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6 PROTECTING AMERICANS AT RISK OF

7 PFAS CONTAMINATION & EXPOSURE

8 WEDNESDAY, MAY 15, 2019

9 House of Representatives

10 Subcommittee on Environment and Climate Change

11 Committee on Energy and Commerce

12 Washington, D.C.

13

14

15

16 The subcommittee met, pursuant to call, at 10:32 a.m., in
17 Room 2322 Rayburn House Office Building, Hon. Paul Tonko [chairman
18 of the subcommittee] presiding.

19 Members present: Representatives Tonko, Barragan, Blunt
20 Rochester, Soto, Schakowsky, Matsui, McNerney, Lujan, Ruiz,
21 Dingell, Kuster, Pallone (ex officio), Upton, Shimkus, Rodgers,
22 McKinley, Johnson, Long, Carter, Duncan, and Walden (ex officio).

23 Staff present: Jacqueline Cohen, Chief Environment Counsel;

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1 Adam Fischer, Policy Analyst; Waverly Gordon, Deputy Chief
2 Counsel; Rick Kessler, Senior Advisor and Staff Directory, Energy
3 and Environment; Brendan Larkin, Policy Coordinator; Mel Peffers,
4 Environment Fellow; Teresa Williams, Energy Fellow; Jerry Couri,
5 Minority Deputy Chief Counsel, Environment & Climate Change;
6 Peter Kielty, Minority General Counsel; Mary Martin, Minority
7 Chief Counsel, Energy & Environment & Climate Change; Brannon
8 Rains, Minority Staff Assistant; and Peter Spencer, Minority
9 Senior Professional Staff Member, Environment & Climate Change.

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1 Mr. Tonko. The Subcommittee on Environment and Climate
2 Change will now come to order. I recognize myself for five
3 minutes for the purposes of an opening statement.

4 Our legislative hearing this morning will examine solutions
5 to reduce environmental and health risks from per- and
6 polyfluoroalkyl substances, commonly known as PFAS. This
7 hearing builds on good work that began under the leadership of
8 our Republican colleagues last year when they held a hearing to
9 better understand these substances as well as EPA and DOD's
10 response to the growing number of communities dealing with
11 contaminations.

12 At that hearing, we established that PFAS are a large class
13 of chemicals numbering between four and five thousand, commonly
14 used in firefighting foams, food packaging, nonstick cookware,
15 and water-resistant fabrics. These chemicals are remarkably
16 persistent in the environment and incredibly toxic and dangerous
17 to human health, even in very small concentrations, equivalent
18 to a few drops in an Olympic-sized swimming pool.

19 We are still learning the full extent of the dangers, but
20 PFAS exposure has already been linked to kidney disease, thyroid
21 dysfunction, and various forms of cancer. Other committees have
22 held hearings on the risk and toxicity of PFAS chemicals, and
23 it is clear that there is considerable interest from members on

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1 both sides of the aisle and in both chambers to determine how
2 Congress should proceed in the face of this growing crisis.

3 I know there are many members, including members of this
4 committee, dealing with PFAS contamination back home. Over the
5 past few years, I have had numerous opportunities to meet with
6 families of Hoosick Falls and Petersburgh in Rensselaer County,
7 New York, including Ms. Marpe who we will hear from this morning,
8 and her daughter Gwen. And just last week, I visited the water
9 system and other sites in Horsham, Pennsylvania, learning from
10 and seeing the challenges they have faced firsthand.

11 I know these communities, their local leaders, and their
12 water systems are trying to do everything possible to protect
13 their residents. These contaminations and the resulting harm
14 to public health are not their fault and it is incumbent upon
15 us to make sure that they have the resources, information and
16 legal authorities to remediate contaminations to protective
17 levels and to hold polluters accountable even when those polluters
18 are a federal entity.

19 Today's hearing is the first that will examine concrete
20 solutions being offered by our colleagues. We will consider 13
21 bills that have been referred to the subcommittee. These bills
22 address how we can reduce exposure, expedite cleanups, and dispose
23 of these chemicals safely. While addressing PFAS in drinking

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1 water is a top priority of mine, today we will also hear that
2 PFAS exposure concerns go beyond water. These bills range across
3 multiple statutes including the Safe Drinking Water Act,
4 Superfund, TSCA, and the Clean Air Act. Earlier this
5 year, EPA released its PFAS action plan. I do not doubt that
6 the motivations of the administration are good, but there can
7 be no question that the response has been inadequate. First,
8 EPA's plan is not comprehensive. The plan focuses primarily on
9 two chemicals in a class of thousands, PFOA and PFOS. These are
10 certainly the best known PFAS, but domestic manufacture of these
11 two ceased years ago. Real and ongoing risks for future exposure
12 will come as companies substitute them with other emerging and
13 dangerous substances such as GenX.

14 Second, EPA has given us little reason for confidence that
15 they will act with the urgency that impacted communities now know
16 is needed. EPA has not even committed to setting a national
17 drinking water standard and even on the most aggressive timeline,
18 regulatory action will take years. To be clear, this is as much
19 a criticism of the Safe Drinking Water Act as that of this EPA.

20 In the past 22 years, there has been just one contaminant
21 determined to need a national standard. It has been years since
22 that determination and we are still waiting for it to be finalized.

23 It will likely take many years for PFOA and PFOS to have a

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1 finalized, enforceable, and protective standard should EPA
2 determine that to be their course of action. We need to have
3 a larger conversation about SDWA regulatory reform, but that issue
4 cannot stop us from taking action on PFAS. SDWA's shortcomings
5 are bigger than PFAS and PFAS issues are bigger than drinking
6 water. We must consider what is needed to be done right now.

7 This is just the beginning of this process. I welcome
8 feedback from any stakeholder or member interested in these or
9 other bills so that we can move forward in a way that best protects
10 our communities from the damage these substances are causing.

11 But one thing is clear. We cannot wait for EPA to act. Congress
12 needs to be actively involved to ensure the protection of
13 Americans' health. My hope is some combination of the bills
14 considered today can enable us to make progress to reduce the
15 risks of exposure, increase testing and monitoring, and require
16 as well as provide resources to support remediation.

17 I thank my colleagues for their work on this timely issue
18 as well as our witnesses for sharing their insights and sometimes
19 painful experiences. I look forward to working together to find
20 potential agreement.

21 With that, I will now recognize the ranking Republican or
22 Republican leader of our subcommittee, Mr. Shimkus.

23 Mr. Shimkus. You can call me -- Ranking Member Walden is

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1 not here, so you can call me Ranking Member Shimkus. I am good
2 with that.

3 Thank you, Mr. Chairman. I appreciate that we are meeting
4 to learn more about the bills introduced in this Congress to tackle
5 various forms of contamination linked to highly fluorinated
6 chemicals known as PFAS, for short.

7 Based on a cursory read of all the long titles of the bills
8 introduced and referred to our committee this Congress, we are
9 looking at a comprehensive set of proposals that range from
10 instituting sweeping mandates in just about every law this
11 subcommittee oversees, authorizing a significant amount of
12 federal money for PFAS-related actions on top of those programs
13 currently operated by the federal and state governments, and
14 creating labeling programs for consumer products that do not
15 contain PFAS.

16 If you are serious about these proposals becoming law, they
17 need a full and fair airing with a complete legislative history
18 and record. I hope you will at the very least commit to us today
19 that you will bring EPA in as part of this hearing, but on another
20 day for questioning on the technical aspects of these bills,
21 before the committee schedules any markups on these bills or they
22 are considered on the House floor.

23 Mr. Chairman, this is not a delay tactic. This is a plea

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1 to prevent major expensive mandates on states as well as
2 unintended consequences on EPA's ongoing work both on PFAS and
3 many other substances who would have to take a backseat to the
4 mandates in these bills. In addition to our subcommittee's
5 current lack of Agency input, I am concerned that almost one-third
6 of our subcommittee's members were not around last fall when this
7 subcommittee held both a member briefing with EPA career staff
8 and an oversight hearing about PFAS, ways the federal government
9 was and could respond under existing laws and ways to address
10 contamination and appropriately communicate risk.

11 That said, I am sympathetic to my colleagues whose
12 communities want urgent action to address PFAS. I also, though
13 am not a fan of rushing to install broad-based major changes to
14 federal law at a time when high levels of anxiety exceed what
15 we know, this does not mean "do nothing," rather, I believe we
16 should not make shortcuts in the law while EPA is taking steps
17 based upon solid scientific data to make regulatory decisions.

18 Moreover, if the problem is urgent, the federal government has
19 imminent hazard authority under many of the laws we will talk
20 about today to go in and take immediate action.

21 This view may not be popular with some of my colleagues,
22 but I believe we cannot only support the use of good science or
23 public input when it guarantees our preferred policy solutions.

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1 This was a major principle for me during enactment of the major
2 reforms of the Toxic Substances Control Act. It is striking to
3 me that we are disregarding both these tenets to regulate between
4 three to five thousand substances by statutory fiat. Moreover,
5 these bills do not give the federal government the ability to
6 prioritize the risk of PFAS versus greater environmental and
7 public health efforts or other current ongoing work, meaning
8 scarce resources would need to be moved to meet the mandates in
9 this bill before us at the expense of other items.

10 It may not sound like it, but I may be open to getting yes
11 on some of these proposals, yet of the bills for which I have
12 seen text and without getting technical feedback from the agency
13 that needs to implement it, I have too many questions about the
14 wholesale regulation of this large class of chemicals when there
15 are only a handful of these chemicals that we know something about
16 such as the ability to detect them in water or their causal effects
17 on health.

18 Further, states and the federal government including the
19 EPA and the Agency for Toxic Substances and Disease Registry,
20 have been taking collaborative and independent action to drive
21 down and properly communicate the risk, and the equipment to
22 detect and treat all the substances is still evolving.

23 Fundamentally, I just need more information about the impacts

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1 both positive and negative that these proposals could have to
2 make sure they are tailored to address the established risk
3 without establishing bad presence for regulatory efforts driven
4 by fear rather than by data.

5 I look forward to hearing from our witnesses today and hope
6 that this will not be the last word on these bills in committee
7 before they are considered.

8 And let me just -- that was the prepared statement. Let
9 me just say this, Mr. Chairman. This is a whole class of chemicals
10 that can range from three to five thousand chemicals. We did
11 pass the Toxic Substance Control Act which was to address using
12 real science and real data to make decisions on health-related
13 chemicals. I think we have got to be very careful as with the
14 hearing we last week of by legislative fiat banning things which
15 we may or may not know are harmful.

16 Now I don't question that there is probably some of the PFAS
17 categories that are harmful. But to threaten the three to five
18 thousand list of those is not in line with the scientific approach
19 that we agreed to under TSCA and I look forward to having EPA
20 hopefully help us muddle through this. And this is not a no on
21 these bills and this is not a delay tactic. This is just give
22 me a little more time appeal. And with that I yield back.

23 Mr. Tonko. The gentleman yields back. The chair now

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1 recognizes Mr. Pallone, chairman of the full committee, for 5
2 minutes for his opening statement.

3 The Chairman. Thank you, Mr. Chairman.

4 PFAS contamination is a very serious issue affecting
5 communities nationwide. These are persistent chemicals that
6 spread throughout our water, air, and soil. They are toxic, with
7 studies showing increased cancers, immune impacts, and effects
8 on growth, development, and fertility. And these chemicals are
9 everywhere in our environment, in our bodies, and with new
10 affected communities being discovered all the time.

11 Although chemical companies have known the hazards of these
12 chemicals for many years, we are still realizing the scope of
13 contamination and it is increasingly clear that we will need to
14 attack PFAS contamination with every tool we have as quickly as
15 we can. So I want to thank the many members in the House who
16 have introduced legislation to address the PFAS problem, and I
17 wanted to kind of go through that list.

18 Representatives Dingell and Upton have worked together to
19 introduce two important bills to address PFAS contamination
20 through the Superfund program. Representatives Boyle and
21 Fitzpatrick have a bill to set a binding, enforceable, and strong
22 drinking water standard for all PFAS. Representative Soto has
23 introduced a bill to provide industry with a voluntary PFAS-free

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1 label for cookware so consumers can take steps to protect
2 themselves from exposure. Representative Delgado
3 introduced a bill to require reporting of PFAS releases on the
4 Toxic Release Inventory. TRI reporting provides an essential
5 tool to communities impacted by environmental pollution and has
6 a strong record of driving polluters to reduce their releases.

7 Representative Khanna has introduced a bill to ban incineration
8 of PFAS waste including firefighting foam. Incineration has been
9 a serious concern for the local communities where it is happening.

10 Representative Kuster introduced a bill to ban new PFAS
11 chemicals under TSCA. There are already 4,700 PFAS chemicals
12 in commerce and it is astonishing that we continue to approve
13 more of these chemicals given what we know about them. Then we
14 have Representative Dean who has a bill that comprehensively
15 regulate PFAS under TSCA, including a phase-in ban of new and
16 existing PFAS standards for safe disposal of PFAS and labeling
17 for articles containing PFAS. Representative Sean Patrick

18 Maloney has introduced a bill to address PFAS under TSCA, also
19 using EPA's authorities under that law to require health effects
20 testing and reporting on all PFAS chemicals. Representative
21 Stevens has a bill to list all PFAS as hazardous air pollutants
22 under the Clean Air Act. His bill, or that bill was written in
23 response to increasing evidence that air emissions of PFAS are

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1 dangerous and avoidable.

2 Representative Fletcher has legislation requiring EPA to
3 issue guidance for first responders to minimize the use of PFAS
4 and also deals with firefighting foam and cuts the risks they
5 face from that foam. We heard from the International Association
6 of Firefighters in March about the fear among firefighters about
7 how these chemicals are affecting their health, so we have to
8 address those fears. And then we have Representative Rouda who
9 introduced a bill to establish a trust fund financed by user fees
10 from PFAS manufacturers, and these funds will help pay the ongoing
11 operation and maintenance costs of drinking water utilities and
12 water treatment works that are paying to clean up PFAS
13 contamination.

14 And finally, I introduced a bill, the Providing Financial
15 Assistance for Safe Drinking Water Act, and my bill offers
16 significant federal investments to help water utilities pay the
17 capital costs needed to adopt treatment techniques that can remove
18 PFAS from drinking water. And these treatment techniques are
19 very expensive and may be beyond what is affordable for many
20 affected communities.

21 Now I have mentioned or described 13 bills, obviously a very
22 bipartisan effort. More are being introduced every day. And
23 I think these bills are all important and they all address the

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1 different aspect of the PFAS problem. Many people think of PFAS
2 as solely a drinking water issue, but all the PFAS in our drinking
3 water came from industrial activity. They will keep showing up
4 in our drinking water sources if we continue to produce and use
5 thousands of different PFAS chemicals.

6 So we need to stop PFAS pollution at the source, contain
7 the pollution before it spreads further, and get it out of our
8 air, soil, and drinking water. And we don't have a lot of time
9 to waste, so I look forward to working together quickly to address
10 PFAS contamination and implement some of the solutions we are
11 going to hear about today.

12 Whatever time I have left I yield to the gentlewoman from
13 Michigan, Mrs. Dingell.

14 Mrs. Dingell. Thank you, Mr. Chairman and Chairman Tonko.
15 Today's hearing is obviously important as both have you,
16 everybody, both sides has pointed out. But briefly, I would like
17 to acknowledge that one of the witnesses is from my district and
18 he serves on the front lines to provide clean drinking water to
19 the residents of Ann Arbor, Michigan, but he is a national expert.
20 Brian Steglitz is the manager for water treatment services for
21 the City of Ann Arbor, and this year he marks his 22nd year of
22 service. He helped EPA toward them and showed them the water
23 treatment center with both Mr. Upton and I last summer.

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1 This committee can learn a great deal from his experience
2 and all the good work that is being done at the local level, along
3 with the challenges that we still face to safeguard the public
4 from the PFAS chemicals. So thank you for being here and I look
5 forward to hearing from all of you and asking more questions later.
6 Yield back.

7 Mr. Tonko. The Congresswoman yields back. The Chairman
8 yields back and -- oh, okay. And we will now recognize Mr. Walden,
9 the Republican leader of the full committee, for 5 minutes for
10 his opening statement.

11 Mr. Walden. Go ahead and ad lib a minute, Mr. Chairman.
12 I will get my breath. Thank you. I was down at the FCC hearing.
13 So welcome, good morning.

14 I know the experience of your constituency in Hoosick Falls,
15 New York has driven your intense interest in preventing and
16 addressing PFAS contamination. Not only have I heard from
17 Republican members like Mr. Upton and Mr. Hudson about the anxiety
18 that discoveries of PFAS contamination have caused their
19 constituents in Michigan and in North Carolina, but I also know
20 the Air National Guard at Kingsley Air Force Base in Klamath Falls
21 that they have used this foam with PFAS to fight fires in the
22 congressional district I represent in Oregon.

23 So this is a big issue we are all concerned about. In fact,

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1 a few of these chemicals are quite prevalent while some occur
2 in just a few states. Complicating the issue is the limitation
3 of what we know about the very broad class of chemicals and what
4 we can do about it under existing law. So we need to address
5 the concerns about uncertainty that PFAS presents. The test for
6 me in addressing PFAS contamination is not the number of bills
7 we pass or the creative ways we try to shoehorn solutions into
8 existing statutes; rather, it is whether the response we provide
9 can be reasonable, reliable, and responsible remedial efforts
10 that get help to people sooner rather than later and without
11 detours to the courthouse.

12 This is about public health and public safety. For this
13 reason, I am not convinced the existing body of environmental
14 law may be the best approach to the PFAS contamination conundrum
15 and we should not be limited by that universe. We may need to
16 think outside the box here. So I think it makes sense to think
17 about addressing this problem within these overarching
18 principles.

19 First, we need to contain the existing damage and fix the
20 demonstrated problem before us. Second, in the process of doing
21 that do no harm either to existing sites and communities nor
22 exacerbate the existing problem with overreach. And last, we
23 need to learn more about the toxicity of the larger class of

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1 chemicals, commit resources, and take future steps based on what
2 we know, not just what we suspect.

3 So, if I could give you a couple of examples. Where there
4 is merit to the use of Superfund authority to make federal funds
5 available as well as compel reluctant parties such as the
6 Department of Defense to clean up these sites, the idea of
7 instantly making municipal governments and airports liable for
8 every PFAS chemical through no fault of their own is concerning.

9 I know some people want the EPA to publish a maximum containment
10 level, or MCL, for all PFAS in drinking water; however, an MCL
11 is not essential for a Superfund cleanup. The EPA has already
12 adjusted downward its lifetime health advisory and EPA is working
13 on making a legally defensible decision on the regulation PFOA
14 and PFOS. I am concerned that short-circuiting the
15 evidence-based, science-driven, risk-informed process could
16 force the EPA to shortcut necessary elements to issuing a strong
17 and legally sustainable regulation. I know right-to-know
18 reporting of PFAS holdings is a priority for many and there are
19 places where it makes sense. But the bill that was recently
20 introduced would massively expand the number of chemicals that
21 would need to be reported under the Toxic Release Inventory by
22 as much as 5,000. It would also reduce by 90 percent the threshold
23 at which a person would be required to report and apply these

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1 requirements to businesses with less than ten people.

2 Finally, if we are to assume the majority would like all
3 these proposals enacted, the cumulative and aggregate effect of
4 all these statutory requirements and regulations could have a
5 stifling impact on EPA activities. States could face significant
6 unfunded mandates while foisting obligations on private parties
7 who are currently unaware of potential liability, like farmers
8 using biosolids from wastewater treatment facilities to improve
9 soil health. All this is likely to result in litigation to
10 prevent or prolong the situation rather than move to promptly
11 address contamination. So I want to be part of the solution,
12 preferably the one reported by this committee and I hope our
13 friends on the other side of the aisle are serious, and I believe
14 they are, and sincere in their willingness to work with us, which
15 I think they are, because this is a big deal and we have got to
16 get it right. As currently constituted, the language in the bills
17 before us present an enormous sweeping response to the PFAS
18 chemical class. It is important we take a close look to make
19 sure the actions we take are justified by science.

20 So, Mr. Chairman, I appreciate you having this hearing.
21 I know we got notice of it Friday and our team was working through
22 the weekend to look at all of these bills, but it is important
23 to do. We want to move on this as well. With that, Mr. Chairman,

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1 I yield back.

2 Mr. Tonko. The gentleman yields back. I was about to
3 recognize Representative Upton as you walked in the room, and
4 so why don't we recognize you for 30 seconds?

5 Mr. Upton. Well, I just want to say, Mr. Chairman, thank
6 you for holding this hearing. I appreciate it. I intend to be
7 here most of the morning and ask questions at my turn at the end
8 as I am not a member of the subcommittee. I am glad that we are
9 looking at a whole number of bipartisan bills. This is an issue
10 that maybe Michigan knows better than anybody else just because
11 we have done more discovery than anybody else, and that should
12 then not be an excuse for the rest of us to be engaged on an issue
13 that truly impacts the health and safety of every American.

14 So I want to thank both of you. And just to conclude, the
15 work on TSCA, a bill that we moved with strong, unanimous support
16 out of this committee, set the stage for where we are today.

17 So again, your leadership there has brought us to where we are.

18 We want to work with the administration and get it done and I
19 look forward to continuing my questions at the end of the hearing.

20 Thank you. I yield back.

21 Mr. Tonko. Okay, the gentleman yields back. The chair
22 would like to remind members that pursuant to committee rules,
23 all members' written opening statements shall be made part of

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1 the record.

2 With that we will proceed to introduce our witnesses for
3 today's hearing. First, I will introduce Ms. Emily Marpe, mother
4 and community member from Petersburg, New York. Emily and I
5 have had conversation in the past, and you have a painful story
6 and we really appreciate you sharing with us this morning.

7 Next, we have Dr. Jamie DeWitt, Associate Professor of the
8 Department of Pharmacology & Toxicology at Brody School of
9 Medicine at East Carolina University. Then we have Mr. Brian
10 Steglitz, who received praise from Congresswoman Dingell, as
11 manager in water treatment services at the City of Ann Arbor.

12 Then, Mr. Tracy Mehan, Executive Director of Government
13 Affairs at American Water Works Association. Then, Ms. Jane
14 Luxton, Partner, Co-chair of the Environmental and Administrative
15 Law Practice of Lewis Brisbois. Thank you. And, Mr. Erik Olson,
16 Health Program Director with Natural Resources Defense Council.

17 We thank each and every one of you for being here. Before
18 we begin with your statements, I would like to explain our lighting
19 system, which I believe we have up and running today. In front
20 of you are a series of lights. The lights will initially be green
21 at the start of your opening statement. The light will turn
22 yellow when you have 1 minute remaining. Please begin to wrap
23 up your testimony at that point. The light will turn red when

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1 your time expires. And at this point, the chair will now
2 recognize Ms. Emily Marpe for 5 minutes to provide her opening
3 statement.

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1 STATEMENTS OF EMILY MARPE, MOTHER AND COMMUNITY MEMBER,
2 PETERSBURGH, NEW YORK; JAMIE DEWITT, ASSOCIATE PROFESSOR,
3 DEPARTMENT OF PHARMACOLOGY & TOXICOLOGY, BRODY SCHOOL OF MEDICINE
4 AT EAST CAROLINA UNIVERSITY; BRIAN STEGLITZ, MANAGER, WATER
5 TREATMENT SERVICES, CITY OF ANN ARBOR; TRACY MEHAN, EXECUTIVE
6 DIRECTOR, GOVERNMENT AFFAIRS, AMERICAN WATER WORKS ASSOCIATION;
7 JANE LUXTON, PARTNER, CO-CHAIR OF THE ENVIRONMENTAL AND
8 ADMINISTRATIVE LAW PRACTICE, LEWIS BRISBOIS; ERIK OLSON, HEALTH
9 PROGRAM DIRECTOR, NATURAL RESOURCES DEFENSE COUNCIL

10
11 STATEMENT OF EMILY MARPE

12
13 Ms. Marpe. Good morning, everyone. Thank you for the
14 opportunity to testify today. My name is Emily Marpe and I am
15 a mother of three. At the beginning of this I was only a mother
16 of two. Now I have three. Oh, first up, that is different.

17 Okay, so first I want to start by thanking two men that
18 started the journey for everyone involved, Mr. Rob Bilott and
19 Michael Hickey, a resident of Hoosick Falls, for finding the
20 contamination in our area. To those two gentlemen I am forever
21 grateful and thankful. They saved my family. Okay, so in
22 February of 2016, I was informed by a letter in the mail that
23 they wanted to do a study and test our water for PFOA. After

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1 the letter, I called, scheduled it. They came, they tested.
2 Our private well tested at 2.1 parts per billion of PFOA.

3 We called our house "Cloud Nine," because throughout the
4 buying process, like we came from a two-bedroom trailer. At times
5 there were seven of us crammed in the two-bedroom trailer. I
6 don't know if you have ever lived in one, but one bathroom --
7 not fun. And then I worked so hard to become a first-time
8 homebuyer at 29 and to give my children their first home. It
9 was a three-bedroom ranch on spacious 2.38 acres, beautiful,
10 private, secluded, everything we wanted after we had neighbors
11 at our back door for 10 years. I mean, it was great.

12 The day I received the results I was just told, "Stop brushing
13 your teeth immediately." That is what he said to me on the phone.

14 It is just like a drop of water in an Olympic-sized swimming
15 pool. We then went on to get our blood tested. When I pulled
16 in the driveway and got the results, I opened my son's first
17 because he spent weekends with his father so I knew he was exposed
18 the least. His blood level was 103 parts per billion.

19 I then moved on to my 10-year-old daughter. She was 207
20 parts per billion. That was a little tough to take, seeing the
21 increase. I then opened my own. I was 322 parts per billion,
22 and then Gwen's father was 418 parts per billion. He was
23 comparable to a DuPont worker. And I would like to remind you,

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1 we only lived there for 4-1/2 years. It is still mind-blowing
2 to this day.

3 I lost myself. My kids lost their mom. I started missing
4 games. I started missing concerts. I was consumed. I fell in
5 the PFOA rabbit hole. I couldn't read enough. I couldn't
6 research enough. I couldn't meet enough people. I couldn't --
7 I brought my calendar from then to show you. Like this is
8 pre-PFOA, okay. This is after, like it consumed me, literally.

9 Gwen, my daughter who is sitting behind me, I still hear it today
10 because I still attend meetings and I still do things like this.

11 They are my family. My job is to protect them. You know,
12 we were living the American Dream; our bubble was popped in a
13 horrible way. The safety and security of home fell from under
14 our feet. I couldn't sleep at night. How do you open your window
15 knowing that the stacks are blowing and your kids are out in the
16 tent sleeping in your yard and it is falling on them, literally
17 falling on them as they sleep. It is not a comfortable feeling.

18 I ended up selling my home and that was a challenging
19 experience in itself. And then 2-1/2 years after I stopped
20 drinking the water, I became pregnant with my daughter Eliana.

21 I can't express to you the fear of knowing the story of West
22 Virginia and Parkersburg and all the towns in Ohio and West
23 Virginia. At 20 weeks, most mothers are so excited to find out

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1 the sex of their child. I was just praying for two nostrils and
2 her eyes to be okay. I didn't want her to have to suffer like
3 others have. This is Ellie. She is 10 months now. She is
4 beautiful.

5 When you say there is not enough studies, I have been
6 diagnosed with thyroid disease. My daughter Gwen now has a
7 pediatric endocrinologist. We are suffering the health effects.

8 They are already here and we are only 6 years later. I don't
9 know what else to say, that I mean our lives should be more than
10 profit. It is really mind-blowing that it is not.

11 Congress needs to treat this as a crisis because it is a
12 crisis. I mean all the mothers out there, I couldn't breastfeed.

13 I couldn't do the most basic thing a mother does for my child
14 because I knew that it would elevate Ellie's levels. She already
15 got it from me. When she was 7 weeks old she tested at 75.9 parts
16 per billion. She was higher than 1,573 people out of 2,081 tested
17 in the first round of blood testing in Hoosick Falls, New York.

18 That is disgusting. Disgusting. At a minimum, Congress
19 needs to force companies like Taconic Plastics to report their
20 PFAS releases and to force our water utilities to tell us if our
21 drinking water is polluted with PFAS chemicals. Most
22 importantly, private wells, I mean these people are left hanging.
23 My house was a half a mile from the plant. The municipal supply

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1 got tested before mine. That was a mile away. Thank you for
2 the opportunity to testify today.

3 [The prepared statement of Ms. Marpe follows:]

4

5 *****INSERT 1*****

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1 Mr. Tonko. Thank you. Thank you, Ms. Marpe.

2 Next, we will move to Dr. DeWitt. You have 5 minutes to
3 present your opening statement.

4

5 STATEMENT OF JAMIE DEWITT

6

7 Ms. DeWitt. Chairman Tonko, Ranking Member Shimkus, and
8 distinguished members of the subcommittee, good morning and thank
9 you for inviting me to speak with you about health effects of
10 exposure to per- and polyfluoroalkyl substances or PFAS,
11 chemicals that are estimated to contaminate the drinking water
12 of 19 million Americans. My name is Dr. Jamie DeWitt and I am
13 an associate professor of Pharmacology & Toxicology at East
14 Carolina University.

15 I have been conducting research on health effects of PFAS
16 since 2005 with a focus on the immune system. PFAS as you know
17 are a class of nearly 5,000 closely related chemicals. They all
18 contain a carbon-fluorine bond. This bond makes them highly
19 stable, heat resistant, and versatile in manufacturing processes
20 and consumer goods. This bond also makes PFAS extremely
21 long-lived in the environment and in our bodies as they do not
22 readily biodegrade.

23 The Centers for Disease Control and Prevention assesses the

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1 U.S. population's exposure to environmental chemicals in a
2 cross-section of the population. They have reported that 98
3 percent of Americans have at least one or more PFAS in their blood.

4 Currently, my state of North Carolina is part of the PFAS crisis.
5 To better understand PFAS contamination in our state and their
6 health risks, I am part of this PFAS Testing Network. It is a
7 collaborative partnership of seven different North
8 Carolina-based universities using both federal grants and a
9 substantial state investment to focus our PFAS research efforts.

10 The North Carolina Policy Collaboratory, which was created
11 in 2016 by the North Carolina General Assembly to better utilize
12 academic expertise across institutions of higher learning within
13 our state, oversees the network. We can be a model for other
14 states to understand PFAS. Our scientific understanding of
15 health effects of PFAS is still growing. Of the 5,000 PFAS, two
16 have been very well studied and a handful have limited data.

17 That said, in the last couple of years there has been a
18 concerted effort among researchers to expand our understanding
19 of PFAS. A comprehensive evaluation of toxicological data for
20 14 different PFAS compiled by the Agency for Toxic Substances
21 and Disease Registry reported that people exposed to PFAS
22 experience a variety of health effects. These associations
23 include decreased antibody responses to vaccines, liver damage,

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1 changes in serum lipids and cholesterol, increased risk of thyroid
2 disease, increased risk of asthma, increased risk of decreased
3 fertility, decreases in birth weight, and increases in
4 pregnancy-induced preeclampsia and hypertension. Some
5 populations have also seen increases in the incidence of kidney
6 and testicular cancer associated with exposure.

7 These health effects indicate that developing organisms,
8 the immune system, the endocrine system, and metabolic systems
9 all are sensitive endpoints to PFAS exposure. These also
10 indicate that PFAS have carcinogenic abilities. These adverse
11 health effects also have been observed in experimental animals
12 fed individual PFAS. Data from experimental animals is an
13 important component of human health research. It is this
14 combination of data from studies of exposed human populations,
15 experimental animals, and molecular mechanisms that has broadened
16 our understanding of how PFAS exposure leads to adverse health
17 effects in humans. Prevention, including vaccines, is the
18 first line of defense against diseases. We need vaccines to be
19 effective. Exposure to PFOA and PFOS, two well-studied PFAS,
20 reduces the immune system's ability to produce antibodies, making
21 our vaccines less effective. PFAS-associated immune system
22 effects observed in epidemiological studies of children and
23 adults and in experimental animal studies of individual PFAS have

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1 supported a causal relationship. In 2016, the National
2 Toxicology Program evaluated immune studies of PFOA and PFOS and
3 concluded that they are presumed to be immune hazards to humans
4 because they can suppress the ability of the immune system to
5 make antibodies. There is also evidence that these chemicals
6 can have effects on allergic responses, resistance to infectious
7 disease, and autoimmune disease.

8 It is time for Congress to act. Of the 5,000 known PFAS,
9 the vast majority have no associated research data or standards
10 for human biomonitoring. But it is not really feasible from a
11 time or resource perspective to test our way out of this crisis.

12 Employing a class approach for all PFAS will be protective for
13 vulnerable subpopulations as well as the general public. It is
14 not too late. Following the voluntary removal of PFOA and PFOS
15 from our environment, levels of these PFAS have decreased in the
16 environment and in our bodies. Since that time, however,
17 replacement PFAS have increased in production. We need to learn
18 more about these replacement compounds and ask ourselves, "Are
19 these essential for the public good?"

20 Thank you for understanding the need for legislation that
21 will diminish the number and amounts of PFAS contaminating our
22 environment and our bodies.

23 [The prepared statement of Ms. DeWitt follows:]

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1

2

*****INSERT 2*****

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1 Mr. Tonko. Thank you, Dr. DeWitt. And we will now move
2 to Mr. Brian Steglitz for 5 minutes, please.

3
4 STATEMENT OF BRIAN STEGLITZ

5
6 Mr. Steglitz. Good morning, Chairman Tonko and Ranking
7 Member Shimkus and distinguished members of the subcommittee.

8 Thank you for conducting this hearing and for inviting me to
9 testify today. Thanks also to Congressman Upton, Congressman
10 Walberg, and Congresswoman Dingell from Michigan for your
11 bipartisan commitment and support to address critical public
12 health and drinking water issues facing our state and the nation.

13 My name is Brian Steglitz and I am the manager for water treatment
14 services for the City of Ann Arbor, Michigan. The city of
15 Ann Arbor is in southeastern Michigan and our utility serves about
16 125,000 customers, except for about eight Saturdays in the fall
17 when the city's pollution doubles. Yes, we are home to the
18 University of Michigan Wolverines. In early 2017, the city began
19 investigating a new type of carbon and its filters to remove PFOS
20 from its source waters. In 2018 and 2019, the city invested
21 approximately \$850,000 in this new carbon, which is about ten
22 percent of our operating budget.

23 PFOS, however, cannot be addressed with a single capital

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1 investment. We will need to increase the annual expensive carbon
2 replacement by over a factor of 2 to achieve effective PFOS removal
3 at our plant. While we have come up with a solution to ensure
4 the city's drinking water is safe and public health is protected,
5 removing these chemicals at the end of the pipe is not the most
6 cost-effective approach. The best way to address these
7 contaminants is at their source. Currently, utilities are in
8 a situation where chemicals where chemicals of unknown risk are
9 entering circulation, are not being monitored, are discharged
10 from industrial sources and municipal wastewater treatment plants
11 into watersheds and enter the source water for drinking water
12 systems. It may not be until chemicals are already detected in
13 drinking water that risk assessment and exposure evaluations are
14 initiated. This is just too late. For those chemicals that are
15 already in circulation and being actively used by industry, more
16 effective controls are needed to ensure these chemicals are not
17 allowed to enter our watersheds, as well as legislation that would
18 require the polluter to cover the cost of abatement.

19 As utilities develop solutions to address PFAS contaminants,
20 many of these solutions may require significant capital
21 investment. How is a utility to be sure that near-term
22 investments are able to address long-term public health risks
23 when much of the science and public health impacts has yet to

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1 be developed? While financial resources for utilities to address
2 PFAS contamination sites are critical, resources to address
3 research are equally important. Until the water community can
4 understand the public health risks, it will not be able to ensure
5 that appropriate resources are dedicated to addressing PFOS.

6 There are many other significant needs that cannot be
7 neglected as utilities stretch their resources to address PFAS,
8 aging infrastructure, lead, algal toxins, to name a few, remain
9 at the forefront of water quality issues facing drinking water
10 systems. Federal government leadership will be critical to
11 putting the country on the right path to addressing PFAS
12 contamination and exposure.

13 The most common question we receive from customers is, "Is
14 our water safe to drink?" Ann Arbor is no different than
15 utilities all over the country who are facing this similar
16 question. Historically, utilities would commonly answer this
17 question with an emphatic, "Yes, we comply with Safe Drinking
18 Water Act requirements." Even though this is still true, because
19 there are no regulatory limits for any PFAS, this response is
20 no longer acceptable to our customers. While EPA
21 considers future regulation, many states including Michigan are
22 not willing to wait. Over the next few years there will likely
23 be many different regulatory approaches taken across the United

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1 States. Why is this problematic? It is difficult to communicate
2 to your customers in New Jersey or Minnesota or Vermont that has
3 evaluated the risks to their residents differently and that one
4 state places a lower value on protection of public health than
5 another. Ann Arbor customers as well as many other communities
6 around the United States will accept nothing less than the most
7 stringent requirements.

8 That is why we have taken the approach to select the most
9 stringent PFAS limits that exist and use these as our own current
10 water quality goals. One may think that we really didn't need
11 to take such an aggressive approach, but customer confidence and
12 trust is the foundation of a successful utility. We along with
13 other utilities around the country will be asking much from our
14 customers in the future as we seek rate support for much-needed
15 investment. If we are unable to satisfy the water quality
16 expectations of our customers, we will not be able to sustain
17 the revenue support that we need to ensure that we can deliver
18 safe water for the next generations in our communities. For these
19 reasons, federal leadership is critical.

20 To recap, we need stronger control of the chemicals that
21 enter circulation in the United States, source water protection
22 to ensure contaminants do not enter watersheds, to hold polluters
23 accountable for cleaning up contaminated sites, financial support

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1 for research and to implement new treatment technologies, and
2 regulatory oversight that has been vetted by the best science.

3 With these tools, utilities will be best positioned to address
4 PFAS contamination and succeed in their common missions to protect
5 public health. Thank you for your attention to support an issue.

6 [The prepared statement of Mr. Steglitz follows:]

7

8 *****INSERT 3*****

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1 Mr. Tonko. Thank you, Mr. Steglitz. And now we recognize
2 Mr. Tracy Mehan for 5 minutes, please.

3
4 STATEMENT OF TRACY MEHAN

5
6 Mr. Mehan. Thank you. Good morning, Mr. Chairman and
7 Ranking Member and members of the subcommittee. My name is Tracy
8 Mehan and I am executive director for Government Affairs for the
9 American Water Works Association on whose behalf I am speaking
10 today. I appreciate this opportunity as do our members to offer
11 AWWA's perspectives on the many pressing issues surrounding PFAS.

12 Let me -- since this is Infrastructure Week, I do want to
13 thank the committee for your work on reauthorizing the Safe
14 Drinking Water State Revolving Loan Fund and doubling the
15 authorized amount as well as putting WIFIA on a more permanent
16 footing. These two programs are key in dealing what is paramount
17 threat to public health that is aging and deteriorating
18 infrastructure, so my members are most grateful for your work
19 on that.

20 AWWA's 50,000 members, including 4,000 utility members that
21 are subsumed in that 50,000 figure, represent the full spectrum
22 of utilities, small and large, rural and urban, municipal and
23 investor-owned. So, in addition, I am speaking not just as AWWA

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1 person, but as a former state and federal regulator and an adjunct
2 professor of environmental law. Let me say first up that all
3 our members are conscious, extremely conscious of the concerns
4 and the fears and the aspirations of our members. We are
5 customer-facing more now than ever. This is a post-Flint
6 environment and it -- believe me, public affairs risk
7 communication are priorities for all of our members and good
8 education as to what we know and what we don't know is first and
9 foremost in all our members' minds.

10 Drinking water utilities and state environmental agencies
11 need to know where to focus monitoring resources to understand
12 what risks may be in source waters and implement source water
13 protection practices and engagement with these sources. That
14 is a fundamental principle of what we do, as Brian mentioned.

15 There are existing tools that EPA could be using to a greater
16 degree to help address such concerns regarding PFAS, in particular
17 as was noted, the Toxic Substance Control Act, or TSCA. Deploying
18 these TSCA authorities in the service of safe drinking water is
19 source water protection at the strategic level. Call it
20 prevention, if you will, as Brian indicated.

21 Utilizing its oversight authority over the work of federal
22 agencies, we urge Congress to ensure that EPA takes advantage
23 of such existing authorities under TSCA to manage risk posed by

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1 PFAS compounds. Using such authority, we think the Agency needs
2 to provide a report in 1 year and update it every 2 years,
3 describing the location of current and past PFAS production,
4 import processing, and use in the United States for individual
5 PFAS compounds based on data collected through TSCA. It should
6 also show appropriate actions taken or planned under TSCA to
7 restrict production, use, and import of PFAS and support improved
8 risk communications with the public.

9 Also, report on actions taken by other federal agencies and
10 in particular the Department of Defense and Health and Human
11 Services to address PFAS concerns. And, finally, report on
12 statutory and non-statutory barriers encountered in gathering
13 and distributing information on PFAS in order to inform risk
14 management decisions by EPA, states, and local risk managers.

15 EPA officials have promised to issue a proposed regulatory
16 determination for PFAS and PFOA under the Safe Drinking Water
17 processes this year. We urge Congress to support EPA's Office
18 of Water, particularly on the appropriations side as it works
19 through the rule determination process.

20 With regard to the federal drinking water standard process,
21 we understand that the process can be frustratingly slow.
22 However, a scientific risk-based and data-driven process that
23 discerns what substances are to be regulated and at what levels

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1 is indeed going to take a significant amount of time and effort.

2 We caution against setting a precedent of bypassing these
3 established processes via legislative action. The nation tested
4 this approach with the 1986 amendments to the Safe Drinking Water
5 Act with untoward results and I was on the receiving end of that
6 as a state official at the Missouri DNR at the time.

7 That said, we are eager to follow the data on PFAS compounds
8 wherever it may go in the investigative process so that we may
9 know how best to protect public health. We will then prepare
10 our members to comply with any new regulations and they will do
11 so expeditiously.

12 In our 2012 study, buried no longer, AWWA determined that
13 the United States needs to spend about a trillion dollars over
14 25 years to maintain, expand, and replace our current level of
15 water, drinking water infrastructure, and that is just on the
16 drinking water side of the house. Therefore, over time,
17 regulatory actions need to be prudently implemented to avoid
18 aggravating affordability issues for customers, particularly
19 those with low incomes.

20 We just came out with our rate survey for 2016 to 2018 and
21 it showed that it was up 7.2 to 7.5 percent, twice the level of
22 the CPI. So this is a risk-risk situation and we need to target
23 real risk and get true reduction and pay attention to the cost

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1 side. Thank you very much for your time.

2 [The prepared statement of Mr. Mehan follows:]

3 *****INSERT 4*****

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1 Mr. Tonko. Thank you, Mr. Mehan. And now we recognize Ms.
2 Jane Luxton for 5 minutes.

3
4 STATEMENT OF JANE LUXTON

5
6 Ms. Luxton. Thank you, Chairman Tonko, Ranking Member
7 Shimkus, and members of the subcommittee for inviting me to
8 testify today on legislation that has been introduced to address
9 PFAS contamination. My name is Jane Luxton. I am a partner in
10 the Washington, D.C. office of the law firm Lewis Brisbois and
11 co-chair of its Environmental and Administrative Law Practice.

12 I was informed this morning by committee staff that a lawsuit
13 was filed last night in which a firm client is named as the
14 defendant. This is the first I have heard of this and I am not
15 involved in that case. I am appearing today on my own behalf
16 as an environmental and administrative law practitioner with
17 decades of experience with environmental regulatory matters.

18 Today, I would like to speak to the broader issue of the
19 challenges surrounding the regulation of PFAS chemicals and
20 address a few of the specific bills the committee is considering.

21 There is no question this is a serious issue. We have heard
22 testimony about the research that has been conducted on PFAS
23 chemicals, and the fact is, most of it has been concentrated on

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1 PFOA and PFOS, but much less is known about the other PFAS
2 compounds. These compounds vary in terms of specific chemical
3 structure, chain length and composition, and these differences
4 matter in terms of fate and degradation in the environment as
5 well as toxicity, uptake, and retention in humans, plants, and
6 animals.

7 Dr. Linda Birnbaum, Director of the National Institute of
8 Environmental Health Sciences and National Toxicology Program
9 testified before a Senate subcommittee last fall that "We do not
10 have strong data for which to base conclusions for the great
11 majority of thousands of PFAS compounds and we have only limited
12 findings that support particular adverse health effects."

13 A great deal of academic and governmental research is
14 currently underway to determine the extent of causal links between
15 exposure to PFOA, PFOS, and the many other PFAS compounds and
16 specific health effects in humans. There is a solid consensus
17 that more research is needed. There is also wide agreement that
18 the federal government has an important role to play in regulating
19 these chemicals and it is equally important that those regulations
20 be based on up-to-date, credible scientific research, good data,
21 and legally sound procedures.

22 Imposing blanket regulations on thousands of PFAS chemicals,
23 as some of the proposed legislation proposes to do when scientists

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1 agree we have, at best, limited information on most, risks losing
2 focus on the highest priority concern. As the Centers for Disease
3 Control stated in its most recent report, "Finding a measurable
4 amount of PFAS in blood does not imply the levels caused an adverse
5 health effect," and "Small amounts of PFAS may be of no health
6 consequence," an indiscriminate approach would impose
7 extraordinary costs on federal agencies, states, and local
8 governments requiring funds they simply do not have, while
9 diluting resources that should be targeted on the highest risk
10 chemicals.

11 Even chemicals of demonstrably significant concerns such
12 as dioxin, PCBs, and PAHs have been found on examination to differ
13 significantly in terms of potency among individuals' congeners
14 or types of chemicals. The alternative of attempting to impose
15 a one-size-fits-all approach to regulating PFAS chemicals poses
16 a real risk of doing harm. Bills that direct agencies to issue
17 specific federal regulations can present other challenges.

18 For example, agencies must adhere to the rulemaking
19 requirements of the Administrative Procedure Act which requires
20 agencies to follow a series of steps providing for transparency
21 and decision making, a defensible administrative record, analyses
22 of the benefits and costs of the regulatory action, and the
23 feasibility of alternatives and due process in the form of public

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1 notice and comment if a regulation is to withstand review by the
2 courts. It does little good to issue a regulation if it is going
3 to be struck down by the courts as inadequate under the law.
4 It only leads to delay in the effectiveness of any regulatory
5 initiative.

6 EPA's action plan includes action under both CERCLA and the
7 Safe Drinking Water Act. EPA is taking steps to designate PFOA
8 and PFOS as CERCLA-hazardous substances which would provide
9 additional power to regulate responsible parties and require them
10 to undertake and/or pay for the remediation. But expanding this
11 approach to all PFAS compounds as H.R. 535 seeks to do, could
12 lead to wholesale reopening of remediated sites potentially
13 overwhelming the program and undermining progress on the highest
14 risk targets. With respect to other bills, H.R. 2577 would
15 amend the Emergency Planning and Community Right-to-Know Act of
16 1986 to require reporting on releases of PFAS through the Toxic
17 Release Inventory. The PFAS of greatest concern of course are
18 no longer being manufactured, so releases of these compounds from
19 manufacturing is extremely unlikely. Requiring reporting on
20 thousands of other compounds the toxicity of which is not
21 established is of uncertain value. This proposed legislation
22 would greatly expand reporting requirements at great cost.

23 [The prepared statement of Ms. Luxton follows:]

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*****INSERT 5*****

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1 Mr. Tonko. Thank you, Ms. Luxton. And we now move to Mr.
2 Erik Olson for 5 minutes, please.

3
4 STATEMENT OF ERIK OLSON

5
6 Mr. Olson. Thank you, Mr. Chairman and Ranking Member
7 Shimkus. I am Erik Olson. I oversee the health team at Natural
8 Resources Defense Council and I want to talk about PFAS because
9 these chemicals are in pretty much every person in this room is
10 carrying PFAS in your body. Many of those compounds have been
11 tested and many have not been tested and we are actually all
12 walking around as guinea pigs being exposed to these chemicals,
13 carrying them in our bodies and in many cases, there are adverse
14 health effects that we are very concerned about.

15 I spent part of last night with about 30 individuals from
16 across the country who have come to D.C. to talk about their
17 experience with PFAS contamination. Much like Emily's story,
18 we heard about people whose family members who had birth defects,
19 people who are suffering from cancer of the testicles, cancer
20 of the kidneys, other effects that really are of concern. These
21 are real worries. And unfortunately, this class of chemicals
22 shares three very consistent properties that are really
23 worrisome.

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1 One is, they are very toxic at low doses. When we test them
2 and we look at them, the more we learn, the more toxic we know
3 they are. Secondly, they are extremely persistent. These are
4 forever chemicals. The carbon-fluorine bond makes them that way.

5 And we now know at least 600 sites across the country are
6 contaminated and we haven't looked in most places. I can
7 guarantee you that every congressional district has a PFAS
8 contamination problem, it just may not have been discovered yet.

9 And, thirdly, they are all very mobile. And the reason that
10 is a problem is they get into drinking water. They get into soils.

11 They get into people. The health effects we have heard about
12 and they are in many cases heartbreaking, I want to talk about
13 what we need to do about this problem. Unfortunately, we have
14 got a class of chemicals as you have heard, three to five thousand
15 of these, about 4,700 according to many reports. We need to deal
16 with this class. Think about how could we possibly regulate these
17 one by one. If you have 4,700 chemicals and it takes EPA years
18 to regulate a single chemical, how many millennia is it going
19 to take to regulate thousands of chemicals? We have got to deal
20 with this as a class. We know that they share common properties
21 and we know that they are causing adverse effects in too many
22 cases.

23 So, first of all, we need to stop approving new uses of these

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1 chemicals and new PFAS chemicals. And there is a bill by Ms.
2 Dean that would do that. We need to also phase out the existing
3 products. Ms. Dean's bill would phase out existing products.

4 Ms. Kuster's bill, actually, would address the new products and
5 the new uses and we need to stop those.

6 Secondly, we need to document and disclose the extent of
7 the problem, so it is important to be monitoring groundwater and
8 drinking water, figure out how widespread the problem is. There
9 is legislation that would do that, have USGS do that. We think
10 there is a need for new legislation not yet introduced that would
11 force comprehensive monitoring of drinking water. We have seen
12 it in Michigan, and when you test, when Michigan tested, they
13 found sites all over the state with contamination. Most states
14 have not done this. In fact, virtually no other state has done
15 anything close to what Michigan has done.

16 We need to also make sure that the manufacturers and
17 processors disclose the use and also the discharges, releases
18 of those chemicals. And we certainly have a bill from Antonio
19 Delgado that would address that through the Toxic Release
20 Inventory. We also need consumers to be informed so they can
21 make intelligent choices. If you go into the grocery store or
22 you go into Target, it would be good to know whether the products
23 you are buying have PFAS on them.

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1 We would like a safer choice program that would deal with
2 the full array of consumer products and disclose. We also think
3 it is important to have cleanup authorities. One of the big
4 issues here -- and, Mrs. Dingell, thank you for introducing a
5 bill with Mr. Upton that would address these issues under
6 Superfund. It is very important to have class of PFAS controlled
7 under CERCLA so that we can ensure cleanup. Polluters should
8 be paying for the cleanup and we certainly support a user fee
9 that would help ensure that some of those polluters are paying.

10 We need regulation of the air emissions and the water emissions
11 under the Clean Air Act and Clean Water Act.

12 Sewage sludge contamination is a big problem. We talked
13 last night to a farmer in Maine who had applied sewage sludge
14 to his dairy area where his cattle were grazing, severe
15 contamination of all of his cows. He has to throw away all his
16 milk. He is going to have to basically get rid of his dairy cows
17 because they are so contaminated. So we need to deal with all
18 these sources and ultimately clean up the contamination that has
19 already been caused. Thank you.

20 [The prepared statement of Mr. Olson follows:]

21
22 *****INSERT 6*****

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1 Mrs. Dingell. [Presiding.] Thank you for your testimony.
2 We have concluded the witnesses' opening statements. We now
3 will move to member questions. Each member will have 5 minutes
4 to ask questions of our witnesses, and I get to start by
5 recognizing myself for 5 minutes.

6 So, when I quickly acknowledged one of our witnesses earlier,
7 I talked -- and several of the witnesses mentioned how Michigan
8 has been hard hit by PFAS. It is in our drinking water,
9 groundwater, rivers, lakes, and ponds. It has contaminated fish
10 and other wildlife. PFAS foam is still washing up and collecting
11 across the state in places like the Huron River Watershed which
12 goes throughout my district and your former military bases. We
13 have even had to tell people, "Don't eat the foam." I know you
14 would think you wouldn't have to tell people that but you do.

15 This chemical is impacting both Democratic and Republican
16 districts, and Fred Upton, Tim Walberg, and I are all very
17 concerned in working together. So, as you say, Michigan is ground
18 zero for PFAS sites, but it is because we are looking at it and
19 addressing it which many other states are not. It is a growing
20 threat nationwide. Comprehensive and bipartisan solutions exist
21 today to deal with these toxic, manmade, forever chemicals. We
22 are serious in a very bipartisan way about ridding these hazardous
23 chemicals wherever they exist from our drinking water,

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1 firefighting foams, consumer products, food containers -- that
2 bill is coming -- and the air we breathe. Each of these bills
3 we are considering today, most with bipartisan support, are
4 meaningful solutions. Congress must move forward and now.

5 So, because we have got so many of you and I am going to
6 personal privilege, Brian, these questions are going to be for
7 you. I am going to begin with you. Can you explain the
8 technologies you are employing as well as the costs you have
9 experienced to remove PFAS from Ann Arbor's drinking water?

10 Mr. Steglitz. We currently use carbon, granular activated
11 carbon and concrete filters to remove the PFAS. As the water
12 flows through the filter media the PFAS attaches to the carbon
13 particles. When the filters are washed the PFAS stays attached,
14 so the PFAS can only be removed through high temperature thermal
15 treatment. And this is the way that PFAS can be destroyed, which
16 is really important when we are looking for solutions to address
17 PFAS contamination so we are not moving the PFAS from one source
18 or media to another. It is important for these chemicals to be
19 destroyed because if they are not, they can make it back into
20 the environment.

21 On the cost impact for our customers had been a three to
22 four percent rate increase to deal with the one-time replacement
23 of the carbon and approximately one percent per year after due

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1 to the increased frequency that we need to.

2 Mrs. Dingell. Are there any innovative solutions to address
3 PFAS contamination from a watershed approach that you are
4 considering?

5 Mr. Steglitz. It is more effective to remove these
6 contaminants and chemicals at the source. The City has begun
7 conversations with the State of Michigan and upstream sources
8 to evaluate implementing more robust treatment for these
9 chemicals and dealing with that in watershed as opposed to the
10 end of the pipe. The reason why this is innovative is because
11 right now industrial dischargers, municipal wastewater treatment
12 plants, and drinking water treatment plants are all regulated
13 in silos.

14 So by looking at the PFAS contamination from the watershed
15 approach, we can come up with more effective solutions to address
16 the pollution at the place where it is most cost effectively
17 removed.

18 Mrs. Dingell. I am going to ask you two questions quickly
19 because we are running out of time. I know that Ann Arbor
20 residents, because I hear from them regularly like you do, are
21 worried about the safety of their chemicals. And how are you
22 communicating the risks and how does the federal government help
23 you, and in the absence of federal leadership what actions are

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1 the City of Ann Arbor and Michigan taking, and from a water
2 utilities perspective how important is federal leadership to
3 effectively protect human health and the environment from PFAS?

4 Mr. Steglitz. Well, we found that transparent and frequent
5 communication was critical to maintaining support from our
6 customers. By statute we are obligated to report on our water
7 quality annually, but beginning this month in May, we decided
8 to do monthly water quality reports that have a dashboard for
9 our customers to illustrate current water quality, and a copy
10 of our report is included with my written testimony. We have
11 had a lot of good feedback from our customers on this approach
12 and we have been posting all of our analytical results to our
13 website which is qualitywatermatters.org.

14 There is a lot of good information that ATSDR and EPA have
15 on their websites about PFAS, but the real challenge that we are
16 facing is how do you communicate about contaminants where the
17 risk is unknown and the science is developing? And this is a
18 place where more federal leadership would be helpful to provide
19 us the tools that we need to communicate around these difficult
20 issues.

21 Mrs. Dingell. Thank you. I am going to quickly move to
22 Mr. Olson because we are running out of time. But, Mr. Olson,
23 if PFAS chemicals were listed as a hazardous substance under the

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1 Superfund program, what would this mean for the 610 PFAS
2 contamination sites identified across 43 states and our ability
3 to clean up these harmful chemicals in the environment?

4 Mr. Olson. Well, it would help to designate them under the
5 Superfund law because it would give the muscular authority to
6 the federal government and to states to try to force cleanup at
7 a lot of these sites. They would have to prioritize the sites.

8 They would have to evaluate how severe the contamination was
9 and then construct some kind of program to make sure that they
10 clean them up, which is really important.

11 Mrs. Dingell. Thank you. I am out of time, so I will now
12 yield to Mr. Shimkus for 5 minutes.

13 Mr. Shimkus. Thank you, Madam Chairman. So many
14 questions, so little time.

15 So I want to go to Mr. Mehan. Some of my colleagues have
16 made the argument that we need to force EPA to regulate all PFAS,
17 and we have already been talking about that. I mean we are talking
18 four to six thousand chemicals -- because EPA has an issue to
19 regulation under the Safe Drinking Water Act since 1996. Do you
20 agree that EPA has been sitting on its regulatory hands for the
21 past 22-plus years through multiple administrations when it comes
22 to drinking water?

23 Mr. Mehan. Thank you.

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1 Mr. Shimkus. And be quick, I have got a whole --

2 Mr. Mehan. Yeah. No, it is an urban legend. When I was
3 at the Agency in 2001, we got out the Arsenic Rule. That was
4 a long effort. It wasn't fast, but we got it out. There has
5 been a Radionuclides Rule. There is a Filter Backwash Recycle
6 Rule. There are two Disinfection Byproducts rules. There is
7 an Enhanced Surface Water Treatment Rule, Long Term 1 and Long
8 Term 2 Enhanced Surface Water Treatment Rule, Groundwater Rule,
9 Lead and Copper Rule has been revised, Revised Total Coliform
10 Rule, we have 15 health advisories that while they are not MCLs,
11 they have impacts. We are here today because of a health advisory
12 on this issue.

13 There have also been five information request rules that
14 have put literally hundreds of millions of dollars of burden on
15 utilities. I mean Brian could probably speak to this. And, in
16 addition, we have to look at the overall regulatory effort that
17 goes on with the Candidate Contaminant List and the Unregulated
18 Contaminate Monitoring Rule by which the Agency under the law
19 winnows and sifts what risks need to be regulated, and in that
20 process they have identified 24 or so contaminants that should
21 not be regulated, which is as important as identifying those that
22 should.

23 So we certainly don't feel like they have taken a vacation.

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1 Mr. Shimkus. Yeah, thank you. Let me cut you off there.

2 And you mentioned lead and copper, which we think is coming
3 relatively soon; perchlorate, probably another one that is going
4 to be coming relatively soon.

5 Mr. Mehan. I think that is more than probable, right, under
6 a court order.

7 Mr. Shimkus. Right. And so, I mean so here is the issue.
8 We have a process. We have a system. So if someone would
9 litigate those rules, if they go through the process they would
10 probably lose in court. If we supersede the system by doing a
11 law without going through the regulatory process of testing, do
12 we risk nothing happening on this?

13 Mr. Mehan. Well, I take the Agency at their word. They
14 are certainly looking at --

15 Mr. Shimkus. No, I am just talking about if we go the whole
16 class of chemicals without -- we know that the most studied of
17 these are PFOS and PFOA, right?

18 Mr. Mehan. At this moment, yeah.

19 Mr. Shimkus. Right. And we have got four to six thousand
20 chemicals. If we, by legislative fiat, ban four to five thousand
21 chemicals without the due diligence of a scientific analysis,
22 do we risk infinitum litigation and no action on this?

23 Mr. Mehan. I don't want to pre-judge litigation, but you

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1 would probably see a lot of people concerned about precipitous
2 action without a good risk assessment and benefit-cost analysis.

3 Mr. Shimkus. Let me go to Ms. Luxton. I know there are
4 concerns with GenX and about two dozen other PFAS chemicals.
5 You have already heard the four thousand, six thousand other
6 derivations of this. Are you aware of any class of chemicals
7 that has been regulated so thoroughly without regard to actual
8 supporting evidence of toxicity?

9 Ms. Luxton. No, that has not been done. And as I mentioned
10 in my testimony, dioxins, PCBs, PAHs, many other highly toxic
11 substances have been on study discovered to have significant
12 differences in toxicity and uptake and impacts on human health
13 with respect to the specific compound. And it does matter which
14 type of PFAS we are talking about.

15 Mr. Shimkus. So if we go down this course would this
16 precedent bother you?

17 Ms. Luxton. Yes, I think there would be litigation. There
18 is no question. And to just sort of impose blanket bans is highly
19 risky. It risks overcorrecting, if you want to put it that way,
20 and changing, diluting the priorities that need to be focused
21 on the highest risks.

22 Mr. Shimkus. Yeah, and let me go to Mr. Steglitz, because
23 I do believe that our water providers do the best they can to

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1 meet the standards. There is a lot of capital cost. If you were
2 asked to regulate a chemical that was safe, would you want to
3 do that? If you had to clean out a chemical from the water system
4 that was safe and it cost a huge capital expense, would you say,
5 "I am going to do that?"

6 Mr. Steglitz. We obviously have limited resources, so we
7 would want to be focusing on the contaminants that have public
8 health risk.

9 Mr. Shimkus. Great. Thank you very much.

10 Mrs. Dingell. Thank you, Mr. Shimkus. The chairman now
11 yields 5 minutes to Chairman Pallone.

12 The Chairman. Thank you, Madam Chair. I just want to say
13 it just seems like everywhere we look for these toxic chemicals
14 in water we find them. There is so much that needs to be done.

15 But one of the things I always believed is that polluters are
16 responsible for this contamination and they should be responsible
17 primarily for the cleanup. And so I was pleased to see a strong
18 action in my home state of New Jersey with this lawsuit filed
19 just yesterday against the makers of PFAS firefighting foam.

20 But I wanted to ask, you know, I mentioned 13 different bills.

21 Let me just ask some questions about some of them. First, H.R.
22 2377, introduced by Representative Boyle, sets a deadline for
23 EPA to set a national drinking water standard for total PFAS.

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1 Again, New Jersey has set a maximum contaminant level for some
2 PFAS. That is the first in the country.

3 But let me ask Mr. Olson, first. How would a national
4 drinking water standard protect communities in states without
5 standards and how could it drive up Superfund cleanups?

6 Mr. Olson. Well, basically there is an urgent need for
7 standards, enforceable standards for drinking water. We believe
8 that the states are moving forward. You mentioned New Jersey.

9 Several other states are moving forward, Michigan and others,
10 with drinking water standards. The problem is that some states
11 are not doing that.

12 So, ideally, you would like strong, health protective
13 national standards and Mr. Boyle's bill would require standards
14 to be set for the class. Our main concern is that the underlying
15 statute under the Safe Drinking Water Act when it was amended
16 in 1996 makes it virtually impossible to set strong, good
17 standards, or it makes it very challenging for EPA to move forward
18 with new standards of unregulated contaminants.

19 The Chairman. And that is why we would need a legislation.

20 Mr. Olson. That is right.

21 The Chairman. What about driving Superfund cleanups? How
22 would that impact it?

23 Mr. Olson. Well, Superfund cleanups, Superfund lists

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1 chemicals that have a maximum contaminant level. Those are
2 considered what are called "applicable, relevant, and appropriate
3 regulations," or ARARs that would drive the cleanup.

4 The Chairman. Okay.

5 Mr. Steglitz, how could a national drinking water standard
6 help affected water systems access State Revolving Loan funds
7 to address PFAS contamination?

8 Mr. Steglitz. Well, some states have requirements for
9 regulatory compliance as a driver for receiving points as
10 potential products are evaluated for competing resources, so it
11 would help facilitate access to revolving loan funds in some
12 states.

13 The Chairman. Well, there is a standard of course and only
14 part of the solution, and whether or not a standard is in place
15 drinking water utilities are moving forward with PFAS treatment.

16 So again, Mr. Steglitz, what capital costs has your water system
17 faced in addressing PFAS contamination?

18 Mr. Steglitz. We spent just under a million dollars to
19 replace some of our filter media, but we will also have an ongoing
20 cost of approximately \$350,000 a year to replace because it has
21 a limited life expectancy when you are using the filter carbon
22 for PFAS removal.

23 The Chairman. And what is the effect of this on your

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1 operations and maintenance costs?

2 Mr. Steglitz. The capital investment was about a three to
3 four percent increase in revenue that we required that we had
4 to pass on to our customers and then the continuing operation
5 and maintenance costs will be about one percent.

6 The Chairman. So, Mr. Mehan, can water utilities across
7 the country absorb those kinds of costs without additional
8 assistance? Are they going to be able to do that without
9 additional assistance?

10 Mr. Mehan. Well, one of our members, and Dr. DeWitt may
11 be up on this, Cape Fear, North Carolina, which had the issue
12 with Chemours and GenX, is actually spending \$40 million, I think,
13 for granular activated carbon. They are sucking it up. Their
14 ratepayers are going to pick that up. And that was a pretty
15 up-to-speed system, if I can use that term.

16 So, yeah. Right now they will do what they have to do if
17 there is public demand and political leadership demanding that
18 it be treated. But again, there is no question that if you do
19 5,000 chemicals under an MCL or a treatment standard, that is
20 going to have unforeseen costs that are going to affect other
21 investments whether it is lead service line replacement or dealing
22 with microbial disinfection byproducts. We haven't talked about
23 that. That is a big priority.

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1 The Chairman. All right, let me just get in one more
2 question to Mr. Olson about adoption of more effective drinking
3 water treatment techniques and how it benefits public health.

4 I'm sorry to cut you off, but just wanted to get one question
5 --

6 Mr. Olson. Well, I think it is important. And one issue
7 with these technologies like granular activated carbon or reverse
8 osmosis are two of the technologies, they are going to remove
9 much of the class. Especially reverse osmosis, it is going to
10 -- if you regulate it as a class, it is going to take care of
11 that entire class. So I think it is a little bit of a false
12 argument to say that we can't regulate that whole class because
13 the treatment technologies actually are going to remove a full
14 array. So the GAC may or may not remove certain of them; in some
15 cases you may need to go to a reverse osmosis.

16 The Chairman. And that obviously benefits public health.

17 Mr. Olson. It has enormous public health benefits because
18 people won't be exposed.

19 The Chairman. All right, thank you.

20 Mr. Tonko. The gentleman concludes, so we will now
21 recognize Representative Rodgers for 5 minutes, please.

22 Mrs. McMorris Rodgers. Thank you very much, Mr. Chairman.
23 I represent Fairchild Air Force Base, which is the largest tanker

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1 base in America and the largest employer in Spokane County, which
2 in recent years has been leading some discovery efforts in our
3 community around the base to test for PFAS contamination in the
4 water supply for the base as well as in the neighborhoods and
5 community around the base.

6 And this contamination has largely been pointed to the uses of
7 firefighting foam through the years. We all agree that we need
8 to better understand the issue and the impact PFAS is having on
9 many of us.

10 I would like just to -- Mr. Mehan, I would like to ask about
11 your current research efforts into PFAS and the family of
12 chemicals. Your testimony notes that additional research is
13 needed to develop analytical methods to quantify levels of PFAS
14 compounds in environmental samples like water supplies. If
15 science is currently unable to even detect the presence of some
16 PFAS compounds in water supplies, how would a water system be
17 able to determine whether the filters or any effort to treat for
18 the compound has been effective?

19 Mr. Mehan. Well, there are a few methods for some of the
20 PFAS and more are being developed by EPA, but we don't really
21 have it for wastewater and soil. So there is, you know, a vast
22 frontier of research that is needed out there. I was happy to
23 see EPA just let out 3.9 million on research projects.

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1 But when I think of the -- I spent 8 years in Michigan working
2 on Great Lakes issues. When I think of the whole issue with
3 chlorinated compounds and chlorine and organic chlorines, that
4 was a 20-, 30-year effort, you know, and there are many, many
5 chlorinated compounds. We got down to a list of 25 and we worked
6 that hard and got maximum risk reduction for a reasonable
7 investment.

8 So I don't see -- I, quite frankly, take issue with Erik
9 on that we know what the benefits and the costs are, what
10 technologies are available, what methods will tell us. Again,
11 I will defer to Dr. DeWitt on the science. I am a recovering
12 lawyer, not a scientist. But we are in unknown territory here.

13 Mrs. McMorris Rodgers. Well, do you believe it would be
14 wise for EPA to promulgate a drinking water regulation for this
15 family of chemicals for human biomonitoring?

16 Mr. Mehan. When you say a family, you mean the whole family
17 of PFAS?

18 Mrs. McMorris Rodgers. Or this --

19 Mr. Mehan. I don't know how they can do 5,000. Now there
20 is some precedent, the disinfection byproducts I mentioned where
21 they have a suite of MCLs and treatment standards dealing with
22 a bundle of them, and that was done through a very collaborative
23 federal FACA, federal advisory committee process. This one, I

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1 confess, I don't know how you, you know, unless you just acted
2 without information, without a risk assessment, without
3 benefit-costs, without knowing technology, how you do that whole
4 family. It just defies my understanding anyway.

5 Mrs. McMorris Rodgers. Okay, thank you.

6 Mr. Steglitz, I wanted to ask you some about the Michigan
7 example and just the work that was done at the state level and
8 how that has supplemented or supplanted maybe what is going on
9 at the federal level either at EPA or DOD, and do you -- how do
10 you believe these state initiatives can work best with the federal
11 level?

12 Mr. Steglitz. If I understand your question correctly, are
13 you speaking about the testing that this state has done to identify
14 sources?

15 Mrs. McMorris Rodgers. Has the state laid out some
16 standards?

17 Mr. Steglitz. So Michigan is in the process of establishing
18 recommended MCLs for PFAS compounds. It is unclear how many.

19 Dr. DeWitt is participating in that process, so by October of
20 2019 Michigan is supposed to have recommendations to the Governor
21 on MCLs and how these chemicals will be regulated.

22 Mrs. McMorris Rodgers. Okay, so there is nothing currently
23 at the state level. It is --

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1 Mr. Steglitz. Not currently.

2 Mrs. McMorris Rodgers. Okay. How do you see that working
3 with efforts at the federal level? Are you working closely with
4 EPA as you are working, moving forward?

5 Mr. Steglitz. My understanding is that EPA Region 5 is
6 engaged with the process. But Michigan is really taking this,
7 the leadership, they are moving forward with this because they
8 -- of all of the testing and the analytical work that has been
9 done in Michigan to identify sources of PFAS contamination, so
10 really not waiting for EPA, moving forward on their own because
11 of, really, the demand from the residents of Michigan.

12 Mrs. McMorris Rodgers. Okay, okay. Thank you.

13 I will yield the rest of my time, yield back.

14 Mr. Tonko. The gentlelady yields back. I will now
15 recognize myself for 5 minutes.

16 Identifying the different chemicals in this class and
17 understanding the differences between them is challenging for
18 us as lawmakers, but it is especially challenging for the affected
19 communities, so I appreciate that the legislation before us today
20 addresses these chemicals as a class. That approach ensures that
21 we address all of the chemicals of concern and avoid dangerous
22 substitutions. I believe the question of whether we treat PFAS
23 as a class will be a central question as we move forward with

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1 legislation, so I would like to hear from the panel about this
2 approach.

3 Mr. Olson, do you think it is important to treat PFAS as
4 a class for regulatory purposes?

5 Mr. Olson. It is crucial to treat them as a class for several
6 reasons. One is this carbon-fluorine bond that makes them all
7 share a lot of similar properties. Secondly, the more we study
8 any of these individual compounds, the more we find they are toxic
9 at low doses. We have a big whack-a-mole problem where if we
10 regulate PFOA and PFOS, there are a couple others, they just move
11 to GenX and then we study GenX and they move to another, and we
12 have 4,700 of these things and we will never finish regulating.

13 And, finally, two major scientific statements by the Helsingor
14 Statement and the Madrid Statement from 200 scientists say that
15 we should regulate these as a class because of their similarities.

16 Mr. Tonko. And so the challenges that you see with trying
17 to regulate individual PFAS one by one pretty much gets addressed
18 by the fact that you said they can be just transferred over?

19 Mr. Olson. That is right. You can -- that is the problem
20 is that if you don't regulate them as a class, we simply have
21 this whack-a-mole treadmill where never get around to really
22 regulating things.

23 Mr. Tonko. Well, we have bills before us that touch on

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1 multiple statutes, so I would like to make sure that I understand
2 as we go forward. Do you think PFAS should be treated as a class
3 when we are adopting treatment techniques to remove them from
4 drinking water?

5 Mr. Olson. Yes. And I think EPA could issue a treatment
6 technique rule that would say use this technology, it will remove
7 the full class. That would -- rather than setting MCLs for 4,000
8 or 600 or however many individual chemicals.

9 Mr. Tonko. Well, what about when we are cleaning up
10 Superfund sites?

11 Mr. Olson. Again, I think EPA could move forward with some
12 treatment requirements. They could have certain chemicals that
13 are sentinel chemicals. If they are detected then start
14 requiring treatment.

15 Mr. Tonko. And what about when we are reporting releases
16 under the Toxic Release Inventory, would identifying each
17 individual PFAS release be challenging?

18 Mr. Olson. Well, I think there will be some challenges.
19 We would like to see perhaps identifying some chemicals that
20 would have to explicitly be disclosed and then the full class,
21 so that we have an idea of downstream sources if they know where
22 it is coming from but you also have captured the full class.

23 Mr. Tonko. Thank you. And given what we know about the

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1 speed at which EPA is addressing chemicals since the Lautenberg
2 Act, what about under TSCA whether we are requiring testing,
3 banning new PFAS or comprehensively regulating all PFAS?

4 Mr. Olson. We are very concerned about how slow that will
5 be if Congress doesn't intervene. And it was this committee,
6 actually, on PCBs, Mr. Dingell, who led the charge to ban PCBs
7 as a class. I think, really, we need to go forward with a
8 class-oriented approach under TSCA.

9 Mr. Tonko. Okay, any other examples of EPA doing that as
10 a --

11 Mr. Olson. There are many examples. Dioxins is another
12 example and there are others where EPA has regulated classes.

13 Mr. Tonko. Turning to Dr. DeWitt, I understand that PFAS
14 share important chemical characteristics so I want to understand
15 whether they share toxicological profiles. Do you agree that
16 these chemicals should be treated as a class?

17 Ms. DeWitt. I do agree. And I think that Mr. Olson has
18 made some very important points about the carbon-fluorine bond
19 which is what these compounds all have in common. This bond makes
20 them impossible to degrade. This bond is very strong. So as
21 far as we know, all PFAS are persistent. They are going to be
22 in the environment. They can move into our bodies. Once they
23 get into our bodies they can interact with various receptors.

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1 And as I mentioned, they can affect the immune system. They
2 can induce cancer. They can affect the endocrine system. And
3 they can affect lipid metabolism. These are common toxicities
4 we observe.

5 Mr. Tonko. Thank you. When this subcommittee held a
6 hearing on PFAS in September, we heard testimony from a resident
7 of North Carolina whose drinking water showed 26 different PFAS
8 were present, many she could not even identify. So, Ms. Marpe,
9 given how hard it can be for affected communities to identify
10 the specific PFAS in their air and water, is it important to you
11 that we take action to address all PFAS rather than just a select
12 few?

13 Ms. Marpe. It is extremely important. I mean when I was
14 telling you my story, we were tested in our blood for six PFAS
15 chemicals and we had five out of the six. So even though I told
16 you about our PFOA blood levels, we have other chemicals. We
17 have PHXpA, PhFPS. Like, they are there. PFNA. As a mom, like
18 filter it, filter the water. I mean human health should come
19 first. Nobody should have to experience what we have gone
20 through.

21 I mean the solutions are there, everybody just needs to come
22 together and meet in the middle and find the common ground. It
23 shouldn't be cost over human health. No family should go through

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1 what we went through. Nobody. My grandchildren are going to
2 have these chemicals, okay. My grandchildren. My daughter is
3 going to pass these chemicals to her children, okay, if she decides
4 to have a child in the next 5, 6 years. That is and through no
5 fault of her own. From bathing. From having a glass of water.
6 You know, I was strict. Believe it or not, I was really strict.
7 No soda. Milk or water.

8 Mr. Tonko. Thank you. Thank you very much.

9 Now the chair recognizes Representative McKinley for 5
10 minutes.

11 Mr. McKinley. Thank you, Mr. Chairman. And, thank you,
12 Ms. Marpe, for your reference back to Parkersburg and Vienna,
13 West Virginia. That is my district and it was 3 years ago we
14 spent a great deal of time trying to address this issue and figure
15 out how we might be able to resolve it. And one of the resolutions
16 there was the activated carbon filters, and that worked. But
17 it opened up this whole education process and we learned 3 years
18 ago, opened up more questions.

19 And so I may be at odds with my party, but I am also, I am
20 at odds with this whole issue trying to understand it as an
21 engineer. I am one of just two licensed professional engineers
22 in Congress. So because what I look on this, one thing we learned
23 was 80 percent of our exposure to PFAS is 80 percent of is not

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1 water, it is from the food we eat. CDC came out with, their report
2 said drinking water, ingesting food, from fish and shellfish,
3 packaged food, packaged products, hand to mouth, primarily with
4 carpeting. So you can get that from carpeting, the dust and the
5 filter with that and just working in a plant. So we have got
6 other than just water we should be addressing.

7 Okay, now with that, the Geneva -- they just had a conference
8 in Geneva 2 weeks ago. Because what I am concerned about is
9 imports. We can take an action in America and deal with it, but
10 until there is a global consciousness of this -- and we are
11 importing -- we are still going to have this exposure to it.
12 And what they did just 2 weeks ago in Geneva, they exempted all
13 the products we are worried about. They exempted firefighting
14 foam. They exempted implantable medical devices, fluorinated
15 polymers -- that is our Teflon. They exempted plastic
16 accessories for car interior parts and they exempted
17 manufacturing electric wires.

18 I am just saying, folks, we can chase this rabbit about water,
19 but there are a lot more problems associated. We are not going
20 to be addressing that especially because we are part of a global
21 community and we are going to be importing things that come in
22 that are going to be contaminated and continue to do this. So
23 I am concerned about how we are going to protect ourselves from

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1 being exposed in the future in other than water.

2 So, Mr. Mehan, can you explain or give me a little bit of
3 guidance here on how we might address this if, globally, there
4 is not a ban on Teflon?

5 Mr. Mehan. Well, I think you raise a very good point. And
6 I must say, I think the general view that the committee has taken
7 and I think Erik's written comments, this is a multimedia problem.

8 It is a multidimensional problem. A global comprehensive
9 approach makes sense. I mean looking at Superfund, TSCA, as I
10 mentioned in my remarks, and, you know, we will look at MCLs and
11 things like that through the process under the Safe Drinking Water
12 Act. So yeah, we certainly view ourselves as at the receiving
13 end of this problem as utilities and certainly our customers feel
14 the same way. So yes, I think everything should be on the table
15 and looked at in terms of what makes sense and is reasonable in
16 terms of reducing risk across the whole spectrum.

17 Mr. McKinley. They even went to China and the European Union
18 have asked for exemptions to the whole ban. So I am just curious,
19 as long as we are going to be importing products coming in,
20 especially food products from the European Union, and carpeting,
21 because that is where our toddlers, that is where they are going
22 to get exposed to it, I think we have -- let's -- we need to slow
23 this train down just a little bit, do a better analysis of how

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1 we might approach this globally and push back.

2 But apparently, we lost the fight at Stockholm and Geneva
3 and we are allowing these products to be manufactured and shipped
4 to us. Yeah, maybe we can't make it, but other people can and
5 they come in, and our children, your children, your grandchildren
6 are going to be exposed to something not because of an American
7 manufacturer, but because of a European Union manufacturer or
8 a Chinese manufacturer.

9 I think we better -- you explain. Is there a way we can
10 approach this from a global perspective?

11 Mr. Mehan. Well, you are getting into issues of
12 international environmental law and trade policy and I certainly
13 am not an expert in that. I know you hear a lot of talk from
14 Europeans about the cautionary principle and reverse burden and
15 then they make exceptions. They don't have a tort law regime
16 like we do.

17 So I think we need to keep our wits about us and do what
18 it takes to protect our environment, our public health, and our
19 people. And I think you are on to something there, looking at
20 the international dimension of the problem.

21 Mr. McKinley. Thank you. I yield back my time.

22 Mr. Tonko. The gentleman yields back. The chair now
23 recognizes the gentleman from California, Mr. McNerney, for 5

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1 minutes.

2 Mr. McNerney. I thank the chair and the ranking member and
3 I thank the witnesses this morning. I am sure this can be a
4 difficult hearing for you. But there is common ground to move
5 forward on the legislation, so I want to move to the issue of
6 air emissions of PFAS. We know PFAS are being released into the
7 air during manufacturing processes and during, and some of those
8 products during their disposal. We also know that PFAS dust is
9 an issue when contaminated sites are cleaned up.

10 Last September we heard from a resident of North Carolina
11 who testified that her community was finding PFAS in rainwater
12 80 miles away from the factory that was producing the chemicals.

13 Last month, I questioned the EPA Administrator Wheeler about
14 funding that research and ensuing we address PFAS air emissions.

15 Administrator Wheeler did not want to commit on those emissions.

16 Dr. DeWitt, what are the risks presented by air emissions
17 of PFAS?

18 Ms. DeWitt. I think you have hit upon a point where we really
19 do need some additional information. But I think if we look at
20 how these compounds move around in the environment and if we look
21 at people's exposure levels to compounds that shouldn't be in
22 the environment, then we can start to make some guesses about
23 how these compounds impact us when we take them up either through

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1 the skin or through inhalation. For example, in Parkersburg,
2 West Virginia, the boundary of PFOA has not been discovered from
3 this point source into water, so we know that these compounds
4 can move very far away from points of origin. They can even move
5 in from other countries.

6 We do have some very proactive organizations within our
7 country and within the European Union working to reduce these
8 compounds at the source. There are manufacturers within the U.S.

9 IKEA in Europe are working very hard to do source reduction which
10 will help to reduce all sources of PFAS exposure through their
11 own incentives to help consumers make appropriate choices.

12 Mr. McNerney. And, Ms. Marpe, for a community like yours,
13 you are doing everything you can to get PFAS out of the drinking
14 water. How does PFAS in air pollution complicate that?

15 Ms. Marpe. Air pollution is one of the reasons I moved and
16 I sold my house to get away from the smokestacks. I mean it is
17 so ambiguous and it is everywhere. So I find it very hard to
18 believe that I will be able to protect my children unless they
19 are on filtered water and that is why we chose to move to Hoosick
20 Falls.

21 A lot of people asked me, "Why did you pick there? Why would
22 you go somewhere where the problem was worse?" Well, first of
23 all, my house in Petersburg was worse than the whole village's

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1 supply, but I went there because I didn't have to have the polluter
2 coming into my space and violating my home. I mean that is the
3 main reason I moved. Our safety and security, I was literally
4 tied to the polluter. Every 3 months they had to come into my
5 home, sample my water, you know, to protect my kids from the water
6 is essential.

7 Mr. McNerney. So, I mean you have tools for protecting you
8 from the water, but the air, you basically had to sell your house.

9 Ms. Marpe. It is everywhere. What are we going to do?
10 We can't filter our entire earth. I mean you have it in polar
11 bears.

12 Mr. McNerney. Yeah.

13 Ms. Marpe. It is in their blood. The national average is
14 2. You probably have 2 parts per billion in your blood.

15 Mr. McNerney. Thank you.

16 Ms. Marpe. You are welcome.

17 Mr. McNerney. Well, there are strong arguments in favor
18 of H.R. 2605 introduced by Representative Stevens to list PFAS
19 as a hazardous air pollution under the Clean Air Act.

20 Mr. Olson, how would adding PFAS to the hazardous air
21 pollution list help communities, public health, and the
22 environment?

23 Mr. Olson. Well, it is crucial to address all the media

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1 that we are exposed to. You just heard a personal story from
2 Emily about being exposed. There are a lot of people that are
3 downwind of facilities that are releasing PFAS that have no idea
4 they are being exposed. We really do need to list PFAS as
5 hazardous air pollutants so that we can ensure that there will
6 be controls.

7 Mr. McNerney. Well, the Clean Air Act has 187 hazardous
8 air pollutants on its list, 17 in the list are in the group of
9 chemicals like mercury compounds and polycyclic organic matter.

10 Why should PFAS be included as a group on the HAP list?

11 Mr. Olson. Well, I think for exactly the reason we have
12 just heard, that they are very toxic at very low doses. They
13 are extremely persistent. They are forever chemicals and they
14 are quite mobile. They move well beyond where that stack is
15 emitting it. They are going to move downwind for many miles,
16 so we really need from a public health standpoint to ensure that
17 people are protected from those emissions. And think about
18 the incinerators as well that are not really regulated. If they
19 are incinerating this waste at low temperatures that stuff is
20 just going up in the air and we are moving it from one media to
21 another one, so we need hazardous air pollutant rules for them.

22 Mr. McNerney. Very good. Thank you, Mr. Chairman, yield
23 back.

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1 Mr. Tonko. The gentleman yields back. We now move to those
2 who have waived on to the subcommittee. We appreciate your
3 interest. The chair now recognizes the gentleman from Michigan,
4 Mr. Upton, for 5 minutes.

5 Mr. Upton. Well, thank you again, Mr. Chairman. I really
6 appreciate being allowed to sit on this subcommittee that I am
7 not normally a member of and I appreciate your leadership and
8 Mr. Shimkus's and the hardworking staff as well.

9 So, 10 months ago, the city of Parchment in my district awoke
10 to a startling new reality. They found extremely high levels
11 of PFOA and PFOS not only at a capped landfill, but the chemicals
12 were also discovered in their drinking water at levels many times
13 above EPA's lifetime health advisory. And while Parchment was
14 the first community to have its water test results come in that
15 high, it was not the only place where PFOS chemicals were found
16 in the drinking water in Michigan, as we have learned. And
17 literally every community regardless of size in terms of their
18 municipal water supply was tested across the state at the
19 governor's orders and to try and assure that the water quality
20 was safe in their proper areas.

21 But some of the smartest minds working on PFAS contamination
22 are in Michigan not because of what is in the water, but because
23 of our water. And I am fortunate that one of the premier

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1 scientists on PFAS, Dr. Matt Reeves, is based in my district at
2 Western Michigan University in Kalamazoo and we have the easy
3 access to his work. He recently published a white paper outlining
4 a national road map for addressing PFAS and I want to submit not
5 his report, but rather his findings as part of the record. The
6 white paper itself calls for the development of a research
7 consortium with the express purpose of addressing many of the
8 critical research areas using best science practices,
9 state-of-the-art technology, and high-impact dissemination of
10 research findings and challenges.

11 Now I also know that our committee, full committee, is going
12 to be one of those that it is going to be relied upon for developing
13 infrastructure legislation likely to move, I think, in the next
14 couple of months. And I would like to think that perhaps one
15 of those provisions, part of that package would include some of
16 these bills that we are working on that were addressed, and I
17 intend to co-sponsor a number of them as we work on this issue
18 to try and get an answer for our citizens that really do understand
19 where we are and want some action taken.

20 Ms. Luxton, I introduced a bill this last week, H.R. 2626,
21 bipartisan legislation that will give EPA a year to decide whether
22 to list well-characterized PFAS as a hazardous substance under
23 CERCLA Section 102(a). What are your thoughts about qualifying

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1 PFAS substances within the term "well-characterized" for EPA to
2 prioritize which contaminants should be reviewed for their
3 potential to present a substantial danger?

4 Ms. Luxton. Thank you. That, I think, is a constructive
5 suggestion. The one area of risk I would suggest is that it is
6 a new term not defined, so as someone who has seen a fair amount
7 of administrative law litigation, I would recommend providing
8 a definition or some criteria so that it is clear what that term
9 means and avoids delays that could be caused by ambiguities in
10 wording and subsequent litigation.

11 But the idea of trying to focus on those that are
12 well-characterized or about which enough is known to make a
13 judgment on toxicity and other factors is really a very
14 constructive idea and allows for prioritization of resources
15 which, I think, is a very important outcome in which legislation
16 is adopted.

17 Mr. Upton. Thank you. And as you know as we have struggled
18 with PFAS contamination cleanups including state standards that
19 a number of states may pursue, including Michigan, do you think
20 cooperative agreements between the federal and state governments
21 provide a reasonable path forward to achieve protective cleanups
22 that meet the guidelines of both governmental entities?

23 Ms. Luxton. Yes. I absolutely think that is another

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1 constructive approach as are these consortia that we have been
2 hearing about today among academics and to share the resources.

3 There is so much ground to cover that any ways we can support
4 to cooperate on federal and state capabilities and share resources
5 as well as the academic knowledge we are learning in this frontier,
6 as one of the witnesses said, is very important.

7 Mr. Upton. Just in closing, because my time has expired
8 and I just, I know a number of us have met with EPA over the last
9 number of weeks and months. They need to be part of this process
10 as well. They need to be and I believe that they are brought
11 in. We need to continue to make sure that it is bipartisan and
12 work with our committee to get some legislative action. With
13 that, Mr. Chairman, I yield back and thank you again.

14 Mr. Tonko. The gentleman yields back. And we will visit
15 your request to enter the information into the record.

16 Mr. Upton. Yeah, I am going to introduce the findings, not
17 the white paper.

18 Mr. Tonko. And we will do that at the end of the hearing,
19 so.

20 Mr. Upton. Thank you.

21 Mr. Tonko. So we thank you again. The chair now recognizes
22 the gentlelady from Illinois, Ms. Schakowsky, for 5 minutes,
23 please.

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1 Ms. Schakowsky. Thank you, Mr. Chairman.

2 So we have heard calls from industry to wait to act on PFASs,
3 to let TSCA, the TSCA process take its course and let EPA set
4 reference doses for each PFAS chemical one by one. But even when
5 we first passed TSCA back in 1976, Congress recognized that the
6 statute might not work for some classes of chemicals and that
7 is why PCBs were dealt with comprehensively, quickly, and as a
8 class through a separate TSCA subsection. It was John Dingell's
9 wisdom that led to the adoption of the PCB subsection and it stands
10 now as one of the only actions EPA was able to take under the
11 original TSCA. So, I welcome H.R. 2600 introduced by
12 Representative Dean which takes the same approach for PFAS
13 chemicals.

14 I wanted to ask Dr. DeWitt, do PFASs present some of the
15 same concerns as PCBs in terms of how long they remain in the
16 environment and some of the risks that they pose? And let me
17 just go on and say, do you think additional PFASs as well can
18 be handled in that same way as that PCBs were?

19 Ms. DeWitt. Yes, I do think that PFAS can be handled
20 similarly to PCBs. I would also like to point out that PFAS are
21 in a sense very different from PCBs. PCBs like to be in fat.
22 They like to be in sediment. They don't move around and
23 eventually they do break down. PFAS are happy being in water.

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1 They are happy being in soil. They are happy being in fat.
2 And they are very mobile and they don't break down. It is
3 estimated that DDT, an organochlorine pesticide, takes about 30
4 years to break down into more toxic compounds. We don't know
5 yet if PFAS will take longer than that, but we suspect that they
6 will. So they are different from PCBs in that they are --

7 Ms. Schakowsky. And worse.

8 Ms. DeWitt. And worse. And the suite of effects that they
9 produce seems to be broader than the suite of effects produced
10 by PCBs.

11 Ms. Schakowsky. So what do you think of then of the
12 assertion drawing from our experience addressing PCBs? You think
13 we should handle it the same way, I take it?

14 Ms. DeWitt. I think it would be a very wise move to deal
15 with a class of compounds that is persistent, bioaccumulative,
16 and toxic and mobile.

17 Ms. Schakowsky. Mr. Olson, you noted in your testimony that
18 we can still detect PCBs in the environment despite the strong
19 statutory language adopted in 1976. Why is that?

20 Mr. Olson. Well, they are extremely persistent like PFAS,
21 so they last in the environment a long time as Dr. DeWitt just
22 mentioned. And we are very concerned that they are much more
23 mobile than PCBs, it appears, and these are these forever

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1 chemicals and they are toxic at extremely low doses, just a
2 terrible combination.

3 Ms. Schakowsky. Thank you.

4 Mr. Steglitz, are PCBs still a challenge for water systems
5 like yours?

6 Mr. Steglitz. That hasn't been something that we have had
7 to deal with in our watershed.

8 Ms. Schakowsky. Thank you.

9 It has been more than 40 years since Congress added PCBs,
10 but we are still cleaning them up. It seems likely that if we
11 take action today to regulate PFAS we will be cleaning them up
12 for generations. So again, Mr. Olson, given that it seems to
13 me like we should get started right away, do you agree?

14 Mr. Olson. I would agree. I think we need to get started
15 right away. We are now, everyone in this room, guinea pigs.
16 We are carrying these chemicals around in our bodies and we didn't
17 agree to carry them around in our bodies, yet we are being exposed
18 to them every day. Our kids are being exposed to them. Our
19 grandchildren will be exposed to them. We need to get started
20 now on doing something.

21 Ms. Schakowsky. Regardless, will they be there hanging
22 around for a while?

23 Mr. Olson. They will be around for decades.

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1 Ms. Schakowsky. Thank you. I yield back.

2 Mr. Tonko. The gentlelady yields back. The chair now
3 recognizes the gentleman from Ohio, Mr. Johnson, for 5 minutes.

4 Mr. Johnson. Thank you, Mr. Chairman. And I want to echo
5 some of the concerns that my colleagues have already expressed
6 today. These are really important issues, very important issues,
7 and we need to continue to work hard to make sure we are doing
8 everything we can do to address PFAS concerns correctly and
9 appropriately. Many states are dealing with contamination
10 issues. I know my home state of Ohio is. And we need to ensure
11 our states and regulating community are receiving the scientific
12 support and signals from the federal government. That is why
13 I am concerned that the EPA is not in the room today to provide
14 the necessary technical and scientific insight on the bills that
15 we are discussing, especially as some of these bills were just
16 recently introduced.

17 So let me focus on some of the bills dealing with TSCA, and
18 Ms. Luxton, I would appreciate your thoughts on these. H.R. 2608
19 requires EPA to compel by order comprehensive new lines of testing
20 on all PFAS substances. It also waives requirements on the EPA
21 to create a statement of need for the tests or to rely on lesser
22 test methods to rule out the need to show toxicity.

23 With so many chemicals under the PFAS umbrella, about 5,000

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1 or so, is there concern that the EPA could unintentionally focus
2 its time and effort on low-risk chemicals instead of prioritizing
3 high-risk chemicals?

4 Ms. Luxton. Yes, I think that is a very good question and
5 a very real risk. EPA has identified in its priority list of
6 top concerns that it wants to spend its greatest attention, three
7 of the five include addressing existing Superfund sites and trying
8 to accelerate the cleanups of those Superfund sites. We are
9 talking now about expanding that set of sites and then fulfilling
10 its requirements under TSCA, under the most recent amendments,
11 to go through those chemicals that have already been identified
12 as of high toxicity.

13 So again, the third is reducing nonattainment areas for air
14 pollution, existing air pollution. These are other priorities
15 that already exist for EPA to fulfill. Adding to those
16 indiscriminately, that is to say without looking at this in a
17 priority risk way, it risks overwhelming the system and
18 suppressing or reducing the ability to deal with a collection
19 of risks that affect the American population in many ways.

20 Mr. Johnson. Okay. All right, another bill on new
21 chemicals, H.R. 2596, would prevent any new chemicals that are
22 PFAS from being commercially manufactured, imported, or
23 processed. Do you think it would be a bit more reasonable for

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1 the EPA to use a tiered approach that would limit the amount of
2 data that is required to collect if there isn't a toxicity problem
3 evident with one of the PFAS chemicals?

4 Ms. Luxton. Yes, I think tiering is a very good approach.
5 Looking at the types of PFAS chemicals, trying to group them
6 in terms of toxicity, the short chain/long chain issue, there
7 are differences among these compounds that really can make a
8 difference in terms of toxicity, uptake, and health effects.

9 Mr. Johnson. Okay. Ms. Luxton, you mentioned that
10 legislation that mandates action by a federal department or agency
11 like the bills we have before us today can have blind spots to
12 the requirements of the Administrative Procedure Act. In looking
13 at these bills as it relates to administrative procedure, the
14 Administrative Procedure Act, do you think items like notice and
15 comment are in danger of being minimized or ignored?

16 Ms. Luxton. Yes. Whenever there are bills that try to
17 expedite rulemaking and cut corners, those procedures that were
18 adopted and are well embedded in the law create litigation
19 opportunities which can have the effect of delaying the
20 effectiveness of new legislation all by itself because it is tied
21 up in the courts for years.

22 Mr. Johnson. You may have just answered this, but let me
23 clarify. Would you be concerned that short-circuiting these

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1 requirements make the objectives of these bills subject to
2 successful judicial challenge?

3 Ms. Luxton. Yes, we have seen that happen.

4 Mr. Johnson. And what happens when regulations are
5 litigated over process considerations?

6 Ms. Luxton. Delay. And if the rule is invalidated the
7 Agency has to start all over from scratch and put together a new
8 rule that can stand up in court.

9 Mr. Johnson. Wasted time, right?

10 Ms. Luxton. Wasted time.

11 Mr. Johnson. Okay. Mr. Chairman, I yield back.

12 Mr. Tonko. The gentleman yields back. The chair now
13 recognizes the gentleman from Florida, Mr. Soto, for 5 minutes,
14 please.

15 Mr. Soto. Thank you, Chairman. When I had first heard of
16 the chemicals related to PFAS and PFOS, much like many in the
17 public it was through tragedy because these are chemicals that
18 many of us in the public were unaware of. And in this case, it
19 was our firefighter training school in Ocala, Florida where we
20 had a cancer cluster happen and it is to such an extent that the
21 VP of the National Firefighters Union, his brother was one of
22 those victims.

23 So I think as we are talking about all the technicalities

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1 today, we need to really consider how this is affecting the
2 American public on a broader scale than things like rulemaking
3 and whether Congress should act. You know, a congressional law
4 is absolutely, under separation of powers, takes precedence over
5 any rulemaking of an agency. It is clear from everything we are
6 hearing today that we need to attack the PFAS contamination from
7 every angle and we should be working to stop the flow of chemicals
8 into our environment and into our bodies.

9 But government action can be slow. Hearing from my
10 constituents, they want us to act. Mr. Olson, what are some of
11 the everyday products people might use that would contain PFAS?

12 Mr. Olson. Thank you for the question, Mr. Soto, and thank
13 you for your bill that would address at least the cookware issue.

14 There are innumerable products that contain PFAS. They range
15 from the carpeting that our children may be crawling on or walking
16 on. They include a wide array of clothing. They include
17 textiles. They are sprayed on some of the furniture that we use.

18 They are used in just a wide array of consumer products. And
19 we would like to actually see your terrific bill that would include
20 an EPA program to make sure that consumers can make an intelligent
21 choice even expanded to other consumer products.

22 Mr. Soto. How would they be able to make informed choices
23 right now with regard to PFAS exposure?

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1 Mr. Olson. Basically they can't. If you go into a local
2 store you will see cookware, for example, often labeled PFOA-free.

3 Well, that doesn't tell you anything of value because they may
4 have just switched over to a different PFAS. So it is very
5 misleading to consumers in some cases if they are continuing to
6 use toxic PFAS and just labeling it PFOA-free.

7 Mr. Soto. So, let's say we implement the Safer Choice
8 program through the legislation that we introduced. How would
9 that influence companies as far as new products they put out on
10 the market?

11 Mr. Olson. Well, I think what we have seen in other cases
12 is when consumers know they can make a choice, if I go in and
13 I have my choice between a PFAS-free cookware or carpet or couch
14 and I can buy one that doesn't have that versus one that does,
15 I am going to make the choice. And right now, consumers don't
16 have that information.

17 Mr. Soto. We heard a lot of testimony today about addressing
18 all PFAS and not just focusing on PFOA and PFOS. Would the label
19 requirement under our bill have the same value if it only covered
20 PFOA or PFOS?

21 Mr. Olson. No, for exactly the reasons we were just talking
22 about because we know that even some folks are now labeling them
23 as PFOA-free or PFOS-free; we need to deal with the whole class.

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1 Mr. Soto. Ms. Marpe, I was really obviously taken aback
2 by your personal story and what you and your family went through.

3 On behalf of moms across America, what would be the cost of
4 inaction if we do nothing here?

5 Ms. Marpe. The cost of inaction has already been
6 extraordinary. I mean I talked to Toby McNoughton from Michigan
7 about her son Jack, you know, he tested over 400 parts per billion
8 in his blood, the highest child I know of. That is such a tough
9 question because it is everywhere. Like as much as I wanted to
10 protect my family, I still know. I know where it is, like I have
11 educated myself. I have killed myself to educate myself. You
12 know, New York State did not educate me.

13 Mr. Soto. And do you think there is a lot of families still
14 living unaware of this danger?

15 Ms. Marpe. Absolutely. You have to remember, Petersburg
16 -- well, you wouldn't have to remember because you don't know.

17 But Petersburg --

18 Mr. Soto. Our chairman would know.

19 Ms. Marpe. Yeah. The town of Petersburg only has 76 wells
20 on the municipal supply, 76 wells. So, like before, you had to
21 have a population above 10,000, okay, now it is 3,500. Okay,
22 that still doesn't save the little towns of Petersburg. And
23 these companies set up shop in rural communities where they fly

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1 under the radar. I mean you can't see it. You can't smell it.
2 You can't taste it. You have no idea it is there until somebody
3 tells you.

4 If Michael Hickey never tested the water, we still wouldn't
5 know. He took his own money, his own personal money to test the
6 water because his father died of kidney cancer. He was smart
7 enough to think, hey, can Teflon cause cancer? His father worked
8 for the plant in Hoosick Falls for 32 years. He came home, his
9 home was literally 800 feet from the plant, 800 feet. The man
10 showered in it, cooked in it, drank it, I mean and he is gone.
11 He died shortly after retirement.

12 You can't make this up. I mean it has already taken decades.
13 You are like 50, 60 years too late. This should have been stopped
14 in the '50s when it was created. It is a manmade chemical. It
15 doesn't belong in me. It doesn't belong in my children. It
16 doesn't belong in you. It is there. Go test yourself, feel free.
17 It is like 500 bucks.

18 Mr. Tonko. The gentleman yields back. We now recognize
19 the gentleman from the state of New Mexico, Mr. Lujan, for 5
20 minutes.

21 Mr. Lujan. Thank you, Mr. Chairman. And thank you to
22 Ranking Member Shimkus as well for allowing me to join this
23 hearing. And, Ms. Marpe, thank you for your testimony and your

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1 responses as well. Thank you to each of the witnesses for sharing
2 your expertise as well with the urgency of having to respond to
3 this environmental and health crisis that we are facing across
4 the country. We are just now beginning to see all of the
5 dimensions of this crisis.

6 And, Mr. Olson, in your testimony you made clear that these
7 are forever chemicals that don't break down. They can enter our
8 food and water and systems in many different ways. Ms. Marpe,
9 you just reminded us of that.

10 In my district, the Department of Defense's use of the
11 PFAS-laden firefighting foams has polluted the groundwater needed
12 by adjacent dairy farmers to grow their crops and water their
13 cows. The Department of Defense refuses to clean up the
14 groundwater. Think about what I just said. The Department of
15 Defense refuses to clean up this groundwater, even though they
16 fully acknowledge that their actions created this pollution.
17 It is why many pieces of this legislation are required. Along
18 with Senator Udall, I recently introduced the Prompt and Fast
19 Action to Stop Damages Act of 2019 to force the Department of
20 Defense to do what is right, to do what they should have been
21 doing all along in cleaning up the mess they created, make the
22 impacted dairy farmers whole.

23 Mr. Olson, I appreciate your discussion and support of my

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1 legislation in your written testimony. Can you elaborate on why
2 it is critical for the Department of Defense to clean up all
3 sources of PFAS contamination?

4 Mr. Olson. Well, I think a lot of us learned in kindergarten
5 that if you make a mess you clean it up.

6 Mr. Lujan. Robert Fulghum is one of my favorite authors.

7 Mr. Olson. Exactly. And unfortunately, it seems maybe
8 Department of Defense didn't learn that in kindergarten and a
9 lot of polluters did not. It is very important for those that
10 have created a mess and created risks and poisoned their community
11 to be responsible for cleaning up, and that is why it is important
12 to hold those polluters accountable whether they are federal
13 agencies or they are private companies.

14 Mr. Lujan. So I want to ask you another question that points
15 to several pieces of legislation that have been authored. Should
16 the Department of Defense be required to clean up water sources
17 used to produce our food and milk just like they are required
18 to clean up our drinking water?

19 Mr. Olson. They absolutely should. In fact, last night
20 I met one of your constituents, a farmer whose milk is
21 contaminated. He is having to destroy his milk every day. He
22 is probably going to have to destroy his dairy cows and they aren't
23 going to be able to be sold as food because they are so

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1 contaminated. So we definitely need to make sure we are
2 protecting agricultural uses of that water as well.

3 Mr. Lujan. And rather than acquiring that farm, purchasing
4 those dairy cattle, and cleaning up their mess, the Department
5 of Defense is paying to buy the milk. Millions of dollars, I
6 mean like it doesn't make any sense when it is less expensive
7 to fix the problem to clean up their own mess. But again, that
8 is why if the Department of Defense is saying that they don't
9 have the authority, which I disagree with, this legislation that
10 is before this subcommittee, four other committees of
11 jurisdiction, will require them to do this. And I appreciate
12 your testimony, Mr. Olson.

13 Just in closing, I want to emphasize that the emotional and
14 financial hardships, much of which that has been shared today,
15 other testimony that has been shared through conversations from
16 constituents that have traveled from across America to be here
17 in Washington, D.C. this week, I want to encourage our members
18 to make sure that they are having town halls in these communities.

19 That they are making themselves available; that they are
20 listening to the constituents so that way we can share those
21 stories and show the urgency of needing to act across America.

22 That includes the farming community in Curry County, a community
23 that I am honored to represent.

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1 Since the Department of Defense is neglecting its
2 responsibility to clean up the groundwater, the burden has fallen
3 entirely on the dairy farmers. They are having to put in their
4 own filters, put in their own work, plan for their own futures.

5 The Department of Defense needs to do the right thing here.
6 Farms have either stopped producing milk because they don't have
7 access to clean water or at their own expense installed filtration
8 systems costing hundreds of thousands of dollars.

9 Mr. Chairman, they should be reimbursed for that by the
10 Department of Defense. They are doing their work for them.
11 While the farming community's very way of life is being
12 threatened, the Department of Defense is just standing there doing
13 nothing. These farmers are running out of time and it is up to
14 Congress to act, and for the sake of the farmers in my district
15 and the families across the country we need to act now and act
16 quickly.

17 And I thank the chairman and the ranking member for their
18 indulgence and thank them for letting me sit in at this important
19 committee hearing today.

20 Mr. Tonko. The gentleman yields back and the chair now
21 recognizes the gentlelady from the state of California, Ms.
22 Matsui, for 5 minutes.

23 Ms. Matsui. Thank you, Mr. Chairman. And I want to thank

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1 the witnesses for being here today. We have seen that many
2 private companies are moving away from PFOA and PFOS for shorter
3 chain substitutes. While I think we can all agree that this is
4 a good step and of acknowledging that the known risks that PFOA
5 and PFOS pose, I am concerned that the amount of research and
6 information on some of these substitutes. For example, over
7 the past couple of years we have been hearing numerous reports
8 of high levels of the chemical GenX being used by companies like
9 Chemours. However, EPA issued a draft toxicity review last fall
10 of two chemicals, GenX and a related compound PFBS that
11 demonstrated even very low doses could still present serious
12 health risks such as issues of prenatal development and immune
13 system, liver, kidney, or thyroid complications.

14 Dr. DeWitt, I think you are acutely aware of the issue which
15 has been a particular problem in your state of North Carolina.

16 At this point, what do we know about the health risks of some
17 of these short and intermediate chain substitutes?

18 Ms. DeWitt. They are just as persistent as the long chain
19 compounds. They are able to move from the environment into bodies
20 just like the long chain compounds and once in their bodies they
21 are able to interact with molecules in our bodies to produce
22 toxicity. You mentioned immunotoxicity which we see with GenX.
23 We still see increases in liver weight and increases in liver

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1 enzymes which are a sign of toxicity, so we see many of the same
2 types of effects as the long chains.

3 Ms. Matsui. Okay. Mr. Olson, in your view do we have enough
4 information about the risks posed by PFOS, PFAS as a class to
5 begin taking action now?

6 Mr. Olson. Absolutely we do, and if we don't regulate them
7 as a class we are going to be on this treadmill of trying to
8 regulate one at a time and we will never get off of it.

9 Ms. Matsui. Okay. All of us are aware here that PFAS is
10 known as forever chemicals because they don't readily or easily
11 decompose or degrade. Forever in our environment and forever
12 in our bodies and that is really a troubling thought.

13 Dr. DeWitt, I would like to ask you for more information
14 about the health risks for vulnerable populations like pregnant
15 women and children. What do we know about how PFAS impacts, how
16 it impacts a developing infant or child?

17 Ms. DeWitt. Infants, developing organisms, infants and
18 children consume a higher amount of water per body weight than
19 adults, so their relative exposure is greater. They also have
20 relatively poorly developed systems for metabolizing, even though
21 these aren't metabolizing, and excreting compounds, so their body
22 burden remains a little bit higher so these compounds stay in
23 their bodies a little bit longer. And because many of their other

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1 systems aren't fully developed, they are more sensitive to the
2 effects of these compounds.

3 We also know that these compounds can be excreted in breast
4 milk, so they are getting exposures through breast milk. And
5 if they are families that live in contaminated communities who
6 choose not to breast feed, they will get exposed through their
7 contaminated drinking water and other items in the home that may
8 contain PFAS.

9 Ms. Matsui. Okay, so based upon what you know about the
10 health effects of these chemicals, do you think it is appropriate
11 to treat them as a class?

12 Ms. DeWitt. I agree that that is appropriate. I think it
13 is a wise decision.

14 Ms. Matsui. Okay. These chemicals are dangerous and
15 extraordinarily persistent and what we are dealing with is for
16 generations and we have to make a difference. Do you perceive
17 an additional risk due to the fact that DOD is only looking at
18 these two specific chemicals rather than the entire class of PFAS
19 chemicals?

20 Ms. DeWitt. I think that looking at the chemicals as a class
21 is an important consideration because they have all been designed
22 to have similar functionality so their physical chemical
23 properties are very similar. The carbon-fluorine bond does not

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1 break down, and as you mentioned they are forever in our
2 environments and forever in our bodies.

3 Ms. Matsui. Well, I do hope we take some action right now
4 and I yield back. Thank you.

5 Mr. Tonko. The gentlelady yields back. The chair now
6 recognizes the very patient gentlelady from New Hampshire,
7 Representative Kuster. You are recognized for 5 minutes, please.

8 Ms. Kuster. Thank you very much, Chairman Tonko. And I
9 want to thank you and Ranking Member Shimkus for allowing me to
10 sit in on this hearing. This is not my normal subcommittee, but
11 it is an important issue not only in my district but across the
12 country.

13 I want to first take a moment to thank Emily for being with
14 us as a mother and a she-bear. I know how this feels and but
15 I can't even begin to imagine the fear that you felt and I am
16 glad you were able to take the steps to sell your home, because
17 there are families all across this country that can't move. They
18 don't have that opportunity. They can't find someone to buy the
19 home that they have invested in.

20 And in my district, we are going through this in a small
21 town called Litchfield, New Hampshire. Contamination from the
22 Saint-Gobain's plastic company was found in water testing coming
23 through the air, getting into the soil. Fortunately, we were

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1 able to, because of advocates like yourself, the people living
2 in this community brought it to our attention, brought it to their
3 board of selectmen. We were able to bring the company in and
4 we were able to get the attention of the EPA. And the state of
5 New Hampshire and Saint-Gobain reached a monumental agreement
6 that required the manufacturer to run clean water to all of the
7 affected homes. Some of these homes have been hooked up to a
8 neighboring city of Manchester to get water to the door.

9 But I am concerned as the parents are about children playing
10 in the yard, about what is coming through the air, about what
11 is affecting them. In a neighboring town also in my district,
12 Amherst, New Hampshire, 2016, New Hampshire Department of
13 Environmental Services tested 11 wells within a one-mile radius
14 of the former location of Textiles Coated International and again
15 found very high levels.

16 So this is something that we are dealing with in New Hampshire
17 and I just want to really acknowledge your courage because we
18 need to put a face on this. I have studied way back to the first
19 Earth Day. I can remember picking up trash and studying
20 environmental studies in college and just putting a face on this
21 and being able to tell the story is important.

22 I am just going to turn briefly to my bill, H.R. 2596,
23 Protecting Communities from New PFAS Act, which would halt new

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1 PFAS chemicals including, as my colleague mentioned, the short
2 chain PFAS from being approved through the EPA's pre-manufacture
3 notice system. And I want to ask Mr. Steglitz, from your
4 testimony you talked about "The best way to address these
5 contaminants is at the source," do we need to halt the approval
6 of new PFAS chemicals from entering the commercial supply chain?

7 Mr. Steglitz. And absolutely, if we can figure out what
8 the health impacts are before they enter circulation then that
9 will be the best practice, because addressing it at the end of
10 the pipe is clearly not the most, not in the most effective way
11 to address this.

12 Ms. Kuster. Right. You have talked about the expense to
13 the taxpayers and I think we need to go upstream, if you will,
14 in the chain from that.

15 Mr. Olson, your testimony also highlighted the importance
16 of "turning off the tap," for the approval of new PFAS and new
17 uses for existing PFAS. While we know that tackling this problem
18 will take a multifaceted, comprehensive approach, we have heard
19 so many good ideas in this hearing, how important is it to stop
20 new PFAS chemicals from entering the supply chain?

21 Mr. Olson. It is absolutely critical. We have already got
22 4,700 of these things or more, and adding new ones as I say in
23 my testimony it is sort of like Will Rogers said, "If you find

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1 yourself in a hole, stop digging," and we are still digging.
2 We are still approving new uses. We are still approving new PFAS
3 chemicals and we need to stop and take a step back and we are
4 pleased that your bill would do that.

5 Ms. Kuster. And what steps do you think that Congress can
6 take to put an end to new PFAS chemicals from being introduced?

7 Mr. Olson. Well, I think this requirement of having EPA
8 halt the new approvals, and there is a companion bill also that
9 would phase out the existing uses, we think that is important.

10 And Mr. McKinley was asking about imports. So, it is also
11 important that if you act under TSCA, you can also ban the imports
12 of these products which is very important as well, because right
13 now PFOA and PFOS even are allowed to be manufactured overseas
14 and we can get products coming into the U.S. with them.

15 Ms. Kuster. Well, I hope that we will continue to work in
16 a bipartisan way.

17 And, Attorney Luxton, you used the phrase, "our highest
18 priority concern." I can say for myself as a legislator and a
19 mother that my highest priority concern is the health and
20 well-being of my constituents.

21 And again, thank you, Emily, for bringing your story forward.
22 With that I yield back.

23 Mr. Tonko. The gentlelady yields back, and again, thank

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1 you for your patience, Representative Kuster.

2 And I do thank each and every witness that appeared today.

3 It is so important that we review these issues with every bit
4 of information.

5 I remind members that pursuant to committee rules they have
6 10 business days by which to submit additional questions for the
7 record to be answered by our witnesses. I ask each witness to
8 respond, please, promptly to any such questions that you may
9 receive.

10 We have had requests, several requests for documents to be
11 entered into the record. They include a letter from the
12 Association of Metropolitan Water Agencies; a letter from
13 Westfield Residents Advocating for Themselves, round to the
14 acronym of REST; a letter from the Informed-Public Project; a
15 letter from the United States Chamber of Commerce; a letter from
16 the American Chemistry Council; a fact sheet issued by the PFAS
17 Community Campaign; research findings from Dr. Matt Reeves of
18 Western Michigan University; and then written testimony from both
19 Representatives Brian Fitzpatrick and Dan Kildee. So I would
20 request unanimous consent to enter the following into the record.

21 Mr. Shimkus. Mr. Chairman, reserving the right to object,
22 I will not object. I want to -- hopefully we are going to be
23 careful on receiving testimony from people we didn't ask to

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1 testify. Both Fitzpatrick and Kildee are great friends of ours,
2 they do have relevant legislation. I am not objecting to the
3 submission, but I want us to be careful about a precedent we may
4 set and we will get all these testimonies on people who may not
5 be as actively involved in bills in the future. So with that
6 I will not object, Mr. Chairman.

7 Mr. Tonko. Okay, so the following will be introduced into
8 the record.

9 [The information follows:]

10

11

*****COMMITTEE INSERT 7*****

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1 Mr. Tonko. And then at this time I indicate that the
2 subcommittee is adjourned.

3 [Whereupon, at 12:46 p.m., the subcommittee was adjourned.]