

AN ACT reestablishing the commission to study environmentally-triggered chronic illness.

SB 85, Chapter 229:2, Laws of 2019

REGULAR MEETING

MEETING NOTES

September 15th, 2020

10:00 a.m.

Remote Zoom Meeting

Streaming Audio: <https://youtu.be/LX9kUZpww30>

Senator Tom Sherman opened the meeting at 9:00am and he read the Right-To-Know script.

Senator Sherman conducted a required roll call attendance.

- The following members were present:
 - Representative Jeffrey Salloway (at home, alone)
 - Representative Nancy Murphy (joined later)
 - Representative Charles McMahan (at home, alone)
 - Michael Wimsatt (in his office, alone)
 - Dan Tzizik (at home, alone)
 - Margaret DiTulio (in her office, alone)
 - Representative Brian Mooney (at home, alone)
 - Representative Gary Woods (at home, alone)
 - Representative Bill Nelson (at home, alone)
 - Senator Tom Sherman (at home, alone)
 - Dr. Kathleen Bush (in her office, colleague in the room)
 - Amy Costello (at home, alone)
 - Robert Timmons (in his office, alone)
 - Mindi Messmer (in her office, alone)
- The following member was absent:
 - Senator Jeb Bradley

Dr. Kathleen Bush (Department of Health and Human Services) and **Michael Wimsatt** (Department of Environment Services) presented a joint report.

- **Dr. Kathleen Bush:**
 - Under SB 85, DHHS and DES are required to submit a report every 6 months. The report being presented is the third progress report submitted to the commission.
 - Due to the ongoing COVID-19 pandemic, the report is brief; however, it does include many of the ongoing projects that DHHS and DES are undertaking. In the last 6 months, certain projects have been delayed as staff have been handling COVID-19-related work.
 - Page 3 of the report provides updates and a summary of the ongoing work being done. Despite the pandemic, DHHS has been able to work remotely with partners and collaborators still. Some project work includes:

- Continuing to work with Dartmouth on efforts pertaining to PFAS-related materials.
- Amending a contract to work with the Dartmouth Cancer Registry.
- The governor appropriated some funds from the Drinking Water and Groundwater Trust Fund, which are being used to enhance state work related to environmental and childhood related cancers.
 - This work includes a literature review of environmentally related childhood cancers; an analysis of radiological monitoring data; an effort to convene a conference with experts of childhood cancers; and a reanalysis of some childhood data in both NH and nationally, which includes information gathering from families affected by cancer, so that DHHS can better understand their needs and inform better program planning.
- DES and DHHS applied to two collaborate grants:
 - ATSDR (Apple Tree) grant, which focused on:
 - 1) hazardous waste site investigations at priority sites and working with communities on outreach and communication; and
 - 2) the safe siting of childcare facilities and trying to incorporate environmental health criteria into the siting of those facilities.
 - An environmental health capacity building grant, which focused on:
 - Integrating data from the Public Health Laboratory (in DHHS) and DES to build a Well Water Dashboard, which can be used to target outreach and education across the state about well water quality.
- The biomonitoring trace project is near completion as DHHS continues to analyze the data collected. Within the next few weeks or months, the final participant report is expected. Dr. Bush said she hoped that the data would be easily accessible on the Wisdom Data Portal; however, that would take additional months to put together.
- **Mindi Messmer** said she was happy to see the application for the well water grant approved. She asked when it was awarded and how much was provided by that grant.
 - **Dr. Bush** said that the project date was September 1st. There were two components of that grant: a) a focus on data integration, and b) a focus on outreach and integration. Only \$50,000 was awarded in total, and it was only for component a. This award is only for one year, but it can be renewed for up to 5 years.
- **Senator Sherman** asked if that was the letter that he worked with Dr. John Ali on.
 - **Dr. Bush** said yes. Dr. Ali is part of the Apple Tree Grant and the new NCEH grant related to water quality.
- **Mindi Messmer** asked about the funds allocated to the other two grants from the CDC for the comprehensive cancer control program, which includes the cancer registry and the Apple Tree grant.
 - **Dr. Bush** said she didn't have an exact number for the Apple Tree grant, but she believed it was \$400,000 to support the project. In terms of the comprehensive cancer control program, the CDC reduced the funding awarded to DHHS for FY '21. She said there have been conversations about the impact of those reductions on maintaining a strong cancer registry and other ongoing activities. She said she would reach out to the cancer program about the cuts they are experiencing.
- **Mindi Messmer** followed up by asking how much the DWGTF allocated for pediatric cancer.

- **Dr. Bush** said that she believed the governor appropriated \$500,000, but that appropriation expires at the end of the fiscal year.
 - **Senator Sherman** said he is vice-chair of the DWGTF and that that commission strongly supported those appropriations. He asked Dr. Bush if the cancer registry had lost an oncologist due to the funding reductions over the last 5 years.
 - **Dr. Bush** said she couldn't speak to the staffing at the registry, but she could ask them about the impact they are experiencing.
 - **Senator Sherman** said his concern is that this is not the first funding reduction for the registry. He said there is a point at which the utility and ability of the registry to provide DHHS meaningful information is undermined by a lack of funding. He said that maybe Dr. Bush could get back to the commission, especially as Commissioner Shubinette is putting together funding requests for DHHS' budget. He stated that of all the tools in public health, the cancer registry is one of the most important; and there is a threshold that needs to be met in order to keep the registry robust enough to answer cancer cluster inquires.
 - **Dr. Bush** said she couldn't agree more and she will take these questions back to the cancer program. She also agreed that there needed to be an aligning of the priorities from her division, the DHHS Commissioner, and the legislature.
 - **Senator Sherman** followed up by saying there is a lot of support among the legislators on this commission to support the registry.
- **Michael Wimsatt:**
 - In the report, the specific contributions from DES are summarized on page 5.
 - The first topic discussed in the report is the distribution of filter pitchers to vulnerable populations.
 - This project was also funded in part by the DWGTF.
 - The basis of the project is to provide filter pitchers to treat drinking water for pregnant mothers and mothers of young infants who may be exposed to arsenic contamination.
 - This was done in concert with the Women, Infants, and Children Nutrition program (WIC).
 - Due to the pandemic, DES had to go back and amend their contract; however, by September, they planned on rolling this project out through a series of remote communications and mailings.
 - A main focus of the program is to ensure that women and their families are educated on the hazards of water contaminated with arsenic and the side effects of it.
 - It is believed this program will lead to good education and a larger program that will ensure the most vulnerable populations (pregnant women and young mothers) are getting clean and safe drinking water.
 - Hopefully, at the next meeting, DES could update the commission on how the project was working.
 - The second topic discussed in the report related to the statewide private well sampling initiative.
 - Again, this program was funded with money from DWGTF.
 - This project is virtually completed. 500 drinking water samples have been taken or planned to be taken from randomly selected homes from across the state.
 - This is the first time there has ever been a statewide evaluation and assessment of drinking quality.
 - The data collection has been a little hampered by the pandemic. In most cases, a lot of sampling was done prior to the pandemic. Additionally, sampling could be taken from outside taps in homes where there was

no in-home treatment. Unfortunately, there were about 20 homes out of the selection that had in-home treatment, which meant that DES had to go into the homes. This approach is being evaluated and there are decisions being made whether it should be curtailed at this point.

- An exciting aspect is that this program is happening alongside the biomonitoring trace study. So, for every single home of the trace study, DES is able to combine a blood sampling of the family members with the drinking water sample.
- **Senator Sherman** said that is an amazing opportunity because many on the commission have been looking for a long time at the impact of contaminants on blood sampling and on residents.
- **Mindi Messmer** said she noticed there was a 16 parts per billion lead maximum in private wells, and she wondered if those pitchers would handle lead in addition to arsenic. She also said that she knew SB 247 talked about the need for drinking water in schools and if there were any updates on that.
 - **Mike Wimsatt** said that as it pertained to the first question, he wasn't certain about the pitchers' ability to filter for lead. He said he would circle back to the commission when he knew. He said that in terms of drinking water for schools, he wasn't sure if there was a current effort to do that, but he would check with the Drinking and Groundwater Bureau. As far as safe level of lead, it was his understanding that there has never been a safe determination of lead. It has been a general consensus from the toxicology community that no detection of lead is where you want to be.
 - **Dr. Bush** added that she believed that SB 247 related to testing of schools and daycares, and she thought that if they were found to have higher than 15, then they were mandated to remediate. She said that anyone greater than 1 was eligible for the 50% remediation refund. She stated that the goal is to get any level of lead out of the water, particularly in schools and daycares, where the most high-risk populations are exposed.
 - **Senator Sherman** asked Dr. Bush if she knew who had the responsibility to follow up on that issue.
 - **Dr. Bush** said that falls on DES and the Water Division. She said that Cindy Klevens and her team are working on following up with schools and remediation.
 - **Senator Sherman** asked if Mike could check in with Cindy to answer Mindi's questions.
 - **Mike Wimsatt** stated he would.
- **Senator Sherman** asked about the collaborative grant, and if it had happened, except for the education component.
 - **Dr. Bush** said that was correct and that DHHS was only awarded component A of the collaborative grant. She said even though DHHS was only awarded component A, it does help set the foundation for ongoing and future work. Right now, there are several pilot programs happening in DES and DHHS that are fulfilling the mission of this commission. Meanwhile, in the background, both departments are working on IT solutions that continue to support their work and data integration. Dr. Bush stated that DHHS will eventually have a new Enterprise-wide Business Intelligence Unit (EBI) where data will be stored. DES has their own similar database (One Stop), which continues to undergo improvements. She concluded that project by project, they are trying to optimize these data integrations and flows.
- **Senator Sherman** said that the original commission did find that there was a lot of opportunity for improvement when it came to data and communication. Senator

Sherman asked if one of the goals was to allow some degree of integration to happen automatically between the data in DHHS and DES.

- **Dr. Bush** responded yes, but the trick is to get data in one department to communicate with one another, which is challenging enough. She said that actual automatization of data sets will not happen soon; however, the opioid crisis and COVID-19 dashboards have shown that DHHS are creating new infrastructure systems. She also said that the Wisdom Data portal is undergoing a huge transition, so after those transitions are completed, it might be helpful to have that team testify before the commission.
- **Senator Sherman** wondered if Amy Costello had experience with external systems at UNH.
 - **Amy Costello** replied that she didn't know if they have anything that is unique to UNH, which isn't incorporated into EBI. She said that over the past year in collaboration with DHHS, many of the major data sets related to public health like claims have been incorporated into the EBI. Amy asked Dr. Bush if the cancer registry was included into that system.
 - **Dr. Bush** said she wasn't exactly sure what was or was not included in the system, but she knew it was on the list of what needed to get in.
 - **Amy Costello** followed-up by saying that maybe they could bring forward a status report of the development of that.
- **Representative Jeffrey Salloway** said that one charge of the commission is use data to make recommendations. Recently, the House HHS Committee recommended no further action be taken on HB 1528 (or 1538), but instead recommended its charges be given to this commission. The charge of that bill was to use data to implement an education program for practitioners at all levels on environmental risk and chronic disease. Representative Salloway said this would be a great opportunity to begin to plan how data might be used to help educate and help practitioners at all levels on the need to assess environmental risk in their clinical contacts.
 - **Senator Sherman** said that was a great point. He also said that while this commission is not quite ready for it, it does put in on the radar as the chronic disease and exposure databases by DHHS and DES are created and matured. These databases will help the commission and others to start thinking about these things (like PFAS exposure) and whether they are significant or not.
- **Dr. Bush** said a subgroup consisting of herself, Mindi Messmer, and Amy Costello met separately back in January to get to the point of surveillance and data and what if there is a community concern. She stated that they reviewed the state cancer concern investigation protocol, and they thought about adapting that into a larger and broader environmental health concern investigative protocol. She said this is essential because how can a practitioner or a concerned community member transmit these concerns on things, such as water quality, to DHHS and/or DES. She said this might be useful to bring up at a future meeting.
 - **Senator Sherman** stated that subcommittee can still exist since all the members are still on the commission. He also said that Dr. Bush's comments fit perfectly with what Representative Salloway said about educating and creating tools for practitioners.
- **Representative Woods** said that the thrust of HB 1538 was relative to PFAS. Currently, the PFAS Commission is putting together a report, which is looking into integrating the education component. Representative Woods said there are two parts to education: 1) is making the medical community in a broad sense aware of the problem, and 2) once they are aware, what protocol parameters can they institute. Representative Woods said that if we wait until we have data to provide protocols, it prolongs the process and could lead to confusion.

- **Senator Sherman** responded that that was a great point. Senator Sherman said that the other tool out there, which is used by Ben Chan, is that all practitioners statewide get bulletins on a routine basis from DHHS. Similar to what Representative Woods said, those could be used as educational tools to update practitioners.
- **Representative Woods** replied that the NH Medical Society and other stakeholders have been discussing how to deal with the educational piece already.
- **Representative Bill Nelson** asked if any water from bottled water or soda was tested for any of these contaminants.
 - **Mike Wimsatt** responded that with respect to bottled water, it is regulated by DHHS. There has been a history of PFAS not currently being tested for those products.
 - **Senator Sherman** said that he thought Representative Cushing had a bill that would require companies that commercially provided bottled water for consumption by humans to have testing done. Senator Sherman asked Dr. Bush if that was correct.
 - **Dr. Bush** replied she would circle back with an answer because she wasn't certain.
 - **Mindi Messmer** asked Mike Wimsatt if it was correct that water that was bottled in the state of NH had to comply with the MCLs. She said she thought that all water originating from NH had to comply with the MCLs.
 - **Mike Wimsatt** responded he didn't think that was entirely true. He said that public drinking water is more regulated and controlled in terms of quality, but bottled products are an issue that is being looked at. On the issue of PFAS, he said that DES took samples from bottled waters, and DES did reach out to one bottled water company that had a concerning level of PFAS. Since being contacted, that plant has come offline and has begun treatment to deal with PFAS effectively. Mike concluded that this is an area that the public should be concerned about because some of us rely on bottled water as our main drinking source.
 - **Senator Sherman** clarified that this should apply to not just PFAS, but all contaminants.
- **Representative Nelson** followed-up and asked about soda, and where that water came from and if it was tested.
 - **Mike Wimsatt** responded that in a general sense that is even less regulated than bottled water. He said that a lot of water bubblers and manufacturers use filtration fairly regularly to control the composition of water for consistency purposes. He said that right now there is no regulatory program for DES to govern soda, and he asked Dr. Bush if DHHS was involved in that.
 - **Dr. Bush** said she will bring this question up with the Food Protection Bureau.
 - **Representative Salloway** remarked that he went out to the Budweiser plant in Merrimack and asked them whether their water could pass a contamination test from a variety of sources, including PFAS. He said that they were assured that their water went through a 17-stage filtration process. Representative Salloway said he is sure that many breweries, particularly petit breweries, are using groundwater, so the real question is how much checking and filtration are they using. He wondered if Dr. Bush could take that question to her discussion.
 - **Senator Sherman** said that Anheuser-Busch was drawing off the Mississippi River for their water source, and that he hoped they went through 17 different stages.

- **Dr. Bush** wanted to clarify the question. She asked if it was what are the standards for water used for bottled water, soda, and beer made in New Hampshire as well as what about those same products sold in NH.
- **Mike Wimsatt** said that one of the reasons they are so concerned about drinking water is that it is a significant exposure pathway. It is assumed that people drink between 3 or 4 liters of water, and he was hoping that in the case of microbrew and soda that that is not occurring in most people.
 - **Senator Sherman** said he has some patients who may be able to do that, but that is a great point.
 - **Mindi Messmer** said that while that is true, potential contamination could be additive because people can drink water, beer, and other things over the course of a day.
- **Senator Sherman** asked if that bottled water study was publicly available.
 - **Mike Wimsatt** replied that it was published in real time and it goes back about 3 or 4 years ago.
- **Senator Sherman** asked Mike Wimsatt to send that to his legislative aide so it could be distributed to the commission members.
- **Senator Sherman** said the interim report is due November 1st. He anticipated that the commission's work would continue to be disrupted by COVID, so the capability for monthly meetings might not be realistic. Senator Sherman proposed creating subcommittees to get more work done in-between meetings of the entire commission. Senator Sherman said there are several areas to move forward on; for instance, the educational piece as it relates to PFAS. Senator Sherman added that he is the vice-chair of the 5G Commission, and they are looking at the human impact of 5G. Senator Sherman said many people are concerned about 5G's impact on environmental and human health. Senator Sherman said that in the interim report he plans to include today's report and the reports from the meetings since last November. Senator Sherman inquired where the commission would like us to go in terms of general and specific topics (e.g., radon, lead, practitioner education, intercommunication in and between departments).
 - **Representative Woods** replied that this commission should be attentive to 5G, but not necessarily active. Representative Woods said it is really dependent upon how the report is fabricated and who picks up on the elements of that report independently.
 - **Senator Sherman** asked Representative Woods if the commission should be thinking of this as a contaminant and about chronic disease monitoring. Senator Sherman said that like so many things, the impacts are shown over the course of many years.
 - **Representative Woods** said that he has been in communication with the Medical Society, and that in CA and MA, they are formulating state legislation to address this issue. Representative Woods concluded that this commission as a whole can pick up the ball if it is dropped by the other.
 - **Senator Sherman** said it might make sense to see if 5G fits in as a model of a new contaminate and then continue to monitor its impact on chronic disease.
- **Margaret DiTulio** said as a clinician she believed some part of the work of this commission should be to educate clinicians. She said she is privileged to be on this commission representing the Nursing Practitioners Association because she receives information her colleagues don't. She said she has already integrated questioning and education around these issues with her own primary care patients. She expressed her willingness to work on a subcommittee related to the educational piece. She concluded that she refers patients all the time to get their water tested through DHHS.

- **Mindi Messmer** said that the public education and awareness should happen too because that will inform clinicians on these issues.
- **Dan Tzizik** said he supported the suggestion of creating subcommittees. He said one topic that is important to him is the use of animal waste on fields, particularly in the Seacoast region where there's a confluence of five different rivers into an estuary, and the potential impact waste runoff has on populations. He said he wasn't sure whether this has been looked at in NH or elsewhere.
 - **Senator Sherman** said that there was PFAS contamination in East Kingston from human waste that was spread over fields.
 - **Mike Wimsatt** stated that was correct, but the East Kingston Bogwell site managed a lot of waste, but not for agricultural application, and that its practices were in violation of its permit. He said that DES has been looking at other land application sites and has identified impacts on groundwater quality from those sites. A major concern is that a variety of commercial products and commercial facilities have used PFAS compounds, which ends up as a component of sludge in wastewater facilities. There has been some experience and knowledge, primarily in other states like Maine, where biosolids or wastewater treatment sludges have been used on dairy feed crops for dairy cattle. In Maine, there was an instance where milk had been impacted by PFAS contamination in a somewhat dramatic way. He concluded that it is unknown the impact of animal manure unless there has been some way that an animal's feed has been introduced to a contaminant.
 - **Senator Sherman** said that when he lived in rural Virginia, he owned a feed spreader. Senator Sherman stated that the major risk of animal waste is infectious manure in water, which can cause things like chronic diarrhea.
 - **Representative Salloway** said there are experiences from other parts of the country, for example in Chesapeake Bay, where nitrate runoff came from chicken farms, which caused a bloom of bugs that toxified the Bay with a neurotoxin. As a result, fishermen were affected by that toxin. Representative Salloway said that could happen to the Great Bay and it might be helpful to keep an eye on it, but there is no data available.
- **Dr. Bush** volunteered to put together a conceptual map based on the charge of the commission. Dr. Bush said she saw the charge as being about data, core surveillance, data integration, and data systems. Additionally, Dr. Bush said there are two ways of notification: first, how are public health and environmental officials alerted and how can the public alert us; and second, the education component. Dr. Bush recognized that the scope of the commission is huge and she encouraged the commission to create the systems and processes that can be used to address the next emerging concern. Dr. Bush said that biomonitoring study and DES well water report will help build the systems.
- **Senator Sherman** agreed with Dr. Bush that the commission could really end up deep in the weeds on each contaminate. Senator Sherman said the goal is to have a system that assesses and evaluates the impact of contaminants on chronic health, which in turn, could provide an educational component that would go out to the public, practitioners, and legislators alike to determine if further intervention is needed. Senator Sherman summarized that basically one approach is making sure those systems exist, and the other approach is looking at each contaminant and looking at the chronic illness associated with it.
- **Senator Sherman** said that Mike Wimsatt, Dr. Bush, and himself could work together on generating the interim report; however, he wanted to make sure the whole commission had an opportunity to express their feedback.
- **Dr. Bush** said she thought the subcommittee with her, Amy Costello, and Mindi Messmer relating to creating an environmental health protocol had relevance still.
- **Mike Wimsatt** added that even though the final report isn't due until 2024 that date will approach fast. He said the charge of the commission is much broader and it pertains

to systems and how to ensure that the two departments are communicating and sharing effectively. Additionally, it is about how those systems work together and collect as much information as possible and making sure that information is available to all the parties that need it.

- **Amy Costello** stated that back in January, the commission did go through the bill and identified the charges that needed to be done. She said that to Mike's point, there are a lot of charges, but many of them are clustered neatly together in activities that have already been identified.
- **Senator Sherman** said he would like to have a draft interim report by the end of October, which the commission can discuss and finalize. Senator Sherman thanked Dr. Bush for offering to pull together a framework for the report. Senator Sherman set a deadline of October 15th for any submissions to him, which he will compile into the interim report due November 1st. Senator Sherman hoped to vote on the interim report at the next meeting, and he said it would hopefully give the commission guidance on where to move forward. So far, Senator Sherman said some of the ideas that have come forward have to been to create two subcommittees: an education subcommittee and to continue the work of the digital data subcommittee. Senator Sherman said that none of these subcommittees are exclusive, but they just couldn't have a quorum on them. Senator Sherman concluded that if anyone would like an additional subcommittee to let him know. He said a lot of work had been done on the chronic disease side, but it could be possible to establish a subcommittee on the contaminate side and systems standpoint.
- **Mike Wimsatt** asked Senator Sherman a parliamentary question on the formation of subcommittees and whether they needed to be publicly noticed or not.
- **Senator Sherman** said that was correct, that any subcommittee meeting must be noticed and publicly accessible. Senator Sherman said he was not thinking those subcommittees would meet before the November 1st deadline, but he was just floating this idea moving forward due to the constraint of meeting online. Senator Sherman asked all the commission members to send their proposals by October 15 to his legislative aide, Aaron.

The next meeting was set for Tuesday, October 27th at 10am. A data subcommittee meeting was set for Tuesday, October 6th at 11am.

Interest in the education subcommittee consisted of Dan Tzizik, Margaret DiTulio, Representative Brian Mooney, Representative Jeff Salloway, Representative Gary Woods, Mindi Messmer and Representative Nancy Murphy. A meeting date was left pending until later, but it was seen as a future task for the commission, which would be placed into the interim report.

Mindi Messmer asked if the interim report would recommend some policy.

Senator Sherman said he didn't think the commission had gotten to that point yet; however, the interim report could include policy suggestions.

Representative Jeffrey Salloway motioned to accept the minutes from the January 2020 meeting. The motion was seconded by Representative Brian Mooney. A roll call vote was taken on accepting the minutes: 11 were in favor, 2 abstained, and 2 were absent.

- Yes: Representative Jeffrey Salloway, Representative Charles McMahon, Michael Wimsatt, Representative Brian Mooney, Representative Gary Woods, Representative Bill Nelson, Senator Tom Sherman, Dr. Kate Bush, Amy Costello, Robert Timmons, Mindi Messmer
- No: None
- Absent: Senator Jeb Bradley, Margaret DiTulio,
- Abstain: Representative Nancy Murphy, Dan Tzizik

Representative Jeff Salloway motioned to conclude the meeting. Amy Costello seconded that motion. All were in favor with one member absent (Margaret DiTulio).

DRAFT