

## **BUSINESS & ECONOMY**

# **PFAS Continue To Be a Priority Among Some NH Lawmakers**

By **Ani Freedman** 16 hours ago



*ANI FREEDMAN photo*

People stood opposite Saint-Gobain's facility on Daniel Webster Highway in Merrimack for an hour, smiling and waving signs with various messages in August.

By ANI FREEDMAN, InDepthNH.org

In the months that followed the sudden announcement that [Saint-Gobain Performance Plastics would be closing](https://indepthnh.org/2023/08/23/saint-gobain-closing-merrimack-plant/) (<https://indepthnh.org/2023/08/23/saint-gobain-closing-merrimack-plant/>) their Merrimack plant, the fight against PFAS pollution continued.

Several state Representatives have not relinquished their demands for accountability, healthcare support, and systemic change in how PFAS, or forever chemicals, are addressed.

In the wake of Saint-Gobain's PFAS pollution into the drinking water in and around Merrimack, legislators are working to ensure that once the company is gone next year, citizens will not be forgotten.

Nancy Murphy, D-Merrimack, has been one of the legislators leading the battle. Since she was first elected to the House in 2018, she has been known as a "Water Warrior" in her efforts to combat PFAS in Merrimack. She has five bills in the upcoming House session that are related to the impacts of PFAS and environmental pollution. One of those bills would help hold Saint-Gobain accountable, even as their facility shuts down.

"This bill is an attempt to have polluters take some responsibility for the risk they cause to the community that they reside in," Murphy said over the phone. "The victims are paying for these things, not only in the health costs, but in the long-term fallout from this."

The bill would provide "for perfluoroalkyls (PFAS) facility liability for contaminations of groundwater quality standards according to federal regulations." It defines a PFAS facility as "any site, area, or location where PFAS is or has been used, treated, stored, generated, disposed of, or otherwise come to be located."

If this bill passes, then a PFAS facility found to have released concentrations of PFAS compounds greater than 100 parts per trillion into groundwater or surface water must decommission all manufacturing equipment and air pollution control devices used to manage PFAS-containing waste or materials. They will also have to remove interior and exterior structures “where materials or wastes containing PFAS are or have been used, stored, treated or otherwise managed.”

“If they’re willing to put other people and places at risk, they should certainly be willing to clean it up,” Murphy said.

PFAS, or per- and polyfluoroalkyl substances, are described by the EPA as long-lasting chemicals that break down slowly over time—giving them the “forever chemicals” nickname—and bioaccumulate in the body as people are repeatedly exposed over time, increasing risk for various health impacts.

Two of Murphy’s other bills involve commissions that address PFAS pollution in the state. The first would re-establish the commission to investigate the environmental and public health impacts of PFAS in Merrimack, Bedford, Londonderry, and Litchfield, also known as the HB 737 commission, for five more years. The second extends the commission to study environmentally-triggered chronic illness, such as those linked to PFAS pollution which include kidney, testicular, and other cancers, increased cholesterol, and increased risk of high blood pressure, according to the CDC (<https://www.atsdr.cdc.gov/pfas/health-effects/index.html>).

Murphy has also filed a bill to include pediatric cancer as a “priority action” in the state health improvement plan (<https://www.dhhs.nh.gov/sites/g/files/ehbemt476/files/documents/2021-11/nh-ship-plan-2013-2020.pdf>). This bill does not directly involve PFAS, but Murphy sees a link between childhood health impacts and environmental toxins. She said the Department of Health and Human Services seems supportive of the bill. Murphy said the goal of this bill is to have parents give input to the state regarding the “survivability issues” after their child is diagnosed with cancer.

“That’s something Republicans and Democrats alike can get behind,” Murphy said.

The current state health improvement plan, which covers 2013 to 2020, does not include any reference to PFAS either, Murphy pointed out, but she hopes that will change in the future. “It should be in there,” Murphy said.

The fifth bill related to PFAS that Murphy filed directly impacts her fellow “Water Warrior” and State Rep. Wendy Thomas, D-Merrimack. The bill would amend the New Hampshire Safe Water Drinking Act to hold liable a facility for cost of blood testing for those who lived in, worked at, or attended school at a property potentially impacted by that polluting facility. The bill defines the liable facility to be where “a release of PFAS associated with non-household activities” that has resulted in “combined concentrations of groundwater or surface water greater than 100 parts per trillion for which they are already regulated.”

Thomas, who was diagnosed with breast cancer in May 2022, discovered through blood testing (<https://indepthnh.org/2023/08/29/state-rep-saint-gobain-leaves-but-health-impacts-of-pfas-are-here-to-stay/>) that her blood levels for PFOA, a highly toxic PFAS chemical, was greater than 99% of the general population in the country. Her blood test wasn’t covered by insurance nor Saint-Gobain.

Murphy isn’t happy with the final draft of the bill, though. “My original draft of the bill would have required DES (Department of Environmental Services) to oversee a rebate program that DES would require any polluter to create a fund for those impacted by their pollution,” Murphy said. “There wasn’t a lot of support for that.”

The current bill would put the onus on the individual to seek out payment from the facility themselves but opens the possibility for greater accountability from the polluters. Murphy is hopeful that attorneys would take on people’s cases against polluters that they should pay for their blood testing of PFAS chemicals, especially if it’s legal to ask them to do so with the passage of this bill.

“The polluters should be paying for this,” Murphy said. “The taxpayers should not be paying for this.”

Dr. Megan Romano, Associate Professor of Epidemiology at the Dartmouth Geisel School of Medicine, said in a previous interview (<https://indepthnh.org/2023/10/12/blood-testing-for-pfas-could-help-inform-nh-residents-but-barriers-remain/>) that PFAS blood testing would help those chronically exposed to the chemicals, like the citizens of Merrimack, make proactive decisions with their healthcare providers and give them peace of mind as they continuously heard about the risks of drinking their own water.

Rep. Wendy Thomas is pushing forward with three PFAS-related bills for the 2024 House session. The first bill would require ([https://www.gencourt.state.nh.us/lsr\\_search/billText.aspx?id=1194&type=4](https://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=1194&type=4)) DES to put together public benefit and community impact assessments whenever considering any permit or project. Thomas said she and her colleagues are going to focus on landfill permits at first.

“With landfills, the biggest concern is PFAS,” Thomas said. She referenced the recent announcement from the International Agency for Research on Cancer ([https://www.iarc.who.int/news-events/iarc-monographs-evaluate-the-carcinogenicity-of-perfluorooctanoic-acid-pfoa-and-perfluorooctanesulfonic-acid-pfos/#:~:text=Results%20of%20the%20evaluation&text=PFOA%20is%20carcinogenic%20to%20humans,and%20immunosuppression\)%20in%20exposed%20humans](https://www.iarc.who.int/news-events/iarc-monographs-evaluate-the-carcinogenicity-of-perfluorooctanoic-acid-pfoa-and-perfluorooctanesulfonic-acid-pfos/#:~:text=Results%20of%20the%20evaluation&text=PFOA%20is%20carcinogenic%20to%20humans,and%20immunosuppression)%20in%20exposed%20humans)) (IARC) at the World Health Organization, which declared the PFAS chemical PFOA to be “carcinogenic to humans” based on “sufficient evidence for cancer in experimental animals and strong mechanistic evidence (for epigenetic alterations and immunosuppression) in exposed humans.”

The IARC also declared another PFAS chemical, PFOS, as “possibly carcinogenic to humans” in the same report. Thomas said the new classification would help efforts to pass these bills.

Her second bill is a House Resolution, or an official letter from one governing body (such as an elected official) to another, which will be addressed to New Hampshire Education Commissioner Frank Edelblut. The letter is in collaboration with the climate activist group 350NH and asks Edelblut to consider a more robust climate change curriculum in schools.

“It gives these young advocates a seat at the table and it lets their voice be heard,” Thomas said. The group is planning to travel to various Boards of Education throughout the state and get their message out to deepen New Hampshire’s climate education.

Thomas said this education would help people understand humans’ roles in creating and stopping climate change, understanding different sources of renewable energy and their positives and negatives, and learning about the new job market that comes along with a changing climate and a greater renewable economy.

Thomas isn’t confident the resolution will go anywhere. Especially when considering the recent approval of PragerU, an education content creator that has had a tenuous stance on climate change, either downplaying its impacts (<https://www.prageru.com/video/is-there-really-a-climate-emergency>) or espousing messages such as that the real climate crisis is an energy crisis (<https://www.prageru.com/video/the-real-climate-crisis>) created by climate policy, that leads to higher prices of fossil fuels.

The members of 350NH are aware of the slim chances, but Thomas is supporting their efforts nonetheless.

Thomas’ third bill is another House Resolution that details a short history of Saint-Gobain, the impact they’ve had on Merrimack, and the fact they will be leaving and their responsibility to remediate the pollution they’ve caused. This letter will be sent to President Biden, Sen. Jeanne Shaheen, Sen. Maggie Hassan, Congressman Chris Pappas, Congresswoman Annie Kuster, all Democrats, and the President of France, Emmanuel Macron, the country where Saint-Gobain is based.

“It’s just asking them to keep their eyes on the situation so that citizens are protected,” Thomas said. She’s concerned whether Saint-Gobain will uphold their promise to continue remediation responsibilities after they leave Merrimack.

Thomas said she even hopes to hand-deliver the letter to Presidents Biden and Macron to ensure that it makes it into their hands.

At the most recent meeting of the HB 737 Commission to investigate the Environment and Health Impacts of PFAS on December 8, Waste Management Division Director Mike Wimsatt at DES claimed that Saint-Gobain has said they will clean up the site fully.

Thomas remains skeptical, concerned, and frustrated by what Saint-Gobain is leaving behind not just at the site, but in the people that have been harmed by PFAS pollution.

“Our state motto is ‘Live Free or Die,’ so people just expect no regulations,” Thomas said. “But we never expected that no regulations meant that companies could kill us.”

“I guess we were too naïve,” Thomas said.

Two other state Representatives have put forth bills that would address PFAS as well. Rep. David Meuse, D-Portsmouth, has crafted a bill that would establish a “trust fund for money from soil and water environmental contamination court settlements” in cases where the legislature has not directed how the settlement money would be used.

In an email response, Meuse explained that this bill was in response to the state's \$25 million settlement with Monsanto last year following Polychlorinated Bi-Phenyl ("PCB"), a forever chemical like PFAS, contamination of New Hampshire waters and state-owned land, according to a Department of Justice press release from 2022 (<https://www.doj.nh.gov/news/2022/20220222-monsanto.htm>).

"While laws are in place for money received for opioid, MtBE, and Volkswagen settlement dollars, apparently this settlement didn't meet the criteria that would have allowed it to be applied to an existing fund, such as the drinking water and groundwater trust fund," Meuse wrote in his email.

The intention of his bill is to hold settlement awards in a trust fund until the legislature decides how to apply them.

"I believe that money received for environmental settlements should actually be spent on environmental remediation, testing, monitoring, education, etc.—not copier toner, pencils, and landscaping supplies," Meuse said in the email.

Although this bill would not directly ensure that in all environmental settlement cases, Meuse said it would transfer undirected, unspent environmental settlement funds to the solid waste management fund and/or the drinking water and groundwater trust fund for immediate use.

Rep. Karen Ebel, D-New London, has written another bill that directly tackles PFAS. The bill would prohibit certain products with "intentionally added PFAS," as a targeted ban on products that subject people to the most exposure to PFAS. Such products include carpets, cosmetics, food packaging, dental floss, and several others, Ebel said over the phone.

Ebel is the chair of the Solid Waste Working Group at DES, which released a management plan last year with goals including reducing the quantity of solid waste and the toxicity of the solid waste stream. She said one of ways to achieve this is to stop selling and consuming products with PFAS in them.

"Try as we will to try to capture that PFAS before it leaves water, one of the best things we could possibly do is just stop using it," Ebel said.

Ebel is hopeful that there will be broad support for the bill.

"I think this is just the beginning of the discussion on how you try to stop putting PFAS into consumer lives," Ebel said. "You've got to start somewhere."

The bills will be heard on the House floor either January 3<sup>rd</sup> or 4<sup>th</sup> as the session begins in the new year.

A spokesperson for Saint-Gobain issued the following statement via email in response to the bills and concerns of state representatives and New Hampshire residents:

*"The official close date of our Merrimack facility will be based on the time needed to fulfill existing contracts, and we expect the closure and decommissioning to be complete by the end of 2024. We will continue to update NHDES on our progress and ensure all decommissioning activities are performed in accordance with applicable laws and regulations.*

*"Where possible, Saint-Gobain has offered alternative roles and/or relocation options for eligible employees who wish to remain with the company. The company is providing support packages to employees whose employment will not be continuing. We have also hosted onsite job fairs and provided professional career transition services as well as partnering closely with resources available from NH Workforce Development for those not continuing with the Company."*

---