant to humans?
8. The toxicity values for the seven PFAS selected by IEPA include several uncertainty factors that add an additional level of conservatism to the calculation.
 - Is the use of uncertainty factors in the derivation of the toxicity value chosen by IEPA appropriate for each PFAS?
9. Several different toxicity values have been published since the IEPA first released its proposal more than a year ago.
 - Should IEPA consider those more recent toxicity values?
 - Can the more recent values be viewed to either support or conflict with the IEPA's proposal?

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have today filed the attached NOTICE OF FILING and PRE-FILED QUESTIONS to the PRE-FILED TESTIMONY OF DR. ROBYN PRUEITT in PCB R2022-18 upon the below service list by electronic mail.

Dated: October 27, 2022

Respectfully Submitted,

AMERICAN CHEMISTRY COUNCIL

By: /s/ Stephen P. Risotto
Stephen P Risotto
Senior Director
Chemical Products and Technology
Division

700 2nd Street, Northeast
Washington, DC 20002
(202) 249-6727
srisotto@americanchemistry.com

Service List

Melissa S. Brown

Melissa.brown@heplerbroom.com

HeplerBroom LLC

4340 Acer Grove Drive

Springfield, IL 62711

Sara Terranova, Assistant Counsel

sara.terranova@illinois.gov

Nicholas E. Kondelis, Assistant Counsel

Nicholas.E.Kondelis@illinois.gov

Illinois Environmental Protection Agency

1021 North Grand Avenue East

PO Box 19276

Springfield, Illinois 62794

Don Brown, Clerk of the Board

don.brown@illinois.gov

Vanessa Horton, Hearing Officer

Vanessa.Horton@Illinois.gov

Chloe Salk, Hearing Officer

Chloe.Salk@illinois.gov

Illinois Pollution Control Board

100 West Randolph Street

Suite 11-500

Chicago, Illinois 60601

Jorge T. Mihalopoulos, Head Assistant
Attorney

jorge.mihalopoulos@mwrld.org

Susan T. Morakalis, General Counsel

morakaliss@mwrld.org

J. Mark Powell, Senior Attorney

PowellJ@mwrld.org

**Metropolitan Water Reclamation District
of Greater Chicago**

100 E. Erie Street

Chicago, IL 60611

Frederic P. Andes

fandes@btlaw.com

Barnes & Thornburg

One North Wacker Drive

Suite 4400

Chicago, Illinois 60606

Claire A. Manning

cmanning@bhslaw.com

Anthony D. Schuering

aschuering@bhslaw.com

Brown, Hay & Stephens, LLP

205 South Fifth Street

Suite 700

Springfield, IL 62705

Nessa Coppinger

ncoppinger@bdlaw.com

Daniel Schulson

dschulson@bdlaw.com

Matthew Schneider

mschneider@bdlaw.com

Beveridge & Diamond, PC

1900 N Street, NW

Washington, DC 20036

Renee Snow, General Counsel

renee.snow@illinois.gov

**Illinois Department of Natural
Resources**

One Natural Resources Way

Springfield, Illinois 62702-1271

Ellen F. O'Laughlin, Senior Assistant
Attorney General

Ellen.Olaughlin@ilag.gov

Jason James, Assistant Attorney General

Jason.James@ilag.gov

Office of the Attorney General

69 West Washington Street

Suite 1800

Chicago, IL 60602

Sandra Carey

sandracarey@imoa.info

International Molybdenum Association

454-458 Chiswick High Road

London W4 5TT

United Kingdom

Joshua R. More

Joshua.More@afslaw.com

Bina Joshi

Bina.Joshi@afslaw.com

Sarah L. Lode

Sarah.Lode@afslaw.com

ArentFox Schiff LLP

233 South Wacker Drive

Suite 6600

Chicago, IL 60606

James M. Morpew

jmmorpew@sorlinglaw.com

Sorling Northrup

1 North Old State Capitol Plaza

Suite 200

Springfield, IL 6270