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6 PERFLUORINATED CHEMICALS IN THE ENVIRONMENT:

7 AN UPDATE ON THE RESPONSE TO CONTAMINATION

8 AND CHALLENGES PRESENTED

9 THURSDAY, SEPTEMBER 6, 2018

10 House of Representatives

11 Subcommittee on Environment

12 Committee on Energy and Commerce

13 Washington, D.C.

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17 The subcommittee met, pursuant to call, at 10:00 a.m.,
18 in Room 2123 Rayburn House Office Building, Hon. John Shimkus
19 [chairman of the subcommittee] presiding.

20 Members present: Representatives Shimkus, Upton,
21 McKinley, Olson, Johnson, Flores, Hudson, Walberg, Carter,
22 Duncan, Walden (ex officio), Sarbanes, Welch, Tonko, Ruiz,
23 Peters, Green, McNerney, Cardenas, Dingell, and Pallone (ex

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24 officio).

25 Staff present: Samantha Bopp, Staff Assistant; Daniel
26 Butler, Legislative Clerk, Health; Karen Christian, General
27 Counsel; Kelly Collins, Legislative Clerk,
28 Energy/Environment; Margaret Tucker Fogarty, Staff Assistant;
29 Ali Fulling, Legislative Clerk, Oversight & Investigations,
30 Digital Commerce and Consumer Protection; Drew McDowell,
31 Executive Assistant; Brannon Rains, Staff Assistant; Mark
32 Ratner, Policy Coordinator; Annelise Rickert, Counsel,
33 Energy; Peter Spencer, Senior Professional Staff Member,
34 Energy; Madeline Vey, Policy Coordinator, Digital Commerce
35 and Consumer Protection; Elizabeth Ertel, Minority Office
36 Manager; Jourdan Lewis, Minority Staff Assistant; John
37 Marshall, Minority Policy Coordinator; Tim Robinson, Minority
38 Chief Counsel; and Tuley Wright, Minority Energy and
39 Environment Policy Advisor.

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40 Mr. Shimkus. If I can ask all our guests today to
41 please take their seats. The Subcommittee on Environment
42 will now come to order. The chair recognizes himself for 5
43 minutes for an opening statement. All right, let's quiet
44 down.

45 Good morning. Today's hearing focuses on a class of
46 emerging environmental contaminants that are highly
47 fluorinated chemicals. Technically known as perfluorinated
48 polyfluoroalkyl substances, they are more commonly referred
49 to by their acronym, PFAS.

50 PFAS is a group of man-made chemicals numbering in the
51 thousands that have been manufactured and used in a variety
52 of industries around the globe. These chemicals have been
53 used to make coatings and products that are widely used by
54 consumers due to their oil and water repellent
55 characteristics.

56 Items containing PFAS include food packaging like pizza
57 boxes and microwave popcorn bags and in non-stick products
58 like Teflon as well as polishes, waxes, paints, and cleaning
59 products. The chemicals also serve to make components of
60 firefighting foams and mist suppressants from metal plating
61 operations. The military uses them in foam to extinguish
62 explosive oil and fuel fires.

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63 PFAS are considered emerging contaminants because
64 today's advanced analytical technology is increasingly
65 detecting their presence in the environment and there isn't a
66 great of toxicology data on many of these substances, meaning
67 that we don't know enough to say how risky each PFAS chemical
68 is or what the exact impact of exposure to these substances
69 will be for each person.

70 In truth, while we are only on the front end of the
71 understanding how they move in the environment or their
72 effect on the environment and public health, what we do know
73 is that because of their unique properties and vast usage,
74 most people have come into contact with at least one PFAS.
75 In addition, studies on a few PFAS chemicals suggest those
76 chemicals might cause health problems for humans. And, these
77 PFAS chemical appear to be very persistent in the environment
78 and in the human body, meaning they don't break down.

79 In the past few years, public anxiety about PFAS
80 detection and uncertainty about what to do about it has
81 grown. News reports have highlighted several communities,
82 near military bases or facilities making PFAS, have
83 discovered these chemicals in their drinking water.

84 This hearing is about starting the dialogue on PFAS. It
85 means taking stock of what the government knows about PFAS,

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86 what efforts to contain its contamination have promise, and
87 what is preventing people from being helped with cleanup or
88 avoid contamination of their air, soil, and water. It is
89 time to figure out what can be done right now and what needs
90 to be done to respond appropriately to legitimate risks
91 created by PFAS contamination in the environment.

92 I understand that in 2016 EPA established health
93 advisories for certain PFAS chemicals to provide drinking
94 water system operators and state, tribal, and local officials
95 with information on health risks of these chemicals. In
96 addition, in May of this year, EPA kicked off a national PFAS
97 effort. We welcome back the committee, Dr. Grevatt, the
98 unofficial EPA PFAS czar who will walk us through EPA's
99 ongoing as well as future plans for addressing PFAS.

100 We also will hear from the Department of Defense because
101 the various branches of the military have often used these
102 chemicals for fire suppression and now many military
103 installations are faced with significant issues concerning
104 PFAS contamination. We welcome Mr. Niemeyer, the Department
105 Assistant Secretary of Energy, Installations, and Environment
106 -- that is not right -- Ms. Sullivan, who will talk us
107 through what DOD is doing to tackle this issue.

108 For the critical state perspective, which represents the

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109 front lines for addressing the issue, we will hear from our
110 friends in the state drinking water and solid waste agencies.
111 We welcome back Ms. Daniels who is here on behalf of the
112 Association of State Drinking Water Administrators, and Mr.
113 Sandeep who is here on behalf of the Association of State and
114 Territorial Solid Waste Management Officials.

115 Without stealing from my colleagues from Michigan and
116 their thunder, I also want to welcome Ms. Isaacs from the
117 Governor's Office in Lansing. She is the official Michigan
118 PFAS czarina and it will be good to understand her state's
119 work in this area.

120 And with that I would like to yield to Mr. Hudson for
121 the remaining of my time. Mr. Hudson. Thank you,
122 Chairman Shimkus and Ranking Member Tonko. I appreciate you
123 holding this hearing today on PFOS and PFAS chemicals. This
124 issue remains a top priority for me and I am looking forward
125 to hearing from our witnesses today.

126 I want to thank the EPA for agreeing to testify so we
127 can continue to learn more about these chemicals. The EPA
128 recently accepted an invitation to hold its third community
129 engagement summit in my district. Dr. Grevatt, I look
130 forward to hearing from you and what you have learned at that
131 summit as well as discussing what plans EPA has to release a

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132 public health advisory specifically for GenX.

133 I also want to thank Emily Donovan, a former North
134 Carolinian, who will be testifying on our second panel. Too
135 often we are focused on the technical sides of these issues
136 and forget at the end of the day we are talking about real
137 people. So I look forward to Emily's testimony that will put
138 a human face on this issue, Mr. Chairman.

139 And with that I yield back.

140 Mr. Shimkus. The gentleman yields back his time. The
141 chair recognizes the gentleman from New York, my good friend
142 Mr. Tonko, for 5 minutes.

143 Mr. Tonko. Thank you, Mr. Chair, and welcome to our
144 guests, including the czars and czarina. So, it is awesome
145 to have you here.

146 Seventy parts per trillion, per trillion -- it is hard
147 to even fathom that amount -- drops in an Olympic-sized
148 swimming pool, but that is the health advisory level
149 established by EPA for lifetime exposure to PFOA and PFOS in
150 drinking water. When we discuss other serious drinking water
151 contaminants we often deal in parts per billion. Lead and
152 perchlorate and other dangerous contaminants are considered
153 on a scale order of magnitude larger than PFOA. That gives
154 you a sense of how toxic this class of chemicals is.

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155 After a number of high profile incidents in 2016, EPA
156 significantly lowered its health advisory level from 400
157 parts per trillion to 70. Since then, we have seen some
158 states set standards lower than 70 parts per trillion, and
159 the press has reported what appears to be political
160 interference that sought to delay a CDC toxicity study which
161 suggests that these substances are dangerous at even lower
162 levels than previously stated by EPA.

163 Clearly, we have issues with risk communication. So I
164 understand the frustration felt by individuals and
165 communities that do not know who to trust. Perfluorinated
166 substances, collectively known as PFAS, have been linked to
167 cancer, to thyroid disease, and other serious health
168 problems. These compounds such as PFOA, PFOS, and GenX have
169 been used for industrial purposes including cookware, food
170 packaging, and firefighting foam.

171 We know PFAS are toxic, bioaccumulative, and stick
172 around in the environment for years to come. We know almost
173 all Americans have had some PFAS exposure and we know
174 drinking water contaminations are being found in communities
175 across our country. Research from Environmental Working
176 Group estimated PFAS contamination in the water supplies of
177 15 million, 15 million Americans. Due to how these chemicals

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178 are monitored the number is likely underestimated.

179 Under the EPA's Unregulated Contaminant Monitoring Rule,
180 or UCMR, from 2013 to 2016, all U.S. public water systems
181 serving 10,000 or more customers tested their supplies for
182 PFOA, PFOS, and other similar compounds, but as it is UCMR is
183 not adequate. It only covered six PFAS out of thousands
184 within this chemical class that have been found in products
185 or the environment.

186 About 50 million Americans are served by water systems
187 that were not required to test for these PFAS at all, and 15
188 percent of Americans rely on private wells which are not
189 covered by any EPA drinking water standards or testing
190 requirements. Communities nearby my district are dealing
191 with the consequences of contamination. Hoosick Falls, New
192 York, in Upstate New York, only discovered they had a problem
193 after a private citizen tested his water.

194 I want to stress that communities like Hoosick Falls and
195 Newburgh in Upstate New York and the dozens and dozens of
196 others are not unique and the elevated rates of cancer and
197 unusual diseases are surely not a coincidence. It should not
198 and cannot fall upon every private citizen to test the water
199 only after a loved one passes away from kidney cancer. This
200 is why we have national protective standards that require

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201 monitoring and treatment for dangerous common contaminants.
202 We need EPA action on an enforceable standard, but without
203 such action this committee has made efforts to ensure more
204 widespread monitoring of PFOA and PFOS.

205 In the Drinking Water System Improvement Act passed by
206 the committee last year, we would require water systems
207 serving more than 3,300 people to test for unregulated
208 contaminants, a vast improvement over that 10,000.
209 Unfortunately, this does not help people served by the
210 smallest systems or private well, but it is a start.

211 Mr. Chair, we should continue to look into additional
212 ways to improve testing and monitoring. Today is a great
213 opportunity for us to learn what EPA and state governments
214 are doing to address the growing course of concerns from
215 scientists and private citizens about the risks posed by
216 PFAS. I hope we will hear that EPA is exploring all
217 regulatory options available and plans to act expediently.

218 But even on the most aggressive timeline, regulatory
219 action will likely take years, so we must consider what can
220 be done right now to identify contaminations, prevent
221 exposure, and expedite cleanups.

222 We are also joined today by the Department of Defense.
223 For decades, aqueous film-forming foam, a firefighting foam

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224 that contains PFAS, has been used by DOD and commercial
225 airports. In communities where PFAS are not manufactured,
226 ground water contamination has often been traced to a nearby
227 DOD installation where these firefighting foams have been
228 used. Communities near these bases and industrial facilities
229 did not sign up for this risk and deserve, deserve clean
230 water.

231 DOD must step up and make it right. We know the cost of
232 remediation can be expensive and the health consequences of
233 exposure can indeed be fatal. Ultimately, we must hold
234 polluters accountable to clean up and make the communities
235 and families that have suffered from this pollution whole
236 again. And yes that standard must apply to our United States
237 Department of Defense.

238 Mr. Chair, I am grateful that you have called this
239 hearing today. I expect we will learn a lot about the
240 options of EPA, DOD, states, and communities to protect
241 people from these dangerous contaminants. But a hearing is
242 not enough. I firmly believe there is a need for legislation
243 to ensure that adequate testing, monitoring, remediation, and
244 protection is occurring, and this can best be guaranteed if
245 Congress requires EPA to take the steps necessary to make a
246 determination on a maximum contaminant level in addition to

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247 other potential protective actions.

248 I believe there are legislative proposals that would
249 have bipartisan support and I hope we can continue to look
250 into this issue based on today's conversations. With that
251 Mr. Chair, I yield back. Mr. Shimkus. The gentleman yields
252 back his time. We can tell by the length of the statement
253 that Jackie has returned, so welcome back.

254 The Chairman. Swing and a hit.

255 Mr. Shimkus. The chair now recognizes the chairman of
256 the full committee, Chairman Walden, for 5 minutes.

257 The Chairman. Thank you, Mr. Chairman. I appreciate
258 you holding this hearing. It is really, really important
259 work and I know many of our colleagues on the dais -- Mr.
260 Hudson, Mrs. Dingell, Mr. Upton and others -- have been very
261 involved in this.

262 On my way back to Washington at the end of last week, I
263 went at Mr. Upton's request to Michigan to learn more
264 firsthand from him about this horrible situation in his
265 district and state. And I think it is really important we
266 got right on this hearing. I appreciate everybody's input.

267 You know, we are going to do three things here today.
268 First, is we need to increase our understanding of what the
269 government knows or doesn't and establish what the public

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270 should know about the risks, how confident they should be in
271 that information, and the best ways to prevent unhealthy
272 exposure to these chemicals.

273 Second, we need to explore what can be done right now to
274 address contamination by these substances based on what we do
275 know starting with the practical steps that may be taken to
276 reduce risk from contamination. And third purpose of the
277 hearing, it should help develop an outline for a more
278 sustained strategy to fill important information gaps,
279 identify any longer terms challenges, and set realistic
280 expectations for results based on science and risk-informed
281 decision making.

282 And that is why we have our witnesses today who can help
283 us in this effort. I want to thank Chairman Shimkus for
284 assembling these two very good panels of witnesses. They
285 have important knowledge not only on the complicated nature
286 of PFAS contaminated sites and the state of the science on
287 these contaminants, but also on policy.

288 I know EPA announced a more comprehensive PFAS plan this
289 past May and have been traveling the country to hear from
290 people impacted by PFAS contamination. And we look forward
291 to hearing what EPA ranks PFAS exposure in terms of other
292 environmental and public threats that are facing us and how

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293 the federal government plans to try to tackle the issues
294 associated with PFAS chemicals including around Defense
295 Department sites.

296 And we look forward to learning about the technical and
297 economic barriers that states and communities face in dealing
298 with this contamination. We have seen these sorts of things
299 before in America. We know how difficult they can be and
300 deadly they can be in various examples in the past including
301 at Department of Defense sites. I think of Hanford in my
302 region and the waste that is there from World War II we are
303 still trying to clean up, and other things that have occurred
304 around the country.

305 So I appreciate our panel being here. I appreciate this
306 hearing. I am going to yield the balance of my time to the
307 former chairman of this committee, nobody who has worked
308 harder on this issue -- got on it right away with Governor
309 Snyder -- than Fred Upton. So, Mr. Upton, I would yield the
310 balance of my time to you.

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311 Mr. Upton. Well, thank you, Mr. Chairman. And I want
312 to particularly thank you too, Mr. Chairman Shimkus, not only
313 for this hearing this morning, but also for your great work
314 in the last Congress to pass TSCA legislation, something that
315 passed this committee when I was chairman, on a unanimous
316 vote thanks to your leadership, and really provided the EPA
317 the authority to begin to look at all these somewhat
318 unregulated chemicals for the first time in 40 years. And
319 had that not happened we probably wouldn't be here today. So
320 that work really paid off.

321 Let me just share with you a couple things at what
322 happened when I went back to Michigan beginning the August
323 break. I literally was just off the plane on my way home
324 when I got a call from my state senator, Margaret O'Brien,
325 and she said, Fred, I have really bad news. We just got the
326 results from a small city in my district, Parchment, and they
327 are 20 times the standard for PFOS and we are assembling a
328 meeting yet tonight, we want you to come.

329 And so I went to the other end of my district, it was
330 not a problem, and we spent about 5 or 6 hours there that
331 night. We had a conference call with the state with every
332 player of any importance to figure out what we should do.
333 And we praised the media, because this particular town

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334 doesn't have the system on their cells even though earlier in
335 the week here in Washington we got a weather alert that
336 everyone's cell phone buzzed, take cover, flooding, et
337 cetera, we didn't have that ability to do that in Parchment.

338 But we knew at 1,400 parts per trillion, 20 times the
339 standard that they should not be using that water right away.
340 People were ready to go door-to-door to tell folks in this
341 small community don't put the water out for your pet, don't
342 use it for infant formula, don't make it for coffee in the
343 morning, don't -- just disconnect your icemaker, no water for
344 cooking, and thanks to the media, particularly Channel 3 and
345 Channel 8, they came out with radio stations and the word was
346 out right away to stop.

347 And for a month we literally were giving bottled water
348 to everyone in those two communities, City of Parchment and
349 Cooper Township. That water just got turned on last week and
350 when they were able to connect with the City of Kalamazoo to
351 hook up. But you still have a good number of private wells
352 and others that are in trouble because that level is too
353 high.

354 So as the Governor said, this is a textbook case of what
355 ought to happen, getting the word out, trying to figure out
356 what is the next step, but immediately take care of the

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357 residents that were there. So I want to praise so many
358 people on the ground.

359 I know that we have a good panel, a couple panels here
360 ahead of us. I look forward to the questions. But, Mr.
361 Chairman, I appreciate you taking this hearing up literally
362 the first week that we are back so that we can better
363 understand this and help other communities that yes will be
364 on the same path as Parchment and Cooper Township in the
365 future. I yield back.

366 Mr. Shimkus. The gentleman yields back his time. The
367 chair recognizes the ranking member of the full committee,
368 Mr. Pallone, for 5 minutes.

369 Mr. Pallone. Thank you, Mr. Chairman. PFAS
370 contamination is a very serious issue affecting communities
371 nationwide. We will hear today from some of those
372 communities and I urge my colleagues to listen closely to the
373 firsthand accounts of the harm these chemicals can cause.

374 These health issues include multiple types of cancers,
375 impaired childhood development, reproductive issues, hormone
376 disruption, increased cholesterol levels, and immune system
377 issues. And Americans across this country are being injured
378 right now by these chemicals and it seems that more affected
379 communities are being discovered all the time.

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380 This hearing is a good start but the communities
381 affected by PFAS contamination need more than just a hearing.
382 They need real solutions and real action from the EPA and the
383 DOD. The impacted states need more than just summits and
384 enforceable advisories. We need a binding, enforceable, and
385 strong drinking water standard.

386 Democrats on this committee have been pushing to set a
387 deadline to promulgate a strong drinking water PFAS standard
388 for several years and recently we have heard calls for
389 alternative approaches to address these chemicals from
390 communities and experts who don't believe EPA's regulatory
391 process under the Safe Drinking Water Act will actually work,
392 and it isn't hard to see why.

393 In 2016, the EPA released a health advisory for two
394 chemicals in this category at 70 parts per trillion. We know
395 this level is too high to protect public health. States have
396 known it for years and have set their own standards much
397 lower, yet millions of Americans currently receive water that
398 exceeds even this weak standard and the problem is spreading.

399 The more water systems we test for PFAS, the more
400 contamination we find. Earlier this year, the Agency for
401 Toxic Substances and Disease Registry drafted a report
402 identifying hazardous effects well below the EPA health

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403 advisory standard. Instead of acting on this information to
404 protect the public health, the EPA and the White House worked
405 to block publication of the report.

406 And the Trump administration feared the potential public
407 relations nightmare more than public health nightmare facing
408 many communities today, so this is yet another outrageous
409 example of the Trump administration ignoring the health needs
410 of the American people. And we have seen these delay tactics
411 before, particularly with another drinking water contaminant
412 spread by the Department of Defense, namely perchlorate.

413 Next month will mark a decade since EPA determined that
414 a drinking water standard for perchlorate was needed and we
415 still have yet to see a proposed rule. So some may say that
416 these troubling actions show that the Safe Drinking Water Act
417 won't work, but I think Congress can make it work. Congress
418 should play a central role in setting the timeline for
419 developing the PFAS drinking water standard and ensuring that
420 the standard is truly protective of public health. And I
421 hope this hearing is a sign that committee Republicans are
422 finally beginning to share this view.

423 Additional actions under other environmental laws may be
424 needed to fully address this contamination and support these
425 communities, so I hope this subcommittee can work together

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426 quickly to address PFAS contamination and implement some of
427 the solutions that we will hear about today.

428 And I would like to yield the remainder of my time to
429 the gentlewoman from Michigan, Mrs. Dingell. Mrs. Dingell.
430 Thank you, Mr. Chairman, and thank you to Chairman -- well, I
431 meant Ranking Member, but thank you, Chairman Shimkus and
432 Ranking Member Tonko, for holding this important hearing
433 today to discuss and highlight the growing presence of
434 harmful perfluorinated chemicals being discovered across the
435 country.

436 You know, there is a old saying that says nothing lasts
437 forever. Unfortunately, nothing that is except for
438 fluorinated chemicals which were designed to stand the test
439 of time. These chemicals, their dangers already having been
440 laid out by my colleagues can be found all around us, and in
441 recent years we have seen more and more cases of confirmed
442 contamination sites in the environment and drinking water
443 sources, especially across Michigan.

444 And like my colleague, Mr. Upton, we too found very
445 dangerous levels in fish in the Huron River and have had the
446 same crisis during the month of August. As we continue to
447 test for PFAS I fear that this is only the beginning, the
448 trend is going to continue. PFAS are man-made and will

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449 require a man/woman-made solution from all of us working
450 together, every federal agency, every state and local
451 official and Congress needs to immediately take this issue
452 seriously.

453 I look forward to working with everyone on this
454 committee and my colleague, Mr. Upton, and I, who will be
455 shortly introducing legislation. Thank you and I yield back.

456 Mr. Shimkus. The gentleman yields back his time and the
457 chair thanks the individuals.

458 We want to thank all our witnesses for being here today
459 and taking the time to testify before this subcommittee.
460 Today's witnesses have the opportunity to give opening
461 statements followed by a round of questions from members.
462 Our first witness panel for today's hearing includes Dr.
463 Peter Grevatt, Director, Office of Groundwater and Drinking
464 Water, U.S. Environmental Protection Agency, and Ms. Maureen
465 Sullivan, Deputy Assistant Secretary of Defense for
466 Environment, U.S. Department of Defense.

467 We appreciate you being here today. We will begin the
468 panel with Dr. Grevatt and you are now recognized for 5
469 minutes for your opening statement. Thanks for being back
470 and joining us.

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471 STATEMENTS OF PETER GREVATT, DIRECTOR, OFFICE OF GROUNDWATER
472 AND DRINKING WATER, U.S. ENVIRONMENTAL PROTECTION AGENCY;
473 AND, MAUREEN SULLIVAN, DEPUTY ASSISTANT SECRETARY OF DEFENSE
474 FOR ENVIRONMENT, U.S. DEPARTMENT OF DEFENSE.

475

476 STATEMENT OF PETER GREVATT

477 Mr. Grevatt. Good morning, Chairman Shimkus, Ranking
478 Member Tonko, and members of the subcommittee. I am Peter
479 Grevatt, Director of the Office of Groundwater and Drinking
480 Water at the U.S. Environmental Protection Agency. I also
481 serve as chair of EPA's cross-agency efforts to address per
482 and polyfluoroalkyl substances, or PFAS. Thank you for the
483 opportunity to testify today.

484 Protecting America's drinking water is one of EPA's top
485 priorities and I am here today to share with you the actions
486 the Agency is taking to address PFAS. PFAS are a group of
487 man-made chemicals that have been in use since the 1940s and
488 PFAS are or have been found in a wide array of consumer
489 products and as an ingredient in firefighting foam.

490 PFAS manufacturing and processing facilities, airports,
491 and military installations are some of the contributors of
492 PFAS releases into the air, soil, and water. Because of
493 their widespread use, most people have been exposed to PFAS

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494 and there is evidence that exposure to certain PFAS may lead
495 to adverse health effects. EPA has taken steps under its
496 various statutory authorities to understand and address these
497 chemicals. For example, under the Toxic Substances Control
498 Act, the Agency has issued various significant new use rules
499 for certain PFAS chemicals to guard against their
500 reintroduction into new use or new use with prior EPA review.

501 Under the Safe Drinking Water Act, which my office
502 oversees, EPA has also monitored for six PFAS to understand
503 the nationwide occurrence of these chemicals in our drinking
504 water systems and in 2016, EPA issued drinking water lifetime
505 health advisories for two well-known PFAS compounds, PFOA and
506 PFOS, of 70 parts per trillion.

507 EPA is also working to move research forward on PFAS to
508 better understand their health impacts, options for
509 treatment, and how information on better known PFAS compounds
510 can be applied to inform our knowledge of other PFAS. To
511 build on these actions, EPA hosted a PFAS National Leadership
512 Summit in May of 2018. The summit provided an opportunity
513 for participants to share information on ongoing efforts, to
514 identify specific near-term actions, and to address risk
515 communication challenges.

516 At the event, EPA committed to work on four significant

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517 actions: First, to initiate the steps to evaluate the need
518 for a maximum contaminant level for PFOA and PFOS; second, to
519 begin the necessary steps to consider designating PFOA and
520 PFOS as hazardous substances; third, to develop groundwater
521 cleanup recommendation for PFOA and PFOS at contaminated
522 sites; and lastly, to develop draft toxicity values for the
523 PFAS compounds GenX and PFBS.

524 EPA also continues to provide support to states, tribes,
525 and communities who are addressing PFAS issues. As EPA takes
526 these actions, the Agency is also committed to working with
527 our federal partners including the Department of Defense and
528 the Department of Health and Human Services. We look forward
529 to continuing our interagency dialogue and collaboration.

530 Additionally, EPA recognizes the need to hear from
531 citizens. Since June, EPA has traveled to five states across
532 the country to hear directly from impacted communities and
533 these experiences have been invaluable and community feedback
534 will now shape how we move forward. EPA will consider
535 information from the National Leadership Summit, the
536 community engagements, and the public docket to develop a
537 PFAS Management Plan.

538 Protecting public health is EPA's top priority. Acting
539 Administrator Wheeler has expressed his continued commitment

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540 to considering actions on PFAS so that EPA can lead efforts
541 that meet the needs of impacted communities.

542 Once again Chairman Shimkus, Ranking Member Tonko, and
543 members of the subcommittee, thank you for the opportunity to
544 discuss PFAS. I look forward to answering any questions you
545 may have.

546 [The prepared statement of Mr. Grevatt follows:]

547

548 *****INSERT 1*****

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549 Mr. Shimkus. Thank you very much.

550 We next turn to Ms. Maureen Sullivan. Your full
551 statement is in the record. You have 5 minutes.

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552 STATEMENT OF MAUREEN SULLIVAN

553

554 Ms. Sullivan. Chairman Shimkus, Ranking Member Tonko,
555 and distinguished members of the subcommittee, I am Maureen
556 Sullivan, the Deputy Assistant Secretary of Defense for
557 Environment. My portfolio includes policy and oversight of
558 DOD's programs to comply with environmental laws such as the
559 Safe Drinking Water Act and the Comprehensive Environmental
560 Response Compensation and Liability Act, CERCLA. That is a
561 mouthful.

562 I want to thank Congress for your strong support for the
563 Department of Defense, our national security priorities, and
564 for funding that we need to protect our nation. Ensuring the
565 health and safety of our service members, the families living
566 on our installations, and the surrounding communities is one
567 of our top priorities.

568 I want to thank this committee for the opportunity to
569 discuss the establishment of a national approach to per and
570 polyfluoroalkyl substances, PFAS. We believe DOD has been
571 leading the way to address these substances. One commercial
572 product that contains PFOS is aqueous film-forming foam, or
573 AFFF. This highly effective firefighting foam has been used
574 by the Department of Defense, commercial airports, local fire

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575 departments, and the oil and gas industry. However, it only
576 accounted for approximately three to five percent of the PFOS
577 production in calendar year 2000.

578 And the Department of Defense is just one of the many
579 users of the foam. DOD has committed substantial resources
580 in the last 2 years and taken significant actions to respond
581 to the concerns from PFOS and PFOA. When EPA issued the
582 lifetime health advisory for PFOS and PFOA in 2016, the
583 Department quickly acted to voluntarily test our 524 drinking
584 water systems that serve approximately two million people on
585 our installations worldwide. Twenty four of these systems
586 tested above EPA's LHA level.

587 Although it is only an advisory, DOD followed EPA's
588 recommendations to include providing bottled water or
589 additional water treatment at those locations. CERCLA
590 provides consistent approach across the nation for cleanup.
591 The Defense Environmental Restoration Program statute
592 provides authorities to DOD to perform and fund actions and
593 requires they be carried out in accordance with CERCLA.

594 The first step is to identify the source of known or
595 suspected releases. The Department of Defense has identified
596 401 active and Base Realignment and Closure installations
597 with at least one area where there is a known or suspected

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598 release of PFOS or PFOA. The Military Departments then
599 determined whether there was exposure through drinking water
600 and, if so, the priority is to cut off human exposure where
601 drinking water exceeds EPA's lifetime health advisory. Once
602 the exposure pathway is broken, the Military Departments
603 prioritize the sites for further action using the
604 longstanding CERCLA risk-based process, worst first.

605 These known and suspected PFOS and PFOA release areas
606 are in various stages of assessment, investigation, and
607 cleanup. To prevent further releases to groundwater, DOD
608 issued a policy in January of 2016 requiring the Military
609 Departments to prevent uncontrolled, land-based AFFF releases
610 during maintenance, testing, and training activities. The
611 policy also requires the Military Departments to remove and
612 properly dispose of supplies of AFFF containing PFOS other
613 than for shipboard use.

614 Currently, no fluorine-free version of AFFF meets the
615 military's stringent performance requirements to extinguish
616 petroleum fires. From fiscal year 2017 to fiscal year 2019,
617 we solicited research products to identify and test the
618 performance of fluorine-free AFFF. These efforts support
619 DoD's commitment to finding an AFFF alternative that meets
620 critical mission requirements while protecting human health

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621 and the environment and will represent at least \$10 million
622 in research and development funding.

623 In summary, DOD is taking actions to reduce the risks.
624 We are committed to mitigating PFOS and PFOA releases to the
625 environment that are a direct result of DOD activities. We
626 are making significant investments in a fluorine-free AFFF.
627 These combined efforts reinforce DOD's commitment to meeting
628 critical mission requirements while protecting human health
629 and the environment. Thank you very much.

630 [The prepared statement of Ms. Sullivan follows:]

631

632 *****INSERT 2*****

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633 Mr. Shimkus. The chair thanks the gentlelady.

634 We now conclude with the opening statements from our
635 panel and we would like recognize members for their round of
636 questions. And we would like to start by recognizing myself
637 for 5 minutes, and this is to Dr. Grevatt.

638 A little over a year ago, our committee unanimously
639 reported a bill to reauthorize and modernize the Safe
640 Drinking Water Act to help water systems comply with federal
641 mandates and keep their water safe. The centerpiece of that
642 bill was a 5-year, \$8 billion reauthorization of the Drinking
643 Water State Revolving Loan Fund. We are quite proud of that
644 bill and I want to explore how that bill can help with PFAS
645 contamination.

646 Can Drinking Water State Revolving Funds themselves be
647 used for infrastructure upgrades needed for things like
648 treatment, well upgrades, or distribution upgrades to help
649 address levels of PFAS?

650 Mr. Grevatt. Thank you, Chairman Shimkus. Yes. Yes,
651 certainly that fund can be used for those purposes.

652 Mr. Shimkus. Would this include filtration,
653 disinfection and disinfectant facilities, and project
654 planning and design activities?

655 Mr. Grevatt. Yes, sir. The fund can be used for those

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656 purposes as well.

657 Mr. Shimkus. What about Drinking Water State Revolving
658 Fund set-asides? May these be used by a state to provide
659 technical assistance to support PFAS related work?

660 Mr. Grevatt. Certainly the set-asides can be used for
661 those purposes and are used quite broadly across the country
662 to support these efforts.

663 Mr. Shimkus. Would this apply to contamination and
664 treatment problems, outreach, and training on new issues for
665 water system workers' scoping studies for treatment purposes?

666 Mr. Grevatt. Yes, sir. All those things would be
667 covered by the Drinking Water SRF as eligible activities.

668 Mr. Shimkus. Thank you. We have several viewpoints on
669 what government should do to address PFAS contamination.
670 What specific actions under existing statutory authority can
671 federal government take to address PFAS?

672 Mr. Grevatt. Thank you, Chairman. So there are many
673 actions across the broad authorities that we have at EPA
674 currently that we are using right now to address PFAS and
675 those include actions under the Safe Drinking Water Act. For
676 example, the Unregulated Contaminant Monitoring Rule effort
677 that a number of the members have cited under SDWA focused on
678 PFAS. The last round we have the opportunity to develop

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679 drinking water health advisories which we did for PFAS
680 compounds and we also have the opportunity as a number of the
681 members have noted to develop maximum contaminant levels.

682 That particular action is one that we are looking at
683 very carefully as we speak. We have used steps under TSCA to
684 address PFAS compounds including under TSCA Section 5. We
685 have also used our authorities under CERCLA to address PFAS
686 compounds at contaminated sites. So there are many
687 opportunities that exist today to address these issues.

688 Mr. Shimkus. Which of these actions has EPA or others
689 in the federal government not used and why?

690 Mr. Grevatt. So likely the two most significant that
691 folks may be thinking about are the development of an MCL and
692 also the listing of PFAS compounds as hazardous substances
693 under CERCLA. And both those actions that EPA committed in
694 its National Leadership Summit to explore very carefully and
695 we are involved in that process right now as we speak.

696 They are both potentially very important in terms of the
697 requirements that would be put on community water systems
698 across the country on an MCL and also the hazardous substance
699 listing would provide EPA with the opportunity to both order
700 cleanup actions and recover costs that EPA may expend in
701 cleanup actions. So they are both very important steps.

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702 There are many different ways to achieve the hazardous
703 substance listing not only through CERCLA but through a
704 number of the other statutes that currently are in place that
705 EPA is responsible for fulfilling.

706 Mr. Shimkus. Thank you.

707 Ms. Sullivan, your testimony notes that DOD is taking
708 response actions in accordance with CERCLA or Superfund law.
709 Does DOD agree that cleanup of PFAS contamination is governed
710 under CERCLA?

711 Ms. Sullivan. Yes, sir. Following the longstanding
712 process that EPA has established under CERCLA it is
713 considered a tier 3 value. The reference dose behind the
714 lifetime health advisory can be used and is being used to
715 determine the risk associated with sites.

716 Mr. Shimkus. I will end my questions and yield back my
717 time and turn to the ranking member, Mr. Tonko, for 5
718 minutes.

719 Mr. Tonko. Thank you, Mr. Chair.

720 And, Dr. Grevatt, thank you for your testimony. You
721 described a number of actions EPA committed to doing earlier
722 this year. I would ask here, what steps must be taken before
723 EPA can make a determination about PFOA and PFOS as a
724 hazardous substance under Section 102 of CERCLA and what is

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725 the timeline for that decision?

726 Mr. Grevatt. Right. Thank you very much, Ranking
727 Member Tonko. I appreciate the question and as I note it is
728 a very important issue. And so there are a number of ways
729 that EPA can achieve this hazardous substance listing through
730 CERCLA as you noted, but also through TSCA, through the Clean
731 Water Act, through the Clean Air Act, so there are a number
732 of different ways to achieve a hazardous substance listing.

733 And EPA is currently looking at the various authorities
734 including RCRA that allow us to list these as hazardous
735 substances thinking carefully about the different steps that
736 would be involved under each of those statutory authorities
737 and weighing which ones are going to make the most sense in
738 this case. Ultimately, the administrator will be making the
739 decision both as to whether he wants to proceed with the
740 hazardous substance listing and then under which statutory
741 authority to address that.

742 Mr. Tonko. And again what would the timeline for the
743 decision be?

744 Mr. Grevatt. So EPA is going to be developing a
745 National Management Plan for PFAS compounds. That was one of
746 the commitments at the National Leadership Summit and our
747 goal is to have that National Management Plan completed by

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748 the end of his calendar year. So we are working diligently
749 on that right now, we expect that National Management Plan
750 will include this consideration of the hazardous substance
751 list.

752 Mr. Tonko. So that is in less than 4 months.

753 Mr. Grevatt. Yes, sir.

754 Mr. Tonko. If this determination is made, how will it
755 help states and localities address contamination issues and
756 hold responsible parties accountable for remediation?

757 Mr. Grevatt. Right, thank you. So the critical issue
758 that the hazardous substance listing will allow under CERCLA
759 is for EPA to order cleanup actions and if EPA has to expend
760 funds from the Superfund for the purpose of cleaning up sites
761 EPA will be able to recover costs that are expended. So this
762 will give very important tools for states and local
763 communities to address these PFAS challenges at contaminated
764 sites.

765 Mr. Tonko. Right. And what is the timeline for that
766 decision?

767 Mr. Grevatt. Right. So as I noted, we expect that this
768 issue will be addressed in the National Management Plan and
769 our goal is to have that completed by the end of this
770 calendar year.

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771 Mr. Tonko. Okay. And if you listen to today's second
772 panel, I am certain you will hear from states' public health
773 advocates and concerned citizens that there is a widespread
774 problem that needs a national framework and federal funding
775 to support state, local, and individual responses. At this
776 point there can be no doubt about the severity of the
777 problem. You cannot hold a national summit and a public
778 meeting tour without acknowledging this.

779 So the gravity of the situation should be apparent by
780 today's hearing, we are not holding hearings on other CCL or
781 contaminants. So with all that in mind, will EPA commit to
782 including PFOA and PFOS as part of Regulatory Determination
783 4?

784 Mr. Grevatt. So a couple of important points on your
785 question and thank you, Ranking Member Tonko, for that
786 question. So the Regulatory Determination Number 4 is, the
787 schedule for that is 2021 when that is due. EPA is currently
788 looking at this issue of the Regulatory Determination for
789 PFOA and PFOS as we speak. We expect that decision will be
790 made long before 2021 and we will be addressing this issue as
791 well in the context of the National Management Plan that will
792 be completed by the end of this year.

793 Mr. Tonko. So can we commit to that then or, obviously

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794 there is a sense of urgency here.

795 Mr. Grevatt. Yes, absolutely. So we certainly can
796 commit to look carefully at this issue in terms of how the
797 agency will approach the Regulatory Determination. I don't
798 have an answer yet as to whether and how EPA will include
799 PFOA and PFOS in the Regulatory Determination. That is an
800 issue that as the Safe Drinking Water Act states is in the
801 sole judgment of the administrator, and Acting Administrator
802 Wheeler is looking at this issue right now as we speak.

803 Mr. Tonko. Okay. Well, we have seen some walking away
804 from commitments to the environment. So if you are going to
805 make this extensive effort to explore potential regulatory
806 actions, in the end EPA must be willing to say one way or
807 another if these contaminants need a national standard.
808 There can be no more kicking the can down the road, so I
809 would hope that we would get that sort of commitment.

810 Mr. Grevatt. Yes, sir.

811 Mr. Tonko. With that Mr. Chair, I yield back.

812 Mr. Shimkus. The gentleman yields back his time. The
813 chair now recognizes the vice chairman of this subcommittee,
814 Mr. McKinley, for 5 minutes.

815 Mr. McKinley. Thank you, Mr. Chairman. Certainly we
816 have had, in West Virginia we have had some exposure to the

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817 PFOA and PFOS. We went through it a couple of years ago and
818 we saw the concerns that people had, the population in one of
819 the communities. Vienna, West Virginia wound up, with about
820 10,000 people it cost them \$6 million to address this problem
821 and annually now it is going to be about a \$200,000 cost that
822 they are going to have to incur.

823 We all want clean water. I am a hundred percent behind
824 that on this, where we need to go on this. I am just, I am a
825 little bit curious. Often we have an independent
826 verification and validation process in software. Are we
827 going to have anyone review the -- as we drop down from,
828 remember, it went from 400 down to 70, now we may be talking
829 about going down to 10. That is all wonderful. Is there
830 going to be another validation of that to see that as we keep
831 ratcheting down, will there be an independent verification, a
832 second opinion so to speak that that is the right thing to
833 do?

834 Mr. Grevatt. Without question, Congressman, if we were
835 to make a change from the current drinking water health
836 advisory of 70 parts per trillion for PFOA and PFOS combined,
837 we would subject that, the scientific basis for that to
838 independent peer review before we were to take such an
839 action.

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840 Mr. McKinley. Thank you. I think that is going to be
841 overall well, because I am concerned we had 63 sites around
842 the country 2 years ago. This was a very interesting report.
843 Did you help author that 2 years ago?

844 Mr. Grevatt. Yes, sir.

845 Mr. McKinley. About 103 pages long, as an engineer it
846 was enjoyable reading but it also told how the points we have
847 to raise on these matters. So now we had 63 communities that
848 are affected with this back then. If we were to go down to
849 10, 15 do you have any idea how many communities across the
850 country could be impacted with that?

851 Mr. Grevatt. Thank you, sir. It is difficult to
852 conjecture on the exact number. What I can say is in terms
853 of UCMR process that that process covered, it was a census of
854 all the large drinking water systems, larger than 10,000
855 people served, and a representative sample of systems smaller
856 than 10,000. As you noted, we found 63 of those systems had
857 levels above the drinking water health advisory of PFOA and
858 PFOS of 70 parts per trillion. That sample covered 80
859 percent of the United States population that is served by
860 community water systems and so we consider it a very
861 comprehensive effort.

862 Mr. McKinley. Well, what kind of numbers are we

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863 talking? Could we have if we were to drop to 10, which again
864 in an ideal world that would be wonderful. As an engineer,
865 all of us want to have the purest water we can. But to get
866 down to 10, is that going to affect perhaps 300 communities,
867 3,000 communities to get down to 10?

868 Mr. Grevatt. I think it is very difficult to guess.
869 What we can say for certain is it will be more than 63 and we
870 know as a result of --

871 Mr. McKinley. So as a result I know the timeframe on
872 this is that we, at least in West Virginia we had a company
873 that was on the hook to pay for this, but there are going to
874 be some communities that the companies are long gone and how
875 are they going to do this, so I don't know whether from the
876 military or the communities.

877 We have trouble right now with brownfield sites that we
878 have 480,000 brownfield or contaminated sites across America
879 but we only clean up about a thousand or less during a years'
880 time. I want to see this thing done, but I have got to find
881 out how to push the urgency that this is our number one
882 priority in addressing water on that.

883 Would you say that of all -- I want to, careful now on
884 this. Of all the water contaminants that we face -- bleach,
885 salts, nitrates -- is PFOA, is that the number one

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886 contaminant?

887 Mr. Grevatt. I think it is very important to look at
888 this --

889 Mr. McKinley. Is it the number one? Is that the one,
890 because we can chase a lot of rabbits here. I want to make
891 sure that we are chasing the right rabbit, the one that is
892 causing the greatest harm to the American public I want to
893 see us focus on that. Not one that just pops up over here
894 and, you know, that -- I won't give you an analogy. Is this
895 the number one health risk in water today in America, PFOA?

896 Mr. Grevatt. Thank you, Congressman. In communities
897 where PFAS compounds have impacted drinking water supplies
898 they are presenting significant challenges. Nationally, I
899 would say no, this is not the number one challenge that we
900 face. I think there are important issues around the basics
901 of water treatment, especially around areas, things like
902 disinfection and disinfectant byproducts in systems. It is
903 very important to make sure that we also focus holistically
904 on the full spectrum of challenges that face our nation's
905 drinking water systems.

906 Mr. McKinley. Thank you and I yield back.

907 Mr. Shimkus. The gentleman yields back his time. The
908 chair now recognizes the ranking member of the full

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909 committee, Congressman Pallone, for 5 minutes.

910 Mr. Pallone. Thank you, Mr. Chairman.

911 My home state of New Jersey has been studying PFAS
912 contamination in drinking water since 2006, following reports
913 of contamination from a DuPont facility, and monitoring by
914 the state and by EPA has shown widespread contamination
915 across New Jersey. In 2017, New Jersey set an MCL for PFOA
916 at 14 parts per trillion and another MCL for PFNA at 13 parts
917 per trillion.

918 And those standards were a triumph for science and
919 advocates in New Jersey who worked for years to overcome
920 political opposition and this standard has been important to
921 communities across the state and ensures that drinking water
922 is being treated to remove those chemicals. But I have heard
923 serious concerns that the Department of Defense is not
924 cleaning up contaminated sites in New Jersey to that state
925 standard.

926 So, Ms. Sullivan, the Department of Defense has
927 conducted testing at and around some military facilities in
928 New Jersey. According to the presentation you made to
929 Congress in March, drinking water contamination has been
930 found around Naval Weapons Station Earle, which is in my
931 district, and Joint Base McGuire-Dix-Lakehurst.

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932 Groundwater contamination has also been found around the
933 former Naval Air Warfare Center in Trenton with levels as
934 high as 22,800 parts per trillion detected. According to
935 your March report, the contamination at former Naval Air
936 Warfare Center in Trenton will be handled through a continued
937 Superfund process.

938 So my questions are, will that cleanup in Trenton meet
939 the New Jersey standards of 14 and 13 parts per trillion and
940 will you commit to me that DOD will meet those standards for
941 cleanups in my state?

942 Ms. Sullivan. Thank you, Congressman, for the question.
943 I appreciate that you have read our detailed report from
944 earlier this year. The Department of Defense as we are
945 required to by CERCLA in the Defense Environmental
946 Restoration Program statute is following the CERCLA process.
947 And as part of that process the state levels are rolled in
948 through the risk assessment process.

949 So as we go through our analysis following the structure
950 of it, these state standards will in fact be rolled in as a
951 consideration as an appropriate and relevant regulation. At
952 the end of that risk assessment process there will be a
953 determination of unacceptable risk that will be reviewed not
954 only by us, but by the state, your state environmental agency

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955 and the Environmental Protection Agency to determine what the
956 end remedy solution will be.

957 Mr. Pallone. But my concern as you can imagine, is that
958 because I am very familiar with the Superfund process is
959 oftentimes DOD or even EPA do not necessarily recommend a
960 more strict standard. You know, they look at it as a factor
961 and you are saying they will, which I appreciate, but they
962 may not adopt the standard.

963 I just think -- I mean they may not insist on that as
964 the remediation alternative that they pick. And the fact
965 that DOD is not bound by these state drinking water
966 standards, you know, to me, shows how important a national
967 drinking water standard is because it may very well be that
968 those state standards are not met. I mean obviously I would
969 urge you to meet them, but you are not going to guarantee
970 that they would be because you are just saying it will be
971 considered.

972 Ms. Sullivan. Yes, sir. They will be considered as
973 part of the CERCLA process which we are bound to.

974 Mr. Pallone. Yes. Well, I think, I mean I think that
975 is unfortunate. I think you should be bound by them, and
976 even if you are not that you should, you know, you should
977 adopt them. But I appreciate your candor.

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978 Now, Ms. Sullivan, what chemicals is the Department of
979 Defense using in place of PFOA and other PFAS? Has the
980 Department conducted studies of those chemicals to establish
981 their safety?

982 Ms. Sullivan. Thank you again, sir, for that question.
983 We are in the process of investing a significant amount of
984 research and development to first demonstrate the
985 commercially available substances to see -- that are PFOA-
986 free -- to see if they meet our strict standards in order to
987 fight fires. We are also investing research and development
988 dollars to sponsor development of a fluorine-free foam that
989 also meets.

990 And as I stated, while we continue to do that we are
991 working with the current manufacturers to fully understand
992 how much PFOA is in the products that they are providing to
993 us and controlling the releases of those.

994 Mr. Pallone. All right. I am just going to run out of
995 time. I just was going to ask you if you could provide the
996 committee, through the chairman, with any and all studies
997 that the Department of Defense has regarding the safety of
998 these substitute chemicals if you would.

999 Ms. Sullivan. Certainly we can.

1000 Mr. Pallone. And, Mr. Chairman, I know my time is

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1001 running out, but I know you were so much involved with TSCA
1002 and I just wanted to say that the concern over substitutes is
1003 not limited to PFAS and was central to our efforts to reform
1004 TSCA as you know. And unfortunately EPA's implementation of
1005 TSCA has fallen short of our hopes and so I was hoping that
1006 we have an opportunity for a hearing on TSCA implementation.
1007 I will make that request again, Mr. Chairman.

1008 Mr. Shimkus. I would thank the chairman. I think that
1009 is going to be doable. We will try to figure out a time. I
1010 think both sides are kind of frustrated with the process and
1011 my frustration is a surprise in some of the areas and I think
1012 it has been flipped on both issues. So I think we will do
1013 our best to try to find some time to do that. As one of our
1014 signature legislative accomplishments, we would hate to see
1015 it bogged down in implementation.

1016 Mr. Pallone. Thank you.

1017 Mr. Shimkus. Having that the gentleman returns his
1018 time, the chair now recognizes the gentleman from Ohio if he
1019 is ready, Mr. Johnson, for 5 minutes.

1020 Mr. Johnson. Thank you, Mr. Chairman. I appreciate you
1021 holding this very important hearing. You know, many people
1022 throughout the country are very familiar with the issues we
1023 are discussing today. And along the Ohio River, along with

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1024 other states along the river we are no exception to that. It
1025 is vital that we continue to develop a complete understanding
1026 of how chemicals in high concentrations like PFOA impact
1027 populations and how best to take any actions necessary.

1028 I know many studies including some prominent ones within
1029 Ohio such as the University of Cincinnati have been conducted
1030 on this issue and I hope to see those studies continue. I
1031 also know that the EPA is working on these issues as Dr.
1032 Grevatt has indicated in his testimony.

1033 So, Dr. Grevatt, you have worked with Ohio on many
1034 occasions on water contamination issues and we appreciate
1035 that. How can Ohio continue to best engage with the EPA on
1036 these issues?

1037 Mr. Grevatt. Thank you, Congressman, and appreciate
1038 your noting my work with Director Butler and others from Ohio
1039 EPA, my home state, so I have a great connection with folks
1040 there.

1041 We are working very closely with all the states on the
1042 activities that we have underway. We will continue to stay
1043 very close to the state of Ohio and other states on issues
1044 like the development of toxicity factors for PFBS and GenX on
1045 these questions about development of the decision on a
1046 hazardous substance listing and potentially on an MCL, so as

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1047 well as the groundwater cleanup goals. These are all issues
1048 that we are working very closely with the state of Ohio and
1049 others states on. We will commit to continuing that
1050 connection with the states.

1051 Mr. Johnson. Okay. And are you working with them on
1052 any of the DOD facilities as well?

1053 Mr. Grevatt. Yes, sir.

1054 Mr. Johnson. Okay.

1055 Mr. Grevatt. So yes, as Ohio and other states request
1056 support from EPA we are for certain going to be there to
1057 assist them with these challenges.

1058 Mr. Johnson. Okay. I understand the local government
1059 advisory committee is soliciting input. How can people along
1060 the river along my district best engage in this process and
1061 what can Congress do to help?

1062 Mr. Grevatt. Thank you very much. So one of the things
1063 that citizens across the U.S. can do right now is we have
1064 opened the docket in addition to the community engagement
1065 sessions which I referred to that we have had now in five
1066 different states. We opened the docket so anyone in the U.S.
1067 who wants to submit their perspectives to us can do so right
1068 now. That way we have about 80,000 comments that we have
1069 received thus far.

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1070 We will hold that docket open until right about the end
1071 of this month. And then if there are specific issues that
1072 you have that you would like to follow up on, we would be
1073 happy to circle back with you and your staff to discuss
1074 those.

1075 Mr. Johnson. Okay, thank you.

1076 Ms. Sullivan, same question for you. We have a
1077 significant Defense Department footprint in Ohio -- Wright-
1078 Patterson, Mansfield, Youngstown Air Reserve Base, et cetera.
1079 Is there anything that we can do to more closely engage with
1080 the DOD on some of these issues?

1081 Ms. Sullivan. Thank you, Congressman. I know that
1082 Wright-Patterson has, well, Wright-Patterson has a
1083 restoration advisory board which is community based so to try
1084 and engage the local community and be transparent in what is
1085 going on, on the base, and I encourage the local communities
1086 to engage in that. The Air Force has been very transparent
1087 in their process having established websites and public
1088 meetings and I encourage the community to get engaged in
1089 those processes.

1090 Mr. Johnson. And, Ms. Sullivan, your written testimony
1091 discusses the remediation of PFOS and PFOA and you note that
1092 DOD is addressing known or suspected releases of these

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1093 chemicals to determine whether there is exposure through
1094 drinking water. Is DOD only looking at drinking water
1095 exposure and what about releases to soil sediment and
1096 groundwater?

1097 Ms. Sullivan. Thank you, I appreciate the opportunity
1098 to answer that question. The exposure through drinking water
1099 was our first priority so we wanted to make sure that we
1100 fully understand if anybody, humans were being exposed and to
1101 cut that off. Then we are going through the standard process
1102 to look at all of the potential exposure pathways including
1103 soil and groundwater. But we are taking a more deliberative
1104 approach because our first priority was to cut off human
1105 exposure.

1106 Mr. Johnson. Okay. Just real quickly back to you, Dr.
1107 Grevatt. You mentioned EPA is working on response actions
1108 with other agencies such as HHS. Can you explain your work
1109 partnership with HHS including what agencies at HHS and what
1110 collaboration has occurred and what we can expect moving
1111 forward?

1112 Mr. Grevatt. For certain. Thank you, Congressman. So
1113 as I noted we are working very closely with HHS on a number
1114 of the actions which we identified. Those include the
1115 development of the toxicity values of PFBS and GenX. We are

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1116 working, really, with all the different parts of HHS
1117 including the assistant secretary's office, Assistant
1118 Secretary for Health, right down through FDA, NIEHS, ATSDR,
1119 CDC, every part of HHS has been involved to participate in
1120 this effort. And we will continue to work side by side with
1121 them on these issues.

1122 Mr. Johnson. Okay. Well, thank you both for your
1123 testimony.

1124 Mr. Shimkus. The gentleman's time has expired. The
1125 chair now recognizes the gentleman from Texas, Mr. Green, for
1126 5 minutes.

1127 Mr. Green. Thank you, Mr. Chairman, you and the ranking
1128 member, for holding this hearing. Per or polyfluoroalkyl
1129 substances, or PFAS, has been around for many years and has
1130 found a wide variety of uses in consumer products from our
1131 cookware to stain repellents to fire retardants. Due to the
1132 widespread use, most people have some exposure to PFAS.
1133 While scientific data shows minimal amounts of exposure do
1134 not pose substantial risk, higher levels of exposure could
1135 lead to a wide array of adverse health effects. I would like
1136 to thank our witnesses for being here today to testify and
1137 look forward to your opinion.

1138 Dr. Grevatt, in 2016, EPA revised its nonbinding

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1139 lifetime health advisory level for PFAS down from 400 parts
1140 per trillion to 70 parts per trillion. What was the impact
1141 of this decision?

1142 Mr. Grevatt. Thank you, Congressman, a very important
1143 step in terms of having a final lifetime health advisory. We
1144 provided this to the states and members of the public in
1145 terms of not only the value of the health advisory but steps
1146 that communities could take to address concerns with PFAS.
1147 And this health advisory came out as we were completing the
1148 UCMR process, the national monitoring study that I mentioned,
1149 and so together they were able to help to identify
1150 communities that may have concerns related to PFAS in their
1151 drinking water supply. So it was a very important step.

1152 Mr. Green. What does it take to go from a nonbinding to
1153 binding?

1154 Mr. Grevatt. That would be, and as you noted, sir, the
1155 drinking water health advisories are really guidance values.
1156 They are not requirements. It would take us a national
1157 drinking water regulation, an MCL for PFAS compounds to
1158 create a binding requirement in terms of meeting those
1159 levels.

1160 Mr. Green. Well, I have a very urban district in
1161 Houston, a chemical industry, refinery industry, but in Texas

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1162 like Ohio we have a number of military bases. In fact, Fort
1163 Hood is probably the biggest base in the world. We have air
1164 bases. Has there been a partnership with the bases in Texas
1165 as you said that in Ohio?

1166 Mr. Grevatt. Yes, sir. We are working closely with DOD
1167 on these issues all across the country. And perhaps Ms.
1168 Sullivan would like to respond.

1169 Ms. Sullivan. Thank you, sir. The bases in Texas are
1170 subject to the same processes across that we have established
1171 across the nation. They had to go and look where they had
1172 known and suspected releases and if there were any they had
1173 to determine if there was exposure through drinking water and
1174 address that. I can provide you detailed information if you
1175 would like on the bases in Texas.

1176 Mr. Green. I would appreciate that so I can share it
1177 with my other colleagues in Texas. Does EPA currently have
1178 the technical expertise to set MCL that protects public
1179 health?

1180 Mr. Grevatt. Yes, sir. I believe we do.

1181 Mr. Green. How do you reconcile that the Agency for
1182 Toxic Substances and Disease Registry released a draft study
1183 of the public health risk of PFAS that showed maximum safe
1184 levels of chemicals are seven to ten times less than the

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1185 health advisory set by EPA? Is EPA ignoring this mission or
1186 how do you reconcile that between the Disease Registry?

1187 Mr. Grevatt. Thank you, Congressman. So I would say a
1188 couple of things about that. The first is that the purpose
1189 of the document that ATSDR developed is different from our
1190 drinking water health advisory. They used these toxicity
1191 profiles as screening values for sites and then also they
1192 chose to view the science somewhat differently than we did.
1193 We are working very closely with them on these issues to make
1194 sure that we are sharing the best information we have as we
1195 go forward.

1196 Mr. Green. Well, obviously there is some concern
1197 because, you know, we know what happened in Flint, which was
1198 not that issue, but what former Chairman Upton talked about
1199 in his area and again in an industrial area we could have the
1200 same thing.

1201 Given the action that is seen at the state level to set
1202 maximum containment levels, or MCL, what is EPA's expected
1203 timeline for setting federal MCL for PFAS under the Safe
1204 Drinking Water Act?

1205 Mr. Grevatt. Thank you, Congressman. So this is one of
1206 the key actions that we identified earlier this year that we
1207 were going to be exploring throughout the year. We expect

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1208 this to be included in the National Management Plan and we
1209 hope to have that completed by the end of this calendar year.

1210 Mr. Green. Okay. Well, I would hope EPA would quickly
1211 move and address the issue in a competent manner relying on
1212 the solid peer reviews data and allowing public input
1213 throughout the process. And like I said, I don't think any
1214 member on the dais would not be willing to partner in our
1215 communities if that was the issue.

1216 I will yield back my time, Mr. Chairman.

1217 Mr. Shimkus. The gentleman yields back the time. The
1218 chair now recognizes the gentleman from Texas, Mr. Flores,
1219 who with my apologies for skipping you, you are recognized
1220 for 5 minutes.

1221 Mr. Flores. That is okay. You just let the other
1222 gentleman from Texas ask my question. But I would like to
1223 thank you, Mr. Chairman.

1224 Dr. Grevatt, a couple of questions for you really
1225 quickly. Continuing Mr. Green's line of questioning, did the
1226 EPA learn anything from the ATSDR report that was
1227 dramatically different from what it had developed internally
1228 with respect to maximum levels?

1229 Mr. Grevatt. Thank you, Congressman. So as I noted, we
1230 have worked closely with ATSDR on the communication of their

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1231 report and in the development of their report. We provided
1232 comments to them and have worked throughout this process. I
1233 think one of the things that we have learned and perhaps
1234 these reports reinforce is the importance of focusing on risk
1235 communication with the public so we don't lead people to a
1236 place where they are confused about what do these different
1237 values mean.

1238 And as I noted, they have different purposes, the
1239 toxicity profile from our health advisory, but that has been
1240 a really important message. Also throughout the national
1241 engagement that we have done risk communication is something
1242 we need to continue to focus and try and advance.

1243 Mr. Flores. Let's go ahead and move to the
1244 communications question. Mr. Upton brought this up during
1245 his opening testimony. Would you say that the current
1246 communication efforts with respect to PFAS are effective?

1247 Mr. Grevatt. I think, sir, that we always can improve
1248 and we need to focus on continuing to improve on our risk
1249 communication and this is a top priority for Acting
1250 Administrator Wheeler.

1251 Mr. Flores. So what improvements would be needed? I
1252 mean what are your initial thoughts as far as improvements
1253 that could be put in place?

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1254 Mr. Grevatt. I think it is important for us to continue
1255 to work towards characterizing the context for these values,
1256 what they mean, what does 70 parts per trillion mean and what
1257 are the implications for a community that may have a level
1258 above 70 parts per trillion. I think it is natural that
1259 folks will become very concerned when they see levels
1260 approaching that. And we think it is important to focus on
1261 PFAS. We think it is important to focus at the local level
1262 on awareness of these compounds and taking steps to address
1263 them. But we want to try to continue to share this
1264 information in a way that doesn't create a great deal of
1265 anxiety and fear on the part of the public. I think that is
1266 a place where we can make further progress.

1267 Mr. Flores. Let's drill into the 70 parts per trillion
1268 metric for a minute. Does today's technology readily measure
1269 concentrations of this contaminant at that level?

1270 Mr. Grevatt. Yes, sir.

1271 Mr. Flores. It does, okay. Thank you. I yield back
1272 the balance of my time.

1273 Mr. Hudson. [Presiding.] The gentleman yields back.
1274 The chair recognizes the gentleman from California, Mr.
1275 McNerney.

1276 Mr. McNerney. Well, I thank the chair. While I

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1277 appreciate that the EPA is hearing from the public and
1278 engaging with communities impacted by PFAS, recent actions by
1279 the EPA have undermined public confidence and my confidence
1280 in the Agency's ability to address human health risks posed
1281 by these toxic chemicals.

1282 In April of this year, the EPA proposed a rulemaking
1283 titled, Strengthening Transparency in Regulatory Science.
1284 Now, this was modeled after the secret science legislation
1285 drafted by the House Republicans. The proposal could require
1286 the EPA to ignore important scientific studies of human
1287 health effects because the data included private medical
1288 information.

1289 Dr. Grevatt, was the Office of Water consulted before
1290 the rulemaking was proposed?

1291 Mr. Grevatt. Thank you, Congressman. This rulemaking
1292 is an Agency rulemaking and so all parts of the Agency are
1293 engaged on this. It is being led from the Office of Research
1294 and Development but we are connected in this effort.

1295 Mr. McNerney. Okay. Did your office assess how the
1296 proposal would impact your ability to address PFAS
1297 contaminations?

1298 Mr. Grevatt. Sir, while the proposal has received many,
1299 many comments as I think you are aware and the Agency is in

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1300 the process of considering the comments as they move towards
1301 development of a final rule, and I think it is difficult to
1302 conjecture at this stage what those impacts might be.

1303 Mr. McNerney. Well, in June of this year I joined
1304 Ranking Member Pallone and Ranking Member Tonko in sending a
1305 letter to the Agency requesting additional information on the
1306 issue, 2 months later the Agency responded to me personally.
1307 I would like to submit my letter and the Agency's response to
1308 the committee for the record.

1309 Mr. Hudson. Without objection, so ordered.

1310 [The information follows:]

1311

1312 *****COMMITTEE INSERT 3*****

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1313 Mr. McNerney. Thank you. Mr. Grevatt, are you aware of
1314 this letter?

1315 Mr. Grevatt. I am aware that we have received the
1316 letter. I personally have not been engaged specifically on
1317 this issue in the response to that letter.

1318 Mr. McNerney. Okay. Well, the letter requests that the
1319 EPA provide us with copies of all comments or feedback from
1320 the EPA staff on the Agency's proposed Strengthening
1321 Transparency in Regulatory Science rulemaking, including but
1322 not limited to members from the rulemaking's Action
1323 Development Working Group. There were other requests as well
1324 as this.

1325 This information is important so that we can better
1326 understanding what, if any, concerns were raised on how the
1327 proposed regulation would impact its ability to address human
1328 health risks associated with PFAS. Again it took the Agency
1329 2 months to respond, but they haven't, the Agency hasn't
1330 produced the documents that were requested in the letter.

1331 Would you commit to providing those documents for the
1332 record?

1333 Mr. Grevatt. Sir, I will certainly commit to working
1334 with our congressional staff to follow up with you and your
1335 office to make sure that we are having the conversations that

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1336 you are wanting to have on this.

1337 Mr. McNerney. Okay. I did mention earlier that the
1338 public has lost confidence. What do you think that you
1339 personally can do to help restore that confidence?

1340 Mr. Grevatt. Sir, I think -- I appreciate your question
1341 and I would turn back on this PFAS issue to the national
1342 engagement that we are involved in. And through this process
1343 I personally have had the opportunity to meet with hundreds
1344 of impacted citizens across multiple states. I have heard
1345 statements from over 120 individuals talking about their
1346 challenges and we are taking this back and folding this into
1347 the National Management Plan.

1348 I think it is very important for the public to be able
1349 to see how their comments to us are reflected and the steps
1350 we are taking and that is really what we are committed to
1351 here through this national engagement. I think it has been a
1352 very important step, a very valuable step for us as we are
1353 addressing this issue.

1354 Mr. McNerney. Do you agree with the provision that
1355 would exclude information because it is from private medical
1356 information?

1357 Mr. Grevatt. So this issue is under careful
1358 consideration by the Agency and we are thinking through the

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1359 public comments that we have received on the transparency
1360 rule and that process continues.

1361 Mr. McNerney. All right. Thank you, Mr. Chairman. I
1362 yield back.

1363 Mr. Hudson. The gentleman yields back. At this time
1364 the chair will recognize himself for 5 minutes for
1365 questioning.

1366 Dr. Grevatt, Administrator Pruitt has been here a number
1367 of times and I have questioned him each time about this PFAS
1368 issue, about GenX in particular and the need to develop a
1369 comprehensive plan for containment and removal. The Agency
1370 responded in April to a letter I followed up with on that,
1371 those two testimonies, saying that a key priority for the EPA
1372 is to further the understanding of human health impacts of
1373 PFAS to support states and local communities.

1374 The EPA is currently developing a human health toxicity
1375 information for GenX that will provide a scientific basis for
1376 states and communities to set that will refine public health
1377 goals. So I want to ask you a few questions about that and
1378 we only have 5 minutes so I would just ask you to be as
1379 concise as you can. Could you provide a timeline for when
1380 the toxicity value for GenX will be released?

1381 Mr. Grevatt. Yes, sir. We are very close to this now.

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1382 We expect in the coming weeks to have that available, in
1383 draft, for public review and comment.

1384 Mr. Hudson. Okay, thank you for that. Once this
1385 toxicity value of GenX is released, can you commit to
1386 releasing a public health advisory specifically for GenX?

1387 Mr. Grevatt. So thank you, Congressman. We will work
1388 closely with the states to determine what will be most
1389 helpful to them. And, for example, on GenX specifically with
1390 regard to North Carolina, we are working side by side with
1391 them and want to make sure that we are providing them the
1392 support they need.

1393 And, sir, I might just add that we appreciate your
1394 invitation to come to Fayetteville. We appreciate your
1395 participation in that event and that in particular along with
1396 the others we found to be tremendously valuable. So thank
1397 you very much for your leadership on that.

1398 Mr. Hudson. Thank you. I would just stress that I
1399 think the public health advisory is really the next step in
1400 the process once we get those toxicity numbers to really help
1401 the state understand what we need to do going forward. So I
1402 appreciate you working so closely with the state.

1403 Based on my past discussions with EPA officials, I
1404 understand EPA is working very closely with the state and I

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1405 get that feedback from the state. Are you aware of any
1406 outstanding questions or information that EPA still owes the
1407 state of North Carolina?

1408 Mr. Grevatt. I think there are ongoing conversations
1409 with the state of North Carolina addressing all kinds of
1410 issues including stack testing at the Chemours facility,
1411 sampling the Cape Fear watershed and so I think those
1412 discussions are ongoing. So I am reluctant to say there is
1413 nothing outstanding because there is a lot that is going on
1414 and we will remain committed to supporting the state
1415 throughout this process.

1416 Mr. Hudson. I appreciate that. Now my understanding is
1417 there are over 20 other chemicals besides GenX who were found
1418 in the Cape Fear Basin. Is that part of this ongoing
1419 discussion is looking at those chemicals as well?

1420 Mr. Grevatt. Yes, sir.

1421 Mr. Hudson. Can we expect to have those results this
1422 month as well in the draft form or is that going to be later?

1423 Mr. Grevatt. So those results if you could, I want to
1424 make sure I understand specifically your question. So we are
1425 going to have the GenX toxicity assessment in the coming
1426 weeks available and then we will have the National Management
1427 Plan. Our goal is to have that completed by the end of the

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1428 calendar year. That will be a comprehensive view across
1429 EPA's actions in conjunction with the state to address these
1430 issues.

1431 Mr. Hudson. Great. Again I appreciate you accepting
1432 our invitation to come to Fayetteville for the community
1433 engagement, but I understand you are doing those around the
1434 country in other communities. Can you provide us just a few
1435 brief takeaways from our community engagement summit?

1436 Mr. Grevatt. Yes, sir. Thank you. So as I mentioned,
1437 in the case of Fayetteville I heard from over 50 citizens
1438 about the concerns they face and the concerns are very
1439 significant and they range from concerns about protecting
1440 families, their children, to economic impacts of the
1441 decisions.

1442 We heard from folks in Wilmington as well who came up
1443 and talked about the economic impact on the very important
1444 work that the drinking water utility is doing to put in
1445 drinking water treatment and concerns about they are going to
1446 pay for these actions. And so extensive concerns addressed
1447 and we will remain committed to working closely with the
1448 community in Fayetteville, the state of North Carolina,
1449 community of Wilmington, on addressing those issues going
1450 forward.

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1451 Mr. Hudson. We appreciate that very much. Is there any
1452 information you learned that you think helped move you
1453 forward in terms of examining the chemical?

1454 Mr. Grevatt. I think again reiterating the point on
1455 risk communication in the case of North Carolina because they
1456 themselves have been working towards a health value on GenX.
1457 We heard from them very clearly how important it is to be
1458 closely coordinated and we are working side by side with them
1459 in every step of this process.

1460 Mr. Hudson. I appreciate that. One other issue I am
1461 trying to wrap my brain around maybe you can help me with is,
1462 in your opinion, what is the lowest allowable and
1463 scientifically reliable level at which PFAS can be detected
1464 and monitored?

1465 Mr. Grevatt. Right. So in terms of the reliable level
1466 where it can be detected, I think we are down into the single
1467 digits of parts per trillion that can be monitored. And in
1468 part that is a result of the national study that we did to
1469 build lab capacity across the country, so this continues to
1470 advance. But I think we are in the single digits of parts
1471 per trillion for these compounds.

1472 Mr. Hudson. Great, thank you for that and my time is
1473 expired. At this time I will recognize the gentlelady from

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1474 Michigan, Mrs. Dingell, for 5 minutes.

1475 Mrs. Dingell. Thank you, Mr. Chairman. I think you can
1476 tell that Republicans and Democrats are pretty unified here
1477 on the concern about the PFAS chemicals.

1478 And I want to build, the Flint water crisis is something
1479 that every member on this dais has in their head and every
1480 American across the country is worried about. And PFAS in
1481 Michigan is scaring people more than the Flint water did, but
1482 I also think that it is across the country as you have heard
1483 from my colleagues here.

1484 I have several points I want to make, but I will build
1485 right on the last questions first. And I am very glad that
1486 you went to Fayetteville. North Carolina wanted to see you,
1487 but so did Michigan and Michigan had originally been
1488 scheduled to be one of those community forums. People wanted
1489 you from one side of the state to the other and you didn't
1490 come. Why did you cancel Michigan and could we get you to
1491 still come?

1492 Mr. Grevatt. Right. So we have been working very
1493 closely with Michigan and all the states in determining the
1494 locations for these events, and if in fact Michigan now wants
1495 us to do an event in the state we will be glad to talk with
1496 you and talk with them about how we might do some kind of an

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1497 event.

1498 Mrs. Dingell. This is a formal invitation on behalf of
1499 a whole lot of people. I know Fred joins me on the other
1500 side, don't you, Fred?

1501 Mr. Upton. Unanimous, yes.

1502 Mrs. Dingell. So you have an Upton Walberg Dingell
1503 invitation for a community forum in Michigan and we take that
1504 you have accepted it. And I think our czarina would support
1505 it too.

1506 Mr. Grevatt. So we will be very glad to follow up with
1507 all of you and your staffs about this as well as with the
1508 state. And as I mentioned, we have been working closely with
1509 Michigan and if they in fact now have decided they want us to
1510 come then we will be glad to come.

1511 Mrs. Dingell. I know a lot of people have. I was asked
1512 by many people to raise that.

1513 I want to go back again, and I know we all keep asking
1514 the same question. But I think what has really got everybody
1515 worried is we don't -- we need to change the national
1516 standard for what is a safe level and you are telling us that
1517 you are going to, I think you are telling us. You are not
1518 saying you are going to determine whether we need it. I
1519 think, I hope that you are saying that we do need to revise

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1520 the standard. You are going to put out a National
1521 Management Plan by the end of the year. What is going to be
1522 in that plan? Are you going to give us what the new standard
1523 should be and how long is that going to take? How do we
1524 create that sense of urgency that cuts through bureaucracy
1525 and keeps Americans safe drinking their water?

1526 Mr. Grevatt. Thank you very much for those questions.
1527 So a couple of things I want to respond with, first, to be
1528 clear, we have a guidance value now not a regulatory standard
1529 and one of the key items we are committed to at EPA by the
1530 end of the year in the Management Plan is to consider whether
1531 we should be developing an MCL for PFOA and PFOS or other
1532 compounds. So we are still engaged in that process.

1533 If we were to, in the context of a drinking water health
1534 advisory, think about lowering that level, we would subject
1535 that to scientific peer review before we took that kind of a
1536 step. So we are working through these issues now. We expect
1537 these to be addressed in the National Management Plan and our
1538 goal is to have that done by the end of the calendar year.

1539 Mrs. Dingell. So I am going to push on that a little.
1540 So are you telling us you are still -- I mean, I think that
1541 all of us on this dais have seen enough in scientific studies
1542 that we have got a problem. I think the children in Flint

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1543 that got poisoned wish somebody had cared enough. So are we
1544 talking about another 2, 3, 4 or 5-year bureaucracy or are we
1545 looking at something that is really going to get at this
1546 quickly to keep the American people drinking safe water?

1547 Mr. Grevatt. I thank you. And making sure Americans'
1548 drinking water is safe is a top priority for EPA and we will
1549 continue to focus on this issue.

1550 You asked about the National Management Plan. This will
1551 be a comprehensive view not only in the drinking water area,
1552 but across all of our statutory authorities about steps that
1553 we can take now to make sure that we are protecting Americans
1554 in their communities. And so that will be the focus of the
1555 National Management Plan and the goal is as I noted to have
1556 that done by the end of the calendar year.

1557 Mrs. Dingell. I have more questions for you but I don't
1558 want Ms. Sullivan to feel lonely. So we have got five sites
1559 in Michigan that are sites that have been contaminated
1560 because of military presence. What is DOD doing to help us
1561 clean up in Michigan?

1562 Ms. Sullivan. Well, thank you, ma'am, for asking. At
1563 all of those sites we have gone out and identified where we
1564 have known and suspected releases. We have tested many
1565 drinking water sources. Every drinking water source that has

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1566 tested above the EPA's advisory level --

1567 Mrs. Dingell. Five of them.

1568 Ms. Sullivan. -- we have worked with the communities
1569 to provide those citizens, because some of them are private
1570 wells as you can appreciate, alternative drinking water
1571 sources. It is up to them which of these options are
1572 available. Then we are embarking on the entire CERCLA
1573 process to really fully analyze the situation. What are the
1574 sources, what are the pathways, and working with the state
1575 and EPA on what the remedy solution would be in strong
1576 partnership.

1577 Mrs. Dingell. Obviously there are a lot more questions
1578 but I am out of time.

1579 Mr. Shimkus. The gentlelady's time is expired.

1580 Just for our information we have Navy bases, Air Force
1581 bases, Coast Guard bases, and Army posts. So just in
1582 definitional terms as an Army guy we have posts. The chair
1583 recognizes the gentleman from Michigan, Mr. Walberg, for 5
1584 minutes.

1585 Mr. Walberg. Thank you, Mr. Chairman, and thank you to
1586 the panel for being here. It was good to have Acting
1587 Secretary -- Administrator Wheeler in Michigan in my district
1588 on the banks of Lake Erie and other places and it was good to

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1589 be able to talk to him about this PFAS/PFOS issue and to
1590 understand very clearly that it is being taken seriously and
1591 that there is, and I want to follow up on my friend and
1592 colleague from Michigan as well. It is good to know that you
1593 are willing to come, but it is also good to know that you
1594 remain in contact with our state as well on this issue on a
1595 regular basis.

1596 Mr. Grevatt, you mentioned you are working with states
1597 like Michigan and North Carolina. What do you think are the
1598 things of greatest value that you could offer them at this
1599 time?

1600 Mr. Grevatt. Thank you very much, Congressman. So a
1601 number of the things that the states have communicated to us
1602 that they really need help on include assistance with risk
1603 communication in talking to the impacted public in their
1604 states about these issues, support with analytical methods,
1605 development of additional tools to sample for these compounds
1606 in the environment, the toxicity values are also important,
1607 and then consideration of treatment techniques that are
1608 available. And, in fact, all of those things are things that
1609 we are currently working on with the states to support them
1610 in addressing these challenges.

1611 And so we are staying very close to the states and

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1612 focused on what tools we can provide to help them to address
1613 these challenges and how do we best address these challenges
1614 and how do we best support local communities.

1615 Mr. Walberg. With these challenges if the states
1616 struggle in some of these areas like Michigan, North
1617 Carolina, other states, if they struggle where do they
1618 struggle the most?

1619 Mr. Grevatt. I think there have been challenges
1620 certainly around technical questions, around sampling and
1621 analysis of compounds. Those are issues that we have talked
1622 about extensively with Ms. Grether in the state of Michigan.
1623 With questions around characterizing levels of these
1624 compounds in the environment and how to do so, those are
1625 issues that we worked on very closely with the state of North
1626 Carolina.

1627 And toxicity as well, you know, there are questions
1628 around the broad set of compounds, PFAS compounds, where we
1629 talk a lot about PFOA and PFOS, but there are many other
1630 compounds that we need to stay focused on. And I think those
1631 are issues that have been concern to states as well.

1632 Mr. Walberg. Okay. Section 1453 and 1454 of the Safe
1633 Drinking Water Act create a framework for states to do source
1634 water planning and voluntary response efforts. H.R. 3387,

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1635 the Drinking Water System Improvement Act, the bill our
1636 committee, thankfully, unanimously supported, would allow new
1637 and updated states' source water plans to qualify for
1638 assistance. Would these source water plans permit states to
1639 address PFAS contamination?

1640 Mr. Grevatt. Yes, sir. I think they would help to
1641 address PFAS contamination. And it has been very important
1642 the work that Ms. Sullivan has talked about at DOD. We see
1643 that many of the instances of drinking water contamination
1644 are related to known sources. Those might be DOD facilities,
1645 but there are certainly many others as Ms. Sullivan
1646 indicated. And I think the source water protection focus can
1647 really help local communities to understand their
1648 vulnerabilities for PFAS and other compounds.

1649 Mr. Walberg. Okay. Would these plans and responses
1650 also be eligible from the resources of a state SRF under
1651 Section 1452(k)?

1652 Mr. Grevatt. And certainly in particular through the
1653 set-asides and the technical assistance these are activities
1654 that can be covered in that area, yes.

1655 Mr. Walberg. In your response to the chairman you
1656 mentioned that DWSRF funding could be used for PFAS. Could
1657 it be used for other emerging contaminants as well?

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1658 Mr. Grevatt. Yes, sir.

1659 Mr. Walberg. Do you know how many states are already
1660 doing this?

1661 Mr. Grevatt. I think a number of states are providing
1662 support to drinking water systems in their state,
1663 particularly through the set-asides, the technical assistance
1664 and I think that is going to continue to be a focus. But
1665 there are broad opportunities through the drinking water SRF
1666 to support both infrastructure investments and also to
1667 support technical assistance and operator certification and
1668 strengthening in terms of the capacity of drinking water
1669 systems. So there are broad eligibilities that are provided
1670 through that tool.

1671 Mr. Walberg. Okay, thank you and I appreciate your
1672 responses. I yield back.

1673 Mr. Shimkus. The gentleman yields back his time. The
1674 chair recognizes the gentleman from California, Mr. Peters,
1675 for 5 minutes.

1676 Mr. Peters. Thank you, Mr. Chairman, and thanks to the
1677 witnesses for being here. I had two questions, one for Mr.
1678 Grevatt. Dr. Grevatt, studies tracking PFOS in marine
1679 organisms and ocean waters, PFOS was added to the Stockholm
1680 Convention on Persistent Organic Pollutants in 2009, and we

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1681 are not party to that Convention but is EPA doing anything to
1682 monitor coastal waters for these compounds and are you
1683 working with other countries to control the spread of these
1684 contaminants?

1685 Mr. Grevatt. Thank you. So EPA is engaged as I noted
1686 in the broad characterization of drinking water supplies. We
1687 also have ongoing monitoring activities in watersheds. As I
1688 mentioned, the Cape Fear watershed has been an important area
1689 of work. And so I think as we get into estuarine
1690 environments, those are areas where we are thinking about the
1691 presence of these compounds. I think our primary initial
1692 focus has been around issues that immediately affect public
1693 health in making sure that we are addressing the needs of
1694 communities.

1695 Mr. Peters. Okay. I would love to be updated on any
1696 activity on that.

1697 Mr. Grevatt. We would be glad to follow up with you on
1698 that.

1699 Mr. Peters. Thank you.

1700 And, Ms. Sullivan, I had a question about firefighting
1701 foams. You noted that it was a small part of the problem in
1702 terms of overall volume, but it looks to me like the military
1703 specs require fluorine compounds and I wanted to know kind of

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1704 how you see progress in moving away from that and does that
1705 requirement interfere with your work in dealing with the
1706 toxicity of these particular chemicals?

1707 Ms. Sullivan. Thank you for that question. The current
1708 military specification requires a certain performance as well
1709 as a makeup and part of that is driven by the need to be able
1710 to fight fires associated with aircraft quickly and
1711 efficiently. It is managed by the Department of the Navy
1712 because it is highly important that when we have shipboard
1713 fires that we have the ability to fight those fires very
1714 rapidly. We are working carefully with the current suppliers
1715 to determine what levels are in those compounds, the current
1716 formulations.

1717 In terms of research that we are investing in on a
1718 fluorine-free, it is basic research at this time, bench scale
1719 research. But we are committed to continuing that research
1720 to ultimately, hopefully, produce a product that does in fact
1721 meet our critical mission needs and is in fact fluorine-free.

1722 Mr. Peters. Good. I think that will be helpful
1723 throughout the economy and in a number of applications as
1724 well. So thank you very much for being here, and I yield
1725 back.

1726 Mr. Shimkus. The gentleman yields back his time. The

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1727 chair now recognizes the Birthday Boy, Dr. Carter, for 5
1728 minutes.

1729 Mr. Carter. I appreciate that, Mr. Chairman.

1730 Ms. Sullivan --

1731 Mr. Shimkus. You are very red.

1732 Mr. Carter. Yes, I am. I am. Sorry, I got my notes
1733 mixed up here.

1734 Ms. Sullivan, you mentioned in your testimony about the
1735 actions that the Department of Defense is taking not only in
1736 providing the clean drinking water, but also in the
1737 remediation efforts. And I was just wondering, I am
1738 interested in learning more about how you actually go about
1739 notifying the individuals on these installations and what the
1740 communication structure looks like.

1741 Ms. Sullivan. Well, first of all, happy birthday, sir.

1742 Mr. Carter. Thank you.

1743 Ms. Sullivan. Each of the military installations this
1744 is voluntary on their part. We encourage military
1745 installations and the communities to establish what we call
1746 restoration advisory boards and these boards are populated by
1747 local citizens who want to learn about the cleanup going on
1748 on those bases. It is voluntary on their part, but we
1749 support then and fund that activities.

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1750 As far as on our bases, we have sophisticated
1751 notification systems for the populations present on the
1752 installations to make sure the information gets out and in
1753 full consistency with the Safe Drinking Water Act where we
1754 are in fact the purveyor. We do the routine monitoring and
1755 issue the consumer confidence reports on top of routine
1756 correspondence with the citizens on the base.

1757 Mr. Carter. So you are providing them with bottled
1758 water; is that right?

1759 Ms. Sullivan. It depends on the situation, sir, and
1760 what their choices are. In some cases we may hook them up to
1761 an alternative water supply or if in some cases they want
1762 bottled water, or we may install some sort of granulated
1763 activated carbon solution. It depends on the circumstance.

1764 Mr. Carter. But whichever way you do it, you do it
1765 until the remediation is completed.

1766 Ms. Sullivan. Correct.

1767 Mr. Carter. Okay, good. What types of sites? Is there
1768 a particular type of site that you see the most contamination
1769 on?

1770 Ms. Sullivan. It is interesting it is a range of sites.
1771 A lot of it is associated with as you can understand
1772 firefighting activities, training mostly. The newer sites

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1773 for us that we have to go and explore are crash sites. So
1774 usually with the firefighting sites there has been some other
1775 chemical or compound that has been used, so we have already
1776 done a certain amount of investigation. However, the crash
1777 sites are now newer that it is a challenge for us to go out
1778 and identify where those sites were and understand the
1779 circumstances around them.

1780 Mr. Carter. Good, thank you very much.

1781 Dr. Grevatt, you mention in your testimony that there
1782 were four significant actions that you were considering when
1783 you were making these recommendations for PFOS and for the
1784 contaminated areas. Can you explain those four to me very
1785 quickly?

1786 Mr. Grevatt. Yes, certainly. So the first is to
1787 explore the development of a national primary drinking water
1788 regulation for PFOA and PFOS. There are important
1789 considerations that we have to work through. That is ongoing
1790 right now. The second is exploring the listing of PFOA and
1791 PFOS as hazardous substances under CERCLA. There are many
1792 statutory mechanisms for achieving that goal that is very
1793 important in terms of our ability to order cleanup actions
1794 and to recover costs that EPA may expend for those actions.

1795 The third is development of groundwater cleanup goals

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1796 under our waste cleanup programs for these substances, very
1797 important in terms of addressing contaminated sites. And
1798 then the final one is developing toxicity values for two
1799 additional PFAS substances, those are GenX and PFBS. And we
1800 are hoping to have those draft values available for public
1801 review and comment in the coming weeks.

1802 Mr. Carter. Do you have a timeline on all four of these
1803 or on the different steps?

1804 Mr. Grevatt. Right. So as I noted, the toxicity values
1805 is probably the closest to being completed and we are looking
1806 towards the coming weeks to have those completed. The
1807 groundwater cleanup recommendations are currently undergoing
1808 interagency review so that process is actively underway. The
1809 last two will be addressed in the National Management Plan
1810 which our goal is to have the completed by the end of the
1811 calendar year in terms of identifying the path forward on
1812 these important actions.

1813 Mr. Carter. Great. Well, thank you both in your work
1814 on this, very challenging.

1815 Thank you, Mr. Chairman. I yield back.

1816 Mr. Shimkus. The gentleman yields back his time.

1817 Seeing no further members of the subcommittee, the chair
1818 now recognizes the gentleman from Vermont for 5 minutes.

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1819 Mr. Welch. Thank you very much, Mr. Chairman, a couple
1820 of things. First of all, I just want to say that I believe
1821 the Environmental Protection Agency is a vital agency to
1822 protect the health and well-being of the American people and
1823 I want to thank you for your dedicated service.

1824 Second, we have an issue in Vermont with PFOA so I want
1825 to talk a little bit about that and then ask whether you can
1826 help. But in 2014, PFOA was discovered in Hoosick Falls,
1827 which is just across the border, and in the town of
1828 Bennington on the Vermont side there was a Teflon plant,
1829 Saint-Gobain, and it turns out that hundreds of private
1830 drinking wells in Bennington are contaminated and we are
1831 trying to work through that to provide for the health and
1832 safety of the residents there.

1833 But in June 2017 I wrote to then EPA Administrator
1834 Pruitt with a couple of direct requests and all as a result
1835 of what was happening in Vermont. One was that the EPA
1836 establish a national primary drinking water regulation for
1837 PFOA; two, that PFOA and PFOS be listed as hazardous
1838 substances under CERCLA; and three, that we take action under
1839 the Toxic Substances Control Act to review and regulate PFCs
1840 and I continue to request that those steps be taken.

1841 And, in addition, I believe and many in Vermont believe

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1842 that there are several additional steps that the EPA must
1843 take on this front: One, establish toxicity profiles for the
1844 entire class of PFAS compounds; two, establish a reliable
1845 testing methodology for PFAS contamination that is present in
1846 sources other than water. For instance, how do we test milk
1847 produced from a cow drinking contaminated water or maple
1848 syrup from a tree drawing on contaminated water?

1849 Three, establish a maximum contaminant level as a
1850 backstop while providing resources to states that wish to
1851 adopt a more stringent standard; four, develop reliable and
1852 sufficient testing laboratories to identify contamination;
1853 and five, develop a national listing of products that contain
1854 PFAS.

1855 So the questions, Mr. Grevatt, I will ask you, can EPA
1856 commit to establishing toxicity profiles for the entire class
1857 of PFAS compounds?

1858 Mr. Grevatt. Thank you, sir. That is a very important
1859 question. As you know, it is a broad set of compounds,
1860 actually in total many thousand compounds. And through our
1861 Office of Research and Development we are looking not only at
1862 how to develop toxicity values for individual compounds like
1863 PFBS and GenX, but how to start to look at the broader suite
1864 of compounds and look at them holistically. That is still a

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1865 research area. It is going to take some time for that work
1866 to advance, but that is a focus area for us and we are
1867 working with other parts of the federal government on those
1868 questions as well.

1869 Mr. Welch. Can you keep us posted on that?

1870 Mr. Grevatt. Yes, sir. We would be glad to do so.

1871 Mr. Welch. The clock is ticking on that.

1872 Two other questions, as I mentioned we currently lack a
1873 publicly available list of products that contain PFAS and
1874 related chemicals. We would like the EPA to compile that
1875 list. If you can't, what resources would the EPA need and
1876 what barriers are preventing you from doing that?

1877 And, finally, is the EPA currently investigating ways in
1878 which to test for contamination of non-water products like
1879 the milk example, the maple syrup example I just mentioned?

1880 Mr. Grevatt. Yes. Let me take the last question first,
1881 and absolutely yes, we are doing that. One of our
1882 commitments is to develop additional analytical methods for a
1883 media other than drinking water understanding how important
1884 that is in your state. And I had the opportunity to visit
1885 your great state just last week with the Environmental
1886 Council of the States meeting there and talk about these
1887 issues there. And our TSCA program is working right now

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1888 comprehensively to get a broader view of the presence of PFAS
1889 compounds in different products. So that is an issue we will
1890 continue to work on and we will be glad to circle back with
1891 you and talk about that further.

1892 Mr. Welch. All right. Well, I would like to have you
1893 stay in touch with us as progress is being made.

1894 Mr. Grevatt. We would be glad to do so, sir.

1895 Mr. Welch. Thank you very much. I yield back.

1896 Mr. Shimkus. The gentleman yields back his time. The
1897 chair now recognizes the former chairman of the full
1898 committee, Fred Upton, for 5 minutes.

1899 Mr. Upton. Well, thank you, Mr. Chairman. Again I
1900 appreciate this hearing and I have got a lot of questions. I
1901 want to thank my colleagues on both sides of the aisle as we
1902 explore this situation for sure.

1903 But, Dr. Grevatt, I am going to start with you. As you
1904 know, the Safe Drinking Water Act that passed out of this
1905 committee was very bipartisan. We learned a lot of lessons
1906 from Flint. One of the lessons that we learned ended up in
1907 legislation that President Obama signed that killed the Upton
1908 bill which requires that the EPA when they know about
1909 situations of contamination that they are required within 24
1910 hours to inform the Governor, develop to work with the state

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1911 on a plan to implement that.

1912 So my first question when I learned about Parchment,
1913 Michigan was is the EPA involved and the answer was yes. So
1914 I am very grateful for that and I brought that to the
1915 attention of the Acting Administrator Wheeler when I talked
1916 to him about it on the phone within a couple of days.

1917 I am glad to hear about the National Management Plan
1918 coming to Michigan. It is something that we want in Michigan
1919 and I know that my colleagues on both sides of the aisle will
1920 very much encourage that to happen and I would urge that as
1921 part of that visit that you come to Parchment as well where
1922 we have had a lot of different meetings.

1923 In mid-July, before we learned about Parchment, I would
1924 note that Congresswoman Dingell, Kildee, and myself and other
1925 members of the Michigan delegation urged the EPA to review
1926 the toxicology profile and if, in fact, it needed to be
1927 adjusted below 70 parts per trillion that they do so in an
1928 expedited process. Quick question, is that happening? What
1929 can we do to expedite that process. What is the timing of
1930 that?

1931 Mr. Grevatt. Thank you, Congressman. So we continue to
1932 look very carefully at all of the scientific information that
1933 is coming forward related to PFOA and PFOS. That is the

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1934 focus of the drinking water health advisory and we will
1935 continue to consider that information going forward as we
1936 explore whether those values need to be changed.

1937 At this time EPA does not have plans to change the
1938 drinking water health advisory, lifetime health advisory for
1939 PFOA and PFOs, but we will continue to watch the literature
1940 and stay focused on this.

1941 Mr. Upton. I know that there is legislation that I am a
1942 cosponsor of that is going to encourage EPA to look at that
1943 so see what happens as that moves.

1944 Ms. Sullivan, your role is very important here,
1945 appreciate you being here. I have to say that I was very
1946 troubled reading your testimony last night in that on page 3
1947 you indicate that you will share information, the Department
1948 of Defense will share information in an open and transparent
1949 manner.

1950 As you know, I wrote a letter back on August 1st
1951 relating to the National Guard Base in Battle Creek. Testing
1952 data had been taken 3 months prior to that, so 4 months now,
1953 and MDEQ, Department of Environmental Quality in Michigan,
1954 had independently found that there were perhaps as much as
1955 21,000 parts per trillion at that site.

1956 In addition, our Governor Snyder sent a letter regarding

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1957 Wurtsmith and I think Selfridge as well, which I will put
1958 into the record. Again prior to August 1st, there was a
1959 public meeting held on July 30th. Yesterday, last night, I
1960 received a draft report of which I will put this page into
1961 the record. I will note that it is a draft, but on page ES-4
1962 they tested 14 different sites at Battle Creek. Nine of the
1963 sites were over a thousand parts per trillion. Four of the
1964 sites, one was 3,800 parts per trillion; 4,300 parts per
1965 trillion; 25,000 parts per trillion; and 53,000 parts per
1966 trillion.

1967 So I would say as a non-engineer, I think Mr. McKinley
1968 would acknowledge that there is little doubt that it came
1969 from that site. So the questions are where is it moving?
1970 There are rivers that are close by. I don't think that there
1971 has been a real identification of private wells that are
1972 close by, but what is the impact on those? What is the
1973 impact on the community itself?

1974 But how is that full and transparent when it is now 4
1975 months after the testing? As we saw in Parchment, it was 4
1976 days after the testing that we made it public.

1977 Ms. Sullivan. Sir, thank you for the question. I am
1978 not familiar with the specifics in Battle Creek. I actually
1979 lived there for a period of time so I am familiar with the

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1980 area, but I will have to get with the Department of the Army
1981 and get the specifics.

1982 Mr. Upton. Well, did they share this with you before
1983 today?

1984 Ms. Sullivan. No, they have not. But I will --

1985 Mr. Upton. I mean this was literally dropped off at my
1986 office late yesterday afternoon as I understand it. I didn't
1987 see it until this morning.

1988 Ms. Sullivan. I have not seen it, sir. But I will get
1989 with the Army and we will get the answers for you.

1990 Mr. Upton. I look forward to that because I want to,
1991 you know, I agree that we ought to be -- that information
1992 ought to be in an open and transparent manner as you
1993 indicated in your testimony, and it is not when it is 4
1994 months late, let alone, you know, how do we deal with this in
1995 the long-term way for those individuals that are certainly
1996 impacted? Not only the servicemen and women, but also the
1997 folks that are living close let alone those that are along
1998 the Kalamazoo River.

1999 Ms. Sullivan. Yes, sir.

2000 Mr. Shimkus. The gentleman's time has expired. It is
2001 an Air National Guard Base so not an Army's.

2002 Ms. Sullivan. I apologize, sir. Yes.

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2003 Mr. Shimkus. Not an Army post.

2004 Ms. Sullivan. I always think of Fort Custer. I am
2005 sorry.

2006 Mr. Shimkus. All right. The chair now recognizes the
2007 gentleman from California, Congressman Cardenas, for 5
2008 minutes.

2009 Mr. Cardenas. Thank you very much. I may be on the
2010 other side of the country from my colleague, Ms. Dingell,
2011 next to me, but we share many of the same concerns, water and
2012 the effects of chemicals. And our water systems in
2013 California and Los Angeles are in some cases very dire so the
2014 EPA's activity and determination is very critical to every
2015 American all across the country.

2016 I note that Mr. Pruitt may be gone, but I wonder if the
2017 disinterest that I felt from him and his when he was there in
2018 human and environmental health still remains. Hopefully the
2019 commitment has changed. I didn't have much confidence in him
2020 and his ability to make sure that what is important to the
2021 EPA and to American citizens is consistent.

2022 Dangerous chemicals are contaminating our drinking water
2023 and we have known about it for years. We also know the
2024 extremely harmful effects that chemicals have on people
2025 especially our children and seniors. Even this EPA has

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2026 determined that chemicals like perchlorate and PFAS are
2027 dangerous to human health at levels found in our drinking
2028 water.

2029 Perchlorate, for example, disrupts the normal function
2030 of the thyroid which is necessary for regulation of the heart
2031 rate and blood pressure. For babies, thyroid health is
2032 crucial for the development of the central nervous system.
2033 Yet, EPA has not established a national drinking water
2034 standard for perchlorate despite established research and
2035 proven science.

2036 Dr. Grevatt, can you tell the committee what the mission
2037 of the EPA is?

2038 Mr. Grevatt. Yes, sir, protecting human health and the
2039 environment.

2040 Mr. Cardenas. I love the fact that it is human health
2041 and the environment in that order. And I don't personally
2042 believe that there should ever be a disconnect between those
2043 two. I think we can do justice by minding both and doing
2044 what is right in both instances. So it is not, there is
2045 nothing in the EPA that says the EPA's mission is to protect
2046 industry or make compliance easier for industry, does it?

2047 Mr. Grevatt. Sir, the focus is on protecting human
2048 health and the environment and working broadly across the

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2049 country to achieve that goal.

2050 Mr. Cardenas. Okay, good. And being the largest
2051 economy in the world I understand, and being a former
2052 businessman myself I understand how important it is that we
2053 try to strike that balance of responsibility and regulation
2054 and laws, et cetera, so that we can have a healthy
2055 environment, healthy human beings, and also have the
2056 healthiest economy in the world. So I appreciate your
2057 clarity on that.

2058 Dr. Grevatt, when did EPA determine that a drinking
2059 water standard for perchlorate would meaningfully reduce risk
2060 for customers of public drinking water systems?

2061 Mr. Grevatt. This was a number of years ago in 2012.

2062 Mr. Cardenas. 2012. So why was that determination made
2063 or where did that come from?

2064 Mr. Grevatt. Sir, that was made following the key
2065 factors under the Safe Drinking Water Act that this is a
2066 compound that was determined to present a threat to the
2067 health of persons, that it occurred at a level and frequency
2068 in the nation's drinking water supplies, and that in the sole
2069 judgment of the Administrator that a national primary
2070 drinking water regulation was necessary to protect public
2071 health.

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2072 Mr. Cardenas. Do we have a national standard today?

2073 Mr. Grevatt. We do not yet. We are engaged in that
2074 process of developing the proposed rule.

2075 Mr. Cardenas. Okay. You are engaged in that and what
2076 is your hope timeline wise? I know you don't have a crystal
2077 ball, but I am sure there is a lot of moving parts and there
2078 is a lot to be done before we set that or excuse me, you set
2079 that. So what do you think?

2080 Mr. Grevatt. Yes, sir. We are under consent decree for
2081 this process right now and we have interacted with the court
2082 to request a bit more time to address the latest science that
2083 came in through our process and so we are hoping to have a
2084 proposed rule available in the coming months.

2085 Mr. Cardenas. Okay. Oh, so a bit more time, you are
2086 talking about your hope is in the coming months.

2087 Mr. Grevatt. Yes, sir.

2088 Mr. Cardenas. Not in the coming years.

2089 Mr. Grevatt. Yes, sir.

2090 Mr. Cardenas. That is awesome. This administration has
2091 been asking courts on various issues for more time, more
2092 time, more time, so I am glad to your response and hopefully
2093 you will meet your expectation and ours as well.

2094 How long has the EPA known about the risks of PFAS in

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2095 drinking water?

2096 Mr. Grevatt. So we have known about the potential risks
2097 of PFAS in drinking water for a number of years and that is
2098 why we engaged with the manufacturers in the phase-out of
2099 these compounds over the last decade or so. And so that
2100 phase-out has been achieved, we followed that up with
2101 significant new use rules under TSCA to make sure that we
2102 weren't relying on the voluntary agreement, but we actually
2103 had the ability to require notification of EPA before these
2104 compounds would be reintroduced.

2105 So it has been a number of years that we have been
2106 actively engaged in this. And then I think you are aware
2107 that we completed this national drinking water survey of the
2108 presence of PFAS compounds in the nation's drinking water
2109 supplies over the last several years as well.

2110 Mr. Cardenas. Thank you, Doctor. I appreciate it. And
2111 I yield back.

2112 Mr. Shimkus. The gentleman yields back his time.

2113 Just a side note, you want to know that Dr. Grevatt's
2114 professional educational background as a toxicologist; is
2115 that correct?

2116 Mr. Grevatt. That is correct.

2117 Mr. Shimkus. Thank you. The chair now recognizes the

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2118 very patient Congressman Sarbanes from Maryland.

2119 Mr. Sarbanes. Thank you, Mr. Chairman. Thank you all
2120 for being here.

2121 As you know, in 2018, ATSDR had prepared this study
2122 which showed the safe level of PFAS may be closer to 7 parts
2123 per trillion not 70. And at that time, officials at EPA and
2124 the DOD contacted the White House to express concerns about
2125 that report being released and what the public relation
2126 fallout might be and there is some emails related to that
2127 that were released in response to a FOIA request from the
2128 Union of Concerned Scientists.

2129 I wanted to ask a couple of questions about that because
2130 to be candid I have grown increasingly concerned about lack
2131 of transparency within the Trump administration and its
2132 various agencies. So this goes to that concern.

2133 So, Ms. Sullivan, in these emails that were released
2134 pursuant to the FOIA request somebody wrote, We, EPA and DOD,
2135 cannot seem to get ATSDR to realize the potential public
2136 relations nightmare this is going to be. At the time those
2137 emails were sent, were you aware of any DOD officials who
2138 shared those concerns?

2139 Ms. Sullivan. Sir, I am so glad you asked that
2140 question. When this process was going on my communications

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2141 with the Office of Management and Budget were solely to ask
2142 when it was going to happen and what the communication plans
2143 would be. I did not provide any assessment of whether that
2144 was good or bad, it was simply asking when would it be
2145 released and what would the risk communication --

2146 Mr. Sarbanes. So I appreciate that but were you aware
2147 of any DOD officials who were sharing the concerns expressed
2148 in that email?

2149 Ms. Sullivan. No, I was the voice, sir.

2150 Mr. Sarbanes. Okay. And I take it then you were not
2151 aware of efforts by DOD officials to impede the release of
2152 the report?

2153 Ms. Sullivan. No, I was not aware of any efforts.

2154 Mr. Sarbanes. Were you aware of any, or are you of any
2155 internal DOD review or response that relates to the matters
2156 discussed in the email?

2157 Ms. Sullivan. We have reviewed the draft document and
2158 submitted comments to the ATSDR and will respect the process
2159 that ATSDR goes through to develop the final document. I
2160 want to emphasize that we, and Dr. Grevatt has mentioned this
2161 before, we believe it should be peer-reviewed based on sound
2162 science, developed in a transparent manner, and we support
2163 the outcome of that.

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2164 Mr. Sarbanes. Well, I appreciate it and I just worry
2165 that concerns about public relations can lean on the scale in
2166 a way that could undermine the scientific conclusions and
2167 judgments and assessments that are being made.

2168 Dr. Grevatt, we have seen some lack of transparency
2169 issues at the EPA as well. Under the previous administrator,
2170 Scott Pruitt, there were secret calendars hiding meetings
2171 with industry leaders, there was an undermining of career
2172 employees and scientific advisors. I know you are a career
2173 employee. I wonder if you have experienced any pressure from
2174 political folks at EPA or other administration officials to
2175 make decisions on a basis other than a scientific basis.

2176 Mr. Grevatt. I personally have not.

2177 Mr. Sarbanes. And are you or were you aware of the
2178 emails I just referenced at the time that they occurred?

2179 Mr. Grevatt. At the time I wasn't aware of the specific
2180 emails, but I was aware as Ms. Sullivan indicated of the
2181 strong interest in making sure that we had a coordinated
2182 communications effort across the federal government on these
2183 issues.

2184 Mr. Sarbanes. And I guess that is the concern, because
2185 you could dress up what might be a reflex to stop the release
2186 of something or slow it down significantly, notwithstanding

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2187 the scientific basis for getting it released. That could be
2188 dressed up as just wanting to kind of get all the ducks in a
2189 row and so forth and that is a fine line. And I am concerned
2190 based on some of the exchange of those emails that it may
2191 have tipped into a place where concern about PR, the public
2192 revelation of these new standards might have taken over the
2193 scientific judgment that should have been in place.

2194 So I will continue to bring some interest and attention
2195 to this, but I thank you for your testimony. I yield back.

2196 Mr. Shimkus. The gentleman yields back his time.

2197 Seeing no further members wishing to ask questions, I
2198 want to thank the first panel for their time, their due
2199 diligence, and their answering of the questions. I think you
2200 can get an impression that this subcommittee and this
2201 committee they are pretty smart folks up here and have done
2202 their homework.

2203 So this is -- I can't even pronounce some of these
2204 chemicals, but at least I think it was a good hearing on this
2205 and we look forward to addressing things again. So with that
2206 thank you very much and we will sit the second panel down.

2207 [Recess.]

2208 Mr. Shimkus. We want to thank our witnesses for being
2209 here today and take the time to testify before the

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2210 subcommittee. The second panel consists of the following
2211 members: Ms. Lisa Daniels, Director of Bureau of Safe
2212 Drinking Water, Pennsylvania Department of Environmental
2213 Protection on behalf of the Association of State Drinking
2214 Water Administrators; Mr. Sandeep Burman, Manager of Site
2215 Remediation and Redevelopment, Minnesota Pollution Control
2216 Agency on behalf of the Association of state and Territorial
2217 Solid Waste Officials, both organizations I have worked with
2218 closely; Ms. Carol Isaacs, Director of Michigan PFAS Action
2219 Response Team, the czarina as was referred to earlier; and
2220 think soon to join us, Ms. Emily Donovan, Co-founder of Clean
2221 Cape Fear; and Mr. Erik Olson, Senior Director of Health and
2222 Food, Healthy People & Thriving Communities Program with the
2223 Natural Resources Defense Council.

2224 We appreciate you all being here today. We will begin
2225 the panel with Ms. Daniels, and you are now recognized for 5
2226 minutes to give your opening statement.

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2227 STATEMENTS OF LISA DANIELS,, BUREAU OF SAFE DRINKING WATER,
2228 PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION; SANDEEP
2229 BURMAN, MANAGER, SITE REMEDIATION AND REDEVELOPMENT,
2230 MINNESOTA POLLUTION CONTROL AGENCY; CAROL ISAACS, DIRECTOR,
2231 MICHIGAN PFAS ACTION RESPONSE TEAM, EXECUTIVE OFFICE OF
2232 GOVERNOR RICK SNYDER; EMILY DONOVAN, CO-FOUNDER, CLEAN CAPE
2233 FEAR; AND, ERIK OLSON, SENIOR DIRECTOR, HEALTH AND FOOD,
2234 HEALTHY PEOPLE & THRIVING COMMUNITIES PROGRAM, NATURAL
2235 RESOURCES DEFENSE COUNCIL

2236

2237 STATEMENT OF LISA DANIELS

2238 Ms. Daniels. Good morning, Chairman Shimkus, Ranking
2239 Member Tonko, and members of the subcommittee. Thank you for
2240 the opportunity to talk about PFAS in drinking water. My
2241 name is Lisa Daniels and I am the president of the
2242 Association of State Drinking Water Administrators whose
2243 members include 50 state drinking water programs, five
2244 territorial programs, the District of Columbia, and the
2245 Navajo Nation. Our members have primacy for implementing the
2246 Safe Drinking Water Act and they are on the front lines every
2247 day providing technical assistance, support, and oversight to
2248 our public water systems which is critical to protecting
2249 public health.

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2250 I am also, so my other full-time job, I am also the
2251 director of the Bureau of Safe Drinking Water within the
2252 Pennsylvania Department of Environmental Protection.

2253 Today I would like to discuss ASDWA's concerns about
2254 PFAS and then really delve into three key recommendations we
2255 would like to make. PFAS compounds of course have been a
2256 growing concern for the drinking water community for more
2257 than a decade. To date, PFAS has been found in groundwater
2258 in at least 38 states, and I think that is an important
2259 number to remember, 38 states.

2260 The solubility, mobility, and bioaccumulative properties
2261 of PFAS continue to heighten concerns about the potential
2262 adverse health effects and there are many unanswered
2263 questions. For example, where are these compounds being
2264 manufactured and used in commerce, what are their toxicity
2265 levels, how are they impacting the environment and public
2266 health, and these are just to name a few.

2267 In 2016, EPA finalized the lifetime health advisories
2268 for two of the most common PFAS compounds, PFOA and PFOS. In
2269 June of 2018, as folks have remarked, ATSDR released a draft
2270 tox profile that proposed minimal risk levels and they
2271 proposed it at different levels than the EPA's health
2272 advisory number. The lack of a federal standard and, really,

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2273 this inconsistent health risk number have really led to
2274 increased public concern and driven some states to establish
2275 their own PFAS action levels. However, there are also other
2276 states that cannot take any independent action because they
2277 are prevented from being any more stringent than EPA.

2278 With all of this together it is really no wonder that
2279 the average American is left questioning whether their
2280 drinking water is safe. In my own state of Pennsylvania, our
2281 Environmental Cleanup Program is conducting site
2282 investigations at about 11 sites across the state. The
2283 investigations that we are doing are where there are levels
2284 above EPA's health advisory of 70, because we are fortunate
2285 that we can recognize health advisory levels in Pennsylvania
2286 and we do have authority to look at unregulated contaminants
2287 at those levels.

2288 However, certainly the adequacy of our actions are being
2289 called into question because of differing numbers that we see
2290 coming out from ATSDR and potentially some other states. We
2291 do recognize the science is still evolving PFAS and risk to
2292 human health. There is a whole host of analytical and
2293 technology challenges and data gaps surrounding this issue.
2294 And, really, what folks need are more robust information on
2295 health effects, analytical methods, and treatment efficacy.

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2296 So clearly more work is needed, more research and data
2297 are needed to really help support a consensus-based standard
2298 and tox values. ASDWA partnered with several organizations
2299 including ECOS, Aqua, and EPA to help chart a path forward
2300 for states and federal agencies. We have provided extensive
2301 written comments and recommendations to EPA and other federal
2302 agencies on two different occasions. The first one was back
2303 in January of this year, and then a second set of comments
2304 was submitted in July. Essentially we are asking these folks
2305 to work together to help solve this issue. Anybody that is
2306 interested in seeing the comments that we wrote, all of that
2307 information is on our website as well as information that we
2308 continue to gather and pull together based on other states.

2309 ASDWA absolutely supports the commitments the EPA made
2310 during the National Leadership Summit and we think that is a
2311 solid step forward but more work is needed. In terms of
2312 ASDWA recommendations, states' water systems and the public
2313 need national leadership now to address this issue. And for
2314 us, the question is not whether to regulate but when and how,
2315 but make sure it is done using sound science.

2316 The three key areas we would like to suggest: We believe
2317 PFAS must be addressed at the national level using a holistic
2318 approach and we ask Congress to direct all the federal

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2319 agencies to develop a unified message for risk.

2320 Number two, we ask Congress to provide additional
2321 funding to EPA and the states to deal with this issue.

2322 Currently we do think folks are diverting money away from the
2323 core program in order to address this issue which is causing
2324 problems there.

2325 Third, Congress should recommend EPA to expand and
2326 coordinate across all of the programs and media. And with
2327 that we look forward to continuing to work with you to solve
2328 this issue. Thank you.

2329 [The prepared statement of Ms. Daniels follows:]

2330

2331 *****INSERT 4*****

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2332 Mr. Shimkus. Thank you.

2333 The chair now recognizes Mr. Burman for 5 minutes.

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2334 STATEMENT OF SANDEEP BURMAN

2335

2336 Mr. Burman. Good morning, Chairman Shimkus, Ranking
2337 Member Tonko, and members of the subcommittee. Thank you for
2338 the opportunity to speak at today's hearing. My name is
2339 Sandeep Burman and I am the manager of Site Remediation and
2340 Redevelopment for the Minnesota Pollution Control Agency. I
2341 am also a member of the board of directors of ASTSWMO. While
2342 Minnesota is a member of ASTSWMO, I am here today speaking on
2343 behalf of the Association.

2344 As you know, ASTSWMO is an association representing the
2345 waste management and cleanup programs of the 50 states, five
2346 territories, and the District of Columbia. As you know and
2347 as you heard from prior testimony today, per and
2348 polyfluoroalkyl substances, PFAS, have emerged as one of the
2349 most complex and challenging environmental and public health
2350 issues to have confronted the country in recent times. Many
2351 of ASTSWMO's member states are reporting widespread impact
2352 and risks from PFAS. Alabama, Colorado, Minnesota, New
2353 Jersey, Vermont are a few states who have provided summaries
2354 that are included in ASTSWMO's written testimony, but many
2355 states have similar stories to share.

2356 As states conduct additional sampling and response to

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2357 the continually evolving understanding of PFAS and associated
2358 risks, it is expected that more releases and impacts will be
2359 discovered from both historical and current sources. The
2360 problem is therefore likely going to assume even greater
2361 magnitude and even more serious implications for public
2362 health and the environment.

2363 The current absence of established federal regulatory
2364 standards for these compounds is creating uncertainty as
2365 public drinking water systems, wastewater treatment systems,
2366 regulatory agencies, responsible parties, and communities are
2367 attempting to address risks to public health and the
2368 environment. There is an urgent need for federal standards
2369 including reference doses, drinking water standards, surface
2370 water standards, and remediation standards that can be used
2371 to reliably address ongoing public health concerns.

2372 A comprehensive system of national standards will
2373 provide a level of certainty and consistency for
2374 environmental permitting, compliance, and cleanups. For
2375 instance, when it comes to drinking water, PFOS and PFOA are
2376 the only two chemicals from the PFAS family that currently
2377 have a federal guidance value. These were issued in 2016 by
2378 the EPA in the form of a non-enforceable lifetime health
2379 advisory of 70 parts per trillion.

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2380 However, many states that are investigating PFAS impacts
2381 in drinking water cannot limit their efforts to just PFOS and
2382 PFOA. This is because they are detecting a mix of PFAS in
2383 the groundwater and drinking water. As a result, some states
2384 have had to develop their own standards and guidance for the
2385 various PFAS that have been detected in their drinking water
2386 and groundwater while other states have adopted the EPA
2387 lifetime health advisories for PFOA and PFOS.

2388 However, there are differences between the various state
2389 standards and many of the state standards for PFOS and PFOA
2390 differ from the EPA advisory values for those two chemicals.
2391 As you can imagine, this causes questions and confusion for
2392 the public as well as for regulated parties and regulators
2393 themselves.

2394 National groundwater standards are therefore urgently
2395 needed for the PFAS family to promote consistent and
2396 comprehensive cleanups across the country. This will assist
2397 states that do not currently have promulgated standards as
2398 well as those that may lack the resources to ever have their
2399 own standards. At the same time there will be the need to
2400 recognize the PFAS standards that are promulgated by states
2401 especially if they are lower than the corresponding federal
2402 ones.

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2403 States are also unclear on how responsible parties can
2404 be requires to remediate PFAS contamination. Therefore, a
2405 national regulatory framework not just guidance or
2406 recommendations is needed for the cleanup of PFAS in
2407 groundwater and drinking water.

2408 In May of 2018, EPA hosted a National Leadership Summit
2409 in Washington, D.C. to take action on PFAS. EPA announced
2410 several significant actions the Agency would take on PFAS
2411 primarily focused on PFOS and PFOA. ASTSWMO acknowledges
2412 these EPA proposed actions has been important first steps and
2413 appreciates the collaborative efforts EPA has made since the
2414 summit on these actions.

2415 However, ASTSWMO is still recommending to EPA that in
2416 addition to the action plan outlined at the summit EPA should
2417 closely examine an approach that will treat the multiple PFAS
2418 as a class or a mixture of chemicals for the purpose of
2419 designating them as CERCLA hazardous substances or RCRA
2420 hazardous waste. This will ensure that there is clear
2421 regulatory authority to require responsible parties to
2422 investigate an immediate contamination from the multiple PFAS
2423 that are already being discovered as contaminates of concern
2424 across sites around the country beyond just PFOS and PFOA.

2425 There is also a clear need to coordinate efforts at the

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2426 national level on all scientific and policy issues pertaining
2427 to PFAS. ASTSWMO has taken and will continue to take many
2428 steps to assist with this national collaboration. With that
2429 I thank you again on behalf of ASTSWMO for this opportunity
2430 to offer testimony and I will be happy to take any questions
2431 later.

2432 [The prepared statement of Mr. Burman follows:]

2433

2434 *****INSERT 5*****

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2435 Mr. Shimkus. Thank you very much.

2436 The chair now recognizes Ms. Carol Isaacs, the director
2437 of Michigan's PFAS Action Response Team. You are recognized
2438 for 5 minutes.

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2439 STATEMENT OF CAROL ISAACS

2440

2441 Ms. Isaacs. Thank you so much. Good morning, Chairman
2442 Shimkus and Ranking Member Tonko, other members. I also want
2443 to recognize our Congressman Upton and Walberg and
2444 Congresswoman Dingell from Michigan and recognize them for
2445 their steadfast bipartisan focus on this issue. Michigan
2446 appreciates that.

2447 My name is Carol Isaacs. I am the director of the
2448 Michigan PFAS Action Response Team, better known as MPART. I
2449 represent a single state, Michigan, this morning, but our
2450 experience is national and all states are experiencing some
2451 or all of what we are experiencing. Michigan is one of a
2452 growing number of states throughout the country dealing with
2453 a suite of chemicals collectively called PFAS.

2454 To address this public health threat, on November the
2455 13th, 2017, Governor Rick Snyder issued a executive directive
2456 forming MPART. This unique structure integrates ten state
2457 department agencies' departments work effectively to enhance
2458 cooperation and coordination among local, state, and federal
2459 agencies. And all of those, all of those are our partners.
2460 The Response Team has been instrumental in creating
2461 investigation and response protocols to identify and protect

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2462 regions of the state with known or possible PFAS
2463 contamination, threatens the drinking water of our residents.

2464 The many proactive steps MPART has taken since the
2465 formation in November of '17 include the following: We
2466 established a new cleanup criteria of groundwater within a
2467 few weeks of the establishment of MPART. I have been present
2468 for 9 months in my state in this capacity.

2469 MPART has identified 35 PFAS states which include public
2470 water supplies and military bases and industrial sites and
2471 landfills. We have done more than 6,000 tests and overseen
2472 the delivery of alternate water to more than 1,600 households
2473 and overseen the installation of much larger than 700, it is
2474 1,200 filtration systems for homes.

2475 We have met with 200 wastewater treatment personnel in
2476 our landfill industry working cooperatively with them on this
2477 issue. MPART has created an independent science board
2478 advisory panel to provide information to us and we will
2479 expect results before the end of the year. We have engaged
2480 70 external state and national groups on PFAS and continue to
2481 meet with our local residents and local communities. We will
2482 meet two to three times a month in some community from
2483 Michigan.

2484 Our legislature appropriated an additional 23 million at

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2485 the end of '17 to allow us to do our proactive investigation
2486 on PFAS. We are characterized by searching for this
2487 contamination. Importantly, MPART has undertaken the most
2488 comprehensive state drinking water survey in the nation. It
2489 far exceeds the survey of large cities over 10,000. It
2490 includes all public water systems that serve more than 25
2491 people and that includes our mobile home parks, so it is
2492 really, really extensive. We will have that completed before
2493 the year is out.

2494 The wisdom of a comprehensive survey of drinking water
2495 is important because this survey has resulted in covering the
2496 drinking water for the vast majority of our residents.
2497 Through this survey we were able to find and mitigate high
2498 levels of PFAS exposure in our drinking water with one of our
2499 communities, Parchment. You heard about Parchment a little
2500 bit earlier. Those levels were 20 times higher than the EPA
2501 advisory level.

2502 In a matter of hours, the state was able to have a very
2503 effective response. We worked diligently with our federal
2504 and local partners. In that short period of time we were
2505 able to alert the community from our testing results, pay for
2506 bottled water to be distributed, and assisted in helping to
2507 provide a new water source from a nearby community.

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2508 We want to focus on our proactive and aggressive
2509 approach from PFAS that resulted in preserving the public
2510 health of more than 3,000 of the people in this city. We
2511 also thank this community for their cooperation and
2512 willingness to respond to this situation in such a unified
2513 manner. It was really a very wonderful effort and worked
2514 very well. We continue in this community to test their
2515 private wells now that we are aware that they have some
2516 contamination.

2517 I am going to close by indicating why this is a national
2518 issue. We looked to EPA for guidance for all the reasons you
2519 have already heard. We need that guidance because DOD
2520 follows that. We also need a uniform understanding of the
2521 relationship of these chemicals. When it comes to health
2522 care and cleanup standards we need a cooperation between
2523 ATSDR and EPA and we need to look to the FAA to work with us
2524 because they work with the DOD. When we have regulation from
2525 these entities then the state matches the military and the
2526 airports and we are all doing the same thing, the most
2527 effective thing.

2528 In closing, USDA is needed for our food chain analysis.
2529 And we are going to say that clean water is essential to all
2530 Americans and we appreciate everything that Congress is doing

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2531 for us at this point and we wish to have you consider in your
2532 budget priorities the funding necessary to do this. This is
2533 a national issue. The states can't do it all. We need our
2534 federal partners. We need our Congress. We need you to help
2535 us put this all together so that we can rapidly address this
2536 for the public health of the people in Michigan and across
2537 the country. Thank you very much.

2538 [The prepared statement of Ms. Isaacs follows:]

2539 *****INSERT 6*****

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2540 Mr. Shimkus. The gentlelady's time is expired.

2541 The chair now recognizes Ms. Emily Donovan, co-founder

2542 of Clean Cape Fear. You are recognized for 5 minutes.

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2543 STATEMENT OF EMILY DONOVAN

2544

2545 Ms. Donovan. Thank you, Mr. Chairman and members of the
2546 subcommittee for elevating the issue of PFAS water
2547 contamination to the highest level possible. My name is
2548 Emily Donovan and I wear multiple hats. I am a youth
2549 director at a Presbyterian Church on Wrightsville Beach. I
2550 am a wife and a mother raising 9-year-old twins, and I am
2551 also co-founder of Clean Cape Fear.

2552 We are a water advocacy group that formed after learning
2553 DuPont Chemours was dumping large quantities of highly toxic
2554 PFAS into our primary source of drinking water, the Cape Fear
2555 River. Today I would like to speak to you as a mother who
2556 has spent the last 15 months getting a crash course in
2557 biochemistry.

2558 Imagine waking up to headlines that the same company who
2559 spent a historic \$670 million to settle over 3,500 lawsuits
2560 in another state for poisoning their drinking water was doing
2561 the exact same thing to yours. That is exactly what DuPont's
2562 spinoff Chemours did with GenX, their C8 replacement for
2563 making Teflon, and GenX was only 12 percent of the total PFAS
2564 found in our finished tap water. I am largely here today
2565 because of a handful of dedicated scientists from North

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2566 Carolina who stumbled upon something in the Cape Fear River
2567 at alarmingly high quantities and decided to investigate it.

2568 Due to their tireless research, we know now at least 25
2569 different PFAS have been discovered in our finished tap water
2570 and in private wells around DuPont Chemours' facility in
2571 Fayetteville. We learned early on through court documents
2572 that DuPont Chemours has mastered the art of deception and I
2573 believe this chronic polluter has no problem exposing
2574 millions of citizens to these toxic chemicals.

2575 It has been a year since we learned about GenX and we
2576 still know nothing about the majority of chemicals in our
2577 finished water. Not a single health official, scientist, or
2578 policymaker can tell me if the 16 mystery PFAS I found in the
2579 tap water at my children's public school are safe to drink.
2580 There are no recommended dose levels. There are no toxic
2581 mixture studies to guide me on how these chemicals interact
2582 with each other or could potentially harm my children as they
2583 grow up.

2584 It sickens me to think that I may have harmed my
2585 children by simply raising them to drink the tap water. I
2586 will forever wonder if that choice will one day cause them
2587 major medical harm. I now send my children to school with
2588 water bottles filled with reverse osmosis water because it

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2589 seems to be the only reliable filtration method to remove
2590 these toxins and our RO filters are incredibly expensive. I
2591 pray daily it is enough to keep them hydrated the whole day.
2592 I worry constantly about the children drinking from the
2593 school tap water because their parents are either unaware or
2594 can't afford to access properly filtered water.

2595 It is not just parents who are worried about their
2596 children. We as adults are also worried about our own
2597 health. These toxic chemicals do not act equally in our
2598 bodies. Some people may never develop serious health
2599 problems while others aren't so lucky. Our state's leading
2600 PFAS toxicological researcher publicly stated the true
2601 impacts of GenX may take years to become known because cancer
2602 takes its time to reveal itself in humans.

2603 I am here to testify that Wilmington and Fayetteville
2604 area residents are already showing signs of obscure and rare
2605 cancers, immune disorders, and diseases in populations far
2606 too young to pass off as normal. How many of your friends
2607 are battling cancer?

2608 I am 41 and my friend Sarah is battling stage 3 colon
2609 cancer. My friend Tom has terminal brain and bone cancer.
2610 My friend Kara, an Operation Iraqi Freedom veteran, has stage
2611 3 breast cancer and had her gallbladder stop working. My

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2612 friend Margaret has a rare bone cancer and my friend Robert
2613 has leukemia and bladder cancer. And my own husband had a
2614 benign brain tumor and almost lost his eyesight. I am
2615 frightened. We already know testicular cancer is on the rise
2616 in our region. We know thyroid cancers are nearly double the
2617 state and national averages in Brunswick and Pender and New
2618 Hanover Counties.

2619 We need you to act swiftly now. We want a nationwide
2620 PFAS human exposure study that includes all known PFAS not
2621 just the already well documented PFOA and PFOS. We need to
2622 move beyond GenX, PFOA, PFOS, and PFBS and regulate all PFAS
2623 as a class of highly toxic chemicals, because I know and you
2624 know that you don't have time or money to individually
2625 regulate the estimated 10,000 PFAS in our water today or in
2626 use today.

2627 We need to get these nasty toxins out of our drinking
2628 water now so no one else suffers the way we are in North
2629 Carolina. Look to the Madrid Statement for guidance that
2630 debunks the long-chain myth. Require all chemical makers
2631 provide standards for all PFAS produced including byproducts.
2632 Make the EPA begin rodent toxicology studies on all these
2633 chemicals. Mandate that public utilities nationwide conduct
2634 mandatory, comprehensive PFAS testing with the method

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2635 detection limits set at 1 because the American people deserve
2636 to know every drop of these nasty chemicals that are in their
2637 drinking water.

2638 Congress should deny all federal contracts including
2639 defense contracts to chronic PFAS polluters like DuPont and
2640 Chemours. If they can't play by the rules, they don't
2641 deserve a single federal taxpayer dollar. Set parameters for
2642 an adequate period of time and require these chronic
2643 polluters pay for remediation and cleanup. And we demand the
2644 maximum contaminant level for all PFAS be set to 1 part per
2645 trillion in light of the recent CDC study citing again the
2646 Madrid Statement.

2647 Thank you so much for your time. It has been an honor
2648 to testify before your committee.

2649 [The prepared statement of Ms. Donovan follows:]

2650

2651 *****INSERT 7*****

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2652 Mr. Shimkus. Thank you very much. We are happy to have
2653 you.

2654 Last is Mr. Eric Olson, senior director of Health and
2655 Food, Healthy People & Thriving Communities Program from the
2656 Natural Resources Defense Council. You are recognized for 5
2657 minutes.

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2658 STATEMENT OF ERIC OLSON

2659

2660 Mr. Olson. Thank you Mr. Shimkus and thank you Ranking
2661 Member Tonko and members of the committee. You just heard
2662 about the real-world impacts of these chemicals in our water
2663 supplies across the country. In fact, probably every person
2664 in this room, every member of this committee has these
2665 chemicals in their body. Over 98 percent of the public has
2666 these chemicals in their body. I view these as the new PCBs.

2667 Members may remember many years ago that it took an act
2668 of Congress, literally, to ban PCBs. We are very concerned
2669 that this is a very broad class of thousands of chemicals
2670 that have not, frankly, been meaningfully regulated. We have
2671 a little bit of action on a couple of them, but the vast
2672 majority there has been virtually nothing done at the federal
2673 level in most states.

2674 I also want to say that we know that there is six
2675 million people from a Harvard study that are drinking two of
2676 the PFASs in their water at levels above EPA's action level.
2677 Six million people. When those numbers come down as a
2678 previous questioner suggested, there are going to be a lot
2679 more people that are shown to have excessive levels of these
2680 chemicals in their water supplies. It is going to happen, I

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2681 guarantee you, in every single state, probably in most
2682 congressional districts.

2683 As we get the new data coming in we are going to see
2684 this across the country. These impacts we heard about a
2685 variety of them. They include cancers of the kidney, cancer
2686 of the testicles, other adverse effects including immune
2687 system impacts, impacts on the thyroid, impacts on fetal
2688 development.

2689 And I just want to share a story that I -- I just got a
2690 phone call yesterday from a citizen who is in Cape Fear, very
2691 similar to the story that you just heard, and she had
2692 actually lost her baby. She found out afterwards that she
2693 had been drinking excessive levels of these chemicals in her
2694 water. She was a marathon runner. She routinely drank a lot
2695 of the water.

2696 She wants to know, what are the impacts of the people in
2697 her community? What does she tell her kids? What does she
2698 tell the rest of the community? There are 11,000 people in
2699 her organization and I know Ms. Donovan's group has a lot of
2700 members really trying to fix this problem. It is across the
2701 country. We need action. And I ask that a letter that has
2702 about 50 groups signed on to it asking for action be entered
2703 into the record which addresses some of the needs.

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2704 There are obviously concerns about setting an EPA
2705 drinking water standard. We would like to see EPA move
2706 forward. Unfortunately the Agency has known about this
2707 problem for more than a decade and hasn't even made a
2708 determination that a standard is necessary. And I didn't
2709 hear EPA commit to making a determination in the earlier
2710 testimony today.

2711 I don't think we got a commitment from the Agency to
2712 even determine that a standard needs to be made. And as we
2713 heard earlier, even where EPA makes such a determination
2714 which they did for perchlorate, the only chemical in 22 years
2715 under the Safe Drinking Water Act 1996 amendments that EPA
2716 made a determination, EPA is still a decade later has not
2717 even proposed a standard.

2718 In addition, obviously in addition to a standard, we
2719 need states to be taking action because EPA isn't going to be
2720 doing anything very quickly. States need to be stepping into
2721 the void. Some states are doing it, New Jersey, Vermont, New
2722 York, California, other states are looking at action. We
2723 need to stop the further contamination.

2724 We need to have cleanup standards. We need to have a
2725 phase-out of the uses that are causing all this
2726 contamination. We need polluter pays requirements so that

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2727 the polluters are paying to clean up, not citizens who have
2728 contaminated drinking water. Why should they have to pay for
2729 the cleanup? It really ought to be the polluters paying for
2730 it. We need an authority for citizen action, for medical
2731 monitoring and enforced cleanup.

2732 We also need, clearly, action on food uses of these
2733 chemicals. Your pizza boxes, a lot of your other food
2734 packaging contains these chemicals in them. You are being
2735 exposed through your food and we need to take action to
2736 address those. And, in addition, we clearly need EPA to take
2737 action under the Clean Water Act and the Toxic Substances
2738 Control Act to address new uses and new PFASs.

2739 And, finally, we certainly need action under the Safe
2740 Drinking Water Act to ensure that we have more funding
2741 through the State Revolving Fund and through a cleanup fund
2742 to start cleaning these problems up before they just causing
2743 nationwide disaster from the public health perspective.

2744 Thank you very much.

2745 [The prepared statement of Mr. Olson follows:]

2746

2747 *****INSERT 8*****

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2748 Mr. Shimkus. The chair thanks the gentleman. And now I
2749 will recognize myself for the opening of the round of
2750 questions and I will recognize myself for 5 minutes.

2751 I want to go to Ms. Daniels. Your testimony calls for,
2752 quote unquote, a holistic national approach keying off a
2753 unified message. Why don't you think that the federal
2754 government is doing that right now and are there technical
2755 barriers to it being done that way?

2756 Ms. Daniels. So yes, thank you for that question. So I
2757 think the federal government is doing a better job of it now
2758 but I would argue that I don't think there was much of that
2759 going on for the last 10 years. So I think possibly since
2760 signaling through the summit, you know, action moving
2761 forward, I think they have been doing a better job.

2762 But, for example, I still see the silo effect that we
2763 have between EPA and ATSDR. So why do we have two different
2764 agencies doing essentially the same amount of work or the
2765 same type of work which is risk assessment work, you know,
2766 why aren't those two agencies working together on that very
2767 important topic?

2768 And I think when I see things that EPA is doing, I think
2769 they are probably doing a better job talking to their
2770 counterparts in wastewater and in drinking water, but I

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2771 haven't seen FDA necessarily pull to the table. So I think
2772 that is a partner that has sort of been missing at least from
2773 my perspective. So I think they are doing a better job since
2774 May, you know, that I don't think that was happening much
2775 before that.

2776 And I think so there has been a lot of conversation
2777 about the UCMR rule, you know, to me if a chemical reaches
2778 the level where it is going to be part of the UCMR rule, way
2779 back in those phases folks should already be looking at how
2780 to reach out to the other groups that have a part in this.
2781 So why didn't we have standards from wastewater and waste
2782 back then, because it is natural for states to want to try to
2783 find where those things are coming from and we still don't
2784 have standards in those areas.

2785 Mr. Shimkus. So just for correction, I kind of use the
2786 word technical for a reason, but you kind of explained more
2787 administration and legal hurdles. I mean just leadership, I
2788 am a big leadership guy and someone has to be in charge and
2789 someone has to keep people, so that is really your response
2790 is more legal and administrative.

2791 Ms. Daniels. Well, there are some technical challenges
2792 too. So in drinking water we can take action with an MCL.
2793 We can take action with a HAL. In Pennsylvania, our

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2794 wastewater folks are having a challenge addressing PFAS and
2795 discharges because some of them can represent, recognize a
2796 HAL but others need an MCL or a water quality standard in
2797 order to take action. And in our waste program we have the
2798 luxury that they can recognize a HAL as well but not all
2799 states can do that.

2800 So there are different trigger levels for these
2801 different agencies in terms of when they have authority to
2802 take an action and that is where we have some inconsistency.

2803 Mr. Shimkus. Let me go to Mr. Burman. What technical
2804 or economic barriers that states face with respect to
2805 responding to PFAS contamination?

2806 Mr. Burman. Thank you, Mr. Chairman. For the states
2807 from the cleanup perspective, the biggest challenge, really,
2808 is the uncertainty about which of these compounds do we
2809 really go after. They do not occur as just PFOS and PFOA in
2810 isolation. It is a mixture and states are rapidly finding
2811 more and more of these.

2812 The question is in the absence of established and formal
2813 health standards which ones should the state focus on, how do
2814 you sample for them, and how do you clean them up. So there
2815 is a lot of uncertainty about the nature and occurrence,
2816 standards, and just the basic fundamental nuts and bolts of

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2817 how do you sample for them, how do you detect them, and what
2818 technologies can really get them out of water and soil.

2819 Mr. Shimkus. So what are states and territories doing
2820 to address the uncertainties that you just mentioned?

2821 Mr. Burman. Thank you, Mr. Chair, for that question.
2822 And as in my previous testimony, what is happening is states
2823 are driven by what they are finding and they are evolving
2824 their own risk assessments and they are coming up with, in
2825 some cases, promulgated standards and in some cases values
2826 for additional PFAS.

2827 A lot of states now, I shouldn't say a lot, but a
2828 handful of states have another six to eight PFAS that
2829 commonly have standards now and states are finding another
2830 dozen or two dozen commonly in soil and water. So that has
2831 been the biggest, the ability to conduct these contaminants
2832 and to find them has outstripped our ability to actually
2833 offer health advice to people. So that is the biggest
2834 conundrum that states have that they have sort of created for
2835 themselves by the drivers that they have to go out and find
2836 these because we know they occur.

2837 States are also trying to do the best they can with
2838 remediation technologies. It is a lot of, frankly, old
2839 school technologies that are coming back. It is your basic

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2840 excavation and putting them in landfill, capping them,
2841 incinerating them, and for groundwater, really, activated
2842 carbon, old, you know, solid old and tried technology. These
2843 are all that is really available to the states.

2844 But there are efforts to try and find some more cost-
2845 effective methods that are happening at the states, again
2846 driven by the need that they have.

2847 Mr. Shimkus. Thank you much. I am going to end there
2848 in lieu of time, but it was just a point that I was going to
2849 follow up with Ms. Isaacs is that I am wondering with the
2850 czar aspect, czarina aspect, do you have -- I am not going to
2851 give you time to answer because of my limited time, but is
2852 that working better than, you know, because you have got all
2853 the agencies of Michigan together and you are like, I can
2854 tell, the marching them in a certain direction.

2855 So we will talk later or we will add that to a question
2856 for the record. I now yield 5 minutes to the ranking member,
2857 Mr. Tonko, for 5 minutes.

2858 Mr. Tonko. Thank you, Mr. Chair. And thank you to our
2859 witnesses for what are very powerful testimonies that you
2860 shared, so much appreciated.

2861 A lot of discussion with the previous panel about
2862 designating a hazardous substance with the PFOAs and PFOS.

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2863 What in your determination, and I will address this to Ms.
2864 Daniels, Mr. Burman, and Ms. Isaacs because of your
2865 relationship with the respective states, what would the
2866 impact on states be if EPA were to determine PFOA or PFOS as
2867 a hazardous substance under CERCLA?

2868 And I heard some of Mr. Burman's comments about that but
2869 in a more direct way what would states be enabled to do?

2870 Mr. Burman. Thank you, Mr. Tonko. For states that
2871 would probably be the single biggest impact because it would
2872 bring the full weight and power and formality of CERCLA to
2873 bear on this contaminant. We have heard Ms. Sullivan talk
2874 about DOD using the CERCLA process. We commend you in doing
2875 that but it is essentially almost a voluntary process and
2876 very few responsible parties are voluntarily going to choose
2877 to apply a CERCLA-like process to this contaminant. So
2878 having CERCLA formally being introduced to the playing field
2879 would take care of that. It would provide a consistent
2880 framework that has been perfected for almost 40 years.

2881 Now having said that this subcommittee has held hearings
2882 on modernizing Superfund and that is always, you know, there
2883 is always room for improvement, but the baseline that CERCLA
2884 would provide would enormously contribute to stripping of the
2885 lot of the uncertainty both in terms of the technical aspects

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2886 and the policy aspects that currently states face.

2887 Mr. Tonko. Anyone else want to add to that?

2888 Ms. Isaacs. Yes. Michigan, in full partnership with
2889 EPA, it would provide an additional tool that we could use
2890 together in looking at holding responsible parties
2891 responsible. We currently are working with the EPA on
2892 enforcement actions. If we had this new tool it would be
2893 more effective, I think, and might not need to go to court
2894 often if we had established processes that everyone knows
2895 about.

2896 Mr. Olson. Mr. Tonko, may I speak to that just briefly?
2897 Quickly, without having these chemicals listed under
2898 Superfund, CERCLA, there is a real problem that an
2899 obstreperous defendant will simply refuse to clean up. And,
2900 you know, just listing two of them may help at some sites,
2901 but as you just heard there are actually dozens of these
2902 showing up. So there needs to be a broader designation that
2903 would cover a broader array of PFASs.

2904 Mr. Tonko. And, Ms. Daniels, quickly, if you could just
2905 share a little more.

2906 Ms. Daniels. Sure. So in Pennsylvania we can use a
2907 health advisory for our cleanup folks to take action, but I
2908 think in other states that determination would be very

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2909 helpful. The only other thing I wanted to mention is we
2910 don't always find a responsible party for all of these sites.
2911 We have two right now working in Pennsylvania that we have no
2912 idea where it is coming from. So right now the cost of that
2913 cleanup is certainly being borne by the state, so just keep
2914 that in mind.

2915 Mr. Tonko. Thank you.

2916 And, Ms. Donovan, if I could go to you, I know we spent
2917 a lot of time focusing on PFOA and PFOS. Those are the
2918 contaminants that I am most familiar with in my home state of
2919 New York. But we know that there are thousands of similar
2920 and toxic variants like GenX. How important is it for EPA to
2921 evaluate and provide meaningful risk information to take
2922 regulatory action on PFAS more broadly?

2923 Ms. Donovan. Well, I think North Carolina is the
2924 perfect example where there is nothing. There is still no
2925 information. There is no risk assessment for GenX. And GenX
2926 again was just 12 percent of the total of PFAS that were
2927 detected. Right now, North Carolina is looking at, I believe
2928 DEQ said 25 different PFAS.

2929 These chemicals are also byproducts as well and I think
2930 that is important to understand. When we don't have any
2931 information, we don't know how to assess them and address

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2932 them so they don't get talked about. And I think that has
2933 been a big letdown to the community and to the American
2934 people is that we know they are there, the scientists can see
2935 them. But the scientists don't have test standards for them
2936 so the scientists can't come back to public officials and
2937 tell them accurately this is how much is in the water.

2938 And then EPA with test standards could begin rodent
2939 toxicology studies and give us those risk assessments on the
2940 PFAS that we are looking for. So I think it is really
2941 important for us to consider requesting that the EPA begin
2942 doing rodent studies on all of the PFAS, but they can't do it
2943 until they get test standards. And those test standards come
2944 from the manufacturers because they know exactly what they
2945 are making. They know what chemical byproducts are coming
2946 out too.

2947 So if we had all of that information and could start the
2948 process there that would have really helped North Carolina
2949 move along a lot further than we are right now, because we
2950 have wasted a lot of time.

2951 Mr. Tonko. Thank you. With that I yield back. I have
2952 exhausted my time so.

2953 Mr. Hudson. [Presiding.] I thank the gentleman. At
2954 this time the chair will recognize himself for 5 minutes for

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2955 a question.

2956 I would like to first again to thank Ms. Donovan for
2957 being here, very compelling testimony. Appreciate you
2958 sharing your personal story and the story of our neighbors.

2959 And, Ms. Isaacs, I was encouraged reading your testimony
2960 and hearing from you today. I think one of the underscores I
2961 would like to make is the bipartisanship that we have seen in
2962 Michigan that I believe we see in North Carolina that I think
2963 is very important here. This is not a Republican or Democrat
2964 issue. It needs to be bipartisan. We need a bipartisan
2965 approach and that is something that in North Carolina we have
2966 certainly tried to do.

2967 You state that your state is one of many that has
2968 adopted guidelines or guidance values or standards for PFOS
2969 and PFOA chemicals based on the EPA's toxicity value and the
2970 EPA-issued 2016 health advisory level. Was there any
2971 information that was missing from the toxicity value for
2972 health advisory level that hindered your ability to develop
2973 your own standards in Michigan?

2974 Ms. Isaacs. We developed our standard at the beginning
2975 of 2018. We did not receive, we requested as everyone else
2976 did, information from ATSDR. The 852-page report did come
2977 out and that is another source of information that informs

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2978 us. When you are a state and you are looking to set a
2979 standard of course you are having your own scientists review
2980 the information. You are looking at the toxicology report
2981 from ATSDR. You are looking at the lifetime health advisory.
2982 You are putting it all together and you are trying to
2983 determine the most protective standard for your people.

2984 We know it has changed. We know it changed in '09, we
2985 know it changed it '16, and now we have new information. So
2986 this evolving contaminant and the research evolves, clearly
2987 we would like more research. And we are actively engaged at
2988 looking at the correct standard for Michigan. So did we need
2989 more information? We did, and we did get more information
2990 and we think still yet there is more to come.

2991 And we realize that there are many analytes, but I think
2992 we are focused on the ones that would produce the most risk
2993 to our public health, sir. Thank you very much.

2994 Mr. Hudson. Thank you. Ms. Daniels and Mr. Burman --

2995 Ms. Donovan. I am sorry, can I interject?

2996 Mr. Hudson. Briefly, a little bit of time here.

2997 Ms. Donovan. Okay. I think there is a misconception
2998 and if you look at the statement you will see that we have no
2999 idea what is considered highly risk and not at risk. Short-
3000 chain, I think EPA is working under the assumption that

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3001 short-chain chemicals, PFAS, are not as toxic as long-chain.

3002 However, you have to use more short-chain.

3003 So we have no idea at higher levels, higher quantities,
3004 they are still acting the same way in the body it just takes
3005 more of them and we are finding more of them in our water in
3006 North Carolina. So I don't think we can decide to catalog
3007 that a couple are more toxic than others, we simply don't
3008 know. There are zero scientific information to prove that
3009 some are less toxic than others at the moment. Thank you.

3010 Mr. Hudson. Okay, appreciate that. Ms. Daniels and Mr.
3011 Burman, you are both responsible for cleanup and remediation
3012 of these chemicals and I appreciate your testimony. Based on
3013 your experiences, once the toxicity value is released does
3014 that give states enough information to develop a cleanup
3015 plan?

3016 Ms. Daniels. So I can tell you in Pennsylvania we need
3017 a health advisory level, so we need that number and we need
3018 EPA to establish that number for us to be able to take
3019 action. A tox value doesn't give us what we need from our
3020 legal authority.

3021 Mr. Hudson. Mr. Burman?

3022 Mr. Burman. Thank you, Mr. Chair. What I can tell you
3023 is from the perspective of the states it varies. Some states

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3024 have robust public health agencies who can take that tox
3025 value and come up with a state number for it, but then the
3026 problem even for those states is in the absence of that being
3027 a federal number can they really apply it.

3028 A lot of states simply do not have the resources to take
3029 the EPA baseline information and create their own values so
3030 they are reliant entirely on a federal value.

3031 Mr. Hudson. Got you, I appreciate that.

3032 Ms. Daniels, during the first panel today, Dr. Grevatt
3033 from EPA mentioned the states could use their SRFs if they
3034 choose to address PFAS contamination. Do you know how many
3035 states already do this?

3036 Ms. Daniels. So, thank you for the question.
3037 Absolutely states can use it, but there is tremendous, I
3038 guess, work that needs to be done in lots of different areas.
3039 So you are also competing with projects for lead, projects
3040 for aging infrastructure. I think folks will be moving
3041 forward with new treatment for hazards. There is a whole
3042 list of things that that money needs to address.

3043 So yes, PFAS is just one more of those things that could
3044 be used for projects. In Pennsylvania we have one
3045 application in-house right now for somebody that wants to
3046 install treatment for PFAS.

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3047 Mr. Hudson. But you are not for sure how many other
3048 states are actually --

3049 Ms. Daniels. No, but we would be glad to do a survey
3050 and get back to you on that one.

3051 Mr. Hudson. That would be great.

3052 Ms. Daniels. Absolutely.

3053 Mr. Hudson. If you could report that back for the
3054 record I think that would be important for us to know. I
3055 really appreciate that.

3056 As my time has expired, I will now recognize the
3057 gentlelady from Michigan, Ms. Dingell, for 5 minutes for her
3058 questions.

3059 Mrs. Dingell. Thank you, Mr. Chairman. I have a lot of
3060 questions so I am going to ask you to be concise. As we have
3061 discussed, Michigan has 35 sites that have already been
3062 identified. I know that you are really leading the effort
3063 with the state of Michigan as one of the states that is doing
3064 more than anybody does but we need to be doing a lot more.

3065 I want, in your testimony you state that Michigan
3066 supports establishing a national standard for PFAS. Briefly,
3067 can you state the benefits of setting that standard and is
3068 there a specific standard that the state of Michigan would
3069 like to see set for PFAS chemicals and do you think that

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3070 where the national standard is now is where it should be?

3071 Ms. Isaacs. I think that I have seen the movement by
3072 EPA to change this. If we look into '09 it was 400 and 200.
3073 We look in '16 it came down to 70 parts per trillion combined
3074 for those two long-chain PFAS. And again we see now ATSDR
3075 having a new focus on research that now brings children into
3076 this issue and we are looking at the effect on children.
3077 Minimally, we need to take into consideration a standard that
3078 addresses children.

3079 So yes, we have asked EPA to set that standard and more
3080 than that we have asked them to work with ATSDR so that we
3081 can coordinate the health assessment along with EPA's
3082 enforceable cleanup standards for the states.

3083 Mrs. Dingell. Thank you. I want to go to the most
3084 recent, Parchment, in Fred's district, or Mr. Upton's
3085 district, and the Huron Valley watershed. One of my concerns
3086 is that there have been three announcements now in the last 6
3087 weeks about not eating fish and it has gradually gone down
3088 river to Lake Erie. But my understanding is that the first
3089 fish was actually caught in May of 2017, put in a freezer and
3090 was not tested until very recently and so it was 16, 18
3091 months later that the do not eat fish announcement was put
3092 out.

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3093 Why did that happen, do you have the resources you need,
3094 and how do we make sure that we are responding in a more
3095 timely way?

3096 Ms. Isaacs. Thank you so much for that question. Let
3097 me say that as we moved as rapidly as humanly possible to do
3098 and search out sites of contamination in Michigan we started
3099 to look at doing surface water testing in our rivers that to
3100 inform us if we have sites of contamination bleeding into the
3101 river. And when we look at fish testing, we added PFAS to
3102 our testing a few years ago. We have been testing fish since
3103 1970.

3104 I actually called the lab director at the Health
3105 Department and asked him about the issue that you just asked
3106 me about and he said it is not unusual that we take fish and
3107 freeze them. And he also said we have done more than 700
3108 samples this year. They are moving incredibly rapidly. They
3109 have been given money from the legislature to expand their
3110 ability to test and they are searching diligently for staff
3111 to be able to handle more testing of water, fish, deer.

3112 And as we have looked at these industrial pretreatment
3113 processes in our water treatment plants and our disposal
3114 plants that affect our waters, we use those areas of
3115 investigation to go back, look at make sure we tested the

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3116 fish, make sure we know where the contamination is coming
3117 from. And I will address Huron if you want.

3118 Mrs. Dingell. Well, I mean, I think you will
3119 acknowledge that one took too long and you are trying to make
3120 it quicker. I only have a minute and I have so many
3121 questions, but I think it is really important that people
3122 know it did take that long and you are trying to cut that
3123 time now.

3124 Ms. Isaacs. Yes, ma'am.

3125 Mrs. Dingell. Is Michigan testing for what we have been
3126 talking about today, the GenX?

3127 Ms. Isaacs. We are not testing for GenX. There is very
3128 little known.

3129 Mrs. Dingell. Why?

3130 Ms. Isaacs. We are using two testing methodologies, 537
3131 and an analyte test and that brings us to 24 different
3132 chemicals that we are searching for. You heard that we have
3133 a suite of about 3,000-plus and those two water tests are the
3134 acknowledged tests, 537 requested and required by the EPA.
3135 And the additional test that we run with more analytes, we
3136 run because we get more PFOS.

3137 Mrs. Dingell. I am out of time. I yield back no time.

3138 Mr. Hudson. I thank the gentlelady. I just want to

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3139 recognize the gentleman from Michigan, Mr. Walberg, for 5
3140 minutes.

3141 Mr. Walberg. Thank you, Mr. Chairman.

3142 And I would like to start off by adding my welcome to
3143 Ms. Isaacs who is the director of Michigan PFAS Action
3144 Response Team. And possibly as our chairman had indicated,
3145 the czar setting that has taken a more comprehensive look at
3146 what is going on, certainly not with perfection but moving
3147 that direction as much as possible, I am glad that you are
3148 here to talk about the issues facing Michigan and the
3149 comprehensive response Michigan is putting forward.

3150 Mr. Chairman, I would also like to take the opportunity
3151 to thank you and this committee for placing a priority on the
3152 issue by holding this hearing today. Safe drinking water
3153 should never be a worry for any person. I am glad this
3154 committee takes this issue seriously, as has real live people
3155 here too that have had to address it in their families and
3156 communities also.

3157 Unfortunately, Michigan is no stranger to a water
3158 crisis. The current PFAS situation impacting Michiganders is
3159 one that most certainly should be taken very seriously and be
3160 handled with all hands on the deck approach. I want you to
3161 know, Ms. Isaacs that I will continue to work with you and

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3162 the state of Michigan and my colleagues to tackle this issue
3163 in any way possible. Safe drinking water is critical and the
3164 current PFAS issue facing Michigan ought to wake us up across
3165 the nation and still further.

3166 Let me ask this question, Ms. Isaacs. Can you explain
3167 how the state of Michigan is addressing and approaching the
3168 current issue in Michigan and specifically what do you
3169 consider to be the most important features of the way our
3170 state is addressing this situation including maybe talking
3171 about the so-called czar status approach.

3172 Ms. Isaacs. Yes. The structure of combining ten state
3173 departments, you know this from your own federal level of
3174 government that bringing those departments together is
3175 sometimes different, sometimes difficult, different cultures.
3176 When you bring them together under an umbrella it is placed
3177 out of the Governor's Office and you have this intense
3178 communication. It makes everything quicker, everybody
3179 understands the issue.

3180 Ten state departments that talk multiple times a week is
3181 a structure that is so unique that we have been able to
3182 accomplish amazing things in 9 months. And what
3183 characterizes this as different isn't just the organizational
3184 structure put in place by Governor Snyder. That is unique

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3185 and effective, but when we strategize to look at everything
3186 at once.

3187 If you are looking at landfills and you are looking at
3188 wastewater treatment plants and you are doing surface water
3189 testing and you are testing every single public water supply
3190 in addition to private wells, and we have almost a million of
3191 those, you are so comprehensively reviewing your entire state
3192 knowing what your situation is, mitigating against the public
3193 health risk, and then addressing the remediation of how we
3194 actually fix this.

3195 It is characterized by being a comprehensive, very quick
3196 heavy lift of what is the situation in our state, again
3197 cannot be done without the support of our legislature and our
3198 Congress. I am grateful for all of the work that all of you
3199 have done.

3200 Mr. Walberg. Almost a Marshall Plan approach, isn't it?
3201 Not reinventing the wheel but all working toward the same
3202 outcome and hitting all the bases. Is it replicable in other
3203 states?

3204 Ms. Isaacs. It is. It is. And our Governor wants us
3205 to do protocols, best practice, and he wants us to share that
3206 with the rest of the nation. And we would like to help any
3207 other state. We will provide any information. And we are

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3208 working with our sister states and they are all doing good
3209 work.

3210 Mr. Walberg. Have you had any issue in coordinating a
3211 response with the EPA? What might that be if there were?

3212 Ms. Isaacs. We engaged in this in full partnership with
3213 ATSDR and with EPA. We maintain that. We continue that.
3214 And we do appreciate that partnership because they are very
3215 much needed. Again national issue, states can't do it alone
3216 and they certainly can't control everything so we need our
3217 federal partners.

3218 Mr. Walberg. But they are coordinating with you well?

3219 Ms. Isaacs. Yes.

3220 Mr. Walberg. How would you characterize your
3221 cooperation with affected communities? What can we learn?

3222 Ms. Isaacs. I would assume you mean our cooperation in
3223 communication. Part of what makes this effort successful is
3224 the transparency and the intense communication. We will
3225 communicate with our, any community that is really being
3226 tested. We want them to understand what this means. We want
3227 to address their concerns because they have them and they are
3228 really legitimate. We will do two to three community
3229 meetings. They will range from 15 people, I think the
3230 largest one we have had is 1,200 people. We will stay and we

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3231 will answer individual questions and we will allow people to
3232 come to the microphone for as long as they want. We think
3233 that is absolutely essential.

3234 I want to say that Michigan has always wanted the EPA to
3235 come in and we want them to hear what we have been hearing
3236 from our communities. We want them to hear the process of
3237 what the people think. So I am not involved in that
3238 negotiation, I am understanding that it is logistical and
3239 that is still certainly going forward. So Michigan has
3240 always wanted EPA to come in and we look forward to that.

3241 Mr. Walberg. Thank you. I yield back.

3242 Mr. Hudson. The gentleman's time is expired. I want to
3243 recognize the other gentleman from Michigan, Mr. Upton, for 5
3244 minutes.

3245 Mr. Upton. Thank you, Mr. Chairman, and again I
3246 appreciate all the witnesses here on the panel as well as
3247 obviously the first panel. You know, and I particularly want
3248 to thank my Michigan colleagues here, Debbie Dingell and Tim
3249 Walberg, Chairman Shimkus and Walden for allowing this
3250 hearing to go forward. You can tell that there is quite a
3251 bit of interest to try and fix this problem not only in
3252 Michigan but around the country.

3253 And I guess as I reflect back on the last 5 or 6 weeks

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3254 there was a term that our local sheriff used, Rick Fuller,
3255 that this is Team Kalamazoo. We got a problem and we have
3256 got to deal with it and let's take all the barriers down,
3257 partisan barriers, governmental barriers and let's work
3258 together.

3259 And as Governor Snyder said when he has been there on a
3260 couple of occasions -- remember, this is a very small town,
3261 Parchment -- this is a textbook example of about how we ought
3262 to work together. And as I talked to many of the residents
3263 delivering the water as they came to not only the high school
3264 but the church, people appreciated that. I didn't see a
3265 single disgruntled person. They recognize that there was an
3266 issue, on the short term we are going to roll up our sleeves
3267 and deal with it.

3268 And we have got a long-term problem as well, but again I
3269 am convinced that we are going to work on this as well. And,
3270 you know, frankly that was a big lesson that we learned from
3271 Flint. There were, you know, a finger could have and was
3272 pointed at all units of government and it was Dan Kildee, the
3273 congressman from there, myself, Debbie Dingell, Tim Walberg,
3274 and others, our senators that worked together to change the
3275 standard that forced EPA to acknowledge that they have got to
3276 be involved from the get-go from day one, and again that was

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3277 my first question when we learned about Parchment.

3278 Votes are starting here on the House floor.

3279 A question I guess that I have for you, Ms. Isaacs, and
3280 again thanks for your work. You have been there a good
3281 number of times over the last couple of weeks. We have
3282 chatted on the phone. We have met in my office. You helped
3283 as we talked about my letter that we had sent back on August
3284 1st. We want to help the citizens everywhere where this can
3285 be identified.

3286 And how frustrating was it for you to sit in the first
3287 row knowing that now we have these draft numbers, this draft
3288 report indicating that the numbers could be as high as 53,000
3289 per trillion versus the 70 in terms of the standard? What do
3290 we have to do, where is Michigan on this standard at 70, and
3291 do you support EPA reviewing it to come down perhaps using
3292 the evidence there? How do you deal with an issue like this
3293 in terms of the state?

3294 And I guess my last part of my question is I just want
3295 to announce to folks that I have been working with staff and
3296 with again my able colleagues, Dingell and Walberg, to
3297 introduce legislation that I hope to be able to introduce
3298 next week to include federal facilities dealing with PFAS so
3299 that everybody is on the same page.

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3300 I have talked to the chairman, Mr. Walden. I would like
3301 to see this legislation move in this Congress to get to the
3302 President's desk. Again I think we could see some strong
3303 bipartisan support to certainly move it out of this committee
3304 and into the floor and talk to the leadership. So look for
3305 that as a long-term issue.

3306 But back to my question before my time expires. How
3307 frustrating is it to you to see these results that we frankly
3308 feared? We suspected when the numbers didn't come out right
3309 away that we suspected that they may be way above the 70
3310 parts per trillion. What is the state's response to this?

3311 Ms. Isaacs. Well, we would characterize our response to
3312 that is that we are very disappointed in the pace of the DOD
3313 and bases to respond to testing. I know they have been asked
3314 and that was the right thing that they were asked by the DOD
3315 to test, but the response rate is slow. And that means to
3316 me, if I don't have results on a base then I am going to
3317 initiate testing around the base because I don't want to risk
3318 and wait for results, and I have done that multiple times
3319 already.

3320 What I mean as testing, I am looking at exposure in
3321 private drinking wells and I wish that the pace was faster.
3322 I know they are obligated to use CERCLA, but there are no

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3323 timeframes for those eight steps and you can remain in the
3324 investigation stage of CERCLA for a very long time. And so I
3325 would encourage them as I do, I do encourage them personally
3326 on the phone, we really need your results. I often hear that
3327 the bureaucracy is large and it takes a long time to get
3328 things through the system. I actually understand that. They
3329 don't have an MPART process.

3330 And so we are still in partnership because we need to
3331 be. We need to get the bases unified in the state to
3332 understand where water flows, geology, output. Those results
3333 help us determine if we need to test a river, we need to test
3334 for public health issues. So it is important to us that we
3335 get the results in a timely manner.

3336 Mr. Shimkus. The gentleman's time is expired. There
3337 are votes on the floor. I would like to turn to the
3338 gentleman from Texas, Mr. Green, for 5 minutes.

3339 Mr. Green. Thank you, Mr. Chairman. I will be very
3340 quickly because I know we also have markups sometime
3341 scheduled at 1:00.

3342 Mr. Shimkus. Well, then just don't ask any questions
3343 and we can move forward.

3344 Mr. Green. Well, Mr. Olson, in your testimony you state
3345 that data shows that PFAS chemicals can have adverse health

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3346 effects at low per trillion levels. At what level
3347 specifically is there evidence of health effects and how does
3348 that compare to the EPA's nonbinding 70 parts per trillion
3349 level?

3350 Mr. Olson. Briefly, I was relying primarily on the
3351 ATSDR report, which is part of the Centers for Disease
3352 Control and Prevention, which would suggest that levels down
3353 in the single digit parts per trillion can have adverse
3354 effects. And I think the more we learn, the more we are
3355 finding that these effects occur at very vanishingly low
3356 levels.

3357 Mr. Green. I think we have some commitment from some
3358 legislation, but should the Safe Drinking Water Act be
3359 amended to require the EPA to act within a certain timeframe?
3360 In fact, I will ask everybody on the panel. Just say yes or
3361 no.

3362 Mr. Olson. Yes. And we would like to see the standard
3363 setting strengthened so that it can be done quickly rather
3364 than take 10 years.

3365 Mr. Green. Yeah.

3366 Ms. Donovan. Yes, agree.

3367 Ms. Isaacs. Yes, agree.

3368 Mr. Burman. Yes.

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3369 Ms. Daniels. Yes, and it has to be less than 10 years.

3370 So I agree with that.

3371 Mr. Green. Okay. Ms. Donovan, could you tell me how
3372 the residual PFAS contamination has affected your community?

3373 Ms. Donovan. It has left us with uncertainty and
3374 distrust. The issue that is happening in North Carolina is
3375 it has been very difficult to get the states to rein in the
3376 Chemours. They have spilled many times and we have issued
3377 notice of violations many times. If there had been stronger
3378 guidelines from the federal level I think we would have been
3379 able to act quicker and we could have had swifter justice.

3380 I think we also in our situation have no information
3381 whatsoever. Everything that we are dealing with are
3382 chemicals that the federal government has not given any
3383 guidance on. So we are going it alone and we are figuring it
3384 out on our own and it has been incredibly time consuming in a
3385 state that is actually incredibly divided politically which
3386 has also mired us in some of this issue.

3387 So I am really grateful that you are taking the
3388 bipartisan approach and I would love for our state
3389 legislatures to follow suit.

3390 Mr. Green. Thank you. Well, I am from Texas and I
3391 understand. Mr. Chairman, I yield back my time.

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3392 Mr. Shimkus. The gentleman yields back his time.

3393 Seeing no other members present, we would like to thank
3394 our second panel. We know this is a challenging issue but we
3395 are trying to figure it out as much as many of us are.

3396 Before I conclude I would like and ask unanimous consent
3397 to submit the following documents for the record: A letter
3398 from the National Groundwater Association; a letter from
3399 Culligan International Company; a letter from several groups
3400 including Safer Chemicals, Healthy Families; a letter from
3401 Purolite; a letter from the Water Quality Association.

3402 I also have a letter from a guy named Fred Upton from
3403 Michigan; another letter from, well, by numerous members to
3404 the Acting Administrator of the EPA Mr. Wheeler from Kildee,
3405 Boyle, Dingell, Lawrence, Upton, Bergman, and Fitzpatrick; a
3406 letter from the State of Michigan Executive Office to the
3407 Acting Administrator of the EPA from the Governor of
3408 Michigan; and finally, also from the Governor of Michigan to,
3409 it looks like the Secretary of Defense from the Governor of
3410 Michigan.

3411 Without objection, so ordered. The hearing is now
3412 adjourned.

3413 [Whereupon, at 1:07 p.m., the subcommittee was
3414 adjourned.]