Testimony of Robert R. Scott, Commissioner
NH Department of Environmental Services
Before the U.S. House Subcommittee on Environment
Committee on Oversight and Reform

Rayburn House Office Building
Room 2247
July 24, 2019

Good Afternoon. Chairman Rouda and members of the committee, thank you for this opportunity to talk with you about the impacts we are seeing in New Hampshire associated with PFAS contamination. For the record, my name is Bob Scott and I am the Commissioner of the New Hampshire Department of Environmental Services. In New Hampshire, we have been heavily engaged in the discovery, tracking and response to PFAS contamination with elevated levels found at a combination of military, superfund, industrial and personal use sites. Specific examples of contaminated sites range from the former Pease Air Force Base where firefighting foam was applied, former superfund sites where industrial material was buried, firefighting training areas, a biosolid disposal site, to a school where it is suspected that floor cleaning solvents that were poured down the drain impacted the drinking water supply well. We have also had to deal with two industrial sites in the state where air emissions of PFAS were deposited into the area and contaminated drinking water wells over a wide region. Specifically, at the St. Gobain Performance Plastics site, we found deposition impacts to drinking water wells over a 64 square mile area. As our testing efforts have expanded, we have found that the presence of these compounds in our environment is extensive and find that at the state level, we are limited in our ability to slow the rising levels of PFAS contamination. Importantly, for this subcommittee, we find none of these activities that caused contamination to be unique to New Hampshire and so are

confident that if testing where to be done, all states would find that they have similar issues.

We are fortunate to have an excellent relationship with the USEPA Region 1 team that have helped us as we have had to work with the Department of Defense and superfund sites, and have been given outstanding support from EPA's Office of Research and Development, particularly in our work related to air deposition and proper selection of pollution controls. However, for these compounds, we find our natural roles within our Nation's public health and environmental protection enterprise reversed. New Hampshire has just promulgated enforceable drinking water standards for four PFAS compounds where this responsibility is better performed at a federal level with the national assets afforded to EPA can be employed. We have been asking for national standards but have been told that a Regulatory Determination will be completed within this calendar year which, given the current process, means that at best regulatory standards are multiple years away. That leaves states standing on their own. In New Hampshire we have been fortunate to have the support of our Governor and the legislature in getting the resources needed to do this important work, but we shouldn't be forced into this role.

A key area where we must have EPA step up to this challenge is in regulating this entire family of compounds. In New Hampshire we rarely find only a single PFAS compound at an investigation site. There is limited scientific information on a very small number of PFAS compounds, but we regularly detect dozens of them in the environment. We need EPA, other federal agencies, and industry to quickly develop the science that enables us to regulate these compounds as a family instead of individually.

If we are ever to solve this problem, we need the federal government to work with industry and other nations to reduce and remove these

compounds from the industrial and commercial stream. These compounds remain in the environment for decades and it is essential that we stop adding them to the environment. I can envision in the short term that there may be an essential need for a few products that require these compounds, perhaps in firefighting foam, but they are used in far too many applications that are neither life-saving nor necessary. We need them to be replaced with compounds that have been tested for human and environmental safety and we need support to transition to those safe replacements now. We also need the technology and investment to collect and destroy these compounds where they have become concentrated in the environment. No state can do this without leadership and support from the federal government.

In summation, failing the prospect of federal action in the near term, states are increasingly feeling the need to set standards themselves, New Hampshire is one of the first to do so. However, multiple states have indicated that they are either in process of setting standards or will be starting soon. This will result in a patchwork of regulation with inevitable variations. I believe that both industry and the public would be best served by properly protective federal standards. Industry should embrace the regulatory certainty this approach would provide. Similarly, a partnership between the federal government and industry to eliminate these compounds from commerce would be the most economical and beneficial approach to solve this issue, both for the economy and public health.

As I stated before, in New Hampshire we have been heavily engaged in PFAS investigation, response, remediation and regulation for the last four years and we continue to find additional impacts due to the nature of these compounds. We have been fortunate to have the support of our citizens, legislature, Governor, and EPA partners – not to mention the tireless and caring work of the fine men and women of the New Hampshire Department of Environmental Services – but this challenge is

only going to continue to grow as we continue to add unknown quantities of the thousands of known and numerous unnamed PFAS compounds into the environment. We will do our share, but we need assistance to slow this trend of contamination and to begin the process of ensuring that future generations are not impacted.