



# Overview of Proposed Rule Changes

November 1, 2021

During the October 13, 2021, State Board of Health (board) public meeting, the board adopted revisions to the Group A rule (chapter 246-290 WAC) and the Lab rule (chapter 246-390 WAC) to address concerns about Per- and Polyfluoroalkyl Substances (PFAS). These contaminants do not have a state or federal maximum contaminant level (MCL). The board and the department were concerned because almost a dozen public water systems and a dozen private wells in five areas of the state have PFAS contamination in their groundwater supplies above EPA and other states health advisory levels. The revisions made to chapter 246-290 WAC necessitated changes to chapter 246-390 WAC so that the requirements are consistent between the two chapters.

The adopted revisions to the Group A rule improve public health protections by setting a regulatory standard for PFAS chemicals in Washington state. The adopted revisions include requirements for monitoring, recordkeeping and reporting, follow-up actions, and other associated requirements for PFAS and other unregulated contaminants with established state standards. The rule revision also includes technical and editorial changes as needed.

The adopted revisions to the Lab rule include laboratory reporting and notification requirements for PFAS as well as technical and editorial changes. Below is a summary of the adopted rule changes followed by a limited list of definitions that help explain core features of the rule.

WAC 246-390 Section Number and Title	Summary of Changes
<b>-010 Definitions, abbreviations, and acronyms</b>	<ul style="list-style-type: none"> <li>● Added a definition for:               <ul style="list-style-type: none"> <li>○ All units of measure.</li> <li>○ Bioaccumulative.</li> <li>○ Contaminant.</li> <li>○ State action level.</li> <li>○ Tentatively identified compounds.</li> </ul> </li> <li>● Updated definition for:               <ul style="list-style-type: none"> <li>○ Chronic.</li> <li>○ Confirmation.</li> </ul> </li> </ul>
<b>-050 Reporting contracted analytical results</b>	<ul style="list-style-type: none"> <li>● Added:               <ul style="list-style-type: none"> <li>○ Labs must let the public water system know when they plan to subcontract a sample to another lab.</li> <li>○ Lab must notate on the final paperwork to the public water system what analysis was subcontracted.</li> </ul> </li> <li>● Separated contracted and contracting lab responsibilities for clarity.</li> </ul>
<b>-065 Notification requirements</b>	<ul style="list-style-type: none"> <li>● Added:               <ul style="list-style-type: none"> <li>○ PFAS notification requirements.</li> <li>○ After-hours contact notification.</li> </ul> </li> <li>● Replaced text with an easy-to-read chart.</li> </ul>

## -075 Reporting

- Changed:
  - Chronic reporting timeline from 45 business days to 30 calendar days.
- Added:
  - Sub-section 17 for PFAS contaminants.
  - "Standard" reporting language e.g., if there is a detection above the state detection reporting limit then report it to the department.
  - Section requiring labs to report tentatively identified compounds when technologically feasible.
  - PFAS contaminants to the table of contaminants.

## -085 Enforcement

- Updated:
  - Language to follow the department's new enforcement guidelines and terminology.

For detailed information about the proposed changes, go to [doh.wa.gov/ODWRulemaking](https://doh.wa.gov/ODWRulemaking).

## Contacts

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For more information visit our [PFAS Webpage](#) and [Timeline](#).



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