

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

APPROVED

Friday, December 10, 2021, LOB 301-303

The meeting was called to order at 10:01 AM by the Chair.

Present: Rep. Rosemarie Rung, Ms. Amy Costello (UNH), Hon. Mindi Messmer (environmental advocate) by phone, Hon. Nancy Murphy (Town of Merrimack), Laurene Allen (Town of Merrimack), Mr. Michael Wimsatt (NHDES). Sen. Sharon Carson, Sen. Gary Daniels, Rep. Ralph Boehm, Rep. Jacqueline Chretien, Rep. Maureen Mooney, Rep. Gary Woods (NH Medical Society)

The Chair introduced a new member of the Commission: Laurene Allen, Merrimack Citizen Representative.

Minutes

The motion to accept the November minutes was made by Sen. Carson and seconded by Hon. Murphy. Acceptance was unanimous.

Merrimack Cancer Report

Patricia Tilley, Director of the Division of Public Health Services and Whitney Hammond, Chronic Disease Director, Bureau of Population Health and Community Service attended the meeting as guests from DHHS. Ms. Hammond provided an extensive presentation (“Updated Merrimack Cancer Analysis and Next Steps”) of the origin, current findings and anticipated future activities of this ongoing investigation. Included were the motivation, scientific foundation utilized and the anticipated expansion. The expansion was clarified as meaning a review of the scientific principle used as well the geographic domain and medical diagnoses incorporated. Funding was identified as a crucial aspect of the current and perhaps a limiting factor for ongoing goals of this project. (Full presentation provided to all attendees).

Rep. Rung asked about the reference population employed in the study and was told that there is the potential to use town, state, nation as references.

Sen. Carson mentioned that this report focuses on Merrimack and other towns are equally concerned. Ms. Hammond said this report is only phase one of eventual 4 phases. Future reports will have a broader scope of geographic inclusion.

Sen. Daniels asked how long each phase will take and was told 1.5-4 years depending on staffing and funding.

Sen. Daniels asked how redundancy in counting is avoided and was told that only primary diagnosis is counted.

Hon. Murphy asked that since the SIR (standard incidence ratio) is an estimate and other diagnoses fall close to 1.0, what is the level of concern for those close to 1.0. She was told that this issue is appreciated in the overall context of the study and taken into consideration by an oversight committee which must account for resources and status of information in the current literature. Appropriate adjustments can be anticipated going forward.

Hon. Messmer asked what ages are considered and was told all ages are considered. She followed up with asking how sensitivity is handled in the study. Ms. Hammond replied that this area is being expanded, currently not comparing Merrimack to the remainder of the state or US, but primarily using pathology reports. Hon. Messmer also asked if there is any consideration of Rhabdomyosarcoma and was told not at this time.

Ms. Allen emphasized the need to expand to include data and comparisons to surrounding towns. DHHS is aware of this need and is attempting to expand Phase 2 and 3 in these areas. There is also difficulty sorting out the time frame for individual resident exposure as well as those exposed and then moving elsewhere.

Rep. Rung asked if the 60 kidney cases were evenly distributed over the 10 years and was told that that parameter was not considered. Going forward, DHHS anticipates the potential to view each as a case study and expand the SIR indicator into surrounding areas.

Rep. Boehm emphasized the need to greatly expand the defined geographic area for the studies.

Ms. Costello offered two approaches that might be incorporated in further studies. First, increase the depth of study for the cases in Merrimack. Second, employ a wider geographic base for the studies.

Sen. Carson commented that this is Merrimack-focused while the contamination goes into other communities. She asked what is currently underway to advise the public and was told that the data has just recently been available and DHHS is working with various entities for potential townhall meetings or similar communication efforts.

General discussion focused on the need for expanded public information venues and other mechanisms.

Rep. Chretien asked what DHHS needs to make this project go forward and was told that staffing is a key issue as is funding in the long term. Using the current data set, they will reassess all aspects of the current process.

Update on SGPP RTO

Mike Fitzgerald, Assistant Director, NHDES, Air Resources Division, gave a brief overview of the requirement, process and general status of the RTO project. Several questions came forth

regarding just how the RTO is currently working and its impact on overall levels of PFAS compounds. Answers are incomplete at the moment as the RTO testing is just getting underway. Additionally, as some of the questions involve activities of the AG's office, they cannot be discussed at this time.

Cathy Beahm, Administrator, NHDES, Air Resources Division, gave a detailed status report on the RTO with a handout for all attendees (Saint-Gobain Performance Plastics RTO Stack Testing Update). This report is a summary as the full report is 800 pages and it was emphasized that it represents just the initial phase of testing to demonstrate the validity of the process and to identify areas needing further development as testing goes forward. This report also provides a "Rainwater Study Update".

Rep. Rung asked about the Rainwater Study and why there is an anomaly of elevated PFAS in Concord and was told that it is not known at this time.

Hon. Murphy asked if production data is being monitored.

Rep. Mooney queried details on the bypass stack and was told that because of the pending legal matter, DES cannot answer.

Hon. Murphy asked if it will be possible to determine if the bypass stack is being used in an emergency and was told that this will be part of the permit process going forward. A follow-up question was asking since the input of the review is from SGPP self-reporting, does it hamper the quality of the assessment and was told proper structuring and implementation of inspections will diminish such bias. A final follow-up asked about the consequences of deficiencies i.e. fines, restrictions and was told to refer to the department website for details of enforcement actions.

Ms. Allen asked if on-site rain water and internal environment is being monitored and was told that most of the rain water monitoring is off-site.

DES Update

In view of time constraints, Michael Wimsatt, provided brief comments about the status of notification letters, findings of PFAS in soil sample from the I-93 project, bottled water delivery problems which SGPP seems to be addressing properly, sampling storm water at SGPP site, and that SGPP has added 12 wells to the current study. Report details to be sent by email.

Rep. Rung brought up the clear-cutting around the SGPP facility and asked about the possibility of PFAS being sequestered in trees and then when harvested the substances then become a hazard. Mr. Wimsatt replied that the cycle of PFAS in trees not known at this time.

Rep. Boehm asked about how much SGPP is spending on supplying bottled water and was told that they are not required to provide that data, but estimates are approximately \$40-\$45 per family per month.

Ms. Allen offered that she is aware of studies that show tree rings do contain PFAS and may be an indicator or exposure variation by year. She asked if rain water and soil testing is ongoing and was told it will be looked at post-RTO.

Public Comment

Ray Reslent and Debra Paul both shared their perspective of NH departments and that this Commission is lacking sufficient response to the urgency of the underlying problem.

Letter to SGPP Regarding a Change to the Outer Boundary

The Chair offered the discussion on this issue will be postponed.

Other

The Chair advised the Commission regarding the difficulty in scheduling future meetings due to the expanded use of LOB rooms when the House is in full Committee Sessions. This may necessitate this Commission accepting times and venues outside the current usual schedule. The use of virtual modalities are also being explored.

A motion to adjourn was moved by Sen. Daniels, seconded by Rep. Mooney and passed unanimously at 12:36 pm.

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