

AN ACT establishing a commission to investigate and analyze the environmental and health impacts relating to releases of perfluorinated chemicals in the air, soil, and groundwater in Merrimack, Bedford and Litchfield.

HB737, Chapter 335:1, RSA Chapter 126-A: 79-a, Laws of 2019

Meeting

MINUTES

Friday, November 1, 2019, 10 AM, Room 204 LOB

Attendees: Joseph Ayotte (USGS), Chris Bandazian (Town of Bedford), Rep. Ralph Boehm, Sen. Shannon Chandley, Amy Costello (UNH), Karen Craver (DHHS), Rebecca Devries (Merrimack citizen activist), Sen. Jeanne Dietsch, Assistant Commissioner Clark Freise (DES), Nancy Harrington (Town of Merrimack), Mindi Messmer (environmental advocate), Rep. Nancy Murphy, Rep. Jeanine Notter, Emma Paradis (Bedford citizen activist), Rep. Rosemarie Rung, Rep. Wendy Thomas, Rep. Gary Woods

The meeting was called to order at 10:00 am.

Representative Gary Woods, MD, joined the commission as a representative of the NH Medical Society.

Mr. Freise provided an update from NHDES. He commented on the scientific findings from FDA testing of PFAS levels in food and food products.

Mr. Freise also commented on the company, TCI, and that in light of their refusal to agree with DES direction, they and DES were commencing mediation today in order to proceed with site investigation. TCI owes DES costs for investigations.

TCI's facility in Manchester has refused demanded air testing, the associated Administrative Order is under appeal.

DES will be holding a public hearing on the draft air permit for St.Gobain's Merrimack site. It is scheduled for November 5 at 6 pm at Merrimack's Masticola Upper Elementary School all-purpose room

Mr. Freise stated that 3M, the Plymouth Water & Sewer District, a Center Harbor farmer and a second company -filed a lawsuit against DES seeking to block the implementation of new MCLs for PFAS. They are seeking a preliminary injunction. Mr. Freise said that towns are delaying water testing.

Ms. Thomas said there are high levels of salt in water in NH.

Ms. Craver provided an update from NHDDHHS. The department is participating in an effort led by the Toxic Metals Superfund Research Program to develop NH specific communications materials relative to PFAS. They are joined in this effort by DES, researchers from Dartmouth and BU, community members, and state legislators. One scoping meeting has been held so far, the next meeting is scheduled for Monday November 4th.

They attended a luncheon and seminar with Gary Ginsberg, the Director for the Center for Environmental Health at the NY DOH on October 28th along with staff from the Toxic Metals Superfund Research Program

and Dartmouth, and from the State of VT. The event provided the opportunity to share experience in addressing emerging contaminants, and to discuss challenges and opportunities associated with this work.

Dr. Christine Bean, the Director of our Public Health Lab, participated in a Congressional Briefing on October 24, 2019 in Washington, DC. Dr. Bean was invited by the Association of Public Health Laboratories to assist the National Environmental Health Association with the Briefing on emerging contaminants in water. She represented the state perspective, describing activities that the lab has been involved with and the importance of biomonitoring. She highlighted state response to water contamination, highlighting the Arsenic and Uranium Biomonitoring Study and PFAS testing; she also addressed NH challenges and how the laboratory is meeting these challenges. The laboratory provides results to inform decisions in these environmental health events. Other panelists included Dr. Pat Breyesse, National Center for Environmental Health, CDC (federal perspective) and Carla Black, Emergency Preparedness Manager, Kent County, Michigan (local perspective). Dr. Bean presented the state perspective. There were about 200 Congressional staffers at the briefing.

A community meeting is scheduled for November 20th at 5:30 PM at Merrimack High School, at the request of town administrators. The meeting will offer an opportunity to engage with community members and to learn more about their continued concerns. Tarah Somers will join the meeting from the Agency of Toxic Substances and Disease Registry (ATSDR). Tarah will share more about the national PFAS multi-site health study and also the "Health consultations" being performed in the Merrimack area related to Saint-Gobain (SG) PFAS contamination.

NHDHHS Chronic Disease Prevention and Screening Section has hired a new Cancer Program Manager; she started on October 25th. She previously worked in the section on heart disease related efforts, and prior to that had experience working on policy initiatives at the American Cancer Society and the National Cancer Institute.

The incidence section of our state cancer burden report has been drafted and is currently in review. It highlights the most commonly diagnosed cancers in NH, and provides comparison data for other regions and populations. Future chapters will include cancer mortality and special topics such as pediatric cancer, site-specific chapters, and data relative to risk and protective factors.

Rep. Murphy asked Ms. Craver if NHDHHS can delve deeper into the types of cancers and the specific populations they affect. Ms. Craver will be following up to see if the data can be subdivided into more specific parameters.

Ms. Messmer asked about the capability of the state to test blood for PFAS. Mr. Friese answered that the state is not set up at this time to test blood for PFAS. Ms. Craver added that NH maintains a state cancer registry to capture cancer diagnoses in-state and from residents diagnosed out of state. They are pursuing expanding the data capture data from other states.

Rep. Thomas asked about the status for bottled water distribution and testing of private wells, in light of the new MCLs. Mr. Friese replied that well testing has expanded to 150 additional houses and SG is providing bottled water to those that exceed the new MCLs. The boundaries of the expanded test area are defined as those properties that lie within 60 feet of a contaminated property.

The minutes of the October 4 meeting were reviewed. Rep. Boehm corrected the sentence on the bottom of page 3 to include the word “additional” after 20+ and to replace “municipal” with “public.” Sen. Chandley moved to accept the minutes as amended, seconded by Rep. Boehm. The motion passed by a voice vote.

Sen. Dietsch reviewed the action plan, its subcommittees and their responsibilities (a PowerPoint presentation that was projected and handed out to members).

Discussion around exigencies ensued. Rep. Thomas asked about the importance about keeping informed about federal action on the PFAS issue and offered to request updates from Sen. Shaheen’s office.

Ms. Harrington updated the commission on Merrimack and correspondence between the town and SG, including an SG response to the Town’s letter, an ad SG placed in the Union Leader newspaper, and the Town’s response. Mr. Friese stated that the contaminated wells at SG noted in the Town’s communication are not the source of drinking water. At this time, DES supports the delay of soil testing so SG can focus on increased well testing. Discussion ensued about the additional water contamination that may ensue from PFAS leaching from soil into groundwater.

Ms. Messmer requested that the commission members receive pertinent communications from other members, e.g., the Union Leader ad, Town of Merrimack/SG correspondence. Rep. Rung offered to serve as a clearinghouse with commission members to channel communications from them to House staff for posting on the commission website.

Ms. Messmer asked Mr. Friese about the effectiveness of thermal oxidizers. Mr. Friese explained that thermal oxidizers are in use, and cited Chemours in South Carolina as an example. An outcome of PFAS-containing air emissions undergoing this treatment is the production of HF (hydrogen fluoride). Under currently modeling for the SG site, predicted amounts of HF would fall under Ambient Air Limits, but if this is not the case under actual treatment, an HF scrubber can be installed with anticipated successful results.

Rep. Thomas mentioned that SG is establishing a Citizen’s Advisory Committee and she has been invited to join as a member. She will provide the commission with updates.

Discussion returned to the action plan. The priorities of some dependencies were reordered. The State and Local Policy subcommittees will be combined. Other administration issues were discussed including the role of subcommittee clerks. The Environmental subcommittee and the Health subcommittee will have rotating note takers who will submit their notes to Rep. Rung to be filed with commission documents.

Scheduling of Subcommittee meetings was discussed. Both Health and Environment subcommittees will meet on Nov. 25 and Dec. 9 (Health at 10 am and Environment at 1 pm), both in LOB 204.

Specific responsibilities of subcommittees were discussed. For the Health subcommittee, Ms. Craver said since she tracks health studies from around the country, she can update the commission on those. The commission can then identify specific gaps in the studies and recommend actions. Mr. Friese offered to share the work/studies which led to the establishment of the new MCLs since they focused on protection of public health.

Regarding 13b of the Health subcommittee responsibilities, Mr. Frieese stated that the Consent Decree with SG is now under NH Superior Court ownership. It only addresses the role of NH with SG and does not include any obligations SG may have with local jurisdictions or individuals. The link to the Consent Decree will be placed on the commission's website.

Sen. Dietsch asked the members to consider any public testimony that may be needed to fulfill the commission's charge.

Once some progress is made, the Communications committee will meet to discuss needed actions it needs to take.

Rep. Gary Woods offered to serve on the Health subcommittee.

Ms. Harrington asked for an update of the roster to include association. Rep. Rung said she will update it.

The meeting adjourned at 11:42 am.

Respectfully submitted,

Rosemarie Rung, State Representative, Hillsborough 21