



**ENVIRONMENTAL  
ADVOCATES OF NEW YORK**

YOUR GOVERNMENT WATCHDOG

**Testimony to the Joint Legislative Hearing on Hoosick Falls Water  
Contamination, and Water Quality Issues Statewide**  
Elizabeth Moran, Water & Natural Resources Associate

*September 7, 2016*

Good afternoon. Thank you for the opportunity to testify today.

I trust this won't be controversial or novel, but Environmental Advocates believes that New Yorkers have a right to clean and healthy drinking water.

A basic expectation of government is that the water coming from our tap won't make us sick.

Yet due to a variety of factors, communities are increasingly forced to grapple with unsafe drinking water, and government often too slow to act. Our testimony will cover much-needed next steps for the state to take, as well as impending decisions that could further compromise water quality.

All New Yorkers, particularly those still reeling from water contamination in Hoosick Falls, Newburgh, and Petersburg, deserve clear, concise, factual, and complete answers on what happened, when, and why, as well as who knew what, when, and why key decisions were made in regards to their community's PFC contamination. Additionally, all New Yorkers deserve to know how their government is ensuring that drinking water elsewhere is safe, and what the state Departments of Health, Environmental Conservation, and others, are doing to end the era unregulated industrial chemicals, as well as proactively protect our health.

It has been almost an entire year since we all became aware of the Hoosick Falls PFOA crisis, which now includes Newburgh, Petersburg and eastern Long Island. To date, too few answers have been given and too few actions plans created, which should begin with statewide water quality testing by the Department of Health. We encourage legislators to lead in the creation of a statewide action plan as quickly as possible.

The Governor just made it a law for public schools to test for lead in drinking in water. While this is an important step, why stop there? How about testing for PFOA too? How about directing all water supplies in NY expand what they test for?

## **Unanswered Questions**

The first hearing on this topic, which included only state Senators and did not require testimony under oath, produced few new details for legislators, the public, or residents. While some questions may never be answered since the responsible parties for the pollution have yet to testify, we anticipate the Joint Legislative Hearings will result in much more thorough and detailed questioning and responses, including:

- Why didn't DOH issue a "Don't Drink" statement when they learned that Hoosick Falls' water exceeded EPA's then advisory level of 400 ppt?
- In a recent fact sheet distributed by the Department of Health, the potential health impacts of PFOA are, according to several health professionals, downplayed in comparison to findings from the C8 Panel and EPA. What scientific basis does the Department of Health have for the information on this fact sheet?
- Is it the position of the Cuomo administration that state agencies are only to take regulatory actions which have been expressly recommended by the federal government? If not, then why was that the decision concerning PFOA/PFOS?
- Why not have state standards?

### *Biomonitoring for Hoosick Falls & Petersburg*

- The department of health (DOH) has already stated in their factsheets that biomonitoring will be ongoing in Hoosick Falls. How frequently does the department plan to do blood testing and over what period of time?
- In a provision of the consent order between the department of environmental conservation (DEC) and Saint-Gobain and Honeywell, the right is reserved for the state to call on Honeywell and Saint-Gobain to pay for "any measure necessary to protect public health and the environment, including, but not limited to a biomonitoring program." Why hasn't the state called on Honeywell and Saint-Gobain to pay for an ongoing biomonitoring AND medical monitoring program?

### *Newburgh Blood Testing:*

- Why has DOH conducted blood testing for Hoosick Falls and Petersburg residents, but has made the opposite decision for Newburgh residents? Why does the same reasoning for blood testing in Hoosick Falls not apply to Newburgh residents?
- Will the DOH commit to conducting blood testing in Newburgh for potentially poisoned residents?

### *Precautionary Principle:*

- DOH applied a precautionary approach when suggesting fracking should not proceed in New York due to the unknown, and likely adverse, health consequences. Will DOH (or New York State) apply the same precautionary approach used to ban fracking, and that other states have used, by lowering the action level for PFCs? If not, why?
- What is the formal action plan that DOH and DEC have created this year to ensure what occurred in Hoosick Falls is not repeated?

## **Statewide Action Plan**

*Statewide Water Quality Testing:* Water contamination is not limited to Hoosick Falls, nor is it limited to PFOA/PFOS. However, there are likely communities in New York State right now consuming poisoned water and because the Department of Health has not committed to statewide water quality testing, it could be years before that comes to light, as occurred in Hoosick Falls. The DEC announced plans to survey companies currently in operation, which may have utilized PFOA in the past; that totals approximately 150 companies. However, this survey relies on self-

reporting, fails to account for the possibly hundreds of businesses no longer in operation, and the DEC has resisted efforts to make the survey public.

***New Yorkers need and deserve statewide water quality testing to establish baseline safety measures; the Legislature should demand that DOH begin as quickly as possible and provide a report back prior to enactment of the SFY2017-18 Budget to ensure if additional resources are necessary that occurs.***

***Long-Term Medical & Biomonitoring:*** In DEC's consent order with Saint-Gobain and Honeywell, they reserve the right to request these companies fund a biomonitoring and medical monitoring program. Currently, residents in Hoosick Falls, who are scared and concerned about what having PFOA in their blood means for them, have not been assured that they will have these programs. **We urge the department to call on these companies to fund these programs in Hoosick Falls, and implore them to do the same in Petersburg and Newburgh.** Thanks to a study, known as the "C8 study," that came out of a class action lawsuit against DuPont, a company that contaminated the water of approximately 70,000 people in Ohio and West Virginia with PFOA, we now know that PFOA exposure is linked to several illnesses and diseases. Exposure to PFOA and PFOS over time have been linked to adverse developmental effects on fetuses during pregnancy or to breastfed infants, certain types of cancer, immune system effects, thyroid effects, and others. Because of these health risks, it is critically important the impacted communities, Hoosick Falls, Petersburg, and Newburgh, and any communities where contamination is uncovered, have long-term medical and biomonitoring. The blood of these residents must be sampled on a regular basis over the course of years through a biomonitoring program to make sure levels of the chemicals in their blood are decreasing. Additionally, medical monitoring must be implemented to track whether or not symptoms of linked diseases to PFOA and PFOS exposure are showing up in residents. Finally, it is the polluters in these communities that should be paying for the implementation of these programs.

***Chemical Regulation:*** Right now, there are more than 80,000 unregulated chemicals saturating the market. Few have been independently tested for safety and, until recently, PFOA and PFOS were among them. This is a failure of state and federal authorities. Pharmaceuticals undergo intensive testing to determine health impacts before receiving approval from the Food and Drug Administration, yet industrial chemicals may go right to market. With few exceptions, state government has been unwilling to act. For instance, legislation which has been on the books since the 1970s to require disclosure of chemicals used in cleaning supplies is still not enacted. The DEC has stated their intent to release draft regulations since 2013 – which has yet to occur.

***The Legislature should pass legislation that requires DOH to undertake a deliberate and continual process for reviewing unregulated chemicals, determining their safety and environmental impacts, and enacting rules on acceptable use and disposal.***

***Clean Water Infrastructure:*** While the focus now is on the healthfulness of the water we all drink, we cannot forget the need to upgrade the aging infrastructure that supplies it and carries away wastewater. The need is enormous; more than \$80 billion over the next 2 decades. The water quality grants program that the Legislature created with the Governor in 2015 has helped

lower the costs for communities. But, we need a long-term sustainable plan to finish the job, the program must not sunset after its third year and the resources for it need to continue to increase.

**Closing:**

So, here we are. We have a water infrastructure crisis, we have two huge health threats, lead and PFOA, showing up in the water we drink, we don't have the structure in place at the state or federal level to address unregulated chemicals and we have lost the trust of the public. It's moments like these that test our collective mettle. And, its how we collectively emerge that will define the usefulness of today's hearings.

Let's commit today to standards and create a program that other states and the federal government will emulate. We are New Yorkers; it's what's expected from us. It is what is needed from us.