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6 PERFLUORINATED CHEMICALS IN THE ENVIRONMENT:

7 AN UPDATE ON THE RESPONSE TO CONTAMINATION

8 AND CHALLENGES PRESENTED

9 THURSDAY, SEPTEMBER 6, 2018

10 House of Representatives

11 Subcommittee on Environment

12 Committee on Energy and Commerce

13 Washington, D.C.

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17 The subcommittee met, pursuant to call, at 10:00 a.m., in
18 Room 2123 Rayburn House Office Building, Hon. John Shimkus
19 [chairman of the subcommittee] presiding.

20 Members present: Representatives Shimkus, Upton, McKinley,
21 Olson, Johnson, Flores, Hudson, Walberg, Carter, Duncan, Walden
22 (ex officio), Sarbanes, Welch, Tonko, Ruiz, Peters, Green,
23 McNerney, Cardenas, Dingell, and Pallone (ex officio).

24 Staff present: Samantha Bopp, Staff Assistant; Daniel
25 Butler, Legislative Clerk, Health; Karen Christian, General

26 Counsel; Kelly Collins, Legislative Clerk, Energy/Environment;
27 Margaret Tucker Fogarty, Staff Assistant; Ali Fulling,
28 Legislative Clerk, Oversight & Investigations, Digital Commerce
29 and Consumer Protection; Drew McDowell, Executive Assistant;
30 Brannon Rains, Staff Assistant; Mark Ratner, Policy Coordinator;
31 Annelise Rickert, Counsel, Energy; Peter Spencer, Senior
32 Professional Staff Member, Energy; Madeline Vey, Policy
33 Coordinator, Digital Commerce and Consumer Protection; Elizabeth
34 Ertel, Minority Office Manager; Jourdan Lewis, Minority Staff
35 Assistant; John Marshall, Minority Policy Coordinator; Tim
36 Robinson, Minority Chief Counsel; and Tuley Wright, Minority
37 Energy and Environment Policy Advisor.

38 Mr. Shimkus. If I can ask all our guests today to please
39 take their seats. The Subcommittee on Environment will now come
40 to order. The chair recognizes himself for 5 minutes for an
41 opening statement. All right, let's quiet down.

42 Good morning. Today's hearing focuses on a class of
43 emerging environmental contaminants that are highly fluorinated
44 chemicals. Technically known as perfluorinated polyfluoroalkyl
45 substances, they are more commonly referred to by their acronym,
46 PFAS.

47 PFAS is a group of man-made chemicals numbering in the
48 thousands that have been manufactured and used in a variety of
49 industries around the globe. These chemicals have been used to
50 make coatings and products that are widely used by consumers due
51 to their oil and water repellent characteristics.

52 Items containing PFAS include food packaging like pizza
53 boxes and microwave popcorn bags and in non-stick products like
54 Teflon as well as polishes, waxes, paints, and cleaning products.

55 The chemicals also serve to make components of firefighting foams
56 and mist suppressants from metal plating operations. The
57 military uses them in foam to extinguish explosive oil and fuel
58 fires.

59 PFAS are considered emerging contaminants because today's
60 advanced analytical technology is increasingly detecting their
61 presence in the environment and there isn't a great of toxicology
62 data on many of these substances, meaning that we don't know enough

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63 to say how risky each PFAS chemical is or what the exact impact
64 of exposure to these substances will be for each person.

65 In truth, while we are only on the front end of the
66 understanding how they move in the environment or their effect
67 on the environment and public health, what we do know is that
68 because of their unique properties and vast usage, most people
69 have come into contact with at least one PFAS. In addition,
70 studies on a few PFAS chemicals suggest those chemicals might
71 cause health problems for humans. And, these PFAS chemical
72 appear to be very persistent in the environment and in the human
73 body, meaning they don't break down.

74 In the past few years, public anxiety about PFAS detection
75 and uncertainty about what to do about it has grown. News reports
76 have highlighted several communities, near military bases or
77 facilities making PFAS, have discovered these chemicals in their
78 drinking water.

79 This hearing is about starting the dialogue on PFAS. It
80 means taking stock of what the government knows about PFAS, what
81 efforts to contain its contamination have promise, and what is
82 preventing people from being helped with cleanup or avoid
83 contamination of their air, soil, and water. It is time to figure
84 out what can be done right now and what needs to be done to respond
85 appropriately to legitimate risks created by PFAS contamination
86 in the environment.

87 I understand that in 2016 EPA established health advisories

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88 for certain PFAS chemicals to provide drinking water system
89 operators and state, tribal, and local officials with information
90 on health risks of these chemicals. In addition, in May of this
91 year, EPA kicked off a national PFAS effort. We welcome back
92 the committee, Dr. Grevatt, the unofficial EPA PFAS czar who will
93 walk us through EPA's ongoing as well as future plans for
94 addressing PFAS.

95 We also will hear from the Department of Defense because
96 the various branches of the military have often used these
97 chemicals for fire suppression and now many military
98 installations are faced with significant issues concerning PFAS
99 contamination. We welcome Mr. Niemeyer, the Department
100 Assistant Secretary of Energy, Installations, and Environment
101 -- that is not right -- Ms. Sullivan, who will talk us through
102 what DOD is doing to tackle this issue.

103 For the critical state perspective, which represents the
104 front lines for addressing the issue, we will hear from our friends
105 in the state drinking water and solid waste agencies. We welcome
106 back Ms. Daniels who is here on behalf of the Association of State
107 Drinking Water Administrators, and Mr. Sandeep who is here on
108 behalf of the Association of State and Territorial Solid Waste
109 Management Officials.

110 Without stealing from my colleagues from Michigan and their
111 thunder, I also want to welcome Ms. Isaacs from the Governor's
112 Office in Lansing. She is the official Michigan PFAS czarina

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113 and it will be good to understand her state's work in this area.

114 And with that I would like to yield to Mr. Hudson for the
115 remaining of my time. Mr. Hudson. Thank you, Chairman
116 Shimkus and Ranking Member Tonko. I appreciate you holding this
117 hearing today on PFOS and PFAS chemicals. This issue remains
118 a top priority for me and I am looking forward to hearing from
119 our witnesses today.

120 I want to thank the EPA for agreeing to testify so we can
121 continue to learn more about these chemicals. The EPA recently
122 accepted an invitation to hold its third community engagement
123 summit in my district. Dr. Grevatt, I look forward to hearing
124 from you and what you have learned at that summit as well as
125 discussing what plans EPA has to release a public health advisory
126 specifically for GenX.

127 I also want to thank Emily Donovan, a former North
128 Carolinian, who will be testifying on our second panel. Too often
129 we are focused on the technical sides of these issues and forget
130 at the end of the day we are talking about real people. So I
131 look forward to Emily's testimony that will put a human face on
132 this issue, Mr. Chairman.

133 And with that I yield back.

134 Mr. Shimkus. The gentleman yields back his time. The chair
135 recognizes the gentleman from New York, my good friend Mr. Tonko,
136 for 5 minutes.

137 Mr. Tonko. Thank you, Mr. Chair, and welcome to our guests,

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138 including the czars and czarina. So, it is awesome to have you
139 here.

140 Seventy parts per trillion, per trillion -- it is hard to
141 even fathom that amount -- drops in an Olympic-sized swimming
142 pool, but that is the health advisory level established by EPA
143 for lifetime exposure to PFOA and PFOS in drinking water. When
144 we discuss other serious drinking water contaminants we often
145 deal in parts per billion. Lead and perchlorate and other
146 dangerous contaminants are considered on a scale order of
147 magnitude larger than PFOA. That gives you a sense of how toxic
148 this class of chemicals is.

149 After a number of high profile incidents in 2016, EPA
150 significantly lowered its health advisory level from 400 parts
151 per trillion to 70. Since then, we have seen some states set
152 standards lower than 70 parts per trillion, and the press has
153 reported what appears to be political interference that sought
154 to delay a CDC toxicity study which suggests that these substances
155 are dangerous at even lower levels than previously stated by EPA.

156 Clearly, we have issues with risk communication. So I
157 understand the frustration felt by individuals and communities
158 that do not know who to trust. Perfluorinated substances,
159 collectively known as PFAS, have been linked to cancer, to thyroid
160 disease, and other serious health problems. These compounds such
161 as PFOA, PFOS, and GenX have been used for industrial purposes
162 including cookware, food packaging, and firefighting foam.

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163 We know PFAS are toxic, bioaccumulative, and stick around
164 in the environment for years to come. We know almost all
165 Americans have had some PFAS exposure and we know drinking water
166 contaminations are being found in communities across our country.

167 Research from Environmental Working Group estimated PFAS
168 contamination in the water supplies of 15 million, 15 million
169 Americans. Due to how these chemicals are monitored the number
170 is likely underestimated.

171 Under the EPA's Unregulated Contaminant Monitoring Rule,
172 or UCMR, from 2013 to 2016, all U.S. public water systems serving
173 10,000 or more customers tested their supplies for PFOA, PFOS,
174 and other similar compounds, but as it is UCMR is not adequate.

175 It only covered six PFAS out of thousands within this chemical
176 class that have been found in products or the environment.

177 About 50 million Americans are served by water systems that
178 were not required to test for these PFAS at all, and 15 percent
179 of Americans rely on private wells which are not covered by any
180 EPA drinking water standards or testing requirements.

181 Communities nearby my district are dealing with the consequences
182 of contamination. Hoosick Falls, New York, in Upstate New York,
183 only discovered they had a problem after a private citizen tested
184 his water.

185 I want to stress that communities like Hoosick Falls and
186 Newburgh in Upstate New York and the dozens and dozens of others
187 are not unique and the elevated rates of cancer and unusual

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188 diseases are surely not a coincidence. It should not and cannot
189 fall upon every private citizen to test the water only after a
190 loved one passes away from kidney cancer. This is why we have
191 national protective standards that require monitoring and
192 treatment for dangerous common contaminants. We need EPA action
193 on an enforceable standard, but without such action this committee
194 has made efforts to ensure more widespread monitoring of PFOA
195 and PFOS.

196 In the Drinking Water System Improvement Act passed by the
197 committee last year, we would require water systems serving more
198 than 3,300 people to test for unregulated contaminants, a vast
199 improvement over that 10,000. Unfortunately, this does not help
200 people served by the smallest systems or private well, but it
201 is a start.

202 Mr. Chair, we should continue to look into additional ways
203 to improve testing and monitoring. Today is a great opportunity
204 for us to learn what EPA and state governments are doing to address
205 the growing course of concerns from scientists and private
206 citizens about the risks posed by PFAS. I hope we will hear that
207 EPA is exploring all regulatory options available and plans to
208 act expediently. But even on the most aggressive timeline,
209 regulatory action will likely take years, so we must consider
210 what can be done right now to identify contaminations, prevent
211 exposure, and expedite cleanups.

212 We are also joined today by the Department of Defense. For

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213 decades, aqueous film-forming foam, a firefighting foam that
214 contains PFAS, has been used by DOD and commercial airports.
215 In communities where PFAS are not manufactured, ground water
216 contamination has often been traced to a nearby DOD installation
217 where these firefighting foams have been used. Communities near
218 these bases and industrial facilities did not sign up for this
219 risk and deserve, deserve clean water.

220 DOD must step up and make it right. We know the cost of
221 remediation can be expensive and the health consequences of
222 exposure can indeed be fatal. Ultimately, we must hold polluters
223 accountable to clean up and make the communities and families
224 that have suffered from this pollution whole again. And yes that
225 standard must apply to our United States Department of Defense.

226 Mr. Chair, I am grateful that you have called this hearing
227 today. I expect we will learn a lot about the options of EPA,
228 DOD, states, and communities to protect people from these
229 dangerous contaminants. But a hearing is not enough. I firmly
230 believe there is a need for legislation to ensure that adequate
231 testing, monitoring, remediation, and protection is occurring,
232 and this can best be guaranteed if Congress requires EPA to take
233 the steps necessary to make a determination on a maximum
234 contaminant level in addition to other potential protective
235 actions.

236 I believe there are legislative proposals that would have
237 bipartisan support and I hope we can continue to look into this

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238 issue based on today's conversations. With that Mr. Chair, I
239 yield back. Mr. Shimkus. The gentleman yields back his time.

240 We can tell by the length of the statement that Jackie has
241 returned, so welcome back.

242 The Chairman. Swing and a hit.

243 Mr. Shimkus. The chair now recognizes the chairman of the
244 full committee, Chairman Walden, for 5 minutes.

245 The Chairman. Thank you, Mr. Chairman. I appreciate you
246 holding this hearing. It is really, really important work and
247 I know many of our colleagues on the dais -- Mr. Hudson, Mrs.
248 Dingell, Mr. Upton and others -- have been very involved in this.

249 On my way back to Washington at the end of last week, I went
250 at Mr. Upton's request to Michigan to learn more firsthand from
251 him about this horrible situation in his district and state.
252 And I think it is really important we got right on this hearing.

253 I appreciate everybody's input. You know, we are going to do
254 three things here today. First, is we need to increase our
255 understanding of what the government knows or doesn't and
256 establish what the public should know about the risks, how
257 confident they should be in that information, and the best ways
258 to prevent unhealthy exposure to these chemicals.

259 Second, we need to explore what can be done right now to
260 address contamination by these substances based on what we do
261 know starting with the practical steps that may be taken to reduce
262 risk from contamination. And third purpose of the hearing, it

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263 should help develop an outline for a more sustained strategy to
264 fill important information gaps, identify any longer terms
265 challenges, and set realistic expectations for results based on
266 science and risk-informed decision making.

267 And that is why we have our witnesses today who can help
268 us in this effort. I want to thank Chairman Shimkus for
269 assembling these two very good panels of witnesses. They have
270 important knowledge not only on the complicated nature of PFAS
271 contaminated sites and the state of the science on these
272 contaminants, but also on policy.

273 I know EPA announced a more comprehensive PFAS plan this
274 past May and have been traveling the country to hear from people
275 impacted by PFAS contamination. And we look forward to hearing
276 what EPA ranks PFAS exposure in terms of other environmental and
277 public threats that are facing us and how the federal government
278 plans to try to tackle the issues associated with PFAS chemicals
279 including around Defense Department sites.

280 And we look forward to learning about the technical and
281 economic barriers that states and communities face in dealing
282 with this contamination. We have seen these sorts of things
283 before in America. We know how difficult they can be and deadly
284 they can be in various examples in the past including at Department
285 of Defense sites. I think of Hanford in my region and the waste
286 that is there from World War II we are still trying to clean up,
287 and other things that have occurred around the country.

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288 So I appreciate our panel being here. I appreciate this
289 hearing. I am going to yield the balance of my time to the former
290 chairman of this committee, nobody who has worked harder on this
291 issue -- got on it right away with Governor Snyder -- than Fred
292 Upton. So, Mr. Upton, I would yield the balance of my time to
293 you.

294 Mr. Upton. Well, thank you, Mr. Chairman. And I want to
295 particularly thank you too, Mr. Chairman Shimkus, not only for
296 this hearing this morning, but also for your great work in the
297 last Congress to pass TSCA legislation, something that passed
298 this committee when I was chairman, on a unanimous vote thanks
299 to your leadership, and really provided the EPA the authority
300 to begin to look at all these somewhat unregulated chemicals for
301 the first time in 40 years. And had that not happened we probably
302 wouldn't be here today. So that work really paid off.

303 Let me just share with you a couple things at what happened
304 when I went back to Michigan beginning the August break. I
305 literally was just off the plane on my way home when I got a call
306 from my state senator, Margaret O'Brien, and she said, Fred, I
307 have really bad news. We just got the results from a small city
308 in my district, Parchment, and they are 20 times the standard
309 for PFOS and we are assembling a meeting yet tonight, we want
310 you to come.

311 And so I went to the other end of my district, it was not
312 a problem, and we spent about 5 or 6 hours there that night.
313 We had a conference call with the state with every player of any
314 importance to figure out what we should do. And we praised the
315 media, because this particular town doesn't have the system on
316 their cells even though earlier in the week here in Washington
317 we got a weather alert that everyone's cell phone buzzed, take
318 cover, flooding, et cetera, we didn't have that ability to do

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319 that in Parchment. But we knew at 1,400 parts per trillion,
320 20 times the standard that they should not be using that water
321 right away. People were ready to go door-to-door to tell folks
322 in this small community don't put the water out for your pet,
323 don't use it for infant formula, don't make it for coffee in the
324 morning, don't -- just disconnect your icemaker, no water for
325 cooking, and thanks to the media, particularly Channel 3 and
326 Channel 8, they came out with radio stations and the word was
327 out right away to stop.

328 And for a month we literally were giving bottled water to
329 everyone in those two communities, City of Parchment and Cooper
330 Township. That water just got turned on last week and when they
331 were able to connect with the City of Kalamazoo to hook up. But
332 you still have a good number of private wells and others that
333 are in trouble because that level is too high.

334 So as the Governor said, this is a textbook case of what
335 ought to happen, getting the word out, trying to figure out what
336 is the next step, but immediately take care of the residents that
337 were there. So I want to praise so many people on the ground.

338 I know that we have a good panel, a couple panels here ahead
339 of us. I look forward to the questions. But, Mr. Chairman, I
340 appreciate you taking this hearing up literally the first week
341 that we are back so that we can better understand this and help
342 other communities that yes will be on the same path as Parchment
343 and Cooper Township in the future. I yield back.

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344 Mr. Shimkus. The gentleman yields back his time. The chair
345 recognizes the ranking member of the full committee, Mr. Pallone,
346 for 5 minutes.

347 Mr. Pallone. Thank you, Mr. Chairman. PFAS contamination
348 is a very serious issue affecting communities nationwide. We
349 will hear today from some of those communities and I urge my
350 colleagues to listen closely to the firsthand accounts of the
351 harm these chemicals can cause. These health issues include
352 multiple types of cancers, impaired childhood development,
353 reproductive issues, hormone disruption, increased cholesterol
354 levels, and immune system issues. And Americans across this
355 country are being injured right now by these chemicals and it
356 seems that more affected communities are being discovered all
357 the time.

358 This hearing is a good start but the communities affected
359 by PFAS contamination need more than just a hearing. They need
360 real solutions and real action from the EPA and the DOD. The
361 impacted states need more than just summits and enforceable
362 advisories. We need a binding, enforceable, and strong drinking
363 water standard.

364 Democrats on this committee have been pushing to set a
365 deadline to promulgate a strong drinking water PFAS standard for
366 several years and recently we have heard calls for alternative
367 approaches to address these chemicals from communities and
368 experts who don't believe EPA's regulatory process under the Safe

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369 Drinking Water Act will actually work, and it isn't hard to see
370 why.

371 In 2016, the EPA released a health advisory for two chemicals
372 in this category at 70 parts per trillion. We know this level
373 is too high to protect public health. States have known it for
374 years and have set their own standards much lower, yet millions
375 of Americans currently receive water that exceeds even this weak
376 standard and the problem is spreading. The more water
377 systems we test for PFAS, the more contamination we find. Earlier
378 this year, the Agency for Toxic Substances and Disease Registry
379 drafted a report identifying hazardous effects well below the
380 EPA health advisory standard. Instead of acting on this
381 information to protect the public health, the EPA and the White
382 House worked to block publication of the report.

383 And the Trump administration feared the potential public
384 relations nightmare more than public health nightmare facing many
385 communities today, so this is yet another outrageous example of
386 the Trump administration ignoring the health needs of the American
387 people. And we have seen these delay tactics before,
388 particularly with another drinking water contaminant spread by
389 the Department of Defense, namely perchlorate. Next month
390 will mark a decade since EPA determined that a drinking water
391 standard for perchlorate was needed and we still have yet to see
392 a proposed rule. So some may say that these troubling actions
393 show that the Safe Drinking Water Act won't work, but I think

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394 Congress can make it work. Congress should play a central role
395 in setting the timeline for developing the PFAS drinking water
396 standard and ensuring that the standard is truly protective of
397 public health. And I hope this hearing is a sign that committee
398 Republicans are finally beginning to share this view.

399 Additional actions under other environmental laws may be
400 needed to fully address this contamination and support these
401 communities, so I hope this subcommittee can work together quickly
402 to address PFAS contamination and implement some of the solutions
403 that we will hear about today.

404 And I would like to yield the remainder of my time to the
405 gentlewoman from Michigan, Mrs. Dingell. Mrs. Dingell.
406 Thank you, Mr. Chairman, and thank you to Chairman -- well, I
407 meant Ranking Member, but thank you, Chairman Shimkus and Ranking
408 Member Tonko, for holding this important hearing today to discuss
409 and highlight the growing presence of harmful perfluorinated
410 chemicals being discovered across the country.

411 You know, there is a old saying that says nothing lasts
412 forever. Unfortunately, nothing that is except for fluorinated
413 chemicals which were designed to stand the test of time. These
414 chemicals, their dangers already having been laid out by my
415 colleagues can be found all around us, and in recent years we
416 have seen more and more cases of confirmed contamination sites
417 in the environment and drinking water sources, especially across
418 Michigan.

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419 And like my colleague, Mr. Upton, we too found very dangerous
420 levels in fish in the Huron River and have had the same crisis
421 during the month of August. As we continue to test for PFAS I
422 fear that this is only the beginning, the trend is going to
423 continue. PFAS are man-made and will require a man/woman-made
424 solution from all of us working together, every federal agency,
425 every state and local official and Congress needs to immediately
426 take this issue seriously.

427 I look forward to working with everyone on this committee
428 and my colleague, Mr. Upton, and I, who will be shortly introducing
429 legislation. Thank you and I yield back.

430 Mr. Shimkus. The gentleman yields back his time and the
431 chair thanks the individuals.

432 We want to thank all our witnesses for being here today and
433 taking the time to testify before this subcommittee. Today's
434 witnesses have the opportunity to give opening statements
435 followed by a round of questions from members. Our first witness
436 panel for today's hearing includes Dr. Peter Grevatt, Director,
437 Office of Groundwater and Drinking Water, U.S. Environmental
438 Protection Agency, and Ms. Maureen Sullivan, Deputy Assistant
439 Secretary of Defense for Environment, U.S. Department of Defense.

440 We appreciate you being here today. We will begin the panel
441 with Dr. Grevatt and you are now recognized for 5 minutes for
442 your opening statement. Thanks for being back and joining us.

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443 STATEMENTS OF PETER GREVATT, DIRECTOR, OFFICE OF GROUNDWATER AND
444 DRINKING WATER, U.S. ENVIRONMENTAL PROTECTION AGENCY; AND,
445 MAUREEN SULLIVAN, DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR
446 ENVIRONMENT, U.S. DEPARTMENT OF DEFENSE.

447

448 STATEMENT OF PETER GREVATT

449 Mr. Grevatt. Good morning, Chairman Shimkus, Ranking
450 Member Tonko, and members of the subcommittee. I am Peter
451 Grevatt, Director of the Office of Groundwater and Drinking Water
452 at the U.S. Environmental Protection Agency. I also serve as
453 chair of EPA's cross-agency efforts to address per and
454 polyfluoroalkyl substances, or PFAS. Thank you for the
455 opportunity to testify today.

456 Protecting America's drinking water is one of EPA's top
457 priorities and I am here today to share with you the actions the
458 Agency is taking to address PFAS. PFAS are a group of man-made
459 chemicals that have been in use since the 1940s and PFAS are or
460 have been found in a wide array of consumer products and as an
461 ingredient in firefighting foam.

462 PFAS manufacturing and processing facilities, airports, and
463 military installations are some of the contributors of PFAS
464 releases into the air, soil, and water. Because of their
465 widespread use, most people have been exposed to PFAS and there
466 is evidence that exposure to certain PFAS may lead to adverse
467 health effects. EPA has taken steps under its various statutory

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468 authorities to understand and address these chemicals. For
469 example, under the Toxic Substances Control Act, the Agency has
470 issued various significant new use rules for certain PFAS
471 chemicals to guard against their reintroduction into new use or
472 new use with prior EPA review. Under the Safe Drinking
473 Water Act, which my office oversees, EPA has also monitored for
474 six PFAS to understand the nationwide occurrence of these
475 chemicals in our drinking water systems and in 2016, EPA issued
476 drinking water lifetime health advisories for two well-known PFAS
477 compounds, PFOA and PFOS, of 70 parts per trillion.

478 EPA is also working to move research forward on PFAS to better
479 understand their health impacts, options for treatment, and how
480 information on better known PFAS compounds can be applied to
481 inform our knowledge of other PFAS. To build on these actions,
482 EPA hosted a PFAS National Leadership Summit in May of 2018.
483 The summit provided an opportunity for participants to share
484 information on ongoing efforts, to identify specific near-term
485 actions, and to address risk communication challenges.

486 At the event, EPA committed to work on four significant
487 actions: First, to initiate the steps to evaluate the need for
488 a maximum contaminant level for PFOA and PFOS; second, to begin
489 the necessary steps to consider designating PFOA and PFOS as
490 hazardous substances; third, to develop groundwater cleanup
491 recommendation for PFOA and PFOS at contaminated sites; and
492 lastly, to develop draft toxicity values for the PFAS compounds

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493 GenX and PFBS.

494 EPA also continues to provide support to states, tribes,
495 and communities who are addressing PFAS issues. As EPA takes
496 these actions, the Agency is also committed to working with our
497 federal partners including the Department of Defense and the
498 Department of Health and Human Services. We look forward to
499 continuing our interagency dialogue and collaboration.

500 Additionally, EPA recognizes the need to hear from citizens.
501 Since June, EPA has traveled to five states across the country
502 to hear directly from impacted communities and these experiences
503 have been invaluable and community feedback will now shape how
504 we move forward. EPA will consider information from the National
505 Leadership Summit, the community engagements, and the public
506 docket to develop a PFAS Management Plan.

507 Protecting public health is EPA's top priority. Acting
508 Administrator Wheeler has expressed his continued commitment to
509 considering actions on PFAS so that EPA can lead efforts that
510 meet the needs of impacted communities.

511 Once again Chairman Shimkus, Ranking Member Tonko, and
512 members of the subcommittee, thank you for the opportunity to
513 discuss PFAS. I look forward to answering any questions you may
514 have.

515 [The prepared statement of Mr. Grevatt follows:]

516

517 *****INSERT 1*****

518 Mr. Shimkus. Thank you very much.

519 We next turn to Ms. Maureen Sullivan. Your full statement

520 is in the record. You have 5 minutes.

521 STATEMENT OF MAUREEN SULLIVAN

522

523 Ms. Sullivan. Chairman Shimkus, Ranking Member Tonko, and
524 distinguished members of the subcommittee, I am Maureen Sullivan,
525 the Deputy Assistant Secretary of Defense for Environment. My
526 portfolio includes policy and oversight of DOD's programs to
527 comply with environmental laws such as the Safe Drinking Water
528 Act and the Comprehensive Environmental Response Compensation
529 and Liability Act, CERCLA. That is a mouthful.

530 I want to thank Congress for your strong support for the
531 Department of Defense, our national security priorities, and for
532 funding that we need to protect our nation. Ensuring the health
533 and safety of our service members, the families living on our
534 installations, and the surrounding communities is one of our top
535 priorities.

536 I want to thank this committee for the opportunity to discuss
537 the establishment of a national approach to per and
538 polyfluoroalkyl substances, PFAS. We believe DOD has been
539 leading the way to address these substances. One commercial
540 product that contains PFOS is aqueous film-forming foam, or AFFF.

541 This highly effective firefighting foam has been used by the
542 Department of Defense, commercial airports, local fire
543 departments, and the oil and gas industry. However, it only
544 accounted for approximately three to five percent of the PFOS
545 production in calendar year 2000.

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546 And the Department of Defense is just one of the many users
547 of the foam. DOD has committed substantial resources in the last
548 2 years and taken significant actions to respond to the concerns
549 from PFOS and PFOA. When EPA issued the lifetime health advisory
550 for PFOS and PFOA in 2016, the Department quickly acted to
551 voluntarily test our 524 drinking water systems that serve
552 approximately two million people on our installations worldwide.
553 Twenty four of these systems tested above EPA's LHA level.

554 Although it is only an advisory, DOD followed EPA's
555 recommendations to include providing bottled water or additional
556 water treatment at those locations. CERCLA provides consistent
557 approach across the nation for cleanup. The Defense
558 Environmental Restoration Program statute provides authorities
559 to DOD to perform and fund actions and requires they be carried
560 out in accordance with CERCLA.

561 The first step is to identify the source of known or suspected
562 releases. The Department of Defense has identified 401 active
563 and Base Realignment and Closure installations with at least one
564 area where there is a known or suspected release of PFOS or PFOA.

565 The Military Departments then determined whether there was
566 exposure through drinking water and, if so, the priority is to
567 cut off human exposure where drinking water exceeds EPA's lifetime
568 health advisory. Once the exposure pathway is broken, the
569 Military Departments prioritize the sites for further action
570 using the longstanding CERCLA risk-based process, worst first.

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571 These known and suspected PFOS and PFOA release areas are
572 in various stages of assessment, investigation, and cleanup.
573 To prevent further releases to groundwater, DOD issued a policy
574 in January of 2016 requiring the Military Departments to prevent
575 uncontrolled, land-based AFFF releases during maintenance,
576 testing, and training activities. The policy also requires the
577 Military Departments to remove and properly dispose of supplies
578 of AFFF containing PFOS other than for shipboard use.

579 Currently, no fluorine-free version of AFFF meets the
580 military's stringent performance requirements to extinguish
581 petroleum fires. From fiscal year 2017 to fiscal year 2019, we
582 solicited research products to identify and test the performance
583 of fluorine-free AFFF. These efforts support DoD's commitment
584 to finding an AFFF alternative that meets critical mission
585 requirements while protecting human health and the environment
586 and will represent at least \$10 million in research and
587 development funding.

588 In summary, DOD is taking actions to reduce the risks. We
589 are committed to mitigating PFOS and PFOA releases to the
590 environment that are a direct result of DOD activities. We are
591 making significant investments in a fluorine-free AFFF. These
592 combined efforts reinforce DOD's commitment to meeting critical
593 mission requirements while protecting human health and the
594 environment. Thank you very much.

595 [The prepared statement of Ms. Sullivan follows:]

596

597

*****INSERT 2*****

598 Mr. Shimkus. The chair thanks the gentlelady.

599 We now conclude with the opening statements from our panel
600 and we would like recognize members for their round of questions.

601 And we would like to start by recognizing myself for 5 minutes,
602 and this is to Dr. Grevatt.

603 A little over a year ago, our committee unanimously reported
604 a bill to reauthorize and modernize the Safe Drinking Water Act
605 to help water systems comply with federal mandates and keep their
606 water safe. The centerpiece of that bill was a 5-year, \$8 billion
607 reauthorization of the Drinking Water State Revolving Loan Fund.

608 We are quite proud of that bill and I want to explore how that
609 bill can help with PFAS contamination.

610 Can Drinking Water State Revolving Funds themselves be used
611 for infrastructure upgrades needed for things like treatment,
612 well upgrades, or distribution upgrades to help address levels
613 of PFAS?

614 Mr. Grevatt. Thank you, Chairman Shimkus. Yes. Yes,
615 certainly that fund can be used for those purposes.

616 Mr. Shimkus. Would this include filtration, disinfection
617 and disinfectant facilities, and project planning and design
618 activities?

619 Mr. Grevatt. Yes, sir. The fund can be used for those
620 purposes as well.

621 Mr. Shimkus. What about Drinking Water State Revolving Fund
622 set-asides? May these be used by a state to provide technical

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623 assistance to support PFAS related work?

624 Mr. Grevatt. Certainly the set-asides can be used for those
625 purposes and are used quite broadly across the country to support
626 these efforts.

627 Mr. Shimkus. Would this apply to contamination and
628 treatment problems, outreach, and training on new issues for water
629 system workers' scoping studies for treatment purposes?

630 Mr. Grevatt. Yes, sir. All those things would be covered
631 by the Drinking Water SRF as eligible activities.

632 Mr. Shimkus. Thank you. We have several viewpoints on what
633 government should do to address PFAS contamination. What
634 specific actions under existing statutory authority can federal
635 government take to address PFAS?

636 Mr. Grevatt. Thank you, Chairman. So there are many
637 actions across the broad authorities that we have at EPA currently
638 that we are using right now to address PFAS and those include
639 actions under the Safe Drinking Water Act. For example, the
640 Unregulated Contaminant Monitoring Rule effort that a number of
641 the members have cited under SDWA focused on PFAS. The last round
642 we have the opportunity to develop drinking water health
643 advisories which we did for PFAS compounds and we also have the
644 opportunity as a number of the members have noted to develop
645 maximum contaminant levels. That particular action is one that
646 we are looking at very carefully as we speak. We have used steps
647 under TSCA to address PFAS compounds including under TSCA Section

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648 5. We have also used our authorities under CERCLA to address
649 PFAS compounds at contaminated sites. So there are many
650 opportunities that exist today to address these issues.

651 Mr. Shimkus. Which of these actions has EPA or others in
652 the federal government not used and why?

653 Mr. Grevatt. So likely the two most significant that folks
654 may be thinking about are the development of an MCL and also the
655 listing of PFAS compounds as hazardous substances under CERCLA.

656 And both those actions that EPA committed in its National
657 Leadership Summit to explore very carefully and we are involved
658 in that process right now as we speak.

659 They are both potentially very important in terms of the
660 requirements that would be put on community water systems across
661 the country on an MCL and also the hazardous substance listing
662 would provide EPA with the opportunity to both order cleanup
663 actions and recover costs that EPA may expend in cleanup actions.

664 So they are both very important steps. There are many
665 different ways to achieve the hazardous substance listing not
666 only through CERCLA but through a number of the other statutes
667 that currently are in place that EPA is responsible for
668 fulfilling.

669 Mr. Shimkus. Thank you.

670 Ms. Sullivan, your testimony notes that DOD is taking
671 response actions in accordance with CERCLA or Superfund law.
672 Does DOD agree that cleanup of PFAS contamination is governed

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673 under CERCLA?

674 Ms. Sullivan. Yes, sir. Following the longstanding
675 process that EPA has established under CERCLA it is considered
676 a tier 3 value. The reference dose behind the lifetime health
677 advisory can be used and is being used to determine the risk
678 associated with sites.

679 Mr. Shimkus. I will end my questions and yield back my time
680 and turn to the ranking member, Mr. Tonko, for 5 minutes.

681 Mr. Tonko. Thank you, Mr. Chair.

682 And, Dr. Grevatt, thank you for your testimony. You
683 described a number of actions EPA committed to doing earlier this
684 year. I would ask here, what steps must be taken before EPA can
685 make a determination about PFOA and PFOS as a hazardous substance
686 under Section 102 of CERCLA and what is the timeline for that
687 decision?

688 Mr. Grevatt. Right. Thank you very much, Ranking Member
689 Tonko. I appreciate the question and as I note it is a very
690 important issue. And so there are a number of ways that EPA can
691 achieve this hazardous substance listing through CERCLA as you
692 noted, but also through TSCA, through the Clean Water Act, through
693 the Clean Air Act, so there are a number of different ways to
694 achieve a hazardous substance listing. And EPA is
695 currently looking at the various authorities including RCRA that
696 allow us to list these as hazardous substances thinking carefully
697 about the different steps that would be involved under each of

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698 those statutory authorities and weighing which ones are going
699 to make the most sense in this case. Ultimately, the
700 administrator will be making the decision both as to whether he
701 wants to proceed with the hazardous substance listing and then
702 under which statutory authority to address that.

703 Mr. Tonko. And again what would the timeline for the
704 decision be?

705 Mr. Grevatt. So EPA is going to be developing a National
706 Management Plan for PFAS compounds. That was one of the
707 commitments at the National Leadership Summit and our goal is
708 to have that National Management Plan completed by the end of
709 his calendar year. So we are working diligently on that right
710 now, we expect that National Management Plan will include this
711 consideration of the hazardous substance list.

712 Mr. Tonko. So that is in less than 4 months.

713 Mr. Grevatt. Yes, sir.

714 Mr. Tonko. If this determination is made, how will it help
715 states and localities address contamination issues and hold
716 responsible parties accountable for remediation?

717 Mr. Grevatt. Right, thank you. So the critical issue that
718 the hazardous substance listing will allow under CERCLA is for
719 EPA to order cleanup actions and if EPA has to expend funds from
720 the Superfund for the purpose of cleaning up sites EPA will be
721 able to recover costs that are expended. So this will give very
722 important tools for states and local communities to address these

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723 PFAS challenges at contaminated sites.

724 Mr. Tonko. Right. And what is the timeline for that
725 decision?

726 Mr. Grevatt. Right. So as I noted, we expect that this
727 issue will be addressed in the National Management Plan and our
728 goal is to have that completed by the end of this calendar year.

729 Mr. Tonko. Okay. And if you listen to today's second
730 panel, I am certain you will hear from states' public health
731 advocates and concerned citizens that there is a widespread
732 problem that needs a national framework and federal funding to
733 support state, local, and individual responses. At this point
734 there can be no doubt about the severity of the problem. You
735 cannot hold a national summit and a public meeting tour without
736 acknowledging this.

737 So the gravity of the situation should be apparent by today's
738 hearing, we are not holding hearings on other CCL or contaminants.

739 So with all that in mind, will EPA commit to including PFOA and
740 PFOS as part of Regulatory Determination 4?

741 Mr. Grevatt. So a couple of important points on your
742 question and thank you, Ranking Member Tonko, for that question.

743 So the Regulatory Determination Number 4 is, the schedule for
744 that is 2021 when that is due. EPA is currently looking at this
745 issue of the Regulatory Determination for PFOA and PFOS as we
746 speak. We expect that decision will be made long before 2021
747 and we will be addressing this issue as well in the context of

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748 the National Management Plan that will be completed by the end
749 of this year.

750 Mr. Tonko. So can we commit to that then or, obviously there
751 is a sense of urgency here.

752 Mr. Grevatt. Yes, absolutely. So we certainly can commit
753 to look carefully at this issue in terms of how the agency will
754 approach the Regulatory Determination. I don't have an answer
755 yet as to whether and how EPA will include PFOA and PFOS in the
756 Regulatory Determination. That is an issue that as the Safe
757 Drinking Water Act states is in the sole judgment of the
758 administrator, and Acting Administrator Wheeler is looking at
759 this issue right now as we speak.

760 Mr. Tonko. Okay. Well, we have seen some walking away from
761 commitments to the environment. So if you are going to make this
762 extensive effort to explore potential regulatory actions, in the
763 end EPA must be willing to say one way or another if these
764 contaminants need a national standard. There can be no more
765 kicking the can down the road, so I would hope that we would get
766 that sort of commitment.

767 Mr. Grevatt. Yes, sir.

768 Mr. Tonko. With that Mr. Chair, I yield back.

769 Mr. Shimkus. The gentleman yields back his time. The chair
770 now recognizes the vice chairman of this subcommittee, Mr.
771 McKinley, for 5 minutes.

772 Mr. McKinley. Thank you, Mr. Chairman. Certainly we have

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773 had, in West Virginia we have had some exposure to the PFOA and
774 PFOS. We went through it a couple of years ago and we saw the
775 concerns that people had, the population in one of the
776 communities. Vienna, West Virginia wound up, with about 10,000
777 people it cost them \$6 million to address this problem and annually
778 now it is going to be about a \$200,000 cost that they are going
779 to have to incur.

780 We all want clean water. I am a hundred percent behind that
781 on this, where we need to go on this. I am just, I am a little
782 bit curious. Often we have an independent verification and
783 validation process in software. Are we going to have anyone
784 review the -- as we drop down from, remember, it went from 400
785 down to 70, now we may be talking about going down to 10. That
786 is all wonderful. Is there going to be another validation of
787 that to see that as we keep ratcheting down, will there be an
788 independent verification, a second opinion so to speak that that
789 is the right thing to do?

790 Mr. Grevatt. Without question, Congressman, if we were to
791 make a change from the current drinking water health advisory
792 of 70 parts per trillion for PFOA and PFOS combined, we would
793 subject that, the scientific basis for that to independent peer
794 review before we were to take such an action.

795 Mr. McKinley. Thank you. I think that is going to be
796 overall well, because I am concerned we had 63 sites around the
797 country 2 years ago. This was a very interesting report. Did

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798 you help author that 2 years ago?

799 Mr. Grevatt. Yes, sir.

800 Mr. McKinley. About 103 pages long, as an engineer it was
801 enjoyable reading but it also told how the points we have to raise
802 on these matters. So now we had 63 communities that are affected
803 with this back then. If we were to go down to 10, 15 do you have
804 any idea how many communities across the country could be impacted
805 with that?

806 Mr. Grevatt. Thank you, sir. It is difficult to conjecture
807 on the exact number. What I can say is in terms of UCMR process
808 that that process covered, it was a census of all the large
809 drinking water systems, larger than 10,000 people served, and
810 a representative sample of systems smaller than 10,000. As you
811 noted, we found 63 of those systems had levels above the drinking
812 water health advisory of PFOA and PFOS of 70 parts per trillion.
813 That sample covered 80 percent of the United States population
814 that is served by community water systems and so we consider it
815 a very comprehensive effort.

816 Mr. McKinley. Well, what kind of numbers are we talking?
817 Could we have if we were to drop to 10, which again in an ideal
818 world that would be wonderful. As an engineer, all of us want
819 to have the purest water we can. But to get down to 10, is that
820 going to affect perhaps 300 communities, 3,000 communities to
821 get down to 10?

822 Mr. Grevatt. I think it is very difficult to guess. What

823 we can say for certain is it will be more than 63 and we know
824 as a result of --

825 Mr. McKinley. So as a result I know the timeframe on this
826 is that we, at least in West Virginia we had a company that was
827 on the hook to pay for this, but there are going to be some
828 communities that the companies are long gone and how are they
829 going to do this, so I don't know whether from the military or
830 the communities.

831 We have trouble right now with brownfield sites that we have
832 480,000 brownfield or contaminated sites across America but we
833 only clean up about a thousand or less during a years' time.
834 I want to see this thing done, but I have got to find out how
835 to push the urgency that this is our number one priority in
836 addressing water on that.

837 Would you say that of all -- I want to, careful now on this.
838 Of all the water contaminants that we face -- bleach, salts,
839 nitrates -- is PFOA, is that the number one contaminant?

840 Mr. Grevatt. I think it is very important to look at this
841 --

842 Mr. McKinley. Is it the number one? Is that the one,
843 because we can chase a lot of rabbits here. I want to make sure
844 that we are chasing the right rabbit, the one that is causing
845 the greatest harm to the American public I want to see us focus
846 on that. Not one that just pops up over here and, you know, that
847 -- I won't give you an analogy. Is this the number one health

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848 risk in water today in America, PFOA?

849 Mr. Grevatt. Thank you, Congressman. In communities where
850 PFAS compounds have impacted drinking water supplies they are
851 presenting significant challenges. Nationally, I would say no,
852 this is not the number one challenge that we face. I think there
853 are important issues around the basics of water treatment,
854 especially around areas, things like disinfection and
855 disinfectant byproducts in systems. It is very important to make
856 sure that we also focus holistically on the full spectrum of
857 challenges that face our nation's drinking water systems.

858 Mr. McKinley. Thank you and I yield back.

859 Mr. Shimkus. The gentleman yields back his time. The chair
860 now recognizes the ranking member of the full committee,
861 Congressman Pallone, for 5 minutes.

862 Mr. Pallone. Thank you, Mr. Chairman.

863 My home state of New Jersey has been studying PFAS
864 contamination in drinking water since 2006, following reports
865 of contamination from a DuPont facility, and monitoring by the
866 state and by EPA has shown widespread contamination across New
867 Jersey. In 2017, New Jersey set an MCL for PFOA at 14 parts per
868 trillion and another MCL for PFNA at 13 parts per trillion.

869 And those standards were a triumph for science and advocates
870 in New Jersey who worked for years to overcome political
871 opposition and this standard has been important to communities
872 across the state and ensures that drinking water is being treated

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873 to remove those chemicals. But I have heard serious concerns
874 that the Department of Defense is not cleaning up contaminated
875 sites in New Jersey to that state standard.

876 So, Ms. Sullivan, the Department of Defense has conducted
877 testing at and around some military facilities in New Jersey.

878 According to the presentation you made to Congress in March,
879 drinking water contamination has been found around Naval Weapons
880 Station Earle, which is in my district, and Joint Base
881 McGuire-Dix-Lakehurst.

882 Groundwater contamination has also been found around the
883 former Naval Air Warfare Center in Trenton with levels as high
884 as 22,800 parts per trillion detected. According to your March
885 report, the contamination at former Naval Air Warfare Center in
886 Trenton will be handled through a continued Superfund process.

887 So my questions are, will that cleanup in Trenton meet the
888 New Jersey standards of 14 and 13 parts per trillion and will
889 you commit to me that DOD will meet those standards for cleanups
890 in my state?

891 Ms. Sullivan. Thank you, Congressman, for the question.

892 I appreciate that you have read our detailed report from earlier
893 this year. The Department of Defense as we are required to by
894 CERCLA in the Defense Environmental Restoration Program statute
895 is following the CERCLA process. And as part of that process
896 the state levels are rolled in through the risk assessment
897 process.

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898 So as we go through our analysis following the structure
899 of it, these state standards will in fact be rolled in as a
900 consideration as an appropriate and relevant regulation. At the
901 end of that risk assessment process there will be a determination
902 of unacceptable risk that will be reviewed not only by us, but
903 by the state, your state environmental agency and the
904 Environmental Protection Agency to determine what the end remedy
905 solution will be.

906 Mr. Pallone. But my concern as you can imagine, is that
907 because I am very familiar with the Superfund process is
908 oftentimes DOD or even EPA do not necessarily recommend a more
909 strict standard. You know, they look at it as a factor and you
910 are saying they will, which I appreciate, but they may not adopt
911 the standard.

912 I just think -- I mean they may not insist on that as the
913 remediation alternative that they pick. And the fact that DOD
914 is not bound by these state drinking water standards, you know,
915 to me, shows how important a national drinking water standard
916 is because it may very well be that those state standards are
917 not met. I mean obviously I would urge you to meet them, but
918 you are not going to guarantee that they would be because you
919 are just saying it will be considered.

920 Ms. Sullivan. Yes, sir. They will be considered as part
921 of the CERCLA process which we are bound to.

922 Mr. Pallone. Yes. Well, I think, I mean I think that is

923 unfortunate. I think you should be bound by them, and even if
924 you are not that you should, you know, you should adopt them.

925 But I appreciate your candor.

926 Now, Ms. Sullivan, what chemicals is the Department of
927 Defense using in place of PFOA and other PFAS? Has the Department
928 conducted studies of those chemicals to establish their safety?

929 Ms. Sullivan. Thank you again, sir, for that question.
930 We are in the process of investing a significant amount of research
931 and development to first demonstrate the commercially available
932 substances to see -- that are PFOA-free -- to see if they meet
933 our strict standards in order to fight fires. We are also
934 investing research and development dollars to sponsor development
935 of a fluorine-free foam that also meets.

936 And as I stated, while we continue to do that we are working
937 with the current manufacturers to fully understand how much PFOA
938 is in the products that they are providing to us and controlling
939 the releases of those.

940 Mr. Pallone. All right. I am just going to run out of time.

941 I just was going to ask you if you could provide the committee,
942 through the chairman, with any and all studies that the Department
943 of Defense has regarding the safety of these substitute chemicals
944 if you would.

945 Ms. Sullivan. Certainly we can.

946 Mr. Pallone. And, Mr. Chairman, I know my time is running
947 out, but I know you were so much involved with TSCA and I just

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948 wanted to say that the concern over substitutes is not limited
949 to PFAS and was central to our efforts to reform TSCA as you know.

950 And unfortunately EPA's implementation of TSCA has fallen short
951 of our hopes and so I was hoping that we have an opportunity for
952 a hearing on TSCA implementation. I will make that request again,
953 Mr. Chairman.

954 Mr. Shimkus. I would thank the chairman. I think that is
955 going to be doable. We will try to figure out a time. I think
956 both sides are kind of frustrated with the process and my
957 frustration is a surprise in some of the areas and I think it
958 has been flipped on both issues. So I think we will do our best
959 to try to find some time to do that. As one of our signature
960 legislative accomplishments, we would hate to see it bogged down
961 in implementation.

962 Mr. Pallone. Thank you.

963 Mr. Shimkus. Having that the gentleman returns his time,
964 the chair now recognizes the gentleman from Ohio if he is ready,
965 Mr. Johnson, for 5 minutes.

966 Mr. Johnson. Thank you, Mr. Chairman. I appreciate you
967 holding this very important hearing. You know, many people
968 throughout the country are very familiar with the issues we are
969 discussing today. And along the Ohio River, along with other
970 states along the river we are no exception to that. It is vital
971 that we continue to develop a complete understanding of how
972 chemicals in high concentrations like PFOA impact populations

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973 and how best to take any actions necessary.

974 I know many studies including some prominent ones within
975 Ohio such as the University of Cincinnati have been conducted
976 on this issue and I hope to see those studies continue. I also
977 know that the EPA is working on these issues as Dr. Grevatt has
978 indicated in his testimony.

979 So, Dr. Grevatt, you have worked with Ohio on many occasions
980 on water contamination issues and we appreciate that. How can
981 Ohio continue to best engage with the EPA on these issues?

982 Mr. Grevatt. Thank you, Congressman, and appreciate your
983 noting my work with Director Butler and others from Ohio EPA,
984 my home state, so I have a great connection with folks there.

985 We are working very closely with all the states on the
986 activities that we have underway. We will continue to stay very
987 close to the state of Ohio and other states on issues like the
988 development of toxicity factors for PFBS and GenX on these
989 questions about development of the decision on a hazardous
990 substance listing and potentially on an MCL, so as well as the
991 groundwater cleanup goals. These are all issues that we are
992 working very closely with the state of Ohio and others states
993 on. We will commit to continuing that connection with the states.

994 Mr. Johnson. Okay. And are you working with them on any
995 of the DOD facilities as well?

996 Mr. Grevatt. Yes, sir.

997 Mr. Johnson. Okay.

1098 Mr. Grevatt. So yes, as Ohio and other states request
1099 support from EPA we are for certain going to be there to assist
1100 them with these challenges.

1101 Mr. Johnson. Okay. I understand the local government
1102 advisory committee is soliciting input. How can people along
1103 the river along my district best engage in this process and what
1104 can Congress do to help?

1105 Mr. Grevatt. Thank you very much. So one of the things
1106 that citizens across the U.S. can do right now is we have opened
1107 the docket in addition to the community engagement sessions which
1108 I referred to that we have had now in five different states.
1109 We opened the docket so anyone in the U.S. who wants to submit
1110 their perspectives to us can do so right now. That way we have
1111 about 80,000 comments that we have received thus far.

1112 We will hold that docket open until right about the end of
1113 this month. And then if there are specific issues that you have
1114 that you would like to follow up on, we would be happy to circle
1115 back with you and your staff to discuss those.

1116 Mr. Johnson. Okay, thank you.

1117 Ms. Sullivan, same question for you. We have a significant
1118 Defense Department footprint in Ohio -- Wright-Patterson,
1119 Mansfield, Youngstown Air Reserve Base, et cetera. Is there
1120 anything that we can do to more closely engage with the DOD on
1121 some of these issues?

1122 Ms. Sullivan. Thank you, Congressman. I know that

1023 Wright-Patterson has, well, Wright-Patterson has a restoration
1024 advisory board which is community based so to try and engage the
1025 local community and be transparent in what is going on, on the
1026 base, and I encourage the local communities to engage in that.

1027 The Air Force has been very transparent in their process having
1028 established websites and public meetings and I encourage the
1029 community to get engaged in those processes.

1030 Mr. Johnson. And, Ms. Sullivan, your written testimony
1031 discusses the remediation of PFOS and PFOA and you note that DOD
1032 is addressing known or suspected releases of these chemicals to
1033 determine whether there is exposure through drinking water. Is
1034 DOD only looking at drinking water exposure and what about
1035 releases to soil sediment and groundwater?

1036 Ms. Sullivan. Thank you, I appreciate the opportunity to
1037 answer that question. The exposure through drinking water was
1038 our first priority so we wanted to make sure that we fully
1039 understand if anybody, humans were being exposed and to cut that
1040 off. Then we are going through the standard process to look at
1041 all of the potential exposure pathways including soil and
1042 groundwater. But we are taking a more deliberative approach
1043 because our first priority was to cut off human exposure.

1044 Mr. Johnson. Okay. Just real quickly back to you, Dr.
1045 Grevatt. You mentioned EPA is working on response actions with
1046 other agencies such as HHS. Can you explain your work partnership
1047 with HHS including what agencies at HHS and what collaboration

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1048 has occurred and what we can expect moving forward?

1049 Mr. Grevatt. For certain. Thank you, Congressman. So as
1050 I noted we are working very closely with HHS on a number of the
1051 actions which we identified. Those include the development of
1052 the toxicity values of PFBS and GenX. We are working, really,
1053 with all the different parts of HHS including the assistant
1054 secretary's office, Assistant Secretary for Health, right down
1055 through FDA, NIEHS, ATSDR, CDC, every part of HHS has been involved
1056 to participate in this effort. And we will continue to work side
1057 by side with them on these issues.

1058 Mr. Johnson. Okay. Well, thank you both for your
1059 testimony.

1060 Mr. Shimkus. The gentleman's time has expired. The chair
1061 now recognizes the gentleman from Texas, Mr. Green, for 5 minutes.

1062 Mr. Green. Thank you, Mr. Chairman, you and the ranking
1063 member, for holding this hearing. Per or polyfluoroalkyl
1064 substances, or PFAS, has been around for many years and has found
1065 a wide variety of uses in consumer products from our cookware
1066 to stain repellents to fire retardants. Due to the widespread
1067 use, most people have some exposure to PFAS. While scientific
1068 data shows minimal amounts of exposure do not pose substantial
1069 risk, higher levels of exposure could lead to a wide array of
1070 adverse health effects. I would like to thank our witnesses for
1071 being here today to testify and look forward to your opinion.

1072 Dr. Grevatt, in 2016, EPA revised its nonbinding lifetime

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1073 health advisory level for PFAS down from 400 parts per trillion
1074 to 70 parts per trillion. What was the impact of this decision?

1075 Mr. Grevatt. Thank you, Congressman, a very important step
1076 in terms of having a final lifetime health advisory. We provided
1077 this to the states and members of the public in terms of not only
1078 the value of the health advisory but steps that communities could
1079 take to address concerns with PFAS. And this health advisory
1080 came out as we were completing the UCMR process, the national
1081 monitoring study that I mentioned, and so together they were able
1082 to help to identify communities that may have concerns related
1083 to PFAS in their drinking water supply. So it was a very important
1084 step.

1085 Mr. Green. What does it take to go from a nonbinding to
1086 binding?

1087 Mr. Grevatt. That would be, and as you noted, sir, the
1088 drinking water health advisories are really guidance values.
1089 They are not requirements. It would take us a national drinking
1090 water regulation, an MCL for PFAS compounds to create a binding
1091 requirement in terms of meeting those levels.

1092 Mr. Green. Well, I have a very urban district in Houston,
1093 a chemical industry, refinery industry, but in Texas like Ohio
1094 we have a number of military bases. In fact, Fort Hood is probably
1095 the biggest base in the world. We have air bases. Has there
1096 been a partnership with the bases in Texas as you said that in
1097 Ohio?

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1098 Mr. Grevatt. Yes, sir. We are working closely with DOD
1099 on these issues all across the country. And perhaps Ms. Sullivan
1100 would like to respond.

1101 Ms. Sullivan. Thank you, sir. The bases in Texas are
1102 subject to the same processes across that we have established
1103 across the nation. They had to go and look where they had known
1104 and suspected releases and if there were any they had to determine
1105 if there was exposure through drinking water and address that.

1106 I can provide you detailed information if you would like on the
1107 bases in Texas.

1108 Mr. Green. I would appreciate that so I can share it with
1109 my other colleagues in Texas. Does EPA currently have the
1110 technical expertise to set MCL that protects public health?

1111 Mr. Grevatt. Yes, sir. I believe we do.

1112 Mr. Green. How do you reconcile that the Agency for Toxic
1113 Substances and Disease Registry released a draft study of the
1114 public health risk of PFAS that showed maximum safe levels of
1115 chemicals are seven to ten times less than the health advisory
1116 set by EPA? Is EPA ignoring this mission or how do you reconcile
1117 that between the Disease Registry?

1118 Mr. Grevatt. Thank you, Congressman. So I would say a
1119 couple of things about that. The first is that the purpose of
1120 the document that ATSDR developed is different from our drinking
1121 water health advisory. They used these toxicity profiles as
1122 screening values for sites and then also they chose to view the

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1123 science somewhat differently than we did. We are working very
1124 closely with them on these issues to make sure that we are sharing
1125 the best information we have as we go forward.

1126 Mr. Green. Well, obviously there is some concern because,
1127 you know, we know what happened in Flint, which was not that issue,
1128 but what former Chairman Upton talked about in his area and again
1129 in an industrial area we could have the same thing.

1130 Given the action that is seen at the state level to set
1131 maximum containment levels, or MCL, what is EPA's expected
1132 timeline for setting federal MCL for PFAS under the Safe Drinking
1133 Water Act?

1134 Mr. Grevatt. Thank you, Congressman. So this is one of
1135 the key actions that we identified earlier this year that we were
1136 going to be exploring throughout the year. We expect this to
1137 be included in the National Management Plan and we hope to have
1138 that completed by the end of this calendar year.

1139 Mr. Green. Okay. Well, I would hope EPA would quickly move
1140 and address the issue in a competent manner relying on the solid
1141 peer reviews data and allowing public input throughout the
1142 process. And like I said, I don't think any member on the dais
1143 would not be willing to partner in our communities if that was
1144 the issue.

1145 I will yield back my time, Mr. Chairman.

1146 Mr. Shimkus. The gentleman yields back the time. The chair
1147 now recognizes the gentleman from Texas, Mr. Flores, who with

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1148 my apologies for skipping you, you are recognized for 5 minutes.

1149 Mr. Flores. That is okay. You just let the other gentleman
1150 from Texas ask my question. But I would like to thank you, Mr.
1151 Chairman.

1152 Dr. Grevatt, a couple of questions for you really quickly.
1153 Continuing Mr. Green's line of questioning, did the EPA learn
1154 anything from the ATSDR report that was dramatically different
1155 from what it had developed internally with respect to maximum
1156 levels?

1157 Mr. Grevatt. Thank you, Congressman. So as I noted, we
1158 have worked closely with ATSDR on the communication of their
1159 report and in the development of their report. We provided
1160 comments to them and have worked throughout this process. I think
1161 one of the things that we have learned and perhaps these reports
1162 reinforce is the importance of focusing on risk communication
1163 with the public so we don't lead people to a place where they
1164 are confused about what do these different values mean.

1165 And as I noted, they have different purposes, the toxicity
1166 profile from our health advisory, but that has been a really
1167 important message. Also throughout the national engagement that
1168 we have done risk communication is something we need to continue
1169 to focus and try and advance.

1170 Mr. Flores. Let's go ahead and move to the communications
1171 question. Mr. Upton brought this up during his opening
1172 testimony. Would you say that the current communication efforts

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1173 with respect to PFAS are effective?

1174 Mr. Grevatt. I think, sir, that we always can improve and
1175 we need to focus on continuing to improve on our risk communication
1176 and this is a top priority for Acting Administrator Wheeler.

1177 Mr. Flores. So what improvements would be needed? I mean
1178 what are your initial thoughts as far as improvements that could
1179 be put in place?

1180 Mr. Grevatt. I think it is important for us to continue
1181 to work towards characterizing the context for these values, what
1182 they mean, what does 70 parts per trillion mean and what are the
1183 implications for a community that may have a level above 70 parts
1184 per trillion. I think it is natural that folks will become very
1185 concerned when they see levels approaching that. And we think
1186 it is important to focus on PFAS. We think it is important to
1187 focus at the local level on awareness of these compounds and taking
1188 steps to address them. But we want to try to continue to share
1189 this information in a way that doesn't create a great deal of
1190 anxiety and fear on the part of the public. I think that is a
1191 place where we can make further progress.

1192 Mr. Flores. Let's drill into the 70 parts per trillion
1193 metric for a minute. Does today's technology readily measure
1194 concentrations of this contaminant at that level?

1195 Mr. Grevatt. Yes, sir.

1196 Mr. Flores. It does, okay. Thank you. I yield back the
1197 balance of my time.

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1198 Mr. Hudson. [Presiding.] The gentleman yields back. The
1199 chair recognizes the gentleman from California, Mr. McNerney.

1200 Mr. McNerney. Well, I thank the chair. While I appreciate
1201 that the EPA is hearing from the public and engaging with
1202 communities impacted by PFAS, recent actions by the EPA have
1203 undermined public confidence and my confidence in the Agency's
1204 ability to address human health risks posed by these toxic
1205 chemicals.

1206 In April of this year, the EPA proposed a rulemaking titled,
1207 Strengthening Transparency in Regulatory Science. Now, this was
1208 modeled after the secret science legislation drafted by the House
1209 Republicans. The proposal could require the EPA to ignore
1210 important scientific studies of human health effects because the
1211 data included private medical information.

1212 Dr. Grevatt, was the Office of Water consulted before the
1213 rulemaking was proposed?

1214 Mr. Grevatt. Thank you, Congressman. This rulemaking is
1215 an Agency rulemaking and so all parts of the Agency are engaged
1216 on this. It is being led from the Office of Research and
1217 Development but we are connected in this effort.

1218 Mr. McNerney. Okay. Did your office assess how the
1219 proposal would impact your ability to address PFAS
1220 contaminations?

1221 Mr. Grevatt. Sir, while the proposal has received many,
1222 many comments as I think you are aware and the Agency is in the

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1223 process of considering the comments as they move towards
1224 development of a final rule, and I think it is difficult to
1225 conjecture at this stage what those impacts might be.

1226 Mr. McNerney. Well, in June of this year I joined Ranking
1227 Member Pallone and Ranking Member Tonko in sending a letter to
1228 the Agency requesting additional information on the issue, 2
1229 months later the Agency responded to me personally. I would like
1230 to submit my letter and the Agency's response to the committee
1231 for the record.

1232 Mr. Hudson. Without objection, so ordered.

1233 [The information follows:]

1234

1235 *****COMMITTEE INSERT 3*****

1236 Mr. McNerney. Thank you. Mr. Grevatt, are you aware of
1237 this letter?

1238 Mr. Grevatt. I am aware that we have received the letter.
1239 I personally have not been engaged specifically on this issue
1240 in the response to that letter.

1241 Mr. McNerney. Okay. Well, the letter requests that the
1242 EPA provide us with copies of all comments or feedback from the
1243 EPA staff on the Agency's proposed Strengthening Transparency
1244 in Regulatory Science rulemaking, including but not limited to
1245 members from the rulemaking's Action Development Working Group.
1246 There were other requests as well as this.

1247 This information is important so that we can better
1248 understanding what, if any, concerns were raised on how the
1249 proposed regulation would impact its ability to address human
1250 health risks associated with PFAS. Again it took the Agency 2
1251 months to respond, but they haven't, the Agency hasn't produced
1252 the documents that were requested in the letter. Would
1253 you commit to providing those documents for the record?

1254 Mr. Grevatt. Sir, I will certainly commit to working with
1255 our congressional staff to follow up with you and your office
1256 to make sure that we are having the conversations that you are
1257 wanting to have on this.

1258 Mr. McNerney. Okay. I did mention earlier that the public
1259 has lost confidence. What do you think that you personally can
1260 do to help restore that confidence?

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1261 Mr. Grevatt. Sir, I think -- I appreciate your question
1262 and I would turn back on this PFAS issue to the national engagement
1263 that we are involved in. And through this process I personally
1264 have had the opportunity to meet with hundreds of impacted
1265 citizens across multiple states. I have heard statements from
1266 over 120 individuals talking about their challenges and we are
1267 taking this back and folding this into the National Management
1268 Plan.

1269 I think it is very important for the public to be able to
1270 see how their comments to us are reflected and the steps we are
1271 taking and that is really what we are committed to here through
1272 this national engagement. I think it has been a very important
1273 step, a very valuable step for us as we are addressing this issue.

1274 Mr. McNerney. Do you agree with the provision that would
1275 exclude information because it is from private medical
1276 information?

1277 Mr. Grevatt. So this issue is under careful consideration
1278 by the Agency and we are thinking through the public comments
1279 that we have received on the transparency rule and that process
1280 continues.

1281 Mr. McNerney. All right. Thank you, Mr. Chairman. I
1282 yield back.

1283 Mr. Hudson. The gentleman yields back. At this time the
1284 chair will recognize himself for 5 minutes for questioning.

1285 Dr. Grevatt, Administrator Pruitt has been here a number

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1286 of times and I have questioned him each time about this PFAS issue,
1287 about GenX in particular and the need to develop a comprehensive
1288 plan for containment and removal. The Agency responded in April
1289 to a letter I followed up with on that, those two testimonies,
1290 saying that a key priority for the EPA is to further the
1291 understanding of human health impacts of PFAS to support states
1292 and local communities.

1293 The EPA is currently developing a human health toxicity
1294 information for GenX that will provide a scientific basis for
1295 states and communities to set that will refine public health
1296 goals. So I want to ask you a few questions about that and we
1297 only have 5 minutes so I would just ask you to be as concise as
1298 you can. Could you provide a timeline for when the toxicity value
1299 for GenX will be released?

1300 Mr. Grevatt. Yes, sir. We are very close to this now.
1301 We expect in the coming weeks to have that available, in draft,
1302 for public review and comment.

1303 Mr. Hudson. Okay, thank you for that. Once this toxicity
1304 value of GenX is released, can you commit to releasing a public
1305 health advisory specifically for GenX?

1306 Mr. Grevatt. So thank you, Congressman. We will work
1307 closely with the states to determine what will be most helpful
1308 to them. And, for example, on GenX specifically with regard to
1309 North Carolina, we are working side by side with them and want
1310 to make sure that we are providing them the support they need.

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1311 And, sir, I might just add that we appreciate your invitation
1312 to come to Fayetteville. We appreciate your participation in
1313 that event and that in particular along with the others we found
1314 to be tremendously valuable. So thank you very much for your
1315 leadership on that.

1316 Mr. Hudson. Thank you. I would just stress that I think
1317 the public health advisory is really the next step in the process
1318 once we get those toxicity numbers to really help the state
1319 understand what we need to do going forward. So I appreciate
1320 you working so closely with the state.

1321 Based on my past discussions with EPA officials, I understand
1322 EPA is working very closely with the state and I get that feedback
1323 from the state. Are you aware of any outstanding questions or
1324 information that EPA still owes the state of North Carolina?

1325 Mr. Grevatt. I think there are ongoing conversations with
1326 the state of North Carolina addressing all kinds of issues
1327 including stack testing at the Chemours facility, sampling the
1328 Cape Fear watershed and so I think those discussions are ongoing.

1329 So I am reluctant to say there is nothing outstanding because
1330 there is a lot that is going on and we will remain committed to
1331 supporting the state throughout this process.

1332 Mr. Hudson. I appreciate that. Now my understanding is
1333 there are over 20 other chemicals besides GenX who were found
1334 in the Cape Fear Basin. Is that part of this ongoing discussion
1335 is looking at those chemicals as well?

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1336 Mr. Grevatt. Yes, sir.

1337 Mr. Hudson. Can we expect to have those results this month
1338 as well in the draft form or is that going to be later?

1339 Mr. Grevatt. So those results if you could, I want to make
1340 sure I understand specifically your question. So we are going
1341 to have the GenX toxicity assessment in the coming weeks available
1342 and then we will have the National Management Plan. Our goal
1343 is to have that completed by the end of the calendar year. That
1344 will be a comprehensive view across EPA's actions in conjunction
1345 with the state to address these issues.

1346 Mr. Hudson. Great. Again I appreciate you accepting our
1347 invitation to come to Fayetteville for the community engagement,
1348 but I understand you are doing those around the country in other
1349 communities. Can you provide us just a few brief takeaways from
1350 our community engagement summit?

1351 Mr. Grevatt. Yes, sir. Thank you. So as I mentioned, in
1352 the case of Fayetteville I heard from over 50 citizens about the
1353 concerns they face and the concerns are very significant and they
1354 range from concerns about protecting families, their children,
1355 to economic impacts of the decisions.

1356 We heard from folks in Wilmington as well who came up and
1357 talked about the economic impact on the very important work that
1358 the drinking water utility is doing to put in drinking water
1359 treatment and concerns about they are going to pay for these
1360 actions. And so extensive concerns addressed and we will remain

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1361 committed to working closely with the community in Fayetteville,
1362 the state of North Carolina, community of Wilmington, on
1363 addressing those issues going forward.

1364 Mr. Hudson. We appreciate that very much. Is there any
1365 information you learned that you think helped move you forward
1366 in terms of examining the chemical?

1367 Mr. Grevatt. I think again reiterating the point on risk
1368 communication in the case of North Carolina because they
1369 themselves have been working towards a health value on GenX.
1370 We heard from them very clearly how important it is to be closely
1371 coordinated and we are working side by side with them in every
1372 step of this process.

1373 Mr. Hudson. I appreciate that. One other issue I am trying
1374 to wrap my brain around maybe you can help me with is, in your
1375 opinion, what is the lowest allowable and scientifically reliable
1376 level at which PFAS can be detected and monitored?

1377 Mr. Grevatt. Right. So in terms of the reliable level
1378 where it can be detected, I think we are down into the single
1379 digits of parts per trillion that can be monitored. And in part
1380 that is a result of the national study that we did to build lab
1381 capacity across the country, so this continues to advance. But
1382 I think we are in the single digits of parts per trillion for
1383 these compounds.

1384 Mr. Hudson. Great, thank you for that and my time is
1385 expired. At this time I will recognize the gentlelady from

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1386 Michigan, Mrs. Dingell, for 5 minutes.

1387 Mrs. Dingell. Thank you, Mr. Chairman. I think you can
1388 tell that Republicans and Democrats are pretty unified here on
1389 the concern about the PFAS chemicals.

1390 And I want to build, the Flint water crisis is something
1391 that every member on this dais has in their head and every American
1392 across the country is worried about. And PFAS in Michigan is
1393 scaring people more than the Flint water did, but I also think
1394 that it is across the country as you have heard from my colleagues
1395 here.

1396 I have several points I want to make, but I will build right
1397 on the last questions first. And I am very glad that you went
1398 to Fayetteville. North Carolina wanted to see you, but so did
1399 Michigan and Michigan had originally been scheduled to be one
1400 of those community forums. People wanted you from one side of
1401 the state to the other and you didn't come. Why did you cancel
1402 Michigan and could we get you to still come?

1403 Mr. Grevatt. Right. So we have been working very closely
1404 with Michigan and all the states in determining the locations
1405 for these events, and if in fact Michigan now wants us to do an
1406 event in the state we will be glad to talk with you and talk with
1407 them about how we might do some kind of an event.

1408 Mrs. Dingell. This is a formal invitation on behalf of a
1409 whole lot of people. I know Fred joins me on the other side,
1410 don't you, Fred?

1411 Mr. Upton. Unanimous, yes.

1412 Mrs. Dingell. So you have an Upton Walberg Dingell
1413 invitation for a community forum in Michigan and we take that
1414 you have accepted it. And I think our czarina would support it
1415 too.

1416 Mr. Grevatt. So we will be very glad to follow up with all
1417 of you and your staffs about this as well as with the state.
1418 And as I mentioned, we have been working closely with Michigan
1419 and if they in fact now have decided they want us to come then
1420 we will be glad to come.

1421 Mrs. Dingell. I know a lot of people have. I was asked
1422 by many people to raise that.

1423 I want to go back again, and I know we all keep asking the
1424 same question. But I think what has really got everybody worried
1425 is we don't -- we need to change the national standard for what
1426 is a safe level and you are telling us that you are going to,
1427 I think you are telling us. You are not saying you are going
1428 to determine whether we need it. I think, I hope that you are
1429 saying that we do need to revise the standard. You are
1430 going to put out a National Management Plan by the end of the
1431 year. What is going to be in that plan? Are you going to give
1432 us what the new standard should be and how long is that going
1433 to take? How do we create that sense of urgency that cuts through
1434 bureaucracy and keeps Americans safe drinking their water?

1435 Mr. Grevatt. Thank you very much for those questions. So

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1436 a couple of things I want to respond with, first, to be clear,
1437 we have a guidance value now not a regulatory standard and one
1438 of the key items we are committed to at EPA by the end of the
1439 year in the Management Plan is to consider whether we should be
1440 developing an MCL for PFOA and PFOS or other compounds. So we
1441 are still engaged in that process.

1442 If we were to, in the context of a drinking water health
1443 advisory, think about lowering that level, we would subject that
1444 to scientific peer review before we took that kind of a step.

1445 So we are working through these issues now. We expect these
1446 to be addressed in the National Management Plan and our goal is
1447 to have that done by the end of the calendar year.

1448 Mrs. Dingell. So I am going to push on that a little. So
1449 are you telling us you are still -- I mean, I think that all of
1450 us on this dais have seen enough in scientific studies that we
1451 have got a problem. I think the children in Flint that got
1452 poisoned wish somebody had cared enough. So are we talking about
1453 another 2, 3, 4 or 5-year bureaucracy or are we looking at
1454 something that is really going to get at this quickly to keep
1455 the American people drinking safe water?

1456 Mr. Grevatt. I thank you. And making sure Americans'
1457 drinking water is safe is a top priority for EPA and we will
1458 continue to focus on this issue.

1459 You asked about the National Management Plan. This will
1460 be a comprehensive view not only in the drinking water area, but

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1461 across all of our statutory authorities about steps that we can
1462 take now to make sure that we are protecting Americans in their
1463 communities. And so that will be the focus of the National
1464 Management Plan and the goal is as I noted to have that done by
1465 the end of the calendar year.

1466 Mrs. Dingell. I have more questions for you but I don't
1467 want Ms. Sullivan to feel lonely. So we have got five sites in
1468 Michigan that are sites that have been contaminated because of
1469 military presence. What is DOD doing to help us clean up in
1470 Michigan?

1471 Ms. Sullivan. Well, thank you, ma'am, for asking. At all
1472 of those sites we have gone out and identified where we have known
1473 and suspected releases. We have tested many drinking water
1474 sources. Every drinking water source that has tested above the
1475 EPA's advisory level --

1476 Mrs. Dingell. Five of them.

1477 Ms. Sullivan. -- we have worked with the communities to
1478 provide those citizens, because some of them are private wells
1479 as you can appreciate, alternative drinking water sources. It
1480 is up to them which of these options are available. Then we are
1481 embarking on the entire CERCLA process to really fully analyze
1482 the situation. What are the sources, what are the pathways, and
1483 working with the state and EPA on what the remedy solution would
1484 be in strong partnership.

1485 Mrs. Dingell. Obviously there are a lot more questions but

1486 I am out of time.

1487 Mr. Shimkus. The gentlelady's time is expired.

1488 Just for our information we have Navy bases, Air Force bases,
1489 Coast Guard bases, and Army posts. So just in definitional terms
1490 as an Army guy we have posts. The chair recognizes the gentleman
1491 from Michigan, Mr. Walberg, for 5 minutes.

1492 Mr. Walberg. Thank you, Mr. Chairman, and thank you to the
1493 panel for being here. It was good to have Acting Secretary --
1494 Administrator Wheeler in Michigan in my district on the banks
1495 of Lake Erie and other places and it was good to be able to talk
1496 to him about this PFAS/PFOS issue and to understand very clearly
1497 that it is being taken seriously and that there is, and I want
1498 to follow up on my friend and colleague from Michigan as well.

1499 It is good to know that you are willing to come, but it is also
1500 good to know that you remain in contact with our state as well
1501 on this issue on a regular basis.

1502 Mr. Grevatt, you mentioned you are working with states like
1503 Michigan and North Carolina. What do you think are the things
1504 of greatest value that you could offer them at this time?

1505 Mr. Grevatt. Thank you very much, Congressman. So a number
1506 of the things that the states have communicated to us that they
1507 really need help on include assistance with risk communication
1508 in talking to the impacted public in their states about these
1509 issues, support with analytical methods, development of
1510 additional tools to sample for these compounds in the environment,

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1511 the toxicity values are also important, and then consideration
1512 of treatment techniques that are available. And, in fact, all
1513 of those things are things that we are currently working on with
1514 the states to support them in addressing these challenges.

1515 And so we are staying very close to the states and focused
1516 on what tools we can provide to help them to address these
1517 challenges and how do we best address these challenges and how
1518 do we best support local communities.

1519 Mr. Walberg. With these challenges if the states struggle
1520 in some of these areas like Michigan, North Carolina, other
1521 states, if they struggle where do they struggle the most?

1522 Mr. Grevatt. I think there have been challenges certainly
1523 around technical questions, around sampling and analysis of
1524 compounds. Those are issues that we have talked about
1525 extensively with Ms. Grether in the state of Michigan. With
1526 questions around characterizing levels of these compounds in the
1527 environment and how to do so, those are issues that we worked
1528 on very closely with the state of North Carolina.

1529 And toxicity as well, you know, there are questions around
1530 the broad set of compounds, PFAS compounds, where we talk a lot
1531 about PFOA and PFOS, but there are many other compounds that we
1532 need to stay focused on. And I think those are issues that have
1533 been concern to states as well.

1534 Mr. Walberg. Okay. Section 1453 and 1454 of the Safe
1535 Drinking Water Act create a framework for states to do source

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1536 water planning and voluntary response efforts. H.R. 3387, the
1537 Drinking Water System Improvement Act, the bill our committee,
1538 thankfully, unanimously supported, would allow new and updated
1539 states' source water plans to qualify for assistance. Would
1540 these source water plans permit states to address PFAS
1541 contamination?

1542 Mr. Grevatt. Yes, sir. I think they would help to address
1543 PFAS contamination. And it has been very important the work that
1544 Ms. Sullivan has talked about at DOD. We see that many of the
1545 instances of drinking water contamination are related to known
1546 sources. Those might be DOD facilities, but there are certainly
1547 many others as Ms. Sullivan indicated. And I think the source
1548 water protection focus can really help local communities to
1549 understand their vulnerabilities for PFAS and other compounds.

1550 Mr. Walberg. Okay. Would these plans and responses also
1551 be eligible from the resources of a state SRF under Section
1552 1452(k)?

1553 Mr. Grevatt. And certainly in particular through the
1554 set-asides and the technical assistance these are activities that
1555 can be covered in that area, yes.

1556 Mr. Walberg. In your response to the chairman you mentioned
1557 that DWSRF funding could be used for PFAS. Could it be used for
1558 other emerging contaminants as well?

1559 Mr. Grevatt. Yes, sir.

1560 Mr. Walberg. Do you know how many states are already doing

1561 this?

1562 Mr. Grevatt. I think a number of states are providing
1563 support to drinking water systems in their state, particularly
1564 through the set-asides, the technical assistance and I think that
1565 is going to continue to be a focus. But there are broad
1566 opportunities through the drinking water SRF to support both
1567 infrastructure investments and also to support technical
1568 assistance and operator certification and strengthening in terms
1569 of the capacity of drinking water systems. So there are broad
1570 eligibilities that are provided through that tool.

1571 Mr. Walberg. Okay, thank you and I appreciate your
1572 responses. I yield back.

1573 Mr. Shimkus. The gentleman yields back his time. The chair
1574 recognizes the gentleman from California, Mr. Peters, for 5
1575 minutes.

1576 Mr. Peters. Thank you, Mr. Chairman, and thanks to the
1577 witnesses for being here. I had two questions, one for Mr.
1578 Grevatt. Dr. Grevatt, studies tracking PFOS in marine organisms
1579 and ocean waters, PFOS was added to the Stockholm Convention on
1580 Persistent Organic Pollutants in 2009, and we are not party to
1581 that Convention but is EPA doing anything to monitor coastal
1582 waters for these compounds and are you working with other
1583 countries to control the spread of these contaminants?

1584 Mr. Grevatt. Thank you. So EPA is engaged as I noted in
1585 the broad characterization of drinking water supplies. We also

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1586 have ongoing monitoring activities in watersheds. As I
1587 mentioned, the Cape Fear watershed has been an important area
1588 of work. And so I think as we get into estuarine environments,
1589 those are areas where we are thinking about the presence of these
1590 compounds. I think our primary initial focus has been around
1591 issues that immediately affect public health in making sure that
1592 we are addressing the needs of communities.

1593 Mr. Peters. Okay. I would love to be updated on any
1594 activity on that.

1595 Mr. Grevatt. We would be glad to follow up with you on that.

1596 Mr. Peters. Thank you.

1597 And, Ms. Sullivan, I had a question about firefighting foams.
1598 You noted that it was a small part of the problem in terms of
1599 overall volume, but it looks to me like the military specs require
1600 fluorine compounds and I wanted to know kind of how you see
1601 progress in moving away from that and does that requirement
1602 interfere with your work in dealing with the toxicity of these
1603 particular chemicals?

1604 Ms. Sullivan. Thank you for that question. The current
1605 military specification requires a certain performance as well
1606 as a makeup and part of that is driven by the need to be able
1607 to fight fires associated with aircraft quickly and efficiently.

1608 It is managed by the Department of the Navy because it is highly
1609 important that when we have shipboard fires that we have the
1610 ability to fight those fires very rapidly. We are working

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1611 carefully with the current suppliers to determine what levels
1612 are in those compounds, the current formulations.

1613 In terms of research that we are investing in on a
1614 fluorine-free, it is basic research at this time, bench scale
1615 research. But we are committed to continuing that research to
1616 ultimately, hopefully, produce a product that does in fact meet
1617 our critical mission needs and is in fact fluorine-free.

1618 Mr. Peters. Good. I think that will be helpful throughout
1619 the economy and in a number of applications as well. So thank
1620 you very much for being here, and I yield back.

1621 Mr. Shimkus. The gentleman yields back his time. The chair
1622 now recognizes the Birthday Boy, Dr. Carter, for 5 minutes.

1623 Mr. Carter. I appreciate that, Mr. Chairman.

1624 Ms. Sullivan --

1625 Mr. Shimkus. You are very red.

1626 Mr. Carter. Yes, I am. I am. Sorry, I got my notes mixed
1627 up here.

1628 Ms. Sullivan, you mentioned in your testimony about the
1629 actions that the Department of Defense is taking not only in
1630 providing the clean drinking water, but also in the remediation
1631 efforts. And I was just wondering, I am interested in learning
1632 more about how you actually go about notifying the individuals
1633 on these installations and what the communication structure looks
1634 like.

1635 Ms. Sullivan. Well, first of all, happy birthday, sir.

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1636 Mr. Carter. Thank you.

1637 Ms. Sullivan. Each of the military installations this is
1638 voluntary on their part. We encourage military installations
1639 and the communities to establish what we call restoration advisory
1640 boards and these boards are populated by local citizens who want
1641 to learn about the cleanup going on on those bases. It is
1642 voluntary on their part, but we support then and fund that
1643 activities.

1644 As far as on our bases, we have sophisticated notification
1645 systems for the populations present on the installations to make
1646 sure the information gets out and in full consistency with the
1647 Safe Drinking Water Act where we are in fact the purveyor. We
1648 do the routine monitoring and issue the consumer confidence
1649 reports on top of routine correspondence with the citizens on
1650 the base.

1651 Mr. Carter. So you are providing them with bottled water;
1652 is that right?

1653 Ms. Sullivan. It depends on the situation, sir, and what
1654 their choices are. In some cases we may hook them up to an
1655 alternative water supply or if in some cases they want bottled
1656 water, or we may install some sort of granulated activated carbon
1657 solution. It depends on the circumstance.

1658 Mr. Carter. But whichever way you do it, you do it until
1659 the remediation is completed.

1660 Ms. Sullivan. Correct.

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1661 Mr. Carter. Okay, good. What types of sites? Is there
1662 a particular type of site that you see the most contamination
1663 on?

1664 Ms. Sullivan. It is interesting it is a range of sites.
1665 A lot of it is associated with as you can understand firefighting
1666 activities, training mostly. The newer sites for us that we have
1667 to go and explore are crash sites. So usually with the
1668 firefighting sites there has been some other chemical or compound
1669 that has been used, so we have already done a certain amount of
1670 investigation. However, the crash sites are now newer that it
1671 is a challenge for us to go out and identify where those sites
1672 were and understand the circumstances around them.

1673 Mr. Carter. Good, thank you very much.

1674 Dr. Grevatt, you mention in your testimony that there were
1675 four significant actions that you were considering when you were
1676 making these recommendations for PFOS and for the contaminated
1677 areas. Can you explain those four to me very quickly?

1678 Mr. Grevatt. Yes, certainly. So the first is to explore
1679 the development of a national primary drinking water regulation
1680 for PFOA and PFOS. There are important considerations that we
1681 have to work through. That is ongoing right now. The second
1682 is exploring the listing of PFOA and PFOS as hazardous substances
1683 under CERCLA. There are many statutory mechanisms for achieving
1684 that goal that is very important in terms of our ability to order
1685 cleanup actions and to recover costs that EPA may expend for those

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1686 actions. The third is development of groundwater cleanup
1687 goals under our waste cleanup programs for these substances, very
1688 important in terms of addressing contaminated sites. And then
1689 the final one is developing toxicity values for two additional
1690 PFAS substances, those are GenX and PFBS. And we are hoping to
1691 have those draft values available for public review and comment
1692 in the coming weeks.

1693 Mr. Carter. Do you have a timeline on all four of these
1694 or on the different steps?

1695 Mr. Grevatt. Right. So as I noted, the toxicity values
1696 is probably the closest to being completed and we are looking
1697 towards the coming weeks to have those completed. The
1698 groundwater cleanup recommendations are currently undergoing
1699 interagency review so that process is actively underway. The
1700 last two will be addressed in the National Management Plan which
1701 our goal is to have the completed by the end of the calendar year
1702 in terms of identifying the path forward on these important
1703 actions.

1704 Mr. Carter. Great. Well, thank you both in your work on
1705 this, very challenging.

1706 Thank you, Mr. Chairman. I yield back.

1707 Mr. Shimkus. The gentleman yields back his time.

1708 Seeing no further members of the subcommittee, the chair
1709 now recognizes the gentleman from Vermont for 5 minutes.

1710 Mr. Welch. Thank you very much, Mr. Chairman, a couple of

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1711 things. First of all, I just want to say that I believe the
1712 Environmental Protection Agency is a vital agency to protect the
1713 health and well-being of the American people and I want to thank
1714 you for your dedicated service.

1715 Second, we have an issue in Vermont with PFOA so I want to
1716 talk a little bit about that and then ask whether you can help.

1717 But in 2014, PFOA was discovered in Hoosick Falls, which is just
1718 across the border, and in the town of Bennington on the Vermont
1719 side there was a Teflon plant, Saint-Gobain, and it turns out
1720 that hundreds of private drinking wells in Bennington are
1721 contaminated and we are trying to work through that to provide
1722 for the health and safety of the residents there.

1723 But in June 2017 I wrote to then EPA Administrator Pruitt
1724 with a couple of direct requests and all as a result of what was
1725 happening in Vermont. One was that the EPA establish a national
1726 primary drinking water regulation for PFOA; two, that PFOA and
1727 PFOS be listed as hazardous substances under CERCLA; and three,
1728 that we take action under the Toxic Substances Control Act to
1729 review and regulate PFCs and I continue to request that those
1730 steps be taken.

1731 And, in addition, I believe and many in Vermont believe that
1732 there are several additional steps that the EPA must take on this
1733 front: One, establish toxicity profiles for the entire class of
1734 PFAS compounds; two, establish a reliable testing methodology
1735 for PFAS contamination that is present in sources other than

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1736 water. For instance, how do we test milk produced from a cow
1737 drinking contaminated water or maple syrup from a tree drawing
1738 on contaminated water?

1739 Three, establish a maximum contaminant level as a backstop
1740 while providing resources to states that wish to adopt a more
1741 stringent standard; four, develop reliable and sufficient testing
1742 laboratories to identify contamination; and five, develop a
1743 national listing of products that contain PFAS.

1744 So the questions, Mr. Grevatt, I will ask you, can EPA commit
1745 to establishing toxicity profiles for the entire class of PFAS
1746 compounds?

1747 Mr. Grevatt. Thank you, sir. That is a very important
1748 question. As you know, it is a broad set of compounds, actually
1749 in total many thousand compounds. And through our Office of
1750 Research and Development we are looking not only at how to develop
1751 toxicity values for individual compounds like PFBS and GenX, but
1752 how to start to look at the broader suite of compounds and look
1753 at them holistically. That is still a research area. It is going
1754 to take some time for that work to advance, but that is a focus
1755 area for us and we are working with other parts of the federal
1756 government on those questions as well.

1757 Mr. Welch. Can you keep us posted on that?

1758 Mr. Grevatt. Yes, sir. We would be glad to do so.

1759 Mr. Welch. The clock is ticking on that.

1760 Two other questions, as I mentioned we currently lack a

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1761 publicly available list of products that contain PFAS and related
1762 chemicals. We would like the EPA to compile that list. If you
1763 can't, what resources would the EPA need and what barriers are
1764 preventing you from doing that?

1765 And, finally, is the EPA currently investigating ways in
1766 which to test for contamination of non-water products like the
1767 milk example, the maple syrup example I just mentioned?

1768 Mr. Grevatt. Yes. Let me take the last question first,
1769 and absolutely yes, we are doing that. One of our commitments
1770 is to develop additional analytical methods for a media other
1771 than drinking water understanding how important that is in your
1772 state. And I had the opportunity to visit your great state just
1773 last week with the Environmental Council of the States meeting
1774 there and talk about these issues there. And our TSCA program
1775 is working right now comprehensively to get a broader view of
1776 the presence of PFAS compounds in different products. So that
1777 is an issue we will continue to work on and we will be glad to
1778 circle back with you and talk about that further.

1779 Mr. Welch. All right. Well, I would like to have you stay
1780 in touch with us as progress is being made.

1781 Mr. Grevatt. We would be glad to do so, sir.

1782 Mr. Welch. Thank you very much. I yield back.

1783 Mr. Shimkus. The gentleman yields back his time. The chair
1784 now recognizes the former chairman of the full committee, Fred
1785 Upton, for 5 minutes.

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1786 Mr. Upton. Well, thank you, Mr. Chairman. Again I
1787 appreciate this hearing and I have got a lot of questions. I
1788 want to thank my colleagues on both sides of the aisle as we explore
1789 this situation for sure.

1790 But, Dr. Grevatt, I am going to start with you. As you know,
1791 the Safe Drinking Water Act that passed out of this committee
1792 was very bipartisan. We learned a lot of lessons from Flint.

1793 One of the lessons that we learned ended up in legislation that
1794 President Obama signed that killed the Upton bill which requires
1795 that the EPA when they know about situations of contamination
1796 that they are required within 24 hours to inform the Governor,
1797 develop to work with the state on a plan to implement that.

1798 So my first question when I learned about Parchment, Michigan
1799 was is the EPA involved and the answer was yes. So I am very
1800 grateful for that and I brought that to the attention of the Acting
1801 Administrator Wheeler when I talked to him about it on the phone
1802 within a couple of days.

1803 I am glad to hear about the National Management Plan coming
1804 to Michigan. It is something that we want in Michigan and I know
1805 that my colleagues on both sides of the aisle will very much
1806 encourage that to happen and I would urge that as part of that
1807 visit that you come to Parchment as well where we have had a lot
1808 of different meetings.

1809 In mid-July, before we learned about Parchment, I would note
1810 that Congresswoman Dingell, Kildee, and myself and other members

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1811 of the Michigan delegation urged the EPA to review the toxicology
1812 profile and if, in fact, it needed to be adjusted below 70 parts
1813 per trillion that they do so in an expedited process. Quick
1814 question, is that happening? What can we do to expedite that
1815 process. What is the timing of that?

1816 Mr. Grevatt. Thank you, Congressman. So we continue to
1817 look very carefully at all of the scientific information that
1818 is coming forward related to PFOA and PFOS. That is the focus
1819 of the drinking water health advisory and we will continue to
1820 consider that information going forward as we explore whether
1821 those values need to be changed.

1822 At this time EPA does not have plans to change the drinking
1823 water health advisory, lifetime health advisory for PFOA and PFOS,
1824 but we will continue to watch the literature and stay focused
1825 on this.

1826 Mr. Upton. I know that there is legislation that I am a
1827 cosponsor of that is going to encourage EPA to look at that so
1828 see what happens as that moves.

1829 Ms. Sullivan, your role is very important here, appreciate
1830 you being here. I have to say that I was very troubled reading
1831 your testimony last night in that on page 3 you indicate that
1832 you will share information, the Department of Defense will share
1833 information in an open and transparent manner.

1834 As you know, I wrote a letter back on August 1st relating
1835 to the National Guard Base in Battle Creek. Testing data had

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1836 been taken 3 months prior to that, so 4 months now, and MDEQ,
1837 Department of Environmental Quality in Michigan, had
1838 independently found that there were perhaps as much as 21,000
1839 parts per trillion at that site.

1840 In addition, our Governor Snyder sent a letter regarding
1841 Wurtsmith and I think Selfridge as well, which I will put into
1842 the record. Again prior to August 1st, there was a public meeting
1843 held on July 30th. Yesterday, last night, I received a draft
1844 report of which I will put this page into the record. I will
1845 note that it is a draft, but on page ES-4 they tested 14 different
1846 sites at Battle Creek. Nine of the sites were over a thousand
1847 parts per trillion. Four of the sites, one was 3,800 parts per
1848 trillion; 4,300 parts per trillion; 25,000 parts per trillion;
1849 and 53,000 parts per trillion.

1850 So I would say as a non-engineer, I think Mr. McKinley would
1851 acknowledge that there is little doubt that it came from that
1852 site. So the questions are where is it moving? There are rivers
1853 that are close by. I don't think that there has been a real
1854 identification of private wells that are close by, but what is
1855 the impact on those? What is the impact on the community itself?

1856 But how is that full and transparent when it is now 4 months
1857 after the testing? As we saw in Parchment, it was 4 days after
1858 the testing that we made it public.

1859 Ms. Sullivan. Sir, thank you for the question. I am not
1860 familiar with the specifics in Battle Creek. I actually lived

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1861 there for a period of time so I am familiar with the area, but
1862 I will have to get with the Department of the Army and get the
1863 specifics.

1864 Mr. Upton. Well, did they share this with you before today?

1865 Ms. Sullivan. No, they have not. But I will --

1866 Mr. Upton. I mean this was literally dropped off at my
1867 office late yesterday afternoon as I understand it. I didn't
1868 see it until this morning.

1869 Ms. Sullivan. I have not seen it, sir. But I will get with
1870 the Army and we will get the answers for you.

1871 Mr. Upton. I look forward to that because I want to, you
1872 know, I agree that we ought to be -- that information ought to
1873 be in an open and transparent manner as you indicated in your
1874 testimony, and it is not when it is 4 months late, let alone,
1875 you know, how do we deal with this in the long-term way for those
1876 individuals that are certainly impacted? Not only the servicemen
1877 and women, but also the folks that are living close let alone
1878 those that are along the Kalamazoo River.

1879 Ms. Sullivan. Yes, sir.

1880 Mr. Shimkus. The gentleman's time has expired. It is an
1881 Air National Guard Base so not an Army's.

1882 Ms. Sullivan. I apologize, sir. Yes.

1883 Mr. Shimkus. Not an Army post.

1884 Ms. Sullivan. I always think of Fort Custer. I am sorry.

1885 Mr. Shimkus. All right. The chair now recognizes the

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1886 gentleman from California, Congressman Cardenas, for 5 minutes.

1887 Mr. Cardenas. Thank you very much. I may be on the other
1888 side of the country from my colleague, Ms. Dingell, next to me,
1889 but we share many of the same concerns, water and the effects
1890 of chemicals. And our water systems in California and Los Angeles
1891 are in some cases very dire so the EPA's activity and determination
1892 is very critical to every American all across the country.

1893 I note that Mr. Pruitt may be gone, but I wonder if the
1894 disinterest that I felt from him and his when he was there in
1895 human and environmental health still remains. Hopefully the
1896 commitment has changed. I didn't have much confidence in him
1897 and his ability to make sure that what is important to the EPA
1898 and to American citizens is consistent.

1899 Dangerous chemicals are contaminating our drinking water
1900 and we have known about it for years. We also know the extremely
1901 harmful effects that chemicals have on people especially our
1902 children and seniors. Even this EPA has determined that
1903 chemicals like perchlorate and PFAS are dangerous to human health
1904 at levels found in our drinking water.

1905 Perchlorate, for example, disrupts the normal function of
1906 the thyroid which is necessary for regulation of the heart rate
1907 and blood pressure. For babies, thyroid health is crucial for
1908 the development of the central nervous system. Yet, EPA has not
1909 established a national drinking water standard for perchlorate
1910 despite established research and proven science.

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1911 Dr. Grevatt, can you tell the committee what the mission
1912 of the EPA is?

1913 Mr. Grevatt. Yes, sir, protecting human health and the
1914 environment.

1915 Mr. Cardenas. I love the fact that it is human health and
1916 the environment in that order. And I don't personally believe
1917 that there should ever be a disconnect between those two. I think
1918 we can do justice by minding both and doing what is right in both
1919 instances. So it is not, there is nothing in the EPA that says
1920 the EPA's mission is to protect industry or make compliance easier
1921 for industry, does it?

1922 Mr. Grevatt. Sir, the focus is on protecting human health
1923 and the environment and working broadly across the country to
1924 achieve that goal.

1925 Mr. Cardenas. Okay, good. And being the largest economy
1926 in the world I understand, and being a former businessman myself
1927 I understand how important it is that we try to strike that balance
1928 of responsibility and regulation and laws, et cetera, so that
1929 we can have a healthy environment, healthy human beings, and also
1930 have the healthiest economy in the world. So I appreciate your
1931 clarity on that.

1932 Dr. Grevatt, when did EPA determine that a drinking water
1933 standard for perchlorate would meaningfully reduce risk for
1934 customers of public drinking water systems?

1935 Mr. Grevatt. This was a number of years ago in 2012.

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1936 Mr. Cardenas. 2012. So why was that determination made
1937 or where did that come from?

1938 Mr. Grevatt. Sir, that was made following the key factors
1939 under the Safe Drinking Water Act that this is a compound that
1940 was determined to present a threat to the health of persons, that
1941 it occurred at a level and frequency in the nation's drinking
1942 water supplies, and that in the sole judgment of the Administrator
1943 that a national primary drinking water regulation was necessary
1944 to protect public health.

1945 Mr. Cardenas. Do we have a national standard today?

1946 Mr. Grevatt. We do not yet. We are engaged in that process
1947 of developing the proposed rule.

1948 Mr. Cardenas. Okay. You are engaged in that and what is
1949 your hope timeline wise? I know you don't have a crystal ball,
1950 but I am sure there is a lot of moving parts and there is a lot
1951 to be done before we set that or excuse me, you set that. So
1952 what do you think?

1953 Mr. Grevatt. Yes, sir. We are under consent decree for
1954 this process right now and we have interacted with the court to
1955 request a bit more time to address the latest science that came
1956 in through our process and so we are hoping to have a proposed
1957 rule available in the coming months.

1958 Mr. Cardenas. Okay. Oh, so a bit more time, you are talking
1959 about your hope is in the coming months.

1960 Mr. Grevatt. Yes, sir.

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1961 Mr. Cardenas. Not in the coming years.

1962 Mr. Grevatt. Yes, sir.

1963 Mr. Cardenas. That is awesome. This administration has
1964 been asking courts on various issues for more time, more time,
1965 more time, so I am glad to your response and hopefully you will
1966 meet your expectation and ours as well.

1967 How long has the EPA known about the risks of PFAS in drinking
1968 water?

1969 Mr. Grevatt. So we have known about the potential risks
1970 of PFAS in drinking water for a number of years and that is why
1971 we engaged with the manufacturers in the phase-out of these
1972 compounds over the last decade or so. And so that phase-out has
1973 been achieved, we followed that up with significant new use rules
1974 under TSCA to make sure that we weren't relying on the voluntary
1975 agreement, but we actually had the ability to require notification
1976 of EPA before these compounds would be reintroduced.

1977 So it has been a number of years that we have been actively
1978 engaged in this. And then I think you are aware that we completed
1979 this national drinking water survey of the presence of PFAS
1980 compounds in the nation's drinking water supplies over the last
1981 several years as well.

1982 Mr. Cardenas. Thank you, Doctor. I appreciate it. And
1983 I yield back.

1984 Mr. Shimkus. The gentleman yields back his time.

1985 Just a side note, you want to know that Dr. Grevatt's

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1986 professional educational background as a toxicologist; is that
1987 correct?

1988 Mr. Grevatt. That is correct.

1989 Mr. Shimkus. Thank you. The chair now recognizes the very
1990 patient Congressman Sarbanes from Maryland.

1991 Mr. Sarbanes. Thank you, Mr. Chairman. Thank you all for
1992 being here.

1993 As you know, in 2018, ATSDR had prepared this study which
1994 showed the safe level of PFAS may be closer to 7 parts per trillion
1995 not 70. And at that time, officials at EPA and the DOD contacted
1996 the White House to express concerns about that report being
1997 released and what the public relation fallout might be and there
1998 is some emails related to that that were released in response
1999 to a FOIA request from the Union of Concerned Scientists.

2000 I wanted to ask a couple of questions about that because
2001 to be candid I have grown increasingly concerned about lack of
2002 transparency within the Trump administration and its various
2003 agencies. So this goes to that concern.

2004 So, Ms. Sullivan, in these emails that were released pursuant
2005 to the FOIA request somebody wrote, We, EPA and DOD, cannot seem
2006 to get ATSDR to realize the potential public relations nightmare
2007 this is going to be. At the time those emails were sent, were
2008 you aware of any DOD officials who shared those concerns?

2009 Ms. Sullivan. Sir, I am so glad you asked that question.
2010 When this process was going on my communications with the Office

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2011 of Management and Budget were solely to ask when it was going
2012 to happen and what the communication plans would be. I did not
2013 provide any assessment of whether that was good or bad, it was
2014 simply asking when would it be released and what would the risk
2015 communication --

2016 Mr. Sarbanes. So I appreciate that but were you aware of
2017 any DOD officials who were sharing the concerns expressed in that
2018 email?

2019 Ms. Sullivan. No, I was the voice, sir.

2020 Mr. Sarbanes. Okay. And I take it then you were not aware
2021 of efforts by DOD officials to impede the release of the report?

2022 Ms. Sullivan. No, I was not aware of any efforts.

2023 Mr. Sarbanes. Were you aware of any, or are you of any
2024 internal DOD review or response that relates to the matters
2025 discussed in the email?

2026 Ms. Sullivan. We have reviewed the draft document and
2027 submitted comments to the ATSDR and will respect the process that
2028 ATSDR goes through to develop the final document. I want to
2029 emphasize that we, and Dr. Grevatt has mentioned this before,
2030 we believe it should be peer-reviewed based on sound science,
2031 developed in a transparent manner, and we support the outcome
2032 of that.

2033 Mr. Sarbanes. Well, I appreciate it and I just worry that
2034 concerns about public relations can lean on the scale in a way
2035 that could undermine the scientific conclusions and judgments

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2036 and assessments that are being made.

2037 Dr. Grevatt, we have seen some lack of transparency issues
2038 at the EPA as well. Under the previous administrator, Scott
2039 Pruitt, there were secret calendars hiding meetings with industry
2040 leaders, there was an undermining of career employees and
2041 scientific advisors. I know you are a career employee. I wonder
2042 if you have experienced any pressure from political folks at EPA
2043 or other administration officials to make decisions on a basis
2044 other than a scientific basis.

2045 Mr. Grevatt. I personally have not.

2046 Mr. Sarbanes. And are you or were you aware of the emails
2047 I just referenced at the time that they occurred?

2048 Mr. Grevatt. At the time I wasn't aware of the specific
2049 emails, but I was aware as Ms. Sullivan indicated of the strong
2050 interest in making sure that we had a coordinated communications
2051 effort across the federal government on these issues.

2052 Mr. Sarbanes. And I guess that is the concern, because you
2053 could dress up what might be a reflex to stop the release of
2054 something or slow it down significantly, notwithstanding the
2055 scientific basis for getting it released. That could be dressed
2056 up as just wanting to kind of get all the ducks in a row and so
2057 forth and that is a fine line. And I am concerned based on some
2058 of the exchange of those emails that it may have tipped into a
2059 place where concern about PR, the public revelation of these new
2060 standards might have taken over the scientific judgment that

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2061 should have been in place.

2062 So I will continue to bring some interest and attention to
2063 this, but I thank you for your testimony. I yield back.

2064 Mr. Shimkus. The gentleman yields back his time.

2065 Seeing no further members wishing to ask questions, I want
2066 to thank the first panel for their time, their due diligence,
2067 and their answering of the questions. I think you can get an
2068 impression that this subcommittee and this committee they are
2069 pretty smart folks up here and have done their homework.

2070 So this is -- I can't even pronounce some of these chemicals,
2071 but at least I think it was a good hearing on this and we look
2072 forward to addressing things again. So with that thank you very
2073 much and we will sit the second panel down.

2074 [Recess.]

2075 Mr. Shimkus. We want to thank our witnesses for being here
2076 today and take the time to testify before the subcommittee. The
2077 second panel consists of the following members: Ms. Lisa Daniels,
2078 Director of Bureau of Safe Drinking Water, Pennsylvania
2079 Department of Environmental Protection on behalf of the
2080 Association of State Drinking Water Administrators; Mr. Sandeep
2081 Burman, Manager of Site Remediation and Redevelopment, Minnesota
2082 Pollution Control Agency on behalf of the Association of state
2083 and Territorial Solid Waste Officials, both organizations I have
2084 worked with closely; Ms. Carol Isaacs, Director of Michigan PFAS
2085 Action Response Team, the czarina as was referred to earlier;

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2086 and think soon to join us, Ms. Emily Donovan, Co-founder of Clean
2087 Cape Fear; and Mr. Erik Olson, Senior Director of Health and Food,
2088 Healthy People & Thriving Communities Program with the Natural
2089 Resources Defense Council.

2090 We appreciate you all being here today. We will begin the
2091 panel with Ms. Daniels, and you are now recognized for 5 minutes
2092 to give your opening statement.

2093 STATEMENTS OF LISA DANIELS,, BUREAU OF SAFE DRINKING WATER,
2094 PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION; SANDEEP
2095 BURMAN, MANAGER, SITE REMEDIATION AND REDEVELOPMENT, MINNESOTA
2096 POLLUTION CONTROL AGENCY; CAROL ISAACS, DIRECTOR, MICHIGAN PFAS
2097 ACTION RESPONSE TEAM, EXECUTIVE OFFICE OF GOVERNOR RICK SNYDER;
2098 EMILY DONOVAN, CO-FOUNDER, CLEAN CAPE FEAR; AND, ERIK OLSON,
2099 SENIOR DIRECTOR, HEALTH AND FOOD, HEALTHY PEOPLE & THRIVING
2100 COMMUNITIES PROGRAM, NATURAL RESOURCES DEFENSE COUNCIL

2101

2102 STATEMENT OF LISA DANIELS

2103 Ms. Daniels. Good morning, Chairman Shimkus, Ranking
2104 Member Tonko, and members of the subcommittee. Thank you for
2105 the opportunity to talk about PFAS in drinking water. My name
2106 is Lisa Daniels and I am the president of the Association of State
2107 Drinking Water Administrators whose members include 50 state
2108 drinking water programs, five territorial programs, the District
2109 of Columbia, and the Navajo Nation. Our members have primacy
2110 for implementing the Safe Drinking Water Act and they are on the
2111 front lines every day providing technical assistance, support,
2112 and oversight to our public water systems which is critical to
2113 protecting public health.

2114 I am also, so my other full-time job, I am also the director
2115 of the Bureau of Safe Drinking Water within the Pennsylvania
2116 Department of Environmental Protection.

2117 Today I would like to discuss ASDWA's concerns about PFAS

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2118 and then really delve into three key recommendations we would
2119 like to make. PFAS compounds of course have been a growing
2120 concern for the drinking water community for more than a decade.

2121 To date, PFAS has been found in groundwater in at least 38 states,
2122 and I think that is an important number to remember, 38 states.

2123 The solubility, mobility, and bioaccumulative properties
2124 of PFAS continue to heighten concerns about the potential adverse
2125 health effects and there are many unanswered questions. For
2126 example, where are these compounds being manufactured and used
2127 in commerce, what are their toxicity levels, how are they
2128 impacting the environment and public health, and these are just
2129 to name a few.

2130 In 2016, EPA finalized the lifetime health advisories for
2131 two of the most common PFAS compounds, PFOA and PFOS. In June
2132 of 2018, as folks have remarked, ATSDR released a draft tox profile
2133 that proposed minimal risk levels and they proposed it at
2134 different levels than the EPA's health advisory number. The lack
2135 of a federal standard and, really, this inconsistent health risk
2136 number have really led to increased public concern and driven
2137 some states to establish their own PFAS action levels. However,
2138 there are also other states that cannot take any independent
2139 action because they are prevented from being any more stringent
2140 than EPA.

2141 With all of this together it is really no wonder that the
2142 average American is left questioning whether their drinking water

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2143 is safe. In my own state of Pennsylvania, our Environmental
2144 Cleanup Program is conducting site investigations at about 11
2145 sites across the state. The investigations that we are doing
2146 are where there are levels above EPA's health advisory of 70,
2147 because we are fortunate that we can recognize health advisory
2148 levels in Pennsylvania and we do have authority to look at
2149 unregulated contaminants at those levels.

2150 However, certainly the adequacy of our actions are being
2151 called into question because of differing numbers that we see
2152 coming out from ATSDR and potentially some other states. We do
2153 recognize the science is still evolving PFAS and risk to human
2154 health. There is a whole host of analytical and technology
2155 challenges and data gaps surrounding this issue. And, really,
2156 what folks need are more robust information on health effects,
2157 analytical methods, and treatment efficacy. So clearly
2158 more work is needed, more research and data are needed to really
2159 help support a consensus-based standard and tox values. ASDWA
2160 partnered with several organizations including ECOS, Aqua, and
2161 EPA to help chart a path forward for states and federal agencies.

2162 We have provided extensive written comments and recommendations
2163 to EPA and other federal agencies on two different occasions.

2164 The first one was back in January of this year, and then a second
2165 set of comments was submitted in July. Essentially we are asking
2166 these folks to work together to help solve this issue. Anybody
2167 that is interested in seeing the comments that we wrote, all of

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2168 that information is on our website as well as information that
2169 we continue to gather and pull together based on other states.

2170 ASDWA absolutely supports the commitments the EPA made
2171 during the National Leadership Summit and we think that is a solid
2172 step forward but more work is needed. In terms of ASDWA
2173 recommendations, states' water systems and the public need
2174 national leadership now to address this issue. And for us, the
2175 question is not whether to regulate but when and how, but make
2176 sure it is done using sound science.

2177 The three key areas we would like to suggest: We believe
2178 PFAS must be addressed at the national level using a holistic
2179 approach and we ask Congress to direct all the federal agencies
2180 to develop a unified message for risk.

2181 Number two, we ask Congress to provide additional funding
2182 to EPA and the states to deal with this issue. Currently we do
2183 think folks are diverting money away from the core program in
2184 order to address this issue which is causing problems there.

2185 Third, Congress should recommend EPA to expand and
2186 coordinate across all of the programs and media. And with that
2187 we look forward to continuing to work with you to solve this issue.

2188 Thank you.

2189 [The prepared statement of Ms. Daniels follows:]

2190

2191 *****INSERT 4*****

2192

Mr. Shimkus. Thank you.

2193

The chair now recognizes Mr. Burman for 5 minutes.

2194 STATEMENT OF SANDEEP BURMAN

2195

2196 Mr. Burman. Good morning, Chairman Shimkus, Ranking Member
2197 Tonko, and members of the subcommittee. Thank you for the
2198 opportunity to speak at today's hearing. My name is Sandeep
2199 Burman and I am the manager of Site Remediation and Redevelopment
2200 for the Minnesota Pollution Control Agency. I am also a member
2201 of the board of directors of ASTSWMO. While Minnesota is a member
2202 of ASTSWMO, I am here today speaking on behalf of the Association.

2203 As you know, ASTSWMO is an association representing the waste
2204 management and cleanup programs of the 50 states, five
2205 territories, and the District of Columbia. As you know and as
2206 you heard from prior testimony today, per and polyfluoroalkyl
2207 substances, PFAS, have emerged as one of the most complex and
2208 challenging environmental and public health issues to have
2209 confronted the country in recent times. Many of ASTSWMO's member
2210 states are reporting widespread impact and risks from PFAS.
2211 Alabama, Colorado, Minnesota, New Jersey, Vermont are a few states
2212 who have provided summaries that are included in ASTSWMO's written
2213 testimony, but many states have similar stories to share.

2214 As states conduct additional sampling and response to the
2215 continually evolving understanding of PFAS and associated risks,
2216 it is expected that more releases and impacts will be discovered
2217 from both historical and current sources. The problem is
2218 therefore likely going to assume even greater magnitude and even

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2219 more serious implications for public health and the environment.

2220 The current absence of established federal regulatory
2221 standards for these compounds is creating uncertainty as public
2222 drinking water systems, wastewater treatment systems, regulatory
2223 agencies, responsible parties, and communities are attempting
2224 to address risks to public health and the environment. There
2225 is an urgent need for federal standards including reference doses,
2226 drinking water standards, surface water standards, and
2227 remediation standards that can be used to reliably address ongoing
2228 public health concerns.

2229 A comprehensive system of national standards will provide
2230 a level of certainty and consistency for environmental
2231 permitting, compliance, and cleanups. For instance, when it
2232 comes to drinking water, PFOS and PFOA are the only two chemicals
2233 from the PFAS family that currently have a federal guidance value.

2234 These were issued in 2016 by the EPA in the form of a
2235 non-enforceable lifetime health advisory of 70 parts per
2236 trillion.

2237 However, many states that are investigating PFAS impacts
2238 in drinking water cannot limit their efforts to just PFOS and
2239 PFOA. This is because they are detecting a mix of PFAS in the
2240 groundwater and drinking water. As a result, some states have
2241 had to develop their own standards and guidance for the various
2242 PFAS that have been detected in their drinking water and
2243 groundwater while other states have adopted the EPA lifetime

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2244 health advisories for PFOA and PFOS.

2245 However, there are differences between the various state
2246 standards and many of the state standards for PFOS and PFOA differ
2247 from the EPA advisory values for those two chemicals. As you
2248 can imagine, this causes questions and confusion for the public
2249 as well as for regulated parties and regulators themselves.

2250 National groundwater standards are therefore urgently
2251 needed for the PFAS family to promote consistent and comprehensive
2252 cleanups across the country. This will assist states that do
2253 not currently have promulgated standards as well as those that
2254 may lack the resources to ever have their own standards. At the
2255 same time there will be the need to recognize the PFAS standards
2256 that are promulgated by states especially if they are lower than
2257 the corresponding federal ones.

2258 States are also unclear on how responsible parties can be
2259 requires to remediate PFAS contamination. Therefore, a national
2260 regulatory framework not just guidance or recommendations is
2261 needed for the cleanup of PFAS in groundwater and drinking water.

2262 In May of 2018, EPA hosted a National Leadership Summit in
2263 Washington, D.C. to take action on PFAS. EPA announced several
2264 significant actions the Agency would take on PFAS primarily
2265 focused on PFOS and PFOA. ASTSWMO acknowledges these EPA
2266 proposed actions has been important first steps and appreciates
2267 the collaborative efforts EPA has made since the summit on these
2268 actions.

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2269 However, ASTSWMO is still recommending to EPA that in
2270 addition to the action plan outlined at the summit EPA should
2271 closely examine an approach that will treat the multiple PFAS
2272 as a class or a mixture of chemicals for the purpose of designating
2273 them as CERCLA hazardous substances or RCRA hazardous waste.
2274 This will ensure that there is clear regulatory authority to
2275 require responsible parties to investigate an immediate
2276 contamination from the multiple PFAS that are already being
2277 discovered as contaminants of concern across sites around the
2278 country beyond just PFOS and PFOA. There is also a clear
2279 need to coordinate efforts at the national level on all scientific
2280 and policy issues pertaining to PFAS. ASTSWMO has taken and will
2281 continue to take many steps to assist with this national
2282 collaboration. With that I thank you again on behalf of ASTSWMO
2283 for this opportunity to offer testimony and I will be happy to
2284 take any questions later.

2285 [The prepared statement of Mr. Burman follows:]

2286

2287 *****INSERT 5*****

2288 Mr. Shimkus. Thank you very much.

2289 The chair now recognizes Ms. Carol Isaacs, the director of
2290 Michigan's PFAS Action Response Team. You are recognized for
2291 5 minutes.

2292 STATEMENT OF CAROL ISAACS

2293

2294 Ms. Isaacs. Thank you so much. Good morning, Chairman
2295 Shimkus and Ranking Member Tonko, other members. I also want
2296 to recognize our Congressman Upton and Walberg and Congresswoman
2297 Dingell from Michigan and recognize them for their steadfast
2298 bipartisan focus on this issue. Michigan appreciates that.

2299 My name is Carol Isaacs. I am the director of the Michigan
2300 PFAS Action Response Team, better known as MPART. I represent
2301 a single state, Michigan, this morning, but our experience is
2302 national and all states are experiencing some or all of what we
2303 are experiencing. Michigan is one of a growing number of states
2304 throughout the country dealing with a suite of chemicals
2305 collectively called PFAS.

2306 To address this public health threat, on November the 13th,
2307 2017, Governor Rick Snyder issued a executive directive forming
2308 MPART. This unique structure integrates ten state department
2309 agencies' departments work effectively to enhance cooperation
2310 and coordination among local, state, and federal agencies. And
2311 all of those, all of those are our partners. The Response Team
2312 has been instrumental in creating investigation and response
2313 protocols to identify and protect regions of the state with known
2314 or possible PFAS contamination, threatens the drinking water of
2315 our residents. The many proactive steps MPART has taken
2316 since the formation in November of '17 include the following:

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2317 We established a new cleanup criteria of groundwater within a
2318 few weeks of the establishment of MPART. I have been present
2319 for 9 months in my state in this capacity.

2320 MPART has identified 35 PFAS states which include public
2321 water supplies and military bases and industrial sites and
2322 landfills. We have done more than 6,000 tests and overseen the
2323 delivery of alternate water to more than 1,600 households and
2324 overseen the installation of much larger than 700, it is 1,200
2325 filtration systems for homes.

2326 We have met with 200 wastewater treatment personnel in our
2327 landfill industry working cooperatively with them on this issue.

2328 MPART has created an independent science board advisory panel
2329 to provide information to us and we will expect results before
2330 the end of the year. We have engaged 70 external state and
2331 national groups on PFAS and continue to meet with our local
2332 residents and local communities. We will meet two to three times
2333 a month in some community from Michigan.

2334 Our legislature appropriated an additional 23 million at
2335 the end of '17 to allow us to do our proactive investigation on
2336 PFAS. We are characterized by searching for this contamination.

2337 Importantly, MPART has undertaken the most comprehensive state
2338 drinking water survey in the nation. It far exceeds the survey
2339 of large cities over 10,000. It includes all public water systems
2340 that serve more than 25 people and that includes our mobile home
2341 parks, so it is really, really extensive. We will have that

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2342 completed before the year is out.

2343 The wisdom of a comprehensive survey of drinking water is
2344 important because this survey has resulted in covering the
2345 drinking water for the vast majority of our residents. Through
2346 this survey we were able to find and mitigate high levels of PFAS
2347 exposure in our drinking water with one of our communities,
2348 Parchment. You heard about Parchment a little bit earlier.
2349 Those levels were 20 times higher than the EPA advisory level.

2350 In a matter of hours, the state was able to have a very
2351 effective response. We worked diligently with our federal and
2352 local partners. In that short period of time we were able to
2353 alert the community from our testing results, pay for bottled
2354 water to be distributed, and assisted in helping to provide a
2355 new water source from a nearby community.

2356 We want to focus on our proactive and aggressive approach
2357 from PFAS that resulted in preserving the public health of more
2358 than 3,000 of the people in this city. We also thank this
2359 community for their cooperation and willingness to respond to
2360 this situation in such a unified manner. It was really a very
2361 wonderful effort and worked very well. We continue in this
2362 community to test their private wells now that we are aware that
2363 they have some contamination.

2364 I am going to close by indicating why this is a national
2365 issue. We looked to EPA for guidance for all the reasons you
2366 have already heard. We need that guidance because DOD follows

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2367 that. We also need a uniform understanding of the relationship
2368 of these chemicals. When it comes to health care and cleanup
2369 standards we need a cooperation between ATSDR and EPA and we need
2370 to look to the FAA to work with us because they work with the
2371 DOD. When we have regulation from these entities then the state
2372 matches the military and the airports and we are all doing the
2373 same thing, the most effective thing.

2374 In closing, USDA is needed for our food chain analysis.
2375 And we are going to say that clean water is essential to all
2376 Americans and we appreciate everything that Congress is doing
2377 for us at this point and we wish to have you consider in your
2378 budget priorities the funding necessary to do this. This is a
2379 national issue. The states can't do it all. We need our federal
2380 partners. We need our Congress. We need you to help us put this
2381 all together so that we can rapidly address this for the public
2382 health of the people in Michigan and across the country. Thank
2383 you very much.

2384 [The prepared statement of Ms. Isaacs follows:]

2385 *****INSERT 6*****

2386 Mr. Shimkus. The gentlelady's time is expired.

2387 The chair now recognizes Ms. Emily Donovan, co-founder of

2388 Clean Cape Fear. You are recognized for 5 minutes.

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2389 STATEMENT OF EMILY DONOVAN

2390

2391 Ms. Donovan. Thank you, Mr. Chairman and members of the
2392 subcommittee for elevating the issue of PFAS water contamination
2393 to the highest level possible. My name is Emily Donovan and I
2394 wear multiple hats. I am a youth director at a Presbyterian
2395 Church on Wrightsville Beach. I am a wife and a mother raising
2396 9-year-old twins, and I am also co-founder of Clean Cape Fear.

2397 We are a water advocacy group that formed after learning
2398 DuPont Chemours was dumping large quantities of highly toxic PFAS
2399 into our primary source of drinking water, the Cape Fear River.
2400 Today I would like to speak to you as a mother who has spent
2401 the last 15 months getting a crash course in biochemistry.

2402 Imagine waking up to headlines that the same company who
2403 spent a historic \$670 million to settle over 3,500 lawsuits in
2404 another state for poisoning their drinking water was doing the
2405 exact same thing to yours. That is exactly what DuPont's spinoff
2406 Chemours did with GenX, their C8 replacement for making Teflon,
2407 and GenX was only 12 percent of the total PFAS found in our finished
2408 tap water. I am largely here today because of a handful of
2409 dedicated scientists from North Carolina who stumbled upon
2410 something in the Cape Fear River at alarmingly high quantities
2411 and decided to investigate it. Due to their tireless
2412 research, we know now at least 25 different PFAS have been
2413 discovered in our finished tap water and in private wells around

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2414 DuPont Chemours' facility in Fayetteville. We learned early on
2415 through court documents that DuPont Chemours has mastered the
2416 art of deception and I believe this chronic polluter has no problem
2417 exposing millions of citizens to these toxic chemicals.

2418 It has been a year since we learned about GenX and we still
2419 know nothing about the majority of chemicals in our finished
2420 water. Not a single health official, scientist, or policymaker
2421 can tell me if the 16 mystery PFAS I found in the tap water at
2422 my children's public school are safe to drink. There are no
2423 recommended dose levels. There are no toxic mixture studies to
2424 guide me on how these chemicals interact with each other or could
2425 potentially harm my children as they grow up.

2426 It sickens me to think that I may have harmed my children
2427 by simply raising them to drink the tap water. I will forever
2428 wonder if that choice will one day cause them major medical harm.

2429 I now send my children to school with water bottles filled with
2430 reverse osmosis water because it seems to be the only reliable
2431 filtration method to remove these toxins and our RO filters are
2432 incredibly expensive. I pray daily it is enough to keep them
2433 hydrated the whole day. I worry constantly about the children
2434 drinking from the school tap water because their parents are
2435 either unaware or can't afford to access properly filtered water.

2436 It is not just parents who are worried about their children.
2437 We as adults are also worried about our own health. These toxic
2438 chemicals do not act equally in our bodies. Some people may never

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2439 develop serious health problems while others aren't so lucky.

2440 Our state's leading PFAS toxicological researcher publicly
2441 stated the true impacts of GenX may take years to become known
2442 because cancer takes its time to reveal itself in humans.

2443 I am here to testify that Wilmington and Fayetteville area
2444 residents are already showing signs of obscure and rare cancers,
2445 immune disorders, and diseases in populations far too young to
2446 pass off as normal. How many of your friends are battling cancer?

2447 I am 41 and my friend Sarah is battling stage 3 colon cancer.

2448 My friend Tom has terminal brain and bone cancer. My friend
2449 Kara, an Operation Iraqi Freedom veteran, has stage 3 breast
2450 cancer and had her gallbladder stop working. My friend Margaret
2451 has a rare bone cancer and my friend Robert has leukemia and
2452 bladder cancer. And my own husband had a benign brain tumor and
2453 almost lost his eyesight. I am frightened. We already know
2454 testicular cancer is on the rise in our region. We know thyroid
2455 cancers are nearly double the state and national averages in
2456 Brunswick and Pender and New Hanover Counties.

2457 We need you to act swiftly now. We want a nationwide PFAS
2458 human exposure study that includes all known PFAS not just the
2459 already well documented PFOA and PFOS. We need to move beyond
2460 GenX, PFOA, PFOS, and PFBS and regulate all PFAS as a class of
2461 highly toxic chemicals, because I know and you know that you don't
2462 have time or money to individually regulate the estimated 10,000
2463 PFAS in our water today or in use today.

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2464 We need to get these nasty toxins out of our drinking water
2465 now so no one else suffers the way we are in North Carolina.
2466 Look to the Madrid Statement for guidance that debunks the
2467 long-chain myth. Require all chemical makers provide standards
2468 for all PFAS produced including byproducts. Make the EPA begin
2469 rodent toxicology studies on all these chemicals. Mandate that
2470 public utilities nationwide conduct mandatory, comprehensive
2471 PFAS testing with the method detection limits set at 1 because
2472 the American people deserve to know every drop of these nasty
2473 chemicals that are in their drinking water.

2474 Congress should deny all federal contracts including defense
2475 contracts to chronic PFAS polluters like DuPont and Chemours.

2476 If they can't play by the rules, they don't deserve a single
2477 federal taxpayer dollar. Set parameters for an adequate period
2478 of time and require these chronic polluters pay for remediation
2479 and cleanup. And we demand the maximum contaminant level for
2480 all PFAS be set to 1 part per trillion in light of the recent
2481 CDC study citing again the Madrid Statement.

2482 Thank you so much for your time. It has been an honor to
2483 testify before your committee.

2484 [The prepared statement of Ms. Donovan follows:]

2485

2486 *****INSERT 7*****

2487 Mr. Shimkus. Thank you very much. We are happy to have
2488 you.

2489 Last is Mr. Eric Olson, senior director of Health and Food,
2490 Healthy People & Thriving Communities Program from the Natural
2491 Resources Defense Council. You are recognized for 5 minutes.

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2492 STATEMENT OF ERIC OLSON

2493

2494 Mr. Olson. Thank you Mr. Shimkus and thank you Ranking
2495 Member Tonko and members of the committee. You just heard about
2496 the real-world impacts of these chemicals in our water supplies
2497 across the country. In fact, probably every person in this room,
2498 every member of this committee has these chemicals in their body.

2499 Over 98 percent of the public has these chemicals in their body.

2500 I view these as the new PCBs. Members may remember many
2501 years ago that it took an act of Congress, literally, to ban PCBs.

2502 We are very concerned that this is a very broad class of thousands
2503 of chemicals that have not, frankly, been meaningfully regulated.

2504 We have a little bit of action on a couple of them, but the vast
2505 majority there has been virtually nothing done at the federal
2506 level in most states.

2507 I also want to say that we know that there is six million
2508 people from a Harvard study that are drinking two of the PFASs
2509 in their water at levels above EPA's action level. Six million
2510 people. When those numbers come down as a previous questioner
2511 suggested, there are going to be a lot more people that are shown
2512 to have excessive levels of these chemicals in their water
2513 supplies. It is going to happen, I guarantee you, in every single
2514 state, probably in most congressional districts.

2515 As we get the new data coming in we are going to see this
2516 across the country. These impacts we heard about a variety of

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2517 them. They include cancers of the kidney, cancer of the
2518 testicles, other adverse effects including immune system impacts,
2519 impacts on the thyroid, impacts on fetal development.

2520 And I just want to share a story that I -- I just got a phone
2521 call yesterday from a citizen who is in Cape Fear, very similar
2522 to the story that you just heard, and she had actually lost her
2523 baby. She found out afterwards that she had been drinking
2524 excessive levels of these chemicals in her water. She was a
2525 marathon runner. She routinely drank a lot of the water.

2526 She wants to know, what are the impacts of the people in
2527 her community? What does she tell her kids? What does she tell
2528 the rest of the community? There are 11,000 people in her
2529 organization and I know Ms. Donovan's group has a lot of members
2530 really trying to fix this problem. It is across the country.

2531 We need action. And I ask that a letter that has about 50 groups
2532 signed on to it asking for action be entered into the record which
2533 addresses some of the needs.

2534 There are obviously concerns about setting an EPA drinking
2535 water standard. We would like to see EPA move forward.
2536 Unfortunately the Agency has known about this problem for more
2537 than a decade and hasn't even made a determination that a standard
2538 is necessary. And I didn't hear EPA commit to making a
2539 determination in the earlier testimony today.

2540 I don't think we got a commitment from the Agency to even
2541 determine that a standard needs to be made. And as we heard

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2542 earlier, even where EPA makes such a determination which they
2543 did for perchlorate, the only chemical in 22 years under the Safe
2544 Drinking Water Act 1996 amendments that EPA made a determination,
2545 EPA is still a decade later has not even proposed a standard.

2546 In addition, obviously in addition to a standard, we need
2547 states to be taking action because EPA isn't going to be doing
2548 anything very quickly. States need to be stepping into the void.

2549 Some states are doing it, New Jersey, Vermont, New York,
2550 California, other states are looking at action. We need to stop
2551 the further contamination.

2552 We need to have cleanup standards. We need to have a
2553 phase-out of the uses that are causing all this contamination.

2554 We need polluter pays requirements so that the polluters are
2555 paying to clean up, not citizens who have contaminated drinking
2556 water. Why should they have to pay for the cleanup? It really
2557 ought to be the polluters paying for it. We need an authority
2558 for citizen action, for medical monitoring and enforced cleanup.

2559 We also need, clearly, action on food uses of these
2560 chemicals. Your pizza boxes, a lot of your other food packaging
2561 contains these chemicals in them. You are being exposed through
2562 your food and we need to take action to address those. And, in
2563 addition, we clearly need EPA to take action under the Clean Water
2564 Act and the Toxic Substances Control Act to address new uses and
2565 new PFASs.

2566 And, finally, we certainly need action under the Safe

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2567 Drinking Water Act to ensure that we have more funding through
2568 the State Revolving Fund and through a cleanup fund to start
2569 cleaning these problems up before they just causing nationwide
2570 disaster from the public health perspective. Thank you very
2571 much.

2572 [The prepared statement of Mr. Olson follows:]

2573

2574 *****INSERT 8*****

2575 Mr. Shimkus. The chair thanks the gentleman. And now I
2576 will recognize myself for the opening of the round of questions
2577 and I will recognize myself for 5 minutes.

2578 I want to go to Ms. Daniels. Your testimony calls for, quote
2579 unquote, a holistic national approach keying off a unified
2580 message. Why don't you think that the federal government is doing
2581 that right now and are there technical barriers to it being done
2582 that way?

2583 Ms. Daniels. So yes, thank you for that question. So I
2584 think the federal government is doing a better job of it now but
2585 I would argue that I don't think there was much of that going
2586 on for the last 10 years. So I think possibly since signaling
2587 through the summit, you know, action moving forward, I think they
2588 have been doing a better job.

2589 But, for example, I still see the silo effect that we have
2590 between EPA and ATSDR. So why do we have two different agencies
2591 doing essentially the same amount of work or the same type of
2592 work which is risk assessment work, you know, why aren't those
2593 two agencies working together on that very important topic?

2594 And I think when I see things that EPA is doing, I think
2595 they are probably doing a better job talking to their counterparts
2596 in wastewater and in drinking water, but I haven't seen FDA
2597 necessarily pull to the table. So I think that is a partner that
2598 has sort of been missing at least from my perspective. So I think
2599 they are doing a better job since May, you know, that I don't

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2600 think that was happening much before that.

2601 And I think so there has been a lot of conversation about
2602 the UCMR rule, you know, to me if a chemical reaches the level
2603 where it is going to be part of the UCMR rule, way back in those
2604 phases folks should already be looking at how to reach out to
2605 the other groups that have a part in this. So why didn't we have
2606 standards from wastewater and waste back then, because it is
2607 natural for states to want to try to find where those things are
2608 coming from and we still don't have standards in those areas.

2609 Mr. Shimkus. So just for correction, I kind of use the word
2610 technical for a reason, but you kind of explained more
2611 administration and legal hurdles. I mean just leadership, I am
2612 a big leadership guy and someone has to be in charge and someone
2613 has to keep people, so that is really your response is more legal
2614 and administrative.

2615 Ms. Daniels. Well, there are some technical challenges too.
2616 So in drinking water we can take action with an MCL. We can
2617 take action with a HAL. In Pennsylvania, our wastewater folks
2618 are having a challenge addressing PFAS and discharges because
2619 some of them can represent, recognize a HAL but others need an
2620 MCL or a water quality standard in order to take action. And
2621 in our waste program we have the luxury that they can recognize
2622 a HAL as well but not all states can do that.

2623 So there are different trigger levels for these different
2624 agencies in terms of when they have authority to take an action

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2625 and that is where we have some inconsistency.

2626 Mr. Shimkus. Let me go to Mr. Burman. What technical or
2627 economic barriers that states face with respect to responding
2628 to PFAS contamination?

2629 Mr. Burman. Thank you, Mr. Chairman. For the states from
2630 the cleanup perspective, the biggest challenge, really, is the
2631 uncertainty about which of these compounds do we really go after.

2632 They do not occur as just PFOS and PFOA in isolation. It is
2633 a mixture and states are rapidly finding more and more of these.

2634 The question is in the absence of established and formal
2635 health standards which ones should the state focus on, how do
2636 you sample for them, and how do you clean them up. So there is
2637 a lot of uncertainty about the nature and occurrence, standards,
2638 and just the basic fundamental nuts and bolts of how do you sample
2639 for them, how do you detect them, and what technologies can really
2640 get them out of water and soil.

2641 Mr. Shimkus. So what are states and territories doing to
2642 address the uncertainties that you just mentioned?

2643 Mr. Burman. Thank you, Mr. Chair, for that question. And
2644 as in my previous testimony, what is happening is states are driven
2645 by what they are finding and they are evolving their own risk
2646 assessments and they are coming up with, in some cases,
2647 promulgated standards and in some cases values for additional
2648 PFAS.

2649 A lot of states now, I shouldn't say a lot, but a handful

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2650 of states have another six to eight PFAS that commonly have
2651 standards now and states are finding another dozen or two dozen
2652 commonly in soil and water. So that has been the biggest, the
2653 ability to conduct these contaminants and to find them has
2654 outstripped our ability to actually offer health advice to people.

2655 So that is the biggest conundrum that states have that they have
2656 sort of created for themselves by the drivers that they have to
2657 go out and find these because we know they occur.

2658 States are also trying to do the best they can with
2659 remediation technologies. It is a lot of, frankly, old school
2660 technologies that are coming back. It is your basic excavation
2661 and putting them in landfill, capping them, incinerating them,
2662 and for groundwater, really, activated carbon, old, you know,
2663 solid old and tried technology. These are all that is really
2664 available to the states.

2665 But there are efforts to try and find some more
2666 cost-effective methods that are happening at the states, again
2667 driven by the need that they have.

2668 Mr. Shimkus. Thank you much. I am going to end there in
2669 lieu of time, but it was just a point that I was going to follow
2670 up with Ms. Isaacs is that I am wondering with the czar aspect,
2671 czarina aspect, do you have -- I am not going to give you time
2672 to answer because of my limited time, but is that working better
2673 than, you know, because you have got all the agencies of Michigan
2674 together and you are like, I can tell, the marching them in a

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2675 certain direction.

2676 So we will talk later or we will add that to a question for
2677 the record. I now yield 5 minutes to the ranking member, Mr.
2678 Tonko, for 5 minutes.

2679 Mr. Tonko. Thank you, Mr. Chair. And thank you to our
2680 witnesses for what are very powerful testimonies that you shared,
2681 so much appreciated.

2682 A lot of discussion with the previous panel about designating
2683 a hazardous substance with the PFOAs and PFOS. What in your
2684 determination, and I will address this to Ms. Daniels, Mr. Burman,
2685 and Ms. Isaacs because of your relationship with the respective
2686 states, what would the impact on states be if EPA were to determine
2687 PFOA or PFOS as a hazardous substance under CERCLA?

2688 And I heard some of Mr. Burman's comments about that but
2689 in a more direct way what would states be enabled to do?

2690 Mr. Burman. Thank you, Mr. Tonko. For states that would
2691 probably be the single biggest impact because it would bring the
2692 full weight and power and formality of CERCLA to bear on this
2693 contaminant. We have heard Ms. Sullivan talk about DOD using
2694 the CERCLA process. We commend you in doing that but it is
2695 essentially almost a voluntary process and very few responsible
2696 parties are voluntarily going to choose to apply a CERCLA-like
2697 process to this contaminant. So having CERCLA formally being
2698 introduced to the playing field would take care of that. It would
2699 provide a consistent framework that has been perfected for almost

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2700 40 years.

2701 Now having said that this subcommittee has held hearings
2702 on modernizing Superfund and that is always, you know, there is
2703 always room for improvement, but the baseline that CERCLA would
2704 provide would enormously contribute to stripping of the lot of
2705 the uncertainty both in terms of the technical aspects and the
2706 policy aspects that currently states face.

2707 Mr. Tonko. Anyone else want to add to that?

2708 Ms. Isaacs. Yes. Michigan, in full partnership with EPA,
2709 it would provide an additional tool that we could use together
2710 in looking at holding responsible parties responsible. We
2711 currently are working with the EPA on enforcement actions. If
2712 we had this new tool it would be more effective, I think, and
2713 might not need to go to court often if we had established processes
2714 that everyone knows about.

2715 Mr. Olson. Mr. Tonko, may I speak to that just briefly?

2716 Quickly, without having these chemicals listed under Superfund,
2717 CERCLA, there is a real problem that an obstreperous defendant
2718 will simply refuse to clean up. And, you know, just listing two
2719 of them may help at some sites, but as you just heard there are
2720 actually dozens of these showing up. So there needs to be a
2721 broader designation that would cover a broader array of PFASs.

2722 Mr. Tonko. And, Ms. Daniels, quickly, if you could just
2723 share a little more.

2724 Ms. Daniels. Sure. So in Pennsylvania we can use a health

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2725 advisory for our cleanup folks to take action, but I think in
2726 other states that determination would be very helpful. The only
2727 other thing I wanted to mention is we don't always find a
2728 responsible party for all of these sites. We have two right now
2729 working in Pennsylvania that we have no idea where it is coming
2730 from. So right now the cost of that cleanup is certainly being
2731 borne by the state, so just keep that in mind.

2732 Mr. Tonko. Thank you.

2733 And, Ms. Donovan, if I could go to you, I know we spent a
2734 lot of time focusing on PFOA and PFOS. Those are the contaminants
2735 that I am most familiar with in my home state of New York. But
2736 we know that there are thousands of similar and toxic variants
2737 like GenX. How important is it for EPA to evaluate and provide
2738 meaningful risk information to take regulatory action on PFAS
2739 more broadly?

2740 Ms. Donovan. Well, I think North Carolina is the perfect
2741 example where there is nothing. There is still no information.

2742 There is no risk assessment for GenX. And GenX again was just
2743 12 percent of the total of PFAS that were detected. Right now,
2744 North Carolina is looking at, I believe DEQ said 25 different
2745 PFAS.

2746 These chemicals are also byproducts as well and I think that
2747 is important to understand. When we don't have any information,
2748 we don't know how to assess them and address them so they don't
2749 get talked about. And I think that has been a big letdown to

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2750 the community and to the American people is that we know they
2751 are there, the scientists can see them. But the scientists don't
2752 have test standards for them so the scientists can't come back
2753 to public officials and tell them accurately this is how much
2754 is in the water.

2755 And then EPA with test standards could begin rodent
2756 toxicology studies and give us those risk assessments on the PFAS
2757 that we are looking for. So I think it is really important for
2758 us to consider requesting that the EPA begin doing rodent studies
2759 on all of the PFAS, but they can't do it until they get test
2760 standards. And those test standards come from the manufacturers
2761 because they know exactly what they are making. They know what
2762 chemical byproducts are coming out too.

2763 So if we had all of that information and could start the
2764 process there that would have really helped North Carolina move
2765 along a lot further than we are right now, because we have wasted
2766 a lot of time.

2767 Mr. Tonko. Thank you. With that I yield back. I have
2768 exhausted my time so.

2769 Mr. Hudson. [Presiding.] I thank the gentleman. At this
2770 time the chair will recognize himself for 5 minutes for a question.

2771 I would like to first again to thank Ms. Donovan for being
2772 here, very compelling testimony. Appreciate you sharing your
2773 personal story and the story of our neighbors. And, Ms.
2774 Isaacs, I was encouraged reading your testimony and hearing from

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2775 you today. I think one of the underscores I would like to make
2776 is the bipartisanship that we have seen in Michigan that I believe
2777 we see in North Carolina that I think is very important here.

2778 This is not a Republican or Democrat issue. It needs to be
2779 bipartisan. We need a bipartisan approach and that is something
2780 that in North Carolina we have certainly tried to do.

2781 You state that your state is one of many that has adopted
2782 guidelines or guidance values or standards for PFOS and PFOA
2783 chemicals based on the EPA's toxicity value and the EPA-issued
2784 2016 health advisory level. Was there any information that was
2785 missing from the toxicity value for health advisory level that
2786 hindered your ability to develop your own standards in Michigan?

2787 Ms. Isaacs. We developed our standard at the beginning of
2788 2018. We did not receive, we requested as everyone else did,
2789 information from ATSDR. The 852-page report did come out and
2790 that is another source of information that informs us. When you
2791 are a state and you are looking to set a standard of course you
2792 are having your own scientists review the information. You are
2793 looking at the toxicology report from ATSDR. You are looking
2794 at the lifetime health advisory. You are putting it all together
2795 and you are trying to determine the most protective standard for
2796 your people.

2797 We know it has changed. We know it changed in '09, we know
2798 it changed it '16, and now we have new information. So this
2799 evolving contaminant and the research evolves, clearly we would

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2800 like more research. And we are actively engaged at looking at
2801 the correct standard for Michigan. So did we need more
2802 information? We did, and we did get more information and we think
2803 still yet there is more to come.

2804 And we realize that there are many analytes, but I think
2805 we are focused on the ones that would produce the most risk to
2806 our public health, sir. Thank you very much.

2807 Mr. Hudson. Thank you. Ms. Daniels and Mr. Burman --
2808 Ms. Donovan. I am sorry, can I interject?

2809 Mr. Hudson. Briefly, a little bit of time here.

2810 Ms. Donovan. Okay. I think there is a misconception and
2811 if you look at the statement you will see that we have no idea
2812 what is considered highly risk and not at risk. Short-chain,
2813 I think EPA is working under the assumption that short-chain
2814 chemicals, PFAS, are not as toxic as long-chain. However, you
2815 have to use more short-chain.

2816 So we have no idea at higher levels, higher quantities, they
2817 are still acting the same way in the body it just takes more of
2818 them and we are finding more of them in our water in North Carolina.

2819 So I don't think we can decide to catalog that a couple are more
2820 toxic than others, we simply don't know. There are zero
2821 scientific information to prove that some are less toxic than
2822 others at the moment. Thank you.

2823 Mr. Hudson. Okay, appreciate that. Ms. Daniels and Mr.
2824 Burman, you are both responsible for cleanup and remediation of

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2825 these chemicals and I appreciate your testimony. Based on your
2826 experiences, once the toxicity value is released does that give
2827 states enough information to develop a cleanup plan?

2828 Ms. Daniels. So I can tell you in Pennsylvania we need a
2829 health advisory level, so we need that number and we need EPA
2830 to establish that number for us to be able to take action. A
2831 tox value doesn't give us what we need from our legal authority.

2832 Mr. Hudson. Mr. Burman?

2833 Mr. Burman. Thank you, Mr. Chair. What I can tell you is
2834 from the perspective of the states it varies. Some states have
2835 robust public health agencies who can take that tox value and
2836 come up with a state number for it, but then the problem even
2837 for those states is in the absence of that being a federal number
2838 can they really apply it.

2839 A lot of states simply do not have the resources to take
2840 the EPA baseline information and create their own values so they
2841 are reliant entirely on a federal value.

2842 Mr. Hudson. Got you, I appreciate that.

2843 Ms. Daniels, during the first panel today, Dr. Grevatt from
2844 EPA mentioned the states could use their SRFs if they choose to
2845 address PFAS contamination. Do you know how many states already
2846 do this?

2847 Ms. Daniels. So, thank you for the question. Absolutely
2848 states can use it, but there is tremendous, I guess, work that
2849 needs to be done in lots of different areas. So you are also

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2850 competing with projects for lead, projects for aging
2851 infrastructure. I think folks will be moving forward with new
2852 treatment for hazards. There is a whole list of things that that
2853 money needs to address.

2854 So yes, PFAS is just one more of those things that could
2855 be used for projects. In Pennsylvania we have one application
2856 in-house right now for somebody that wants to install treatment
2857 for PFAS.

2858 Mr. Hudson. But you are not for sure how many other states
2859 are actually --

2860 Ms. Daniels. No, but we would be glad to do a survey and
2861 get back to you on that one.

2862 Mr. Hudson. That would be great.

2863 Ms. Daniels. Absolutely.

2864 Mr. Hudson. If you could report that back for the record
2865 I think that would be important for us to know. I really
2866 appreciate that.

2867 As my time has expired, I will now recognize the gentlelady
2868 from Michigan, Ms. Dingell, for 5 minutes for her questions.

2869 Mrs. Dingell. Thank you, Mr. Chairman. I have a lot of
2870 questions so I am going to ask you to be concise. As we have
2871 discussed, Michigan has 35 sites that have already been
2872 identified. I know that you are really leading the effort with
2873 the state of Michigan as one of the states that is doing more
2874 than anybody does but we need to be doing a lot more.

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2875 I want, in your testimony you state that Michigan supports
2876 establishing a national standard for PFAS. Briefly, can you
2877 state the benefits of setting that standard and is there a specific
2878 standard that the state of Michigan would like to see set for
2879 PFAS chemicals and do you think that where the national standard
2880 is now is where it should be?

2881 Ms. Isaacs. I think that I have seen the movement by EPA
2882 to change this. If we look into '09 it was 400 and 200. We look
2883 in '16 it came down to 70 parts per trillion combined for those
2884 two long-chain PFAS. And again we see now ATSDR having a new
2885 focus on research that now brings children into this issue and
2886 we are looking at the effect on children. Minimally, we need
2887 to take into consideration a standard that addresses children.

2888 So yes, we have asked EPA to set that standard and more than
2889 that we have asked them to work with ATSDR so that we can coordinate
2890 the health assessment along with EPA's enforceable cleanup
2891 standards for the states.

2892 Mrs. Dingell. Thank you. I want to go to the most recent,
2893 Parchment, in Fred's district, or Mr. Upton's district, and the
2894 Huron Valley watershed. One of my concerns is that there have
2895 been three announcements now in the last 6 weeks about not eating
2896 fish and it has gradually gone down river to Lake Erie. But my
2897 understanding is that the first fish was actually caught in May
2898 of 2017, put in a freezer and was not tested until very recently
2899 and so it was 16, 18 months later that the do not eat fish

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2900 announcement was put out.

2901 Why did that happen, do you have the resources you need,
2902 and how do we make sure that we are responding in a more timely
2903 way?

2904 Ms. Isaacs. Thank you so much for that question. Let me
2905 say that as we moved as rapidly as humanly possible to do and
2906 search out sites of contamination in Michigan we started to look
2907 at doing surface water testing in our rivers that to inform us
2908 if we have sites of contamination bleeding into the river. And
2909 when we look at fish testing, we added PFAS to our testing a few
2910 years ago. We have been testing fish since 1970.

2911 I actually called the lab director at the Health Department
2912 and asked him about the issue that you just asked me about and
2913 he said it is not unusual that we take fish and freeze them.

2914 And he also said we have done more than 700 samples this year.

2915 They are moving incredibly rapidly. They have been given money
2916 from the legislature to expand their ability to test and they
2917 are searching diligently for staff to be able to handle more
2918 testing of water, fish, deer.

2919 And as we have looked at these industrial pretreatment
2920 processes in our water treatment plants and our disposal plants
2921 that affect our waters, we use those areas of investigation to
2922 go back, look at make sure we tested the fish, make sure we know
2923 where the contamination is coming from. And I will address Huron
2924 if you want.

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2925 Mrs. Dingell. Well, I mean, I think you will acknowledge
2926 that one took too long and you are trying to make it quicker.

2927 I only have a minute and I have so many questions, but I think
2928 it is really important that people know it did take that long
2929 and you are trying to cut that time now.

2930 Ms. Isaacs. Yes, ma'am.

2931 Mrs. Dingell. Is Michigan testing for what we have been
2932 talking about today, the GenX?

2933 Ms. Isaacs. We are not testing for GenX. There is very
2934 little known.

2935 Mrs. Dingell. Why?

2936 Ms. Isaacs. We are using two testing methodologies, 537
2937 and an analyte test and that brings us to 24 different chemicals
2938 that we are searching for. You heard that we have a suite of
2939 about 3,000-plus and those two water tests are the acknowledged
2940 tests, 537 requested and required by the EPA. And the additional
2941 test that we run with more analytes, we run because we get more
2942 PFOS.

2943 Mrs. Dingell. I am out of time. I yield back no time.

2944 Mr. Hudson. I thank the gentlelady. I just want to
2945 recognize the gentleman from Michigan, Mr. Walberg, for 5 minutes.

2946 Mr. Walberg. Thank you, Mr. Chairman.

2947 And I would like to start off by adding my welcome to Ms.
2948 Isaacs who is the director of Michigan PFAS Action Response Team.
2949 And possibly as our chairman had indicated, the czar setting

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2950 that has taken a more comprehensive look at what is going on,
2951 certainly not with perfection but moving that direction as much
2952 as possible, I am glad that you are here to talk about the issues
2953 facing Michigan and the comprehensive response Michigan is
2954 putting forward.

2955 Mr. Chairman, I would also like to take the opportunity to
2956 thank you and this committee for placing a priority on the issue
2957 by holding this hearing today. Safe drinking water should never
2958 be a worry for any person. I am glad this committee takes this
2959 issue seriously, as has real live people here too that have had
2960 to address it in their families and communities also.

2961 Unfortunately, Michigan is no stranger to a water crisis.
2962 The current PFAS situation impacting Michiganders is one that
2963 most certainly should be taken very seriously and be handled with
2964 all hands on the deck approach. I want you to know, Ms. Isaacs
2965 that I will continue to work with you and the state of Michigan
2966 and my colleagues to tackle this issue in any way possible. Safe
2967 drinking water is critical and the current PFAS issue facing
2968 Michigan ought to wake us up across the nation and still further.

2969 Let me ask this question, Ms. Isaacs. Can you explain how
2970 the state of Michigan is addressing and approaching the current
2971 issue in Michigan and specifically what do you consider to be
2972 the most important features of the way our state is addressing
2973 this situation including maybe talking about the so-called czar
2974 status approach.

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2975 Ms. Isaacs. Yes. The structure of combining ten state
2976 departments, you know this from your own federal level of
2977 government that bringing those departments together is sometimes
2978 different, sometimes difficult, different cultures. When you
2979 bring them together under an umbrella it is placed out of the
2980 Governor's Office and you have this intense communication. It
2981 makes everything quicker, everybody understands the issue.

2982 Ten state departments that talk multiple times a week is
2983 a structure that is so unique that we have been able to accomplish
2984 amazing things in 9 months. And what characterizes this as
2985 different isn't just the organizational structure put in place
2986 by Governor Snyder. That is unique and effective, but when we
2987 strategize to look at everything at once.

2988 If you are looking at landfills and you are looking at
2989 wastewater treatment plants and you are doing surface water
2990 testing and you are testing every single public water supply in
2991 addition to private wells, and we have almost a million of those,
2992 you are so comprehensively reviewing your entire state knowing
2993 what your situation is, mitigating against the public health risk,
2994 and then addressing the remediation of how we actually fix this.

2995 It is characterized by being a comprehensive, very quick
2996 heavy lift of what is the situation in our state, again cannot
2997 be done without the support of our legislature and our Congress.

2998 I am grateful for all of the work that all of you have done.

2999 Mr. Walberg. Almost a Marshall Plan approach, isn't it?

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3000 Not reinventing the wheel but all working toward the same outcome
3001 and hitting all the bases. Is it replicable in other states?

3002 Ms. Isaacs. It is. It is. And our Governor wants us to
3003 do protocols, best practice, and he wants us to share that with
3004 the rest of the nation. And we would like to help any other state.
3005 We will provide any information. And we are working with our
3006 sister states and they are all doing good work.

3007 Mr. Walberg. Have you had any issue in coordinating a
3008 response with the EPA? What might that be if there were?

3009 Ms. Isaacs. We engaged in this in full partnership with
3010 ATSDR and with EPA. We maintain that. We continue that. And
3011 we do appreciate that partnership because they are very much
3012 needed. Again national issue, states can't do it alone and they
3013 certainly can't control everything so we need our federal
3014 partners.

3015 Mr. Walberg. But they are coordinating with you well?

3016 Ms. Isaacs. Yes.

3017 Mr. Walberg. How would you characterize your cooperation
3018 with affected communities? What can we learn?

3019 Ms. Isaacs. I would assume you mean our cooperation in
3020 communication. Part of what makes this effort successful is the
3021 transparency and the intense communication. We will communicate
3022 with our, any community that is really being tested. We want
3023 them to understand what this means. We want to address their
3024 concerns because they have them and they are really legitimate.

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3025 We will do two to three community meetings. They will range
3026 from 15 people, I think the largest one we have had is 1,200 people.

3027 We will stay and we will answer individual questions and we will
3028 allow people to come to the microphone for as long as they want.

3029 We think that is absolutely essential.

3030 I want to say that Michigan has always wanted the EPA to
3031 come in and we want them to hear what we have been hearing from
3032 our communities. We want them to hear the process of what the
3033 people think. So I am not involved in that negotiation, I am
3034 understanding that it is logistical and that is still certainly
3035 going forward. So Michigan has always wanted EPA to come in and
3036 we look forward to that.

3037 Mr. Walberg. Thank you. I yield back.

3038 Mr. Hudson. The gentleman's time is expired. I want to
3039 recognize the other gentleman from Michigan, Mr. Upton, for 5
3040 minutes.

3041 Mr. Upton. Thank you, Mr. Chairman, and again I appreciate
3042 all the witnesses here on the panel as well as obviously the first
3043 panel. You know, and I particularly want to thank my Michigan
3044 colleagues here, Debbie Dingell and Tim Walberg, Chairman Shimkus
3045 and Walden for allowing this hearing to go forward. You can tell
3046 that there is quite a bit of interest to try and fix this problem
3047 not only in Michigan but around the country.

3048 And I guess as I reflect back on the last 5 or 6 weeks there
3049 was a term that our local sheriff used, Rick Fuller, that this

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3050 is Team Kalamazoo. We got a problem and we have got to deal with
3051 it and let's take all the barriers down, partisan barriers,
3052 governmental barriers and let's work together.

3053 And as Governor Snyder said when he has been there on a couple
3054 of occasions -- remember, this is a very small town, Parchment
3055 -- this is a textbook example of about how we ought to work
3056 together. And as I talked to many of the residents delivering
3057 the water as they came to not only the high school but the church,
3058 people appreciated that. I didn't see a single disgruntled
3059 person. They recognize that there was an issue, on the short
3060 term we are going to roll up our sleeves and deal with it.

3061 And we have got a long-term problem as well, but again I
3062 am convinced that we are going to work on this as well. And,
3063 you know, frankly that was a big lesson that we learned from Flint.

3064 There were, you know, a finger could have and was pointed at
3065 all units of government and it was Dan Kildee, the congressman
3066 from there, myself, Debbie Dingell, Tim Walberg, and others, our
3067 senators that worked together to change the standard that forced
3068 EPA to acknowledge that they have got to be involved from the
3069 get-go from day one, and again that was my first question when
3070 we learned about Parchment.

3071 Votes are starting here on the House floor.

3072 A question I guess that I have for you, Ms. Isaacs, and again
3073 thanks for your work. You have been there a good number of times
3074 over the last couple of weeks. We have chatted on the phone.

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3075 We have met in my office. You helped as we talked about my letter
3076 that we had sent back on August 1st. We want to help the citizens
3077 everywhere where this can be identified.

3078 And how frustrating was it for you to sit in the first row
3079 knowing that now we have these draft numbers, this draft report
3080 indicating that the numbers could be as high as 53,000 per trillion
3081 versus the 70 in terms of the standard? What do we have to do,
3082 where is Michigan on this standard at 70, and do you support EPA
3083 reviewing it to come down perhaps using the evidence there? How
3084 do you deal with an issue like this in terms of the state?

3085 And I guess my last part of my question is I just want to
3086 announce to folks that I have been working with staff and with
3087 again my able colleagues, Dingell and Walberg, to introduce
3088 legislation that I hope to be able to introduce next week to
3089 include federal facilities dealing with PFAS so that everybody
3090 is on the same page.

3091 I have talked to the chairman, Mr. Walden. I would like
3092 to see this legislation move in this Congress to get to the
3093 President's desk. Again I think we could see some strong
3094 bipartisan support to certainly move it out of this committee
3095 and into the floor and talk to the leadership. So look for that
3096 as a long-term issue.

3097 But back to my question before my time expires. How
3098 frustrating is it to you to see these results that we frankly
3099 feared? We suspected when the numbers didn't come out right away

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3100 that we suspected that they may be way above the 70 parts per
3101 trillion. What is the state's response to this?

3102 Ms. Isaacs. Well, we would characterize our response to
3103 that is that we are very disappointed in the pace of the DOD and
3104 bases to respond to testing. I know they have been asked and
3105 that was the right thing that they were asked by the DOD to test,
3106 but the response rate is slow. And that means to me, if I don't
3107 have results on a base then I am going to initiate testing around
3108 the base because I don't want to risk and wait for results, and
3109 I have done that multiple times already.

3110 What I mean as testing, I am looking at exposure in private
3111 drinking wells and I wish that the pace was faster. I know they
3112 are obligated to use CERCLA, but there are no timeframes for those
3113 eight steps and you can remain in the investigation stage of CERCLA
3114 for a very long time. And so I would encourage them as I do,
3115 I do encourage them personally on the phone, we really need your
3116 results. I often hear that the bureaucracy is large and it takes
3117 a long time to get things through the system. I actually
3118 understand that. They don't have an MPART process.

3119 And so we are still in partnership because we need to be.
3120 We need to get the bases unified in the state to understand where
3121 water flows, geology, output. Those results help us determine
3122 if we need to test a river, we need to test for public health
3123 issues. So it is important to us that we get the results in a
3124 timely manner.

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3125 Mr. Shimkus. The gentleman's time is expired. There are
3126 votes on the floor. I would like to turn to the gentleman from
3127 Texas, Mr. Green, for 5 minutes.

3128 Mr. Green. Thank you, Mr. Chairman. I will be very quickly
3129 because I know we also have markups sometime scheduled at 1:00.

3130 Mr. Shimkus. Well, then just don't ask any questions and
3131 we can move forward.

3132 Mr. Green. Well, Mr. Olson, in your testimony you state
3133 that data shows that PFAS chemicals can have adverse health
3134 effects at low per trillion levels. At what level specifically
3135 is there evidence of health effects and how does that compare
3136 to the EPA's nonbinding 70 parts per trillion level?

3137 Mr. Olson. Briefly, I was relying primarily on the ATSDR
3138 report, which is part of the Centers for Disease Control and
3139 Prevention, which would suggest that levels down in the single
3140 digit parts per trillion can have adverse effects. And I think
3141 the more we learn, the more we are finding that these effects
3142 occur at very vanishingly low levels.

3143 Mr. Green. I think we have some commitment from some
3144 legislation, but should the Safe Drinking Water Act be amended
3145 to require the EPA to act within a certain timeframe? In fact,
3146 I will ask everybody on the panel. Just say yes or no.

3147 Mr. Olson. Yes. And we would like to see the standard
3148 setting strengthened so that it can be done quickly rather than
3149 take 10 years.

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3150 Mr. Green. Yeah.

3151 Ms. Donovan. Yes, agree.

3152 Ms. Isaacs. Yes, agree.

3153 Mr. Burman. Yes.

3154 Ms. Daniels. Yes, and it has to be less than 10 years.

3155 So I agree with that.

3156 Mr. Green. Okay. Ms. Donovan, could you tell me how the
3157 residual PFAS contamination has affected your community?

3158 Ms. Donovan. It has left us with uncertainty and distrust.
3159 The issue that is happening in North Carolina is it has been
3160 very difficult to get the states to rein in the Chemours. They
3161 have spilled many times and we have issued notice of violations
3162 many times. If there had been stronger guidelines from the
3163 federal level I think we would have been able to act quicker and
3164 we could have had swifter justice.

3165 I think we also in our situation have no information
3166 whatsoever. Everything that we are dealing with are chemicals
3167 that the federal government has not given any guidance on. So
3168 we are going it alone and we are figuring it out on our own and
3169 it has been incredibly time consuming in a state that is actually
3170 incredibly divided politically which has also mired us in some
3171 of this issue.

3172 So I am really grateful that you are taking the bipartisan
3173 approach and I would love for our state legislatures to follow
3174 suit.

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3175 Mr. Green. Thank you. Well, I am from Texas and I
3176 understand. Mr. Chairman, I yield back my time.

3177 Mr. Shimkus. The gentleman yields back his time.

3178 Seeing no other members present, we would like to thank our
3179 second panel. We know this is a challenging issue but we are
3180 trying to figure it out as much as many of us are. Before
3181 I conclude I would like and ask unanimous consent to submit the
3182 following documents for the record: A letter from the National
3183 Groundwater Association; a letter from Culligan International
3184 Company; a letter from several groups including Safer Chemicals,
3185 Healthy Families; a letter from Purolite; a letter from the Water
3186 Quality Association.

3187 I also have a letter from a guy named Fred Upton from
3188 Michigan; another letter from, well, by numerous members to the
3189 Acting Administrator of the EPA Mr. Wheeler from Kildee, Boyle,
3190 Dingell, Lawrence, Upton, Bergman, and Fitzpatrick; a letter from
3191 the State of Michigan Executive Office to the Acting Administrator
3192 of the EPA from the Governor of Michigan; and finally, also from
3193 the Governor of Michigan to, it looks like the Secretary of Defense
3194 from the Governor of Michigan.

3195 Without objection, so ordered. The hearing is now
3196 adjourned.

3197 [Whereupon, at 1:07 p.m., the subcommittee was adjourned.]

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