

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 13, 2020, 10 AM, Virtual Meeting

Attendees: Joseph Ayotte (USGS), Sen. Shannon Chandley, Kathleen Bush (NHDHHS), Amy Costello (UNH Institute for Health Policy and Practice), Sen. Jeanne Dietsch, Nicole Fordey (Litchfield resident), Mindi Messmer (environmental advocate), Rep. Nancy Murphy, Emma Paradis (Bedford resident), Rep. Rosemarie Rung, Rep. Wendy Thomas, Michael Wimsatt (NHDES), Rep. Gary Woods (NH Medical Society)

Guests: Ava Hawkes (NH Senate staff), Alan Raff (NH Senate staff, attended to provide technical support)

The meeting was called to order at 10:02 am.

Sen. Dietsch read the Right to Know notice.

Rep. Rung (clerk) called the roll for attendance. Commission members stated their location and if anyone was in their presence.

Ms. Fordey moved to approve the minutes of October 30 and Rep. Woods seconded the motion. Mr. Wimsatt joined the meeting. The motion passed on a roll call vote.

Sen. Dietsch summarized the release of the Commission's interim report.

Sen. Dietsch stated the Commission will be experiencing some turnover due to the recent election. She expressed her desire to elect a new chairperson, and if necessary, a new clerk. Sen. Dietsch made a motion for the Commission to hold an election of a new chair, and possibly a new clerk. Rep. Murphy seconded the motion.

Discussion followed. Mr. Raff said it is customary for commission members to remain on the commission until they resign. For example, Ms. DeVries recently resigned the commission and Senate President Soucy plans to appoint Rep. Murphy, as she is not returning to her elected position.

Dr. Bush made an amendment to call for an election again once the new commission members are seated. The motion failed for lack of a second.

A vote was taken on Sen. Dietsch's motion. It passed by roll call vote.

Rep. Murphy nominated Rep. Rung as chair and Ms. Messmer seconded the nomination. Rep. Thomas nominated Rep. Woods as chair. Rep. Woods declined the nomination due to time commitments on other commission and committees. There were no other nominations.

A vote was taken on the nomination. It passed by roll call vote with Rep. Thomas abstaining.

Rep. Rung summarized the responsibilities of the clerk.

Ms. Costello nominated Ms. Fordey to be elected clerk and Sen. Dietsch seconded the nomination. A vote was taken and it passed by roll call vote.

Mr. Wimsatt provided a report from NHDES.

Following the September commission meeting, the remaining plaintiffs from the 3M/Plymouth/RMI Lawsuit filed nonsuit, so the case is over. Maximum Contaminant Level (MCL) and Ambient Groundwater Quality Standards (AGQS) for the four compounds are now a matter of law and there are no pending challenges to the standards.

NHDES denied the variance requested by Saint-Gobain Performance Plastics (SGPP) to extend the deadline for installing emissions controls (Regenerative Thermal Oxidizer, or “RTO”) at the Merrimack plant. SGPP did not appeal the decision; therefore, the late February deadline for installation of controls stands.

In its recent required monthly status reports to DES, SGPP reported that it has released purchase orders for equipment and services necessary for installation of the RTO.

The Air Resources Council hearing on the Town of Merrimack’s appeal of the SGPP air permit has been postponed to March (in all likelihood) due to differences over procedural matters. It had previously been scheduled for December 14.

SGPP submitted a Supplemental Site Investigation Report that includes a preliminary screening of potential remedial alternatives. This plan is currently under NHDES review.

The last phase of Consent Decree water line extensions/connections is in progress in Litchfield. Installation of the water main (~4,000+/- feet) is complete and contractors are installing the service lines to the houses. Completion of service lines is expected by the end of the year. With the exception of well decommissioning and final resolution of the curb stops at undeveloped properties, this will complete the connections outlined under the 2018 Consent Decree.

SGPP presented a Work Plan for Residential Well Sampling and four Addenda to the sampling plan relative to the 2019 AGQS. As of 11/9/20 (date of last tally):

1. 1209 properties identified for sampling
2. 535 samples collected from water supply wells (note that SGPP only gets a 40-50% response rate. They will be sending second notices for Addenda 1)
3. 325 properties offered bottled water

4. SGPP's consultants are in the process of collecting the 2020 samples from ~30+ residential wells. They are being sampled to evaluate temporal PFAS trends and monitor PFAS proximal to areas where public water was extended within the Pre-GMZ.

Ms. Paradis asked if Bedford residents that may be affected by water line connections have been contacted. Ms. Paradis and Mr. Wimsatt agreed to discuss this off-line with Rick Sawyer.

Ms. Messmer asked if NHDES has plans to reach out to increase the response rate, in addition to what SGPP is doing. Mr. Wimsatt stated they would wait until after SGPP sends out the second letter, but NHDES will consider doing their own follow-up. Ms. Messmer said an educational effort should be considered, especially with the stricter MCLs in place.

Sen. Dietsch said she and Mr. Bandazian have used local television to communicate to the public and suggested Ms. Paradis consider using the Bedford Patch. Ms. Paradis said many Bedford residents are not educated on this issue.

Rep. Murphy mentioned that letters from SGPP may not elicit trust from the public and a letter from NHDES would be more acceptable.

Mr. Ayotte asked more about the hydrogeological issues when homes are taken off a private well and placed on municipal lines. The suggestion was made to explore this more in the Environmental subcommittee.

Mr. Wimsatt suggested that more public meetings should be held to update communities about the status on what has been happening and to hear their questions.

Dr. Bush brought up the APPLETREE grant and how that can be used to expand community engagement through listening sessions.

Rep. Rung suggested that the Communications subcommittee be charged with sorting out public meetings, but with the changing membership of the commission, this may not be possible at the present time. Mr. Wimsatt brought up the COVID restrictions involved in a public gathering, but a virtual meeting may be a good alternative and can include other PFAS topics with NHDHHS. There was additional discussion about tailoring information to the awareness level and computer access of the public and to include Londonderry.

Rep. Rung mentioned that she submitted a Legislative Service Request to add Londonderry representation to the Commission. She suggested that Rep. Murphy, Ms. Paradis, and Ms. Fordey outline a plan for public information sessions. Ms. Paradis agreed to lead this effort.

DPHS PFAS-Related Updates

As required, DPHS submitted a set of links and documents in order to meet the statutory requirement to provide relevant documents and correspondence. The intention is that the links can be added to the Commission website. The email and links were shared with all the Commission members.

To meet this requirement, DHHS will provide to the Commission the links to relevant information that is publically available on the DHHS website which includes information and factsheets provided by DHHS and federal partners such as the CDC, ATSDR and the EPA. This information provided could be then uploaded to the Commission website on the NH General Court website. As new information becomes available, Dr. Bush suggests following up on a quarterly basis to provide the Commission with additional new links and information.

Included below is a list of relevant documents and links:

- DHHS DPHS PFAS Website: <https://www.dhhs.nh.gov/dphs/pfcs/index.htm>
- PFAS Health Fair Planning Guide: <https://www.dhhs.nh.gov/dphs/pfcs/documents/healthfair-report.pdf>
- Merrimack Cancer Incidence Report: <https://www.dhhs.nh.gov/dphs/pfcs/documents/merrimack-cancer-012018.pdf>
- MVD Community Exposure Assessment Summary Report: <https://www.dhhs.nh.gov/dphs/pfcs/documents/mvd-pfc-09252017.pdf>
- NH Health WISDOM PFAS Dashboard: https://wisdom.dhhs.nh.gov/wisdom/#TopicGroup_8203D9F1281247419C5C417B8E591CE7
- Additional PFAS Resources: <https://www.dhhs.nh.gov/dphs/pfcs/pfc-resources.htm>
- Biomonitoring NH TrACE Study Website: <https://www.dhhs.nh.gov/dphs/lab/statewide-study.htm>
- CDC/ATSDR Pease Study Website: <https://www.atsdr.cdc.gov/pfas/activities/pease.html>
- ATSDR Resources for Health Professionals: https://www.atsdr.cdc.gov/emes/health_professionals/index.html
- ATSDR Clinician Fact Sheet: <https://www.atsdr.cdc.gov/pfas/docs/clinical-guidance-12-20-2019.pdf>
- ATSDR PFAS Continuation Education for Clinicians: https://www.atsdr.cdc.gov/emes/pfas_clinicians_training.html

In speaking to ATSDR at our last monthly meeting, it seems the Health Consultations are near completion, with planning presentations by ATSDR as appropriate, as a next step.

As discussed previously, NHDHHS supports further community engagement to better understand community concerns and gather data and information to help address those concerns.

Jonathan Ali, PhD toxicologist from NHDES, is the NH ATSDR APPLETREE Program Director. He is working to schedule a virtual presentation about the ATSDR APPLETREE Cooperative Agreement for the Merrimack, Litchfield, and Bedford communities. It is desired that a representative from ATSDR will be able to give a brief update with a goal for early December.

NHDPHHS responded to a survey from CDC/ATSDR to provide input as they work to update their guidelines for response to environmental concerns and cancer related concerns. NHDPHHS provided the names and contact information of several community advocates, including some members of the HB 737 Commission.

The NH Cancer Burden Report is slated to be posted on the DHHS website this week. The report includes state level incidence and mortality data through 2017. The link will be shared if it is posted before the next meeting.

The Cancer Program is working with UNH to develop and disseminate a survey to better understand the needs of cancer survivors in NH. The survey has undergone testing, and been reviewed by partners across the state. NHDPHHS will be working with a number of partners to distribute the survey, including all of the state's cancer centers.

The Food Protection Program at DPHS is undertaking a rulemaking effort to require bottled water (bottled or sold in NH) to meet the new 4 PFAS MCLs and new Arsenic MCL.

Staff participated in risk communication training, and a team across the two agencies is being convened to debrief and to provide input for the development of a guidance document for risk communication to guide best practices.

Rep. Thomas asked if there has been follow-up information regarding a letter DHHS was going to send to schools about PFAS-containing food packaging/serving items. Dr. Bush said she would have to check with her predecessor on the Commission.

Rep. Murphy asked if there was an update on the TrACE biomonitoring study report. Dr. Bush said it is forthcoming and she will report on it when it is finalized.

Rep. Rung asked if the State tracks low birth weight and preterm births. Dr. Bush said they do and the State has a birth defect registry but funding was cut at the federal level. She said a potential recommendation from the Commission could be to resurrect the registry and include other birth outcomes. Rep. Rung said that data would be important as low birth weight/preterm births have been shown to be a causal link from PFAS exposure. Sen. Dietsch said tying this funding into prospective legal settlements would likely have more success of passing.

Mr. Wimsatt returned to the meeting after a short recess. Rep. Rung asked if one town more than another had a lower rate of return from the SGPP letter. He did not know but said that information may be available. Rep. Rung asked for an update of the NHDES/USGS soil study project. Mr. Wimsatt said the project is funded and randomized soil sampling is beginning thorough the state, including both

soils and bio-solids. Mr. Ayotte said sampling should begin in December. He replied to Rep. Woods that sampling would focus on the upper 6 inches, but samples at 12 inches would also be taken.

Rep. Rung said she was updated by SGPP that the RTO would be installed in January 2021.

The next meeting of the Commission is scheduled for Friday, December 11, at 10 am.

Ms. Messmer asked if someone from the Merrimack Village District could present at the next meeting and Rep. Rung said she will add it to the agenda.

Well wishes were shared with Sen. Dietsch.

Sen. Dietsch moved to adjourn the meeting and Rep. Woods seconded the motion. The motion passed by a roll call vote. The meeting was adjourned at approximately 12:00 pm.

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The following was supplied by Dr. Bush in her update, but not discussed at the meeting:

Based on Discussion, these are follow-up items:

1) In the well water health consultation, will ATSDR use its screening values or NHDES's MCLs for assessment? ATSDR will use its values, not NHDES's. ATSDR uses its MRLs before using state-derived values. This means their health consult for Pease, Newington, and Merrimack are not expected or required to use NHDES values. This is because MRLs are not regulatory values, and are therefore derived with different considerations. ATSDR only relies on regulatory values when there are no MRLs for a chemical. Additionally, the current ATSDR values are provisional draft values, not finalized. These may change (increase or decrease) when ATSDR finalizes their support document.

2) Regarding birth defects, birth weight data and Minnesota's study. Earlier this summer Philip Grandjean's group mined registry data for birth weights in MN communities that had PFAS treatment installed on drinking water. They found an association between water treatment and reductions in adverse birth outcomes. The state of MN's Department of Health could not replicate Grandjean's analysis. Using more time points, subjects, and accounting for racial disparities MDOH did not find significant trends for water treatment. What they did find was that socioeconomic and racial disparities drive the outcome and have warned against relying on Grandjean's assessment because it doesn't accurately account for race.