

**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, Litchfield, and Londonderry.**

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

Meeting

MINUTES

Friday, September 10, 2021, LOB Rm 301

The meeting was called to order at 11:00 AM.

Present: Mr. Chris Bandazian (Town of Bedford), Rep. Ralph Boehm, Dr. Kathleen Bush (NHDHHS), Sen. Gary Daniels, Rep. Maureen Mooney, Rep. Rosemarie Rung, Rep. Gary Woods (NH Medical Society), Hon. Nancy Murphy (Town of Merrimack), Ms. Emma Paradis (Bedford resident), Ms. Amy Costello (UNH), Hon. Mindi Messmer (environmental advocate) by phone.

Absent: Mr. Michael Wimsatt (NHDES). Rep. Jacqueline Chretien, Mr. Joseph Ayotte (USGS), Sen. Sharon Carson, Rep. Bob Healey, Rep. Richard Lascelles.

Approval of August Minutes

Rep. Woods moved to approve the August 2021 minutes as submitted. Sen. Daniels seconded. The motion passed unanimously.

Legislative Update

Rep Mooney provided an update about proposed legislation. Some Merrimack state reps and town councilors (including Nancy Murphy) had a brainstorming session for proposed legislation. The group came up with 8 broad topics for legislation including former HB 667 pertaining to testing wells for home sales. Rep Mooney will provide list of topics discussed to commission members.

Rep. Rung indicated that Merrimack is concerned with PFAS entering the municipal compost from the wastewater treatment facility. She filed a legislative service request (LSR) to allow municipal wastewater facilities to regulate PFAS in their influent. Other LSRs filed address this in the context of surface water standards.

Rep. Boehm indicated that former HB 135, requiring parties responsible for pollution of a drinking water supply to be financially responsible for certain consequences of that pollution) is being considered again.

HB 271, relative to standards for PFAS in drinking water and ambient groundwater passed into law.

Rep. Rung indicated that DES is preparing rules to access funding for defraying expenses of point of entry system or connection to public water source.

NHDES Update

Mr. Michael Wimsatt (NH DES) was not available for today's meeting. No report provided today.

NH DHHS Update

Dr. Bush presented an update from DHHS.

1. ATSDR is offering a training for "stressed communities". Dr. Bush will send the information to the commission members.
2. NH DHHS is updating the Cancer Report to include 4 new years of data 2016-2019.
3. The Pease PFAS study has mailed letters to participants of the Pease study in an effort to increase recruitment; there are also efforts at local events to recruit children that may have been in day care on Pease during the study period. Rep Boehm asked if the parents are involved in the consent process. Dr Bush clarified that the parents are involved.
4. A new staff person at DHHS will coordinate between DHHS and DES, and focus on provider outreach about environmental hazards.

Commission Report Development

The annual report from HB 737 Commission is due to the Governor on November 1. Rep. Rung indicated that it will be important to have reports from subcommittees in order to complete the final report. Rep. Rung encouraged subcommittee chairs convene subcommittees in October.

The Environmental subcommittee will convene on October 8.

Mr. Bandazian indicated that the subcommittee is in process of drafting their report. Rep Rung indicated that she would like to be part of the meeting. Heather Goley will help scheduling and posting to House calendar. Rung indicated that rough draft is needed by first or second week of October.

Rep. Rung suggested that we meet on October 22 to finalize the report components.

The Communications subcommittee will meet on October 15. Ms. Paradis will work to post this on the House calendar.

The Health subcommittee will convene on October 8.

All subcommittee meetings will be posted by September 29.

Other Updates

Rep. Rung indicated that Mr. Peter Clark, former legislative assistant for Sen. Jeanne Sheehan, will assume a new position for Saint-Gobain as communications manager.

Rep. Mooney asked about the potential for including public comments in future commission meetings. Rung indicated that an opportunity for public comments will be included in the agenda for the October meeting.

BIOMONITORING NH STUDY presentation by Amanda Cosser and Nick Shonka

See slides and audio recording for more detail.

Rep Rung asked about whether information was collected about household filtration systems. DHHS indicated that the info collected is self-reported and not reliable (e.g., a study participant may indicate that they have a Brita filter in place but there is not a way to know if the study participant has changed the filter in last 6 months).

65% of the TRACE study participants are on private wells, which does not reflect the NH population of 42%; recruitment efforts are attempting to balance the representation in the study to better reflect the state.

Hon. Murphy suggested a question be added to the next survey about whether drinking habits have changed in the previous months. She shared that her household had changed their drinking habits but there was not a place to indicate that on the survey.

Amanda Cosser indicated that the next survey will capture more information on residential history and whether results of study have changed participant drinking water habits.

Note about the presentation: NHANES white non-Hispanic US population is the “US population group” used in comparison with NH Biomonitoring testing.

With regard to lead tests, Rep. Woods asked about the efficacy of the point of care test that is used in the doctor’s office. Amanda Cosser indicated that the test used in the study is a different test. The Public Health Lab uses a more invasive venous puncture test different from the private practice capillary test.

Rep. Rung asked about the comparison of capillary tests producing lower or higher results than venous test. Public Health Lab indicated that the capillary test is more variable based on provider experience and thus not as robust.

State regulations related to point of care test allow for either point of care and venous. If point of care test detects high level of lead in the sample, then Healthy Homes will follow up and offer further venous testing.

Rep. Rung indicated that lead paint has been regulated but inquired about regulation of lead in fixtures. Amanda Cosser spoke on the regulations implemented for newer fixtures and solder. New legislation has reduced the allowable amount of lead to about 0.25%. As far as lead in paint, homeowners need to be aware during renovation that the risk may exist for older homes.

Rep Rung offered that there is a law requiring that schools report the lead levels publicly. Rep Rung indicated that some Merrimack schools experienced high levels due to lead in fixtures. Although the problems were remediated, she suggested communications be improved to alert residents about potential lead in fixtures. Rep. Rung shared concern about false sense of security if there is no lead in the water but it is in the fixtures.

Rep Boehm suggested that schools be tested at an appropriate time; lead levels may be high at the end of summer after water has been sitting in fixtures for several months.

Dr Bush indicated that new federal infrastructure bill has funds for replacement of fixtures.

Amanda Cosser indicated that just running cold water for a few minutes reduces lead in the water in the household/building.

EXCERPT FROM KEY FINDINGS FACT SHEET provided by presenters:

TrACE participant averages were higher for:

- Blood metals: lead and total mercury
- Serum PFAS: PFDA
- Urine metals: cadmium, cesium, lead and total arsenic
- Urine pesticide, herbicide, and insecticide metabolites: PNP

See slides for further details.

Hon. Messmer asked about distribution of Seacoast Study group (n=11) – by private versus public water, and by town. Detailed information was not available but presenters noted that the sample (n=11) is very small.

Dr. Bush thanked speakers for huge body of work and encouraged the Commission to think about how to use the information to design better testing and treatment.

Rep. Rung asked about whether the speakers have suggestions. DHHS/Nick said that the TrACE study findings reinforce the suggestion to test and retest periodically. Amanda Cosser indicated that convincing people to test is hard. Some people report that water tastes fine and looks fine so they don't think arsenic could be present.

Rep. Mooney referred to brainstorming session where Hon. Murphy may be reintroducing bill from 2019 to require test for radon and PFAS at time of sale. Amanda Cosser suggested that would be a great time to also test uranium, manganese, and arsenic.

Rep. Mooney asked about an example of a homeowner selling house and sharing results with neighbors within ½ mile of homeowner. Dr. Bush said that State has a notification process for exceedances within 500 feet. Rep. Rung reminded the Commission that Ms. Messmer found that notification was not happening and it has since been reinstated.

Hon. Murphy indicated that current law does not enable DES to support private wells. She inquired if potential legislation could create a path for DES to help with private wells. Rep. Rung suggested that this could be a recommendation in final report.

Rep. Boehm reminded the Commission that test results vary within a community and may be from different sources. He recommended that everyone should test no matter what their neighbors find.

Rep. Woods asked about cost sharing for water test kit. DHHS indicated that the testing is at a homeowner's expense. The cost is \$105 for standard test with radon. Results will provide a lot of detail about the type of treatment needed. DES will help select treatment system.

Rep. Woods suggested that this cost may be too high for many people. The very people that may have a problem with water and NEED testing, may be left out of testing by these costs. DHHS indicated that some towns have subsidized and organized events to promote testing.

Meeting ended at 1:05 pm. (No quorum for motion to adjourn.)