

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

Minutes for the Friday September 9, 2022 Virtual Meeting

The meeting was called to order at 10:01 am by Chair, Rep. Rosemarie Rung.

Present: Rep. Rosemarie Rung (Chair), Ms. Laurene Allen (Merrimack citizen representative), Mr. Joe Ayotte (USGS), Mr. Chris Bandazian (Town of Bedford), Dr. Kathleen Bush (NHDHHS), Ron Dunn (Londonderry citizen representative), Hon. Mindi Messmer (environmental scientist), Rep. Maureen Mooney, Hon. Nancy Murphy (Town of Merrimack), Mr. Mike Wimsatt (NHDES), Rep. Gary Woods (NH Medical Society), Don Provencher, Jackie Chretien.

Approval of the July 2022 minutes was moved by Mr. Dunn was seconded by Ms. Murphy. The vote was unanimous.

**Dr. Kathleen Bush:**

HB737 – DHHS Updates

Summary of NH DHHS updates shared from November 2021-August 2022 for inclusion in the November 2022 Interim Report

Updates from State Agencies NH DHHS and NHDES:

1. Merrimack Cancer Investigation

In January 2018, the DHHS released a report of their analysis of cancer incidence in Merrimack, NH that was completed in response to community concerns related to the detection of perfluorooctanoic acid (PFOA) drinking water contamination. This report showed that cancers associated with PFOA were not higher in Merrimack when compared with the rest of New Hampshire.

In December of 2021, DHHS shared the results of an updated analysis of cancer incidence in Merrimack which showed a statistically significant excess of kidney cancer cases in Merrimack, when compared to the rest of the state. Results of these analyses were shared with the 737 Commission on the Environmental and Public Health Impacts of Perfluorinated Chemicals.

Slides from HB737 Commission Meeting on 12/6/21 available here:

<https://www.dhhs.nh.gov/dphs/cdpc/documents/737-dec102021-merrimackdata-final.pdf>

Recording of virtual community meeting on 1/27/22 available here:

<https://www.youtube.com/watch?v=Rx0bdocLUIU>.

In December 2021, the DHHS began convening the Cancer Concern Review Team (CCRT) for the purpose of guiding next steps of an investigation into the excess of kidney cancer in Merrimack, NH. The CCRT has worked to complete additional data analysis to complete the assessment phase of the investigation. As these analyses are completed the CCRT will make a conclusion about whether to progress into determining the feasibility of conducting an epidemiological study. A draft report sharing the results of additional data analyses and decision-making is being reviewed internally and will be shared upon approval.

A decision to close the investigation at Step 2 is based on the following criteria:

Are there enough cases and a large enough population for statistical stability? In general, the population

size of a typical census tract is the smallest denominator that will allow reliable results to be generated. If there is a large enough numerator for statistical stability, how likely is it that this SIR might have occurred by chance, assuming that the underlying incidence rates were not elevated (for example does the CI cross 1.0)? Are there environmental contaminants and/or events that could be related to these cases? Are there any population related issues (e.g., a substantial number of people moving into the community) that might in part explain the observed cancer excess? Has there been an increase in the incidence rate of the specific cancer over time? How many more observed cases are there than expected? Are the demographic characteristics of these cases unusual for the type of cancer?

## 2. DHHS Website Updates

DHHS launched an updated website in May 2022. The new website includes a dedicated page for environmental health (including PFAS) with resources from both state and federal partners: Poly- and Per-fluoroalkyl Substances (PFAS) | New Hampshire Department of Health and Human Services (nh.gov)

## 3. ATSDR's (Agency for Toxic Substances and Disease Registry) Partnership to Promote Localized Efforts to Reduce Environmental Exposure (APPLETREE)

Recently, towns with historical or known environmental exposures have received a lot of communication regarding drinking water quality. To clarify the messages of multiple reports, written for distinct and separate purposes, APPLETREE engaged the Agency for Toxic Substances and Disease Registry (ATSDR) and these communities.

ATSDR Released the Private Well Health Consultation Report

The ATSDR Health Consultation Report was released on December 18, 2021: "Evaluation of Per- and Polyfluoroalkyl Substances (PFAS) in Private Wells near the Saint-Gobain Site in Southern New Hampshire, Merrimack, New Hampshire"

<https://www.atsdr.cdc.gov/HAC/pha/StGobainPlastics/St-Gobain-PFAS-HC-PC-508.pdf>

A public meeting was held in February 2022 to share the report and gather community feedback. Technical comments were submitted by March 2022 to be considered during the Public Comment Period. APPLETREE moderated the public presentation to Merrimack and NH DES provided logistical support for the virtual meeting.

Another such example of APPLETREE support occurred in July 2022, when APPLETREE provided logistical support for ATSDR's public presentation to residents in and around Pease Air Force Base. Specifically, this public meeting provided clinical guidance for medical providers in New Hampshire who may be receiving calls or concerns from patients exposed to PFAS near Pease. Finally, APPLETREE and ATSDR will continue to collaborate on public presentations and harmonized messaging for New Hampshire residents.

## 4. New Hampshire's Choose Safe Places for Early Care and Education Program, an APPLETREE Program:

The NH Choose Safe Places Program (NH CSP) is working to protect children from harmful chemicals in child care facilities by: resource sharing with and training for local governments including health officers, developing a private well-water testing initiative, identifying opportunities for professional development for child care providers, working with state child care licensing and development agencies to identify best practices to improve the inspection and siting process, and improving environmental health guidance and best practices for early care and education programs. A statewide advisory team was created to provide guidance to the CSP program. Committee members include child care providers and provider-based regional organizations, health and human services staff (Child Care Licensing, Bureau of Child Development and Head Start Collaboration and the Division of Public Health Services), local health officers, staff from the NH Department of

Environmental Services, the NH APPLETREE program, and NH Child Care Aware of America representatives. Advisory meetings are held virtually on a monthly basis, which has been a plus for partners who live remotely. The NH CSP program is piloting free water quality testing (including the NH Public Health Lab standard testing package plus radon, VOCs and PFAS) for NH child care facilities. Voluntary sampling is occurring for licensed child care facilities using private wells as their water source. Providers also receive a toolkit with well water testing and treatment information with links to additional resources, to provide them with a long-term resource. This free testing effort is being coordinated with the New Hampshire Department of Environmental Services lead testing for schools and child cares via EPA's WIIN grant. For child care facilities that require remediation, funds from the American Rescue Plan Act, NH Department of Environmental Services' PFAS program, and EPA's WIIN program can be used. NH CSP will use data gathered from sampling to identify areas of concern for elevated contaminants in water and direct efforts towards outreach and education in these areas.

Updates from Federal Partners:

#### 5. CDC/ATSDR Draft Guidelines for Cancer and Environmental Concerns

CDC/ATSDR has been working on updating existing cancer cluster investigation guidelines in accordance with the Trevor's Law provision within the Frank R. Lautenberg Chemical Safety for the 21st Century Act. CDC/ATSDR conducted extensive scientific literature reviews and gathered comprehensive feedback from community stakeholders, subject matter experts, and state, tribal, local, and territorial partners.

Draft Guidelines for Examining Unusual Patterns of Cancer and Environmental Concerns were released for public comment by CDC/ATSDR in May 2022. The draft guidelines can be accessed within the docket here: <https://www.regulations.gov/docket/CDC-2022-0070/document>. The public comment period was available through July 25, 2022.

Suggested revisions to the existing guidelines included:

- Placing a greater emphasis on engaging and communicating with community members,
- Recommending health departments consider proactive evaluation of cancer registry data at regular intervals to look for unusual patterns of cancer,
- Replacing the steps in the 2013 Guidelines with new detailed criteria to:
  - o address environmental concerns more broadly, and
  - o de-emphasize statistical significance as the criterion for moving forward with evaluating potential exposures and cancer rates,
  - o Identifying and developing tools and templates to support our public health partners when conducting these investigations.

#### 6. CDC/ATSDR Pease PFAS Health Study Clinician Outreach Webinar

The Centers for Disease Control and Prevention (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR) hosted an online information session on PFAS for clinicians that work in the Pease community on Wednesday, July 20, 2022 at 7:00 pm. The goal was to help ensure that clinicians working in the Seacoast Area, and across NH, have the information necessary to address patient concerns.

#### **Michael Wimsatt:**

Air Division Update

Permitting Activities:

No update since the 7/9/2022 meeting.

#### Inspection/Stack Testing Activities:

No update on inspections at the facility since the 7/9/2022 meeting. Stack testing took place on August 24 and 25, 2022. NHDES had two experienced staff members present to observe the method in which samples were collected and the operation of the towers at the facility during the stack test. The RTO did not encounter any issues and the stack test was completed as designed. NHDES expects a stack test report to be submitted within 60 days after the completion of testing as required by the air permit and rules.

#### Bypass Operations:

During the first 8 months of operation (July 2021 – April 2022) when the RTO was in its initial shakedown period, SGPP reported 45 hours of bypass. During April 2022 – June 2022, SGPP reported an additional 6 hours of bypass for a total of 51 hours since the RTO was started up. The following information pertaining to the fan failure in July was provided to the Environmental subcommittee at their 9/1/2022 meeting:

The RTO's fan shut down unexpectedly at approximately 10:29 AM on July 25, 2022, at the time the MS and QX Towers were mid-production run, and pursuant to Saint-Gobain's Air Pollution Control Equipment Monitoring Plan and taking into account its health and safety protocols, Saint-Gobain proceeded as quickly as possible to ensure a safe shut down of the facility. Production runs were completed by 11:00 AM on the MS tower and by 2:29 PM on the QX tower; subsequently, all production at the facility was shut down. During the approximate four-hour duration needed to bring production to a safe stop, the RTO bypass stack was enabled. Saint-Gobain informed the Department of this event via telephone on July 25, 2022, and via a letter dated August 1, 2022. On July 29, 2022, Saint-Gobain notified NHDES that an additional bypass occurred. After making the repairs to the fan blower, the RTO was restarted around 3:30 PM on July 28th. The unit ran successfully until around 10:19 AM on July 29<sup>th</sup> when the fan failed again. All production came to a safe stop around 1:30 PM. Coating operations remained stopped until a new replacement fan was installed. Saint-Gobain informed the Department of this event via email on July 29, 2022, and via a letter dated August 8, 2022. During the weekend of August 5<sup>th</sup> through 7<sup>th</sup>, 2022, the replacement fan was delivered to the facility and installed on the RTO. The RTO was brought back online and up to temperature before production started on August 8, 2022. In addition, SGPP has reported a two-hour period on August 18<sup>th</sup> during which the RTO hourly average temperature was below 1832°F (1830.9°F and 1796.3°F) and another instance on September 6, 2022, during which the bypass damper opened for a total of 12 minutes while the facility was optimizing the RTO. The RTO main fan remained on, combustion chamber temperature remained above the hourly average temperature of 1832°F and the emissions continued to be routed to the RTO. A full report is due September 19<sup>th</sup> and will be posted to OneStop at that time.

#### Reporting Activities:

SGPP has continued to submit rainwater study results as required in the Consent Decree. These documents can be found at:

<https://www4.des.state.nh.us/DESONeStop/AFSDetail.aspx?ID=3301100165> under the General Correspondence tab. The most recent rainwater study letter is dated 8/5/2022 and reflects samples taken in June. Results indicate measurements were below detection levels for almost all PFAS analytes. For a few analytes, there were some values that were estimated between the detection and reporting levels and given a J qualifier. These J qualified results were as follows:

Concord: 0.53 ppt PFBS; 0.48 ppt PFHpA; 0.80 ppt PFHxA; 0.88 PFOA; 0.57 ppt PFPeA.

Merrimack: 1.8 ppt PFDA; 0.74 ppt PFHxA; 4.2 ppt PFOS; 0.88 ppt PFOA.

Merrimack duplicate: 1.8 ppt PFDA; 0.52 ppt PFHpA; 0.88 ppt PFHxA; 2.5 ppt PFOS; 0.83 ppt PFOA; 0.59ppt PFPeA.

Nashua: 0.60 ppt PFBS; 2.1 ppt PFDA; 1.3 ppt HFPODA; 0.62 ppt PFHpA; 1.1 ppt PFHxA; 1.5 ppt PFOS; 0.92 ppt PFOA; 0.47 ppt PFPeS; 0.71 ppt PFPeA.

The PFOS results had the following qualifier:

Method PFC\_IDA: Target analyte(s) Perfluorooctanesulfonic acid were detected in the method blank associated with the following samples: Merrimack (410-87291-1), DUPLICATE (410-87291-5) and Nashua(410-87291-7). The following action was taken: This sample(s) was re-extracted outside the required holding time and target analyte(s) were not detected in the re-extracted method blank. Due to a laboratory preparation error, the re-extracted laboratory control spike duplicate sample was not spiked with isotope dilution analytes and therefore, target analytes could not be accurately calculated and reported. The results reported are from the initial extraction of these samples.

## Waste Management Division Update

### NHDES Activity

□ On June 29, NHDES received a work plan for the installation of POET systems at the properties identified in the June 23 rd agreement. NHDES reviewed and approved the work plan with stipulations in a letter dated August 22, 2022. NHDES has a meeting scheduled with Saint-Gobain on September 13 to discuss the NHDES comments and is anticipating a response from SG by September 15. SG sent out a request for proposal in July and received bids from POET contractors in August. SG is working to select its contractor and anticipates beginning POET installations in October. SG has indicated that they believe all the POETs can be installed by the end of July 2023.

□ On July 12, NHDES received a Remedial Action Implementation Report that documented the provision of alternate water for each property described in the 2018 Consent Decree. NHDES is in the process of reviewing the report and will provide comment as needed.

□ On August 11, SG mailed out letters to 375 properties identified for alternate water in the June 23 rd agreement with NHDES. These letters were sent out to properties that are bottled water eligible and cleared by SG legal. On September 2, SG mailed out 35 letters notifying property owners listed in the June 23 rd agreement of proposed connections to municipal water. These letters pertained to properties that are proposed for connection to Manchester Water Works and Merrimack Village District.

Letters were not mailed for properties listed as “Evaluation of Potential Water Line Extension” in parts of Londonderry. The water provider is currently evaluating the feasibility of these water line extensions and if the existing infrastructure has the capacity to supply water to these areas. SG will make a determination if water line extensions are feasible to this area by this fall and letters to residents are expected after the determination is made.

□ On August 17, NHDES met with SG to discuss the Application for Groundwater Management Permit and Groundwater Management Zone. It was determined that SG would not be able to submit the Application for Groundwater Management by the due date of August 26, 2022. NHDES will be meeting with SG on October 4, 2022 to discuss further sampling and the Application for Groundwater Management Permit.

□ NHDES met bi-weekly with SG and discussed measures to address ongoing issues pertaining to delays in bottled water deliveries to residents. SG has informed NHDES that it finalized a contract with an additional vendor the week of August 22nd . The new vendor is set to take on water delivery to 231 homes in the Londonderry area of the site. Notifications to property owners will be mailed out the week of September 6, 2022. The removal of these homes from the current water delivery contractor, Monadnock Springs, should alleviate some of the strain on their backlog and allow them to “catch up” and maintain a more regular delivery schedule to the customers it is retaining. SG is prepared to transfer more homes over to the new bottled

water delivery contractor as needed. NHDES will continue to monitor the situation and work with SG until this situation is improved/rectified.

#### Water Supply Well Sampling

□ SGPP presented a Work Plan for Residential Well Sampling and Fifteen Addenda to the sampling Plan relative to the 2019 AGQS.

Currently, Golder is retesting wells with PFOA results between 10 and 12 ng/L and sampling additional wells within the Consent Decree area.

□ As of 8/19/22: [This has been updated to reflect Addendum 15 proposed sampling.]

o 3,801 properties identified for sampling (110 more than July report)

o 3,790 access agreements sent (Return Rate ~ 69%) (108 more than July report)

o 2,341 samples collected from water supply wells (65 more than July report)

o 1,007 properties offered bottled water (16 more than July report)

#### Site Investigation

□ Saint-Gobain's consultant will be conducting post-RTO stormwater sampling, timing dependent on weather conditions that meet the requirements of the approved work plan. Recent storms were not sampled due to uncertainty with scheduling and potential safety issues related to lightning.

□ Remedial Action Plan due to NHDES 120 days after SG's consultant receives analytical results from the storm water sampling.

□ Groundwater management permit application due to NHDES by August 26. SG has requested an extension for the Application and a meeting has been scheduled for the early October to discuss the Application for Groundwater Management Permit and associated Groundwater Management Zone.

#### **Subcommittee Meetings:**

November 1, 2022 the report is due from the Commission.

Mr. Chris Bandazian

--Meet on September 1, 2022

--Covered soil study and recommendations for legislation

Ms. Mindi Messmer

--Gave an update on 5 letters sent to the Attorney Generals Office

--See the link for the letters

Ms. Laurene Allen gave a report from the Communications Subcommittee

--Meet on August 26, 2022

--The report will be sent to Ms. Rung

Ms. Rung discussed the November 8<sup>th</sup> election and the possibility of a change in leadership. Would like to discuss a temporary chair.

Next meeting is October 14, 2022.

Motion to adjourn, made by Ms. Allen, Second by Mr. Dunn. Vote was unanimous.