

# Committee Report

**REGULAR CALENDAR**

**March 2, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Majority of the Committee on Judiciary to which  
was referred HB 236,**

**AN ACT creating a statute of limitation on civil actions  
relative to damage caused by perfluoroalkyl and  
polyfluoroalkyl substances. Having considered the  
same, report the same with the recommendation that  
the bill OUGHT TO PASS.**

**Rep. Mark Paige**

**FOR THE MAJORITY OF THE COMMITTEE**

**MAJORITY  
COMMITTEE REPORT**

Committee:	<b>Judiciary</b>
Bill Number:	<b>HB 236</b>
Title:	<b>creating a statute of limitation on civil actions relative to damage caused by perfluoroalkyl and polyfluoroalkyl substances.</b>
Date:	<b>March 2, 2021</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>OUGHT TO PASS</b>

**STATEMENT OF INTENT**

This bill extends the statute of limitations to six years to bring civil actions for damages caused by perfluoroalkyl and polyfluoroalkyl, or "PFAS" chemicals. PFAS refers to a group of over 5,000 man-made chemicals used to make items such as non-stick coating and outdoor clothing. They have been found in numerous drinking water supplies of New Hampshire residents. Human exposure to these chemicals can cause significant negative health effects, including reproductive disorders and developmental effects to infants. However, the manifestation of these effects can take many years, even decades. Under the ordinary statute of limitations, three years, harm caused by the chemicals may manifest itself at a point in time beyond the typical statute of limitations and effectively foreclose a remedy through a civil action. This bill addresses this problem because it extends the statute of limitations to account for this latency effect known to be caused by PFAS. It was recommended Ought to Pass with bipartisan support.

Vote 11-10.

Rep. Mark Paige  
FOR THE MAJORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

### Judiciary

**HB 236**, creating a statute of limitation on civil actions relative to damage caused by perfluoroalkyl and polyfluoroalkyl substances. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mark Paige for the **Majority** of Judiciary. This bill extends the statute of limitations to six years to bring civil actions for damages caused by perfluoroalkyl and polyfluoroalkyl, or "PFAS" chemicals. PFAS refers to a group of over 5,000 man-made chemicals used to make items such as non-stick coating and outdoor clothing. They have been found in numerous drinking water supplies of New Hampshire residents. Human exposure to these chemicals can cause significant negative health effects, including reproductive disorders and developmental effects to infants. However, the manifestation of these effects can take many years, even decades. Under the ordinary statute of limitations, three years, harm caused by the chemicals may manifest itself at a point in time beyond the typical statute of limitations and effectively foreclose a remedy through a civil action. This bill addresses this problem because it extends the statute of limitations to account for this latency effect known to be caused by PFAS. It was recommended Ought to Pass with bipartisan support. **Vote 11-10.**

Original: House Clerk

Cc: Committee Bill File

**REGULAR CALENDAR**

**March 2, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Minority of the Committee on Judiciary to which  
was referred HB 236,**

**AN ACT creating a statute of limitation on civil actions  
relative to damage caused by perfluoroalkyl and  
polyfluoroalkyl substances. Having considered the  
same, and being unable to agree with the Majority,  
report with the following resolution: RESOLVED, that it  
is INEXPEDIENT TO LEGISLATE.**

**Rep. Mark McLean**

**FOR THE MINORITY OF THE COMMITTEE**

**MINORITY  
COMMITTEE REPORT**

Committee:	<b>Judiciary</b>
Bill Number:	<b>HB 236</b>
Title:	<b>creating a statute of limitation on civil actions relative to damage caused by perfluoroalkyl and polyfluoroalkyl substances.</b>
Date:	<b>March 2, 2021</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

**STATEMENT OF INTENT**

This bill extends the statute of limitations for bringing forth a civil action related to damage caused by perfluoroalkyl and polyfluoroalkyl substances (PFAS) from three years from the date of reasonable discovery to six years. Three years has long been the standard in environmental cases, and because the clock doesn't start until the discovery is made, the minority of the committee felt that it is more than enough time to bring forth a claim. The minority was also concerned that a special carve out for PFAS may begin the journey to a confusing patchwork of limitations in the future as more harmful substances are identified.

Rep. Mark McLean  
FOR THE MINORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Judiciary

**HB 236**, creating a statute of limitation on civil actions relative to damage caused by perfluoroalkyl and polyfluoroalkyl substances. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark McLean for the **Minority** of Judiciary. This bill extends the statute of limitations for bringing forth a civil action related to damage caused by perfluoroalkyl and polyfluoroalkyl substances (PFAS) from three years from the date of reasonable discovery to six years. Three years has long been the standard in environmental cases, and because the clock doesn't start until the discovery is made, the minority of the committee felt that it is more than enough time to bring forth a claim. The minority was also concerned that a special carve out for PFAS may begin the journey to a confusing patchwork of limitations in the future as more harmful substances are identified.

Original: House Clerk

Cc: Committee Bill File

# Voting Sheets



HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB236

**BILL TITLE:** creating a statute of limitation on civil actions relative to damage caused by perfluoroalkyl and polyfluoroalkyl substances.

**DATE:** 3/2/2021

**LOB ROOM:** 208/Remote

**MOTION: (Please check one box)**

OTP                      ITL                       Retain (1<sup>st</sup> year)                       Adoption of Amendment # \_\_\_\_\_  
 Interim Study (2nd year)                      (if offered)

Moved by Rep. **McLean**                      Seconded by Rep. **Sylvia**                      Vote: **10-11**

**MOTION: (Please check one box)**

OTP       OTP/A       ITL                       Retain (1<sup>st</sup> year)                       Adoption of Amendment # \_\_\_\_\_  
 Interim Study (2nd year)                      (if offered)

Moved by Rep. Paige                      Seconded by Rep. **Chase**                      Vote: **11-10**

**MOTION: (Please check one box)**

OTP       OTP/A       ITL                       Retain (1<sup>st</sup> year)                       Adoption of Amendment # \_\_\_\_\_  
 Interim Study (2nd year)                      (if offered)

Moved by Rep. \_\_\_\_\_                      Seconded by Rep. \_\_\_\_\_                      Vote: \_\_\_\_\_

**MOTION: (Please check one box)**

OTP       OTP/A       ITL                       Retain (1<sup>st</sup> year)                       Adoption of Amendment # \_\_\_\_\_  
 Interim Study (2nd year)                      (if offered)

Moved by Rep. \_\_\_\_\_                      Seconded by Rep. \_\_\_\_\_                      Vote: \_\_\_\_\_

**CONSENT CALENDAR:**    \_\_\_\_\_ YES    **XX** NO

**Minority Report?** **XX** Yes    \_\_\_\_\_ No    If yes, author, Rep: McLean    Motion **ITL**

Respectfully submitted:   
Rep Kurt Wuelper, Clerk

STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK



1/22/2021 10:07:24 AM  
Roll Call Committee Registers  
Report

2021 SESSION

Judiciary

Bill #: **HB 236** Motion: ITL AM #: \_\_\_\_\_ Exec Session Date: 3/2/2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
<b>Gordon, Edward M. Chairman</b>	10	11	
<b>McLean, Mark Vice Chairman</b>	1		
<b>Sylvia, Michael J.</b>	2		
<b>Wuelper, Kurt F. Clerk</b>	3		
<b>Alexander, Joe H.</b>	4		
<b>Rice, Kimberly A.</b>	5		
<del>Silber, Norman J.</del> <b>Smith, Steven</b>	6		
<b>Greene, Bob J.</b>	7		
<b>Kelley, Diane E.</b>	8		
<b>Tausch, Lindsay</b>		1	
<b>Trottier, Douglas R.</b>	9		
<b>Smith, Marjorie K.</b>		2	
<b>Berch, Paul S.</b>		3	
<b>Horrigan, Timothy O.</b>		4	
<b>DiLorenzo, Charlotte I.</b>		5	
<b>Chase, Wendy</b>		6	
<b>Kenney, Cam E.</b>		7	
<b>Langley, Diane M.</b>		8	
<b>McBeath, Rebecca Susan</b>		9	
<b>Paige, Mark</b>		10	
<b>Simpson, Alexis</b>		11	
<b>TOTAL VOTE:</b>	<b>10</b>	<b>11</b>	

Rep Kurt Wuelper *Kurt Wuelper*

STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

1/22/2021 10:07:24 AM  
Roll Call Committee Registers  
Report



2021 SESSION

Judiciary

Bill #: **HB 236** Motion: OTP AM #: \_\_\_\_\_ Exec Session Date: 3/2/2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
<b>Gordon, Edward M. Chairman</b>		10	
<b>McLean, Mark Vice Chairman</b>		1	
<b>Sylvia, Michael J.</b>		2	
<b>Wuelper, Kurt F. Clerk</b>		3	
<b>Alexander, Joe H.</b>		4	
<b>Rice, Kimberly A.</b>		5	
<del>Silber, Norman J.</del> <b>Smith, Steven</b>		6	
<b>Greene, Bob J.</b>		7	
<b>Kelley, Diane E.</b>		8	
<b>Tausch, Lindsay</b>	1		
<b>Trottier, Douglas R.</b>		9	
<b>Smith, Marjorie K.</b>	2		
<b>Berch, Paul S.</b>	3		
<b>Horrigan, Timothy O.</b>	4		
<b>DiLorenzo, Charlotte I.</b>	5		
<b>Chase, Wendy</b>	6		
<b>Kenney, Cam E.</b>	7		
<b>Langley, Diane M.</b>	8		
<b>McBeath, Rebecca Susan</b>	9		
<b>Paige, Mark</b>	10		
<b>Simpson, Alexis</b>	11		
<b>TOTAL VOTE:</b>	<b>11</b>	<b>10</b>	

Rep Kurt Wuelper *Kurt Wuelper*

# Public Hearing

## HOUSE COMMITTEE ON JUDICIARY

### PUBLIC HEARING ON HB236

**BILL TITLE:** relative to creating a statute of limitation on civil actions relative to damage caused by perfluoroalkyl and polyfluoroalkyl substances...

**DATE:**2/16/2021

**LOB ROOM:** Remote                      **Time Public Hearing Called to Order:** 10:00 AM  
**Time Adjourned:** 10:44 AM

**Committee Members:** Reps. Gordon, McLean, Wuelper, Sylvia, Alexander Jr., Rice, Silber, Greene, D. Kelley, Tausch, Trottier, M. Smith, Berch, Horrigan, DiLorenzo, Chase, Kenney, Langley, McBeath, Paige and Simpson

**Bill Sponsors:** Rep. Vail

### TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**\*Rep. Vail, Hills. 30;** This bill passed gthe House last year but didn't get to the Senate because of the emergency. PFAS. These particles are found in fire-fighting foam and many other things. PFAS is linked to many health issues in people. The particles are easily transmitted and considered permanent with an extremely long half-life. The longer filtration is delayed the more people become exposed. Polluters have been able to manipulate EPA over the past decades. Why extend the statute of limitations? It takes a long time to figure out the entire affected area and implement fixes. The most compelling argument for this bill is the situation our fire fighters across the country are in. We have thousands of firefighting groups and we haven't had time to figure out how they might be affected. Q Alexander-What was last year's bill number? A I don't know it even started looking at what the effects on them might be. Q What is the current stature of limitations? A Generally 3 years.

**Rep Meuse** in the late 1960's I lived in Woburn, Mass when our water turned brown and my mother wouldn't low us to drink it. Many others did drink it and kids in my neighborhood started to get leukemia. It was caused by something called TCE. Again, these chemicals were used with the knowledge they were toxic. With even small amounts in the water, over a period of years the chemicals accumulate in gthe body. A study is about to start to determine the longer-term risk. With this bill, the starting date is moved to where the victim discovers they have been harmed, which is far better than now. At least two other states have passed a similar law. Q McLean-When Does the current statute of limitations begin? A What is insidious about these chemicals is you can't see them. My understanding is this bill is in concert with current law.

**Rep Healey Cosponsor supports** Merrimack has been dealing weight this for years. The affected people have been through a long arduous process which is ongoing for some. New damages are being discovered even now. That is why we need to extend the statute of limitations.

**Wendy Thomas Merrimack Supports** HB236 will extend the statue of limitations for PFAS. The main bill is based on a recommendation from the Governor's task force. A farmer in Maine lost his milk herd and his farm because he didn't know his wager was contaminated until after the statute of limitations had passed. This bill extends that limitation to until the person knows they have been affected by PFAS which may take several years. There are many thousands of compounds that fall into this category and is typically released in large amounts. Many localities can't even test for these chemicals. This bill buys us the necessary time so victims can be found, and polluters identified.

**Rep Mooney Hills 21 Cosponsor** The late Speaker, dick Hinch, asked me to work on this bill. Merrimack is victim to maybe the worst case of pollution in NH history. The town has spent years determining gthe effects of water, air, and people. In 2005 I cosponsored the bill that extended the statue of limitations in sexual assault cases. Such an extension is proper when a victim may not know how they have been harmed for years after the v=event.

**\*Diane Cotter**      **Supports**      I am an advocate for firefighters. The association of firefighters wants the extension of the statute of limitations so they have time to find out what the effects of their exposure to PFAS in firefighting foam may be. Turnout gear is the most highly fluorinated gear yet made. This was the first study of turnout gear in the world, because the manufacturers failed to inform them about the risks of PFAS in that gear. The same chemicals in turnout gear are being used in Merrimack. We need to hold the door open to those who haven't been able to find out what their exposure might be.

**Maureen Allen.**      **Supports**      The process for impacted communities is very long and laborious. An autopsy study in Denmark found PFAS chemicals in every organ of the body. The concept of when you realize there is harm is critical. Children are born with PFAS in their system. Problems with teeth cracking at age two is a target point of investigation today. we can't do full body monitoring in NH, so the extension is totally warranted because we have no ability to even know what the harms might be. There should be no limit because the potential harm goes on and on and on.

**David Creer**    Dir Public Policy BIA    **Opposes**      The bill is unnecessary. Under current law the statute of limitations is usually 3 years, but for latent injury it extends to when one discovers the link to the cause of the injury, which applies directly to PFAS. The additional 6 years would have no real benefit but would require businesses to keep records longer with the continuing risk of lawsuit. **Q** Silber-Do you know the statute under the Uniform commercial code? **A** No. **Q** Horrigan-How should we balance the interest of businesses harmed versus polluting businesses? The current statute of limitations runs until 3 years after one knows one has been harmed which is sufficient for that purpose.



Rep Kurt Wuelper

# House Remote Testify

## Judiciary Committee Testify List for Bill HB236 on 2021-02-16

Support: 117 Oppose: 14 Neutral: 0 Total to Testify: 8

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Thomas, Wendy	wethomas@gmail.com	A Member of the Public	Myself	Support	Yes (5m)	No	2/14/2021 3:34 PM
Cotter, Diane	didil16@aol.com	A Member of the Public	Myself	Support	Yes (5m)	No	2/15/2021 8:21 AM
Paradis, Emma	epcparadis@gmail.com	A Member of the Public	Myself	Support	Yes (5m)	No	2/15/2021 10:59 AM
Allen, Laurene	alarene@gmail.com	A Member of the Public	Myself	Support	Yes (3m)	No	2/10/2021 10:53 PM
Mooney, Rep. Maureen	Rep.Maureen.Mooney@gmail.com	An Elected Official	Myself/Town of Merrimack	Support	Yes (3m)	No	2/15/2021 10:22 AM
Healey, Robert	Bob.Healey@leg.state.nh.us	An Elected Official	Town of Merrimack	Support	Yes (2m)	No	2/15/2021 12:55 PM
Meuse, David	David.Meuse@leg.state.nh.us	An Elected Official	Rockingham 29	Support	Yes (2m)	No	2/15/2021 2:26 PM
VAIL, Suzanne	Suzanne.vail@leg.state.nh.us	An Elected Official	Hillsborough County 30	Support	Yes (0m)	No	2/10/2021 5:37 PM
Chase, Wendy	wendy.chase@leg.state.nh.us	An Elected Official	Myself	Support	No	No	2/13/2021 1:51 PM
Casino, Joanne	joannecasino@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/13/2021 9:42 AM
Zboya, Patrice	pzboya654@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2021 10:27 AM
Fordey, Nicole	nikkif610@gmail.com	A Member of the Public	Myself	Support	No	No	2/13/2021 8:14 PM
Ropp, Elizabeth	arunareiki@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2021 12:34 PM
Moulton, Candace	candaceleighm@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 1:02 PM
Taylor, Gale	galeforcefacilitators@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 2:21 PM
Podlipny, Ann	apodlipny57@comcast.net	A Member of the Public	Myself	Support	No	No	2/15/2021 5:23 PM
Corell, Elizabeth	Elizabeth.j.corell@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 11:05 AM

Cooper, Alison	alison.cooper@apci.org	Public A Lobbyist	American Property Casualty Insurance Association	Oppose	No	No	2/15/2021 11:12 AM
Larson, Ruth	ruthlarson@msn.com	A Member of the Public	Myself	Support	No	No	2/15/2021 11:15 AM
Anderson, Keryn	kerynlanderson@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 11:39 AM
Carmichael, Lindsey	lindseycarmichael@comcast.net	A Member of the Public	Myself	Support	No	No	2/15/2021 11:47 AM
Hackmann, Kent	hackmann@uidaho.edu	A Member of the Public	Myself	Support	No	No	2/15/2021 11:51 AM
Goldman, Ann	johngold@comcast.net	A Member of the Public	Myself	Support	No	No	2/15/2021 12:37 PM
Fallon, Michael	21dirtroad@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2021 10:18 PM
Nancy, Jachim	nancyjachim@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 8:58 AM
Torpey, Jeanne	jtorp51@comcast.net	A Member of the Public	Myself	Support	No	No	2/15/2021 9:30 AM
Pereira, Leah	Leah@thepereiras.net	A Member of the Public	Myself	Support	No	No	2/15/2021 6:40 AM
Garland, Ann	annhgarland@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 6:40 AM
Beaudoin, Jennifer	jenniferbeaudoin@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/15/2021 8:12 AM
Wilder, Tom	tbwilder@yahoo.com	A Member of the Public	Myself	Support	No	No	2/15/2021 9:40 AM
Hinebauch, Mel	melhinebauch@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 9:44 AM
Dewey, Karen	pkdewey@comcast.net	A Member of the Public	Myself	Support	No	No	2/15/2021 9:53 AM
Gagnon, Katie	Katie_gagnon@hotmail.com	A Member of the Public	Myself	Support	No	No	2/14/2021 6:26 PM
Gagnon, Chris	Cwgagnon2@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2021 6:28 PM
Aiken Hobbs, Alyson	aaikenhobbs@yahoo.com	A Member of the Public	Myself	Support	No	No	2/14/2021 6:41 PM
Perencevich, Ruth	rperence@comcast.net	A Member of the Public	Myself	Support	No	No	2/14/2021 8:48 PM
Damon, Claudia	cordsdamon@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2021 8:49 PM
Holmy, Craig	cholmy@hotmail.com	A Member of the Public	Myself	Support	No	No	2/14/2021 4:46 PM
Westlake, Jane		A Member of the Public	Myself	Support	No	No	2/14/2021 7:23 PM



Cook, Barbara D	janewestlake57@gmail.com	Public	Myself	Support	No	No	2/15/2021 7:41 AM
	bdc7@aol.com	A Member of the Public					
Perkins Kwoka, Senator Rebecca	rebecca.perkinskwoka@leg.state.nh.us	An Elected Official	Myself (SD 21)	Support	No	No	2/10/2021 1:57 PM
Nardino, Marie	mdnardino@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 2:26 PM
Jakubowski, Deborah	Dendeb146@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 2:29 PM
jakubowski, dennis	dendeb146@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 2:30 PM
Frost, Sherry	sherry.frost@leg.state.nh.us	An Elected Official	Myself	Support	No	No	2/15/2021 2:31 PM
Groetzinger, Tonda	groetzinger6@aol.com	A Member of the Public	Myself	Oppose	No	No	2/15/2021 2:41 PM
Brickett, Jane	silofarm@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/15/2021 2:45 PM
Stewart, Rosemary	rmy.stewart@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 2:47 PM
Hayward, Marcia	mjhayward131@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 3:01 PM
Fedorchak, Gaye	gayevf@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 3:36 PM
Dara, McCue	daramccue@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 4:13 PM
Hope, Lucinda	lmhope46@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 4:16 PM
Schissel, Mary	schissell@comcast.net	A Member of the Public	Myself	Support	No	No	2/15/2021 4:54 PM
Murphy, Alyssa	manypennymurphy@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/15/2021 4:56 PM
Lavallee, Kimberly	lavalleekim@aol.com	A Member of the Public	Myself	Support	No	No	2/15/2021 4:59 PM
Gushta, Sheri	sherigushta@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 5:03 PM
McLaughlin, Barbara	brbmclaughlin42@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 5:07 PM
Falk, Cheri	Falk.cj@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 5:15 PM
Messmer, Mindi	mmessmer@me.com	A Member of the Public	Myself	Support	No	No	2/15/2021 5:22 PM
Connolly, Brenna	connolly.brenna@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 6:22 PM
Jones, Jennifer	jennjones123@hotmail.com	A Member of the	Myself	Support	No	No	2/15/2021 5:23 PM

		Public					
Willing, Maura	Maura.Willing@Comcast.net	A Member of the Public	Myself	Support	No	No	2/15/2021 7:15 PM
Carole, Kimberly	Mskimberlycarole@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 7:16 PM
Brennan, Nancy	burningnan14@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 6:03 PM
Sally, Thomas	Sallythomas@comcast.net	A Member of the Public	Myself	Support	No	No	2/15/2021 6:25 PM
Cutshall, Catherine	vivadofamily@aol.com	A Member of the Public	Myself	Support	No	No	2/15/2021 7:28 PM
Wallace, Robert	robert.wallace.100@comcast.net	A Member of the Public	Myself	Support	No	No	2/15/2021 7:28 PM
Vivado, Mauricio	maumoj@aol.com	A Member of the Public	Myself	Support	No	No	2/15/2021 7:29 PM
Wallace, Dawn	Dawn.wallace.100@comcast.net	A Member of the Public	Myself	Support	No	No	2/15/2021 7:37 PM
Robbins, Annie	anniemrobbins@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 7:44 PM
QUISUMBING-KING, CORA	coraq@comcast.net	A Member of the Public	Myself	Support	No	No	2/15/2021 7:51 PM
Rejwan-Day, Inbal	Rejwanin9588@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 8:02 PM
Wells, Ken	kenwells3@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 8:07 PM
Thompson, Laura	nicnmom@hotmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 8:10 PM
Platt, Elizabeth-Anne	lizanneplatt09@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 8:23 PM
King, Walter	genedocwk@comcast.net	A Member of the Public	Myself	Support	No	No	2/15/2021 8:28 PM
Pedersen, Michael	PedersenUSA@aim.com	An Elected Official	Hillsborough 32	Support	No	No	2/15/2021 8:43 PM
Pelletier, Kathleen	kpelletier01@comcast.net	A Member of the Public	Myself	Support	No	No	2/15/2021 8:43 PM
Pelletier, Richard	rpelletier01@comcast.net	A Member of the Public	Myself	Support	No	No	2/15/2021 8:46 PM
Mitchell, Karen	kmitchell5@myfairpoint.net	A Member of the Public	Myself	Support	No	No	2/15/2021 8:46 PM
Donovan, Julie	julie.donovan@juno.com	A Member of the Public	Myself	Support	No	No	2/15/2021 9:04 PM
Spencer, Louise	kentstusa@aol.com	A Member of the Public	Myself	Support	No	No	2/15/2021 9:07 PM
Spencer, Rob	kentstusa@aol.com	A Member of the	Myself	Support	No	No	2/15/2021 9:07 PM

		Public					
Vincent, Laura	lvlauravincen5@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 9:12 PM
Richman, Susan	susan7richman@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 9:13 PM
Coon, Kate	kate2coon@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/15/2021 9:27 PM
Zaenglein, Barbara	bzaenglein@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 9:29 PM
Zaenglein, Eric	henley11@comcast.net	A Member of the Public	Myself	Support	No	No	2/15/2021 9:31 PM
Zajano, Emily	emzajano@aol.com	A Member of the Public	Myself	Oppose	No	No	2/15/2021 9:36 PM
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Bartlett, Rep Christy	christydbartlett@gmail.com	An Elected Official	Merrimack 19	Support	No	No	2/15/2021 9:57 PM
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Clark, Denise	denise.m.clark03055@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 10:20 PM
Jones, Stephanie	stephaniermjones@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 10:59 PM
ken, barnes	kbarnes@kenbarneslaw.com	A Member of the Public	Myself	Support	No	No	2/15/2021 11:13 PM
ARONSON, LAURA	laura@mlans.net	A Member of the Public	Myself	Support	No	No	2/15/2021 11:13 PM
Reed, Barbara	moragmcp83@outlook.com	A Member of the Public	Myself	Support	No	No	2/15/2021 11:14 PM
barnes, ken	kbarnes@kenbarneslaw.com	A Member of the Public	Myself	Support	No	No	2/15/2021 11:15 PM
McNamee, Brigid	brigidmcnamee@yahoo.com	A Member of the Public	Myself	Support	No	No	2/16/2021 5:26 AM
Schmitt, Cheri	cherischmitt@comcast.net	A Member of the Public	Myself	Support	No	No	2/16/2021 9:37 AM
Pierpont, Nancy	nancy-pape@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/16/2021 6:16 AM
Couture, Matthew	coochdog@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 6:41 AM
Murray, Megan	Megan.Murray@leg.state.nh.us	An Elected Official	Hillsborough 22	Support	No	No	2/16/2021 6:42 AM

Spielman, Kathy	jspielman@comcast.net	A Member of the Public	Myself	Support	No	No	2/16/2021 7:07 AM
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Chen, Melinda	maestrachen@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 8:13 AM
Kubit, Joy	joykubit@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 8:41 AM
Creer, David	dcreer@BIAofNH.com	A Lobbyist	BIA	Oppose	No	No	2/16/2021 8:44 AM
Raspiller, Cindy	raspicl@hotmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 8:54 AM
Brown, Howard	hobro39@hotmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 8:57 AM
Brown, William	brownwd95@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 9:00 AM
perez, maria	mariaeli63@gmail.com	An Elected Official	District 23	Support	No	No	2/16/2021 9:01 AM
Brown, Morgan	mmbrown1998@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 9:03 AM
Healey, Barbara	bhealey@merrimacknh.gov	An Elected Official	Town of Merrimack	Support	No	No	2/16/2021 9:11 AM
Jones, Andrew	arj11718@yahoo.com	A Member of the Public	Myself	Support	No	No	2/16/2021 9:17 AM
Keeler, Margaret	peg5keeler@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 9:28 AM
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Boyd, Bill	bboyd@merrimacknh.gov	An Elected Official	Myself	Support	No	No	2/16/2021 10:14 AM
Fay, Maura	maurafay@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/16/2021 10:17 AM
Tuthill, John	jtuthill@sover.net	A Member of the Public	Myself	Support	No	No	2/16/2021 11:56 AM
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Koch, Helmut	helmut.koch.2001@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 5:44 PM
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Mayne, Kenneth	kbmayne@protonmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 7:22 PM

# Testimony

**HR 12 - AS INTRODUCED**

2020 SESSION

20-2347

08/05

HOUSE RESOLUTION

**12**

A RESOLUTION urging Congress to declare per-fluoroalkyl and polyfluoroalkyl substances (PFAs) a superfund chemical and provide sufficient programming and funding for education, treatment, and remediation of the effects of PFAS.

SPONSORS: Rep. Vail, Hills. 30; Rep. Horrigan, Straf. 6; Rep. W. Thomas, Hills. 21; Rep. McConnell, Rock. 11; Rep. Cohen, Hills. 28; Rep. Pedersen, Hills. 32; Rep. Dutzy, Hills. 30; Rep. Stack, Hills. 21; Rep. Murphy, Hills. 21; Rep. Rung, Hills. 21

COMMITTEE: State-Federal Relations and Veterans Affairs

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ANALYSIS

This bill urges Congress to declare per-fluoroalkyl and polyfluoroalkyl substances (PFAS) superfund chemicals and provide sufficient programming and funding for education, treatment, and remediation of the effects of PFAS.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty*

A RESOLUTION urging Congress to declare per-fluoroalkyl and polyfluoroalkyl substances (PFAs) a superfund chemical and provide sufficient programming and funding for education, treatment, and remediation of the effects of PFAS.

1 Whereas, per-fluoroalkyl and polyfluoroalkyl substances (PFAS) are groups of thousands of  
2 bioaccumulative, environmentally persistent compounds that are used to repel water and oil, by an  
3 industry that creates non-stick coatings, textiles, paper products, medical devices, firefighting foams  
4 and apparel, stain and water-resistant clothing and carpeting, food packaging and many other  
5 products; and

6 Whereas, PFAS particles released into air accumulate on the ground, enter the soil through  
7 surface water, leach into ground water and form an ever-widening underground plume that travels,  
8 contaminating and accumulating in residential and municipal well; and

9 Whereas, PFAS chemicals were discovered to be a threat to human health in the 1970s when  
10 manufacturers that disclosed that one or more of the chemicals are present in the blood of the  
11 factory workers; and

12 Whereas, PFAS particles are absorbed by the body via the lungs, skin, and digestive system and  
13 accumulate, bound by plasma in the blood and in concentrated in breast milk; and

14 Whereas, PFAS chemicals are now present in the blood of 99.7 percent of Americans; and

15 Whereas, the most vulnerable populations to PFAS toxicity include children and pregnant and  
16 nursing women where the mother passes her PFAS contamination to her children in utero; and

17 Whereas, evidence from longitudinal studies implicates that PFAS affects fetal development,  
18 increases risk of developmental disorders, increases risk of lower birth weight, and may disrupt the  
19 endocrine system, suppressing hormone production; and

20 Whereas, PFAS exposure has been consistently linked with severe health impacts throughout  
21 the lifespan, such as increased risk of cancer, kidney disease, endocrine disorders, high cholesterol,  
22 and tumors, particularly in small animals; and

23 Whereas, PFAS in the environment are considered to be permanent contamination, as PFAS do  
24 not break down or decompose; and

25 Whereas, researchers have mapped and identified 712 PFAS contaminated sites in 49 of the United  
26 States, that include a New Hampshire former military installation, private industrial sites, and  
27 landfills; and

28 Whereas, PFAS contamination was discovered in New Hampshire in 2014, in the water supply  
29 at the former site of Pease Air Force base in New Hampshire, where fire-fighting foam was used in  
30 drills and trainings, exposing to PFAS military personnel and their families, and private citizens  
31 working and using day care in the Pease Tradeport now located at the former site; and



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1       Whereas, PFAS production in New Hampshire has continued to be permitted; and

2       Whereas, in New Hampshire, several companies created PFAS contamination that is now  
3 present in air, surface water, soil, ground water, and biosolids, and has leached into local water  
4 supplies, rendering drinking water hazardous to consume; and

5       Whereas, a foreign-owned company that manufactures PFAS, moved to Merrimack New  
6 Hampshire after causing PFAS contamination at former industrial sites in Hoosick Falls, New York  
7 and Bennington, Vermont; and

8       Whereas, the company continues to have a permit to release PFAS into the atmosphere via 13  
9 unfiltered smoke stacks; and

10       Whereas, ground water tested at the company's site showed not less than 34 PFAS compounds,  
11 one of which was found to be at the 69,500 Parts Per Trillion level (ppt), though the standard  
12 Maximum Contaminant Level (MCL) at that time was 19 ppt; and

13       Whereas, 190 compounds have been found in air emissions from the company's industrial site,  
14 but only 89 compounds were identifiable, thus unknown contamination continues; and

15       Whereas, residents within miles from that site have been exposed to PFAS over the course of 20  
16 years, completely without their knowledge, until 3 years ago, when they were told by the department  
17 of environmental services that 2 PFAS chemicals were present in high concentrations in the air  
18 emissions from the local plastics facility, and that the factory had contaminated their residential and  
19 municipal wells, leaving thousands without clean water; and

20       Whereas, residents were advised to stop using their contaminated well until they installed  
21 filtration systems, to use bottled water, and to wait for public infrastructure to connect adjacent  
22 public water systems; and

23       Whereas, the company that produced the PFAS contamination now provides bottled water to  
24 residents within a specified contamination zone; and

25       Whereas, the size of the specified zone of contamination is considered to be underestimated by  
26 citizens and elected officials; and

27       Whereas, home filtration, to remove PFAS from water, must be installed in residences that rely  
28 on wells, but this option is an expensive investment and it includes the replacing and disposing of  
29 used filters that simply move the PFAS contamination to the local landfill; and

30       Whereas, residents with PFAS contaminated property are unable to market their homes, are  
31 unable to move away, and suffer great financial loss, as residents and their towns scramble to meet  
32 needs left by contamination that drive up municipal costs and threaten a towns' financial stability as  
33 well; and

34       Whereas, accessing clean drinking water only addresses PFAS contamination from ingestion of  
35 water, neglecting specific absorption and inhalation routes of contamination; and

36       Whereas, remediation of PFAS contamination from commercial releases is virtually non-existent  
37 in New Hampshire; and

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1       Whereas, New Hampshire residents and officials are unable to stop new companies from  
2 establishing businesses and releasing PFAS chemicals into air and water, and are unable to stop the  
3 increase of PFAS waste in landfills, thus PFAS contamination has become an emergency that  
4 requires immediate national action; and

5       Whereas, the Environmental Protection Agency (EPA) has explored the impact of environmental  
6 regulation of PFAS for almost 5 decades, but have failed to cease the release of PFAS into the  
7 environment; and

8       Whereas, the use of PFAS would be stopped by the EPA, if the agency adopted the proposed  
9 Significant New Use Rule (SNUR) of 2015, 2070-AJ99 that would be require a company to notify  
10 EPA at least 90 days before commencing to manufacture or process PFAS, and would require that  
11 the EPA to evaluate the intended use of PFAS in order to prevent new sources of contamination; and

12       Whereas, the proposed SNUR of 2015 was withdrawn by the EPA; and

13       Whereas, the addition of all groups of PFAS chemicals to the Toxic Release Inventory (TRI) by  
14 the EPA, via a SNUR, would enable federal assistance pursuant to the Superfund Law and  
15 assignment of clean up responsibilities under the Safe Drinking Water Act, the Toxic Substances  
16 Control Act, and if enacted, the Emergency Planning and Right to Know Act; and

17       Whereas, New Hampshire citizens want to stop the contamination from continuing to occur,  
18 start harm reduction, education, assessment of healthcare needs, clean up and disposal, ongoing  
19 monitor of PFAS levels in water, soil, and air, and monitoring of the health of those exposed to  
20 PFAS; and

21       Whereas, in terms of a potential funding source, there are several limited Federal grants for  
22 which New Hampshire citizens may apply, but these funds would be specifically allocated to address  
23 one facet of a complex problem, such as fund community educational response to PFAS  
24 contamination; and

25       Whereas, New Hampshire's United States congressional delegation sponsored an extensive body  
26 of comprehensive legislation that works to help those affected by contamination across the United  
27 States. Whereas, these efforts have included legislation that would add the PFAS chemical class to  
28 the TRI, banning its production, providing superfund resources to make drinking water safe and  
29 protecting firefighters; and

30       Whereas, United States Senator Jean Shaheen made significant gain in addressing PFAS  
31 toxicity by securing funding for a national health study, to be conducted in New Hampshire with  
32 subjects who were exposed to PFAS at the former Pease Air Force Base and present Pease  
33 Tradeport, New Hampshire; and

34       Whereas, the department of environmental services established more conservative maximum  
35 levels of (MCLs) (12ppt) of PFAS presence in air, surface water, ground water, soil, biosolids, waste  
36 water, to reduce the risk of health risks further; and

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1       Whereas, the department of environmental services is consistently requesting national research  
2 and analysis of PFAS contamination and health guidelines; and

3       Whereas, the department of environmental services consistently requests that PFAS chemicals  
4 in manufacturing and commerce be discontinued, wherever possible; and

5       Whereas, the department of environmental services requests that alternatives to PFAS  
6 chemicals that are less persistent and toxic be developed; and

7       Whereas, the department of environmental services has requested funding to treat contaminated  
8 sources of drinking water and prevent discharges via wastewater treatment; and

9       Whereas, the department of environmental services completely supports the concept that  
10 polluters should pay, but New Hampshire must act to develop New Hampshire specific responses to  
11 the pollution of our water supply, and department of environmental services must be empowered by  
12 national support to act beyond their present authority; and

13       Whereas, in Merrimack, New Hampshire, a PFAS-related clean water action group that  
14 campaigned successfully to educate neighbors about the need for clean water, inspired members to  
15 successfully seek office in the New Hampshire house of representatives, have teamed up with local,  
16 regional and national clean water organizations across the United States, to promote PFAS  
17 contamination education, to seek regulation, and to seek legislation that stops further contamination  
18 in New Hampshire and begin to address the present consequences; and

19       Whereas, the New Hampshire state representatives filed bills that require accountability from  
20 polluters, provide education about PFAS, provide monitoring of health, provide monitoring of air  
21 emissions at productions sites, provide remediation of contaminated areas, provide labeling on food  
22 products that contain PFAS, and require removal of PFAS products from schools and hospitals of  
23 New Hampshire, where vulnerable populations are present; and

24       Whereas, New Hampshire legislators succeeded in enacting laws that establish a commission to  
25 investigate and analyze the environmental and public health impacts relating to releases of PFAS in  
26 the air, soil, and groundwater in Merrimack, Bedford, and Litchfield, a committee to study  
27 unprotected drinking water sources, a law that increases penalties and fines for air pollution and  
28 water pollution, and a law to reestablish the commission to study environmentally-triggered chronic  
29 illness; and

30       Whereas, New Hampshire residents and virtually all United States residents, have PFAS  
31 chemicals in their blood, leaving them to try to reduce harm by limiting the amount of lifetime  
32 exposure to PFAS, PFAS products, and other sources; and

33       Whereas, we, in New Hampshire, know that new sources of PFAS can be developed under  
34 current law; and

35       Whereas, New Hampshire continues to be unable to manage environmental destruction by  
36 companies that continue to pollute with toxic and permanent chemicals without national support  
37 and response; and

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**- Page 5 -**

1       Whereas, our congressional delegation is relentlessly forging ahead with aggressive plans to  
2 make polluters take responsibility for this heinous abuse of the environment on New Hampshire soil,  
3 and across the country; and

4       Whereas, we know that members of the United States Congress are fighting for significant  
5 legislation that will end PFAS production in the United States, now;  
6 therefore, be it Resolved by the House of Representatives:

7       That all members of the United States Congress, executive bodies, departments, agencies and  
8 courts work in tandem with the New Hampshire congressional delegation, to educate, provide health  
9 care, stop production of PFAS, hold polluters accountable, and guarantee clean water as a human  
10 right in the United States.

11       That all members of Congress join with the New Hampshire congressional delegation in fighting  
12 for clean water legislation, including these current measures before Congress: the PFAS Action Act  
13 of 2019, Protecting Communities from New PFAS Act, Stop Damages Act, Protecting Military  
14 Firefighters from PFAS Act, Veterans Exposed to Toxic PFAS Act, PFAS Registry Act, PFAS  
15 Quantum Evaluation Act, PFAS User Fee Act, Providing Financial Assistance for Safe Drinking  
16 Water Act, Leading Infrastructure for Tomorrow's America Act, and the PFAS Accountability Act.

17       That the EPA use its rulemaking power and add all PFAS group chemicals to the TRI, and  
18 comply with all new laws that are needed to make that happen, developing and enforcing national  
19 uniform risk-based standards and consistent MCLs.

20       That EPA use its rulemaking power to designate PFAS as hazardous substances under the  
21 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), under the  
22 Clean Water Act, Safe Drinking Water Act, and the Toxic Substances Control Act.

23       That the EPA develop an ongoing reporting system for reporting all PFAS releases into the  
24 environment and make such data publicly available.

25       That the EPA initiate monitoring and enforce monitoring of all public and residential drinking  
26 water supplies for PFAS contamination and make such data publicly available.

27       That the Department of Defense and all public agencies phase out the use of firefighting foam.

28       That the United States Health and Human Services, Environmental Protection Agency, and  
29 Centers for Disease Control construct and conduct a comprehensive, cohesive, and evidence-based  
30 healthcare plan that reduces PFAS harm to American people.

31       That the United States join the more than 180 countries that agreed on May 3, 2019, to ban  
32 production and use of perfluorooctanoic acid (PFOA), its salts, and PFOA-related compounds, at the  
33 International Stockholm Convention on Persistent Organic Pollutants (POPs).

34       That the house clerk transmit copies of this resolution to the Administrator of the  
35 Environmental Protection Agency, the Secretary of the United States Department of Health and  
36 Human Services, the Director of the Centers for Disease Control, the New Hampshire congressional

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- 1 delegation, and the majority and minority leaders of the United States House of Representatives and
- 2 the United States Senate, and the President of the United States.

## HB236 Testimony

Good evening commissioners,

I previously introduced myself and gave an overview of the greater Merrimack area contamination in my correspondence about HB135, which will also be heard this coming Tuesday, 2/16/21 so I will keep this brief.

I am writing to ask your support for HB 236 which would extend the current statute of limitations for civil action involving PFAS related harm from 3 years to 6 years. I have been asked by the bills sponsors to give testimony on this bill so I will expand upon the citizen perspective at that time and am glad to answer any questions you may have as I have been extensively involved in PFAS education, advocacy and engagement on behalf of Merrimack and Saint Gobain impacted surrounding communities since 2016.

Regards,

Laurene Allen <alaurene@gmail.com>

Merrimack Resident    Confounder, Merrimack Citizens for Clean Water    Cleanwaternh.org

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Thank you, Mr. Chairman, and members of the Judiciary Committee. I am Representative Bob Healey of Merrimack and I am speaking as a co-sponsor and in support of House Bill 236.

Merrimack and the surrounding communities of Bedford, Litchfield and Londonderry have been dealing with PFAS contamination issues in the areas surrounding the Saint Gobain Performance Plastic's facility since 2016. This contamination has been found in our air, soil, ground and drinking water. We have had to deal with private wells being deemed unusable and wells belonging to the Merrimack Village District being shut down for high PFAS contamination rates. While Saint Gobain has agreed to pay some of the costs incurred to filter the contaminated public wells and provide bottled water or connect private well owners to public water, this has been a long laborious process for these affected people and many are receiving bottled water.

As time has gone by, researchers are finding that these forever chemicals are causing more and more harm to people. They have found potential adverse health impacts associated with PFAS exposure include liver damage, thyroid disease, decreased fertility, high cholesterol, obesity, hormone suppression, and cancer. Also, these chemicals can pass through the placental barrier thus passing to the unborn and can be passed through breast milk to infants. As further study of the Maximum Contaminant *Levels* (MCL) of these chemicals evolves our citizens need additional time to identify the physical damage to their bodies and seek protections under the law.

I speak in favor of House Bill 236 today extending the statute of limitations to 6 years after the damage is discovered.

Robert Healey

NH State Representative

Hillsborough 21 (Merrimack)

603-521-0422

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**Dear Sirs and Madams,**

**The past weeks I have had the opportunity to speak with Congressional members from Massachusetts and New Hampshire to share the issue of PFAS within the fire service.**

**May our 20-plus-years 'greatest deception ever' at the hands of the sponsors of our cancer summits and voting members of our only safety standards institution, the National Fire Protection Association (NFPA) serve as a horrific cautionary tale for anyone wishing and hoping corporations will do the right thing for a community.**

## HB236 Testimony

Many of these discussions took place with the efforts of the Honorable Wendy E.N. Thomas, fmr New Hampshire State Rep and Scott Faber, Sr VP of Governmental Affairs, Environmental Working Group. *Firefighting gear is complex, technical equipment tha must meet NFPA (National Fire Protection Assn) standards and codes for structural firefighting. NFPA Committee 1971 has 16 voting members made up of firefighters, manufacturers, special experts and IAFF and NFPA members. Every purchase order written for turnout gear, and AFFF will require it ' meet or exceed NFPA standards'.*

*Herein lines the problem, DuPont, Gore, Honeywell, Lion, are all voting members of these committees. Turnout gear is made up of 3 layers;*

*The 'outer shell' the material the public sees, is the most highly fluoirinated textile ever seen by science;*

<https://cen.acs.org/environment/persistent-pollutants/Protective-gear-expose-firefighters-PFAS/98/i26?fbclid=IwAR3ktylcasjnxHiv3RNDRIJdZmunQleAEoS3Av225uOscj2hFbffVcO3-Go>

*Graham Pealsee conducted our own independent study done on turnout gear. This study was orchestrated by a fire-wife and a group of firefighters from Salem Ma, Northern Cali, and Chicago. We had no help from institutions, we had no prior skills, this was the first in the world study of chemicals used on the material of the gear. The safety institution NFPA had 20 years to do such a study. They never did. They and our IAFF only sought and supported studies on the products of combustion or toxic smoke, which was fed to them by the chemical industry itself.*

*And, they willingly went along.*

*While DuPont, Honeywell, and W.L. Gore knew of the health effects of PFOA and Teflon, they remained silent while voting on materials to be sued for gear. DuPont would go on record stating only Nomex should be used for outer shell material. A DuPont fiber.*

*The gear must pass a stringent water resistance test per NFPA 1971*

**NFPA 1971**

**1.1\* Scope. A.1.1 Organizations responsible for specialized functions including, but not limited to, wildland fire...  
www.nfpa.org**

Manufacturers argue only PFAS will meet this standard.

*Our study, conducted by Dr Pealee of Notre Dame found that 10 year old gear still had enough PFAS to meet NFPA 1971 for water resistance.*

*This causes us to be concerned that America's Bravest have been used to support 'shareholder value' for DuPont. DuPont knew how much PFAS was going onto the coatings. There are no standards for limits.. only vague language that states 'enough to meet the requirements'.*

The inner component is called a 'moisture barrier' and not seen by the eye. It is made with a sheet of Teflon.

Made by W.L. Gore. Gore was notified in 2004 by the United Steelworkers Union that they had a 'duty to warn' the end user of the product that the laborers of the Washington Works Plant in WV found PFOA to be causing health issues in the union members. :

<https://drive.google.com/viewerng/viewer?url=https://assets.usw.org/resources/hse/resources/Walking-the-Talk-Duponts-Untold-Safety-Failures.pdf>

*Instead, in 2006 Gore would write language for NFPA stating that the material needed for moisture barriers must withstand a 'xenon light test'..*

<https://www.nfpa.org/assets/files/AboutTheCodes/1971/1971-A2006-ROP.pdf>

A test that only 'Teflon' material can meet.

HB236 Testimony

**The committee chemist Jeff Stull on the committee went on record stating the test was completely fallacious.**

**The chemist Jeff Stull on the committee went on record stating the test was completely fallacious.**





## HB236 Testimony

of a detailed ergonomic study that addressed footwear and other elements. The incorporation of improved design requirements for ensuring that the moisture barrier extends higher in the footwear will partly address concerns for liquids leaking through footwear. Fire fighters should be extended the same choices for footwear height as afforded by the current edition of the standard.

**Proposal 1971-39 Log #103:** I would like to go on record as finding the "Light Degradation Test" as fallacious. While the intent of the test is worthy, the task group and the committee have failed in demonstrating that the mode of moisture barrier failure on which the test is based is truly the cause of the Breathetex degradation problem. No evidence has been ever been provided that UV degradation alone (even along with the laundering and heat conditioning) adequately explains the phenomena observed in the field. The fact that the chosen conditions would render most outer shell materials to a completely unusable state, remembering that it would be the outer shell that is attenuating the vast majority of UV light exposure, is proof positive that the selected test conditions fail to appropriately mimic the conditions of Breathetex failure. I understand that the task group expended a great effort in developing the proposed requirements, but the commitment of these resources in of itself does not constitute a valid reason for adding this requirement. Consider that if Breathetex degradation had been instead the result of a product defect, either in the film or manufacturing process or both, that was limited to only a portion

1971-3

*The standards was voted in by NFPA and firefighter have been wrapped in a Teflon burrito dipped in staggering amounts of PFOA and PFAS since.*

The material closest to the firefighter's skin is called the 'thermal liner'.

Recently Lion Gear introduced a thermal liner called 'Iso-Dry' that is coated in PFAS. Lion Gear carries many DoD contracts for firefighting gear.

<https://www.lionprotects.com/innovations-isodri>

*It is our hope that with the DoD language to phase out PFAS in products purchased by the DoD this language will force manufacturer to make safer gear for us.*

[US military spending bill would phase out some PFAS procurement](#)

[Credit: US Air Force/Airman 1st Class Timothy Moore The US government would lower its market demand for products...](#)

[cen.acs.org](http://cen.acs.org)

*Currently the director of industry relations of Johnson Controls — makers of AFFF has been named to two leadership positions within the NFPA. He will 'oversee code and development, administer rules and regulations, an support appeals process. He is a NFPA Research Foundation Board of Trustee, the 'Independent foundation conducts research for the NFPA and entire fire protection industry'..*

[\[fire.com/en/us/DocumentsandMedia/Press%20Release%20Rodger%20Reiswig%20NFPA%20Council.pdf\]\(https://simplex-fire.com/en/us/DocumentsandMedia/Press%20Release%20Rodger%20Reiswig%20NFPA%20Council.pdf\)](https://simplex-</a></p></div><div data-bbox=)

Sadly, Johnson Controls is being sued for poisoning the water in Wisconsin:

<https://www.environmentalleader.com/2021/01/johnson-controls-settles-lawsuit-for-pfas-contamination-agrees-to-17-5m->

HB236 Testimony

[compensation/#:~:text=Johnson%20Controls%20has%20agreed%20to,a%20subsidiary%20of%20Johnson%20Controls.](#)

*This is exactly why we need our legislators to hold the line for America's Bravest, who trusted in their institutions like the NFPA, which has become a lobbying group for the chemical giants.*

If this weren't reason enough to support the passage of H.B.236 you should understand that just this week a study was published showing the PFAS Dust in 15 Massachusetts firehouses staggering in number, and matching the turnout-gear firefighters wear. The study was conducted by Dr Graham Peaslee of Notre Dame and Dr's Anna Young, Joseph Allen, and Emily Sparer Fine of Harvard. The happenstance of the PFAS portion of the dust study was serendipity. It was again, not initiated by the hands of our gear made by fibers and coatings from DuPont and others. The PFAS was not from the AFFF. It's from the gear. Who will pay to make these firefighters whole from the cancers they may be getting from their turnout gear? Cities? Towns?

[https://station-pride.com/2021/02/11/harvard-university-discovers-fire-station-dust-loaded-with-pfas-in-published-study/?fbclid=IwAR0s2MXJ9\\_3tmH0kfDtDpeesww2XbOEvnDVyFmvJe0e-kl7Dq3\\_BBbNntP8](https://station-pride.com/2021/02/11/harvard-university-discovers-fire-station-dust-loaded-with-pfas-in-published-study/?fbclid=IwAR0s2MXJ9_3tmH0kfDtDpeesww2XbOEvnDVyFmvJe0e-kl7Dq3_BBbNntP8)

We ask for the passage of HB 236 to hold open the door for those who like us, had to find our own scientists who would discover how long they have been lied to by omission.

Sincerely,

*Diane Cotter*

37 Delton Drive,

Rindge, NH 03461

[yourturnoutgearandpfoa.com](http://yourturnoutgearandpfoa.com)

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House Bill 236- creating a statute of limitation on civil actions relative to damage cause by perfluoroalkyl and polyfluoroalkyl substances

To the members of the House Judiciary Committee,

I have prepared the attached list of resources for your general knowledge about PFAS chemical environmental contamination and health effects. Please share it with your colleagues and constituents. Most of the references provided here support the claim that PFAS chemicals affect human development and increase risk of the major health issues described in my testimony. I am happy to answer further questions and can point you to areas of research if you would like to learn more.

Additionally, I am attaching a copy of HR 12, 2020. This resolution passed both committee and full House unanimously this past March. It implores Congress to declare perfluoroalkyl and polyfluoroalkyl substances (PFAS) a superfund chemical group and provide sufficient programing and funding for education, treatment and remediation of the effects of PFAS. It tells the story of what PFAS is, how it gets into the environment, what we know about its effects, and how it is affecting NH. It talks about everything we've done in NH to address the problem, and everything Congress had in process to address the contamination at the time of its writing.

House Bill 236 is a replica of a bill that was introduced last year by the Honorable Wendy Thomas that had broad support in the House. It then died with so many other pieces of legislation, due to the pandemic.

Thank you for your time and consideration.

Suzanne Vail

NH State Representative

Nashua Ward 3

## HB236 Testimony

Hillsborough County District #30  
House Committee on Resources, Recreation and Development  
Hillsborough County Executive Committee  
603-234-0704  
Suzanne Vail  
NH State Representative          Nashua Ward 3 Hillsborough County District #30  
House Committee on Resources, Recreation and Development  
Hillsborough County Executive Committee  
603-234-0704

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Dear Honorable Members of the House Judiciary Committee,  
My name is Andrea Amico and I am a Portsmouth resident. My family has been personally impacted by PFAS contamination at the Pease Tradeport (former Pease Air Force Base) in Portsmouth, New Hampshire. I am a co-founder of the community action group called Testing for Pease and a co-founder of the National PFAS Contamination Coalition.


I am writing to express my support for HB 236 that states, "A civil action arising out of any harm or injury caused by a person or entity found legally responsible for or an action for any damages resulting from a PFAS exposure may be brought within the 6 years after the date the plaintiff discovers, or in the exercise of reasonable diligence should have discovered, such harm, injury, or damages and the causal relationship of an act or omission to such harm, injury or damages."

There are many concerns that PFAS present to impacted communities such as the persistence of the chemicals in the body and the environment, the multiple adverse health effects that impact many systems of the human body, and the significant cost of blood testing, filtration, and remediation that often falls on the community members who had no say in being exposed to toxic chemicals. The National PFAS Contamination Coalition often describes impacted communities as "poisoned without permission" or "contaminated without consent". I can assure you I did not voluntarily sign my family up to drink contaminated water for years while they worked and attended daycare at the Pease Tradeport, but yet they were and now have elevated levels of PFAS in their body. I worry everyday what the long term impacts will be to their health and to their future.

PFAS bioaccumulate and remain in the body for years, some of them for decades. Sadly, this means disease could take years to manifest itself in a person. I support HB 236 because it would allow additional time for PFAS exposed community members to take legal action against a responsible party and that is critically important. I feel strongly polluters should pay for the many associated costs related to PFAS exposure they caused (and in some cases profited from).

Thank you for your consideration of this bill.

Sincerely,  
Andrea Amico [abrown3@worchester.edu](mailto:abrown3@worchester.edu)  
Testing for Pease, Co-founder  
187 Grant Ave Portsmouth, NH 03801 Cell: 978-549-9122

  
Rep Kurt Wuelper

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PFAS references and resources  
Rep Suzanne Vail HB 236

- 1) What are PFAS chemicals and percentage of Americans with PFAS presence in the body:

<https://www.ewg.org/taxonomy/term/41/all>

<https://www.epa.gov/pfas>

- 2) PFAS chemical manufacturing, timeline:

<https://www.consumerreports.org/toxic-chemicals-substances/pfas-chemicals-should-you-be-concerned/>

- 3) How PFAS leaches into water supplies –

[https://pfas-1.itrcweb.org/wp-content/uploads/2018/03/pfas\\_fact\\_sheet\\_fate\\_and\\_transport\\_3\\_16\\_18.pdf](https://pfas-1.itrcweb.org/wp-content/uploads/2018/03/pfas_fact_sheet_fate_and_transport_3_16_18.pdf)

- 4) Where PFAS chemicals are found in NH

[https://www4.des.state.nh.us/nh-pfas-investigation/?page\\_id=55](https://www4.des.state.nh.us/nh-pfas-investigation/?page_id=55)

- 5) Discovered to be a threat to Human Health

<https://www.publichealth.va.gov/exposures/pfas.asp>

- 6) Developmental exposure, routes of exposure

<https://health.ri.gov/water/about/pfas/>

- 7) (Dated) Estimate that 6m Americans have water supply that exceeds EPA guidelines.

<https://www.ncbi.nlm.nih.gov/pubmed/27752509>

- 8) Why Saint Gobain Chose New Hampshire

<https://www.nhpr.org/post/untangling-why-saint-gobain-chose-new-hampshire#stream/0>

- 9) Additional general information:

<https://www.nhpr.org/post/nh-squares-3m-court-fight-over-new-pfas-water-standards#stream/0>

Bill as  
Introduced

HB 236 - AS INTRODUCED

2021 SESSION

21-0068  
08/05

HOUSE BILL **236**

AN ACT creating a statute of limitation on civil actions relative to damage caused by perfluoroalkyl and polyfluoroalkyl substances.

SPONSORS: Rep. Vail, Hills. 30; Rep. Mullen, Hills. 7; Rep. M. Murray, Hills. 22; Rep. Chase, Straf. 18; Rep. Mooney, Hills. 21; Rep. Labranche, Hills. 22; Rep. Healey, Hills. 21; Rep. Meuse, Rock. 29; Sen. Perkins Kwoka, Dist 21

COMMITTEE: Judiciary

ANALYSIS

This bill creates a statute of limitation on civil actions relative to damage caused byperfluoroalkyl and polyfluoroalkyl substances.

Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struckthrough.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

21-0068  
08/05

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT creating a statute of limitation on civil actions relative to damage caused by perfluoroalkyl and polyfluoroalkyl substances.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 New Section; Statute of Limitations; Civil Actions. Amend RSA 485-H by inserting after section 10 the following new section:

485-H:11 Statute of Limitations; Civil Actions; PFAS Exposure. A civil action arising out of any harm or injury caused by a person or entity found legally responsible for or an action for any damages resulting from a PFAS exposure may be brought within the 6 years after the date the plaintiff discovers, or in the exercise of reasonable diligence should have discovered, such harm, injury, or damages and the causal relationship of an act or omission to such harm, injury or damages.

2 Effective Date. This act shall take effect 60 days after its passage.