

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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

3 485-H:11 Statute of Limitations; Civil Actions; PFAS Exposure. A civil action arising out of any
4 harm or injury caused by a person or entity found legally responsible for or an action for any
5 damages resulting from a PFAS exposure may be brought within the 6 years after the date the
6 plaintiff discovers, or in the exercise of reasonable diligence should have discovered, such harm,
7 injury, or damages and the causal relationship of an act or omission to such harm, injury or
8 damages.

9 2 Effective Date. This act shall take effect 60 days after its passage.

HB 236 - AS AMENDED BY THE SENATE

05/27/2021 1695s

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HOUSE BILL

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6 plaintiff discovers, or in the exercise of reasonable diligence should have discovered, such harm,
7 injury, or damages and the causal relationship of an act or omission to such harm, injury or
8 damages. Nothing in this section shall be construed as limiting any action brought by the state.

9 2 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 133
HB 236 - FINAL VERSION

05/27/2021 1695s

2021 SESSION

21-0068
08/05

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CHAPTER 133
HB 236 - FINAL VERSION

05/27/2021 1695s

21-0068
08/05

STATE OF NEW HAMPSHIRE

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4 harm or injury caused by a person or entity found legally responsible for or an action for any
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6 plaintiff discovers, or in the exercise of reasonable diligence should have discovered, such harm,
7 injury, or damages and the causal relationship of an act or omission to such harm, injury or
8 damages. Nothing in this section shall be construed as limiting any action brought by the state.

133:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 23, 2021

Effective Date: September 21, 2021

Amendments

Sen. Whitley, Dist 15
May 24, 2021
2021-1662s
08/05

Amendment to HB 236

1 Amend RSA 485-H:11 as inserted by section 1 of the bill by replacing it with the following:

2

3 485-H:11 Statute of Limitations; Civil Actions; PFAS Exposure. A civil action arising out of any
4 harm or injury caused by a person or entity found legally responsible for or an action for any
5 damages resulting from a PFAS exposure may be brought within the 6 years after the date the
6 plaintiff discovers, or in the exercise of reasonable diligence should have discovered, such harm,
7 injury, or damages and the causal relationship of an act or omission to such harm, injury or
8 damages. Nothing in this section shall be construed as limiting any action brought by the state.

UNAPPROVED

Senate Judiciary
May 25, 2021
2021-1695s
08/11

Amendment to HB 236

1 Amend RSA 485-H:11 as inserted by section 1 of the bill by replacing it with the following:

2

3 485-H:11 Statute of Limitations; Civil Actions; PFAS Exposure. A civil action arising out of any
4 harm or injury caused by a person or entity found legally responsible for or an action for any
5 damages resulting from a PFAS exposure may be brought within the 6 years after the date the
6 plaintiff discovers, or in the exercise of reasonable diligence should have discovered, such harm,
7 injury, or damages and the causal relationship of an act or omission to such harm, injury or
8 damages. Nothing in this section shall be construed as limiting any action brought by the state.

Committee Minutes

SENATE CALENDAR NOTICE

Judiciary

Sen Sharon Carson, Chair
Sen Bill Gannon, Vice Chair
Sen Harold French, Member
Sen Rebecca Whitley, Member
Sen Jay Kahn, Member

Date: May 6, 2021

HEARINGS

Tuesday		05/11/2021
(Day)		(Date)
Judiciary	REMOTE	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m.	HB 539	relative to records of communications common carriers.
1:15 p.m.	HB 566	relative to the discussion and disclosure of minutes from a nonpublic session under the right-to-know law.
1:30 p.m.	HB 232	relative to nonpublic sessions under the right to know law.
1:45 p.m.	HB 236	creating a statute of limitation on civil actions relative to damage caused by perfluoroalkyl and polyfluoroalkyl substances.
2:00 p.m.	HB 440	prohibiting the suspension of civil liberties during a state of emergency.
2:15 p.m.	HB 542	relative to the protection of religious liberty.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/92583269385>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: US: +13017158592,,92583269385# or +13126266799,,92583269385#
4. Webinar ID: [925 8326 9385](https://www.zoom.us/j/92583269385)
5. To view/listen to this hearing on YouTube, use this link: <https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link: <http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 539

Rep. Yokela

HB 566

Rep. Yokela

HB 232

Rep. Hough

Rep. Johnson

Rep. Trottier

HB 236

Rep. Vail

Rep. Mooney

Sen. Perkins Kwoka

HB 440

Rep. Kofalt

Rep. Homola

HB 542

Rep. Ammon

Rep. Yakubovich

Rep. Comtois

Rep. Bordes

Rep. Mullen

Rep. Labranche

Rep. Ammon

Rep. Kofalt

Rep. O'Hara

Rep. Baldasaro

Rep. M. Murray

Rep. Healey

Rep. Nunez

Rep. O'Hara

Rep. Binford

Rep. Sylvia

Rep. Chase

Rep. Meuse

Sen. Avard

Jennifer Horgan 271-7875

Sharon M Carson
Chairman

Senate Judiciary Committee

Jennifer Horgan 271-7875

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

Hearing Date: May 11, 2021

Time Opened: 1:49 p.m.

Time Closed: 2:34 p.m.

Members of the Committee Present: Senators Carson, Gannon, French, Whitley and Kahn

Members of the Committee Absent : None

Bill Analysis: This bill creates a statute of limitation on civil actions relative to damage caused by hyperfluoroalkyl and polyfluoroalkyl substances.

Sponsors:

Rep. Vail

Rep. Mullen

Rep. M. Murray

Rep. Chase

Rep. Mooney

Rep. Labranche

Rep. Healey

Rep. Meuse

Sen. Perkins Kwoka

Who supports the bill: 127 people signed up in support of the bill. Full sign in sheet available upon request.

Who opposes the bill: 15 people signed up in opposition to the bill. Full sign in sheet available upon request.

Who is neutral on the bill: 1 person signed in neutrally on the bill. Full sign in sheet available upon request.

Summary of testimony presented in support:

Representative Vail

- This bill creates a statute of limitation on civil actions relative to damage caused by perfluoroalkyl and polyfluoroalkyl substances (PFASs) and is part of an effort to create a system of response for the PFAs contamination.
- PFAs chemicals are bio-accumulative, environmentally persistent, and can be found in Teflon, firefighting gear/foam, Gore-Tex, food packaging, carpeting, etc.
- The slippery nature of the particles means they easily enter the soil and do not dissolve.
- Private wells have been rendered unusable due to the contamination.
- The zone of contamination is presently a 4.5 mile radius around Saint Gobain.

- People living in that zone must implement high filtration systems or use other sources of water.
- Saint Gobain has been providing bottled water to many residents, but the recycling of the bottles falls to Merrimack.
- There are other sources of contamination in other areas in NH beside Saint Gobain.
- Contamination in Amherst was caused by a different manufacturer.
- The Coakley Landfill is a superfund project leaching chemicals.
- Evidence implicates that PFAs impacts fetal development, increases risks for the development of endocrine disorders, it is linked to cancer, kidney disease, high cholesterol, tumors, and concentrates in breast milk.
- Cities and towns are being stuck with the remediation.
- Colluders have not provided information to residents about the long term impact or a cleanup plan.
- The manufacturing of PFAs is continuing with no end in site.
- The statute of limitations needs to be expanded to give more time to calculate the scope of the harm, to address the impact on vulnerable groups, to identify victims, to get a scope of the problem across the state, to protect communities from bearing the cost, to delineate a true zone of contamination, and to provide vital education to citizens and medical providers.
- Particularly thinks of the firefighters in the state that are now faced with these diseases because of the firefighting gear they wore and the foam.
- This bill will expand the statute of limitations for people to prove injury to six years.
- Senator Kahn asked what the current statute of limitations is.
 - Three years for personal injury.
- Senator Gannon asked how they arrived at six years.
 - That was discussed among a number of individuals in Merrimack.

Representative Mooney

- Merrimack is victim to possibly the worst case of environmental pollution in the state's history.
- The town has spent years trying to determine the effects of this.
- This bill is a much-needed measure to ensure a guideline for resident's reactions to the effects of PFAs.
- An extended statute of limitations is critical for those suffering injuries, who now find themselves balancing their health with the complications of legal recourse.
- Six years after the date of discovery is sufficient and the bill is written well to provide that direction.
- Senator Carson asked about the community meeting regarding the six years.
 - Was not present at the meeting. Believes it was likely a citizens group that meets with Saint Gobain or it was a meeting of Merrimack Citizens for Clean Water.

Representative Healey

- As time has gone by research has shown that PFAs is causing more and more harm.
- People need additional time to identify the physical damage to their bodies and seek protections under the law.
- Senator Kahn asked how the six years was determined.
 - These issues have existed since 2016. There are people today who are just discovering this issue in their town. Did not participate in that meeting.
- Senator Kahn asked why any limitation is there.
 - Agrees. Firefighters can go up to potentially 70 years. Is not averse to making this as long as possible.

Don Provencher (Merrimack Village Water District)

- Three years is not enough to understand the full impact of these chemicals.
- Would be in favor of keeping the statute of limitations as long as possible.
- Does not believe the description of when that statute of limitations starts matches with what people have been advised by their legal counsel.
- The cost for PFAs treatment has gone up significantly.
- Senator Kahn asked when the hearings were held for the potential for contamination in the town.
 - There have been hearings since it was discovered in spring of 2016.
- Senator Kahn asked if the reach of the contamination has been mapped out.
 - That is continuing to unfold. Is aware that a ground water management zone has been established in Merrimack; is not sure if that is going to change in the future. Since 2016 the drinking water standards for PFAs levels have consistently gone down. That indicates that as more information comes out it is clear it is more detrimental than originally thought.
- Senator Kahn asked if the reach of the contaminated ground water expanded since the original mapping.
 - Believes when it first came out the radius applied around the identified polluter for maybe a half mile. That subsequently grew. In March 2018, DES completed the management zone and since then additional wells have been found to have groundwater above the maximum contaminate levels. There was a consent decree that may have limited that zone, but as more wells outside that boundary are identified that shows there is additional contamination beyond that boundary.
- Senator Kahn asked what a reasonable statute of limitations would be.
 - Longer than three years. It took decades to understand the impact of tobacco and it will take time to identify how significant the harm of PFAs. In some instances, knowing about contamination can start the clock. In another three years, if that is not enough time, it could be extended again. In support of anything over three years. Would not be opposed to 10 years or longer.

- Senator Gannon asked about the clock beginning earlier.
 - This is interpreted based on the way a judge sees it to some extent. Concerned that that interpretation, although it may not be consistent, there is always that risk there. Has been told that what could be construed as the starting of the statute of limitations is earlier than what others might agree with.

Councilor Healey (Merrimack)

- These are called forever chemicals because they persist for years in the environment and in the body.
- In the body it has a cumulative effect, and it can take years before it starts to show the negative effects.
- In these cases, people have to be able to rule out other causes for their illnesses in order to qualify.
- The ideal would be to not have a statute of limitations but believes there was a concern that that would not be approved.

Summary of testimony presented in opposition:

David Creer (BIA)

- This bill is not necessary.
- The standard statute of limitations is three years, but it does not begin to toll until an individual has an injury and they link it to the cause of the injury.
- Three years is common with medical malpractice. If an individual undergoes surgery and 15-20 years later discovers that the doctor left his watch in the abdomen, the person has three years from that point to file a lawsuit.
- Senator French asked if this bill would create any problems.
 - Statute of limitations exist because it is deemed to be good public policy to not hang the threat of lawsuits over peoples' heads indefinitely. They also help to ensure expedient, appropriate, and quality justice occurs. As time goes on evidence is lost and memories fade. A statute of limitations encourages people to get a remedy as soon as possible.
- Senator French asked if PFAs cases are different than most instances where statute of limitations apply.
 - PFAs is an emotional issue. The issue with it being a latent injury, is really no different than medical malpractice. There is no benefit to expanding this to six years. It does signal to everyone in the State that we are trying to make it as hard as possible for businesses to do their business here.

Neutral Information Presented:

Allen Brooks (Attorney General's Office)

- Concerned that as written the bill may inadvertently create a limitation on state actions where there is currently none.
- Currently, state plaintiffs are covered by a specific statute of limitations under RSA 508:4-h.

- RSA 508:4-h addresses putting limitations on the state but also ensuring the state's ability to move forward on cases.
- This bill addresses civil actions for PFAs, but is concerned that the term civil action is broad enough that a defendant could argue that that includes civil actions by the state.
- Recommends amending the bill, not to change its intent, but to make sure the state is not precluded from taking action.
- Discussed with the sponsors changing it from 'civil' to 'personal' action to match the existing statute of limitations, but they were not comfortable with that.
- Recommends adding a sentence at the end bill that says, 'Nothing in this section shall be construed as limiting any action brought by the State.'
- Senator French asked if there is currently a statute of limitations for PFAs exposure of three years.
 - Believes they are referring to RSA 508:4. It would depend on the specific action, but that three years is generally for personal actions.
- Senator French asked if it would be possible to remove all statutes of limitations in relation to PFAs exposure.
 - That is a policy decision for the Legislature to make. These limitations are created by statute and they can be taken away by statute.
- Senator Kahn asked for clarification on the distinction being drawn between civil and personal action.
 - The state litigated before the enactment of RSA 508:4-h, in a case called Lake Winnepesaukee Resort. In that case the defendant thought the state had taken too long to bring the case and the statute of limitations applied. This went to the Supreme Court, and the court ruled that 'personal action' does not look like the action the state is bringing because it is bringing a penalty action by statute. Personal action does not cover state actions. The intent of the drafters of the bill was to not have this apply to any action the state might bring.
- Senator Kahn asked if this exemption needs to extend to RSA 508 as well.
 - Does not believe so. RSA 508 as written already tries to address these issues where it says, 'shall not apply to any situation where remediation has not yet occurred'. So as long as the contamination is still in the ground we can fix it.
- Senator Kahn asked what the statute of limitations is on the legal or insurance claims for firefighters.
 - Does not know that and would be hesitant to make a statement on that.
 - Mr. Lehmann stated that the statute of limitations for firefighters applies in the form of workers compensation, and they can file until they are 65 years old. Believes Commerce currently has a bill that extends it to 70 years old.
- Senator Gannon asked under Winnepesaukee, if there is a limitation currently for State action.

- The limitation now is RSA 508:4-h.

jch

Date Hearing Report completed: May 19, 2021

Speakers

Senate Remote Testify

Judiciary Committee Testify List for Bill HB236 on 2021-05-11

Support: 127 Oppose: 15 Neutral: 1 Total to Testify: 6

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Mooney, Rep. Maureen	Rep.Maureen.Mooney@gmail.com	Not Given	An Elected Official	Myself/Town of Merrimack	Support	Yes	5/9/2021 11:04 PM
Suzanne, Vail	Suzanne.vail@leg.state.nh.us	Not Given	An Elected Official	Hillsborough County District 30	Support	Yes	5/10/2021 10:12 PM
Creer, David	dcreer@BIAofNH.com	603.224.5388	A Lobbyist	BIA of NH	Oppose	Yes	5/11/2021 9:26 AM
Brooks, Allen	allen.brooks@doj.nh.gov	271-1275	State Agency Staff	NHDOJ	Neutral	Yes	5/7/2021 12:02 PM
Healey, Robert	bob.healey@leg.state.nh.us	603.521.0422	An Elected Official	Town of Merrimack	Support	Yes	5/8/2021 10:08 AM
Provencher, Donald	don.provencher@mvdwater.org	603.883.4444	An Elected Official	Merrimack Village District	Support	Yes	5/11/2021 1:34 PM
Booras, Hon. Efstathia	efstathiab73@gmail.com	603.930.3220	An Elected Official	Constituents	Support	No	5/11/2021 1:58 PM
Carbonneau, Barbara	glenlake.nh@comcast.net	603.218.9317	A Member of the Public	Myself	Support	No	5/11/2021 11:18 AM
Harrington, Nancy	Nharrington@merrimacknh.gov	Not Given	An Elected Official	Myself -	Support	No	5/11/2021 6:08 PM
Johnson, Sara	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	5/12/2021 8:09 AM
Eggleston, Penny	pegglestonlib@yahoo.com	603.554.8094	A Member of the Public	Myself	Support	No	5/11/2021 11:38 PM
Chase, Wendy	Wendy.Chase@leg.state.nh.us	603.319.7259	An Elected Official	Myself	Support	No	5/6/2021 1:18 PM
Allen, Laurene	alaurene@gmail.com	603.424.5478	A Member of the Public	Myself	Support	No	5/6/2021 11:03 PM
Eisner, Mary	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 7:42 AM
Bates, David	dbates3@yahoo.com	603.748.2668	A Member of the Public	Myself	Oppose	No	5/9/2021 12:08 PM
Casino, Joanne	joannecasino@comcast.net	603.746.3491	A Member of the Public	Myself	Oppose	No	5/9/2021 1:50 PM
Torpey, Jeanne	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 2:33 PM
Hamer, Heidi	Not Given	Not Given	An Elected Official	Myself	Support	No	5/9/2021 6:13 PM
Mooney, Birdie	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 10:30 PM
Hodge, Katharine	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/6/2021 10:52 AM
Perkins Kwoka, Senator Rebecca	rebecca.perkinskwoka@leg.state.nh.us	603-271-2104	An Elected Official	Myself (SD 21)	Support	No	5/7/2021 10:59 AM
Pimentel, Rod	Rodpimentel@leg.state.nh.us	Not Given	An Elected Official	Myself	Support	No	5/8/2021 2:25 PM
Weston, Joyce	jweston14@roadrunner.com	Not Given	An Elected Official	Myself	Support	No	5/8/2021 7:38 AM
Wazir, Safiya	Not Given	Not Given	An Elected Official	My Constituents	Support	No	5/8/2021 12:11 PM
Davis, Greg	glospreys@comcast.net	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 10:25 PM

Ingraham, Sheryl	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 10:56 PM
Mares, Daniel	AudioAlive@yahoo.com	603.458.5574	A Member of the Public	Myself	Support	No	5/10/2021 10:59 PM
Aronson, Laura	laura@mllans.net	603.432.1603	A Member of the Public	Myself	Support	No	5/10/2021 11:40 PM
Mayville, Mary	Not Given	Not Given	An Elected Official	Myself	Support	No	5/11/2021 12:35 AM
Laker-Phelps, Gail	lpsart@tds.net	603.798.5394	A Member of the Public	Myself	Support	No	5/11/2021 7:20 AM
Dewey, Karen	pkdewey@comcast.net	603.504.2813	A Member of the Public	Myself	Support	No	5/11/2021 7:25 AM
Glassman, Barbara	barbara.glassman@gmail.com	215.378.5356	A Member of the Public	Myself	Support	No	5/11/2021 7:30 AM
Rankin, Don	diggindawgsgw@gmail.com	603.732.2783	A Member of the Public	Myself	Support	No	5/11/2021 7:34 AM
Hayes, Randy	rcompostr@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/11/2021 7:35 AM
Ellermann, Maureen	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/11/2021 7:45 AM
Platt, Elizabeth-Anne	lizanneplatt09@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/11/2021 6:38 AM
Feole, Danielle	feole.danielle@gmail.com	(978) 778-62	A Member of the Public	Myself	Support	No	5/11/2021 6:45 AM
Kiefner, Robert	rskiefner@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/11/2021 8:46 AM
perez, maria	mariaeli63@gmail.com	603.801.7867	An Elected Official	District 23	Support	No	5/11/2021 9:08 AM
Cote, Lois	lcote06@outlook.com	16036275445	A Member of the Public	Myself	Support	No	5/11/2021 10:08 AM
Raspiller, Cindy	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/11/2021 10:31 AM
Brown, Howard	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/11/2021 10:32 AM
Brown, William	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/11/2021 10:33 AM
Hinebauch, Mel	melhinebauch@gmail.com	603.224.4866	A Member of the Public	Myself	Support	No	5/11/2021 10:33 AM
Brown, Morgan	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/11/2021 10:34 AM
Tucker, Kathy	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 10:34 AM
O'Neill, Nan	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	5/9/2021 12:47 PM
Cutshall, Catherine	vivadofamily@aol.com	603.471.9142	A Member of the Public	Myself	Support	No	5/10/2021 1:33 AM
Vivado, Mauricio	maumajo@aol.com	603.471.9142	A Member of the Public	Myself	Support	No	5/10/2021 1:34 AM
Graham, Nancy	nancygraham806@gmail.com	425.765.6921	A Member of the Public	Myself	Support	No	5/9/2021 5:03 PM
Bruce, Susan	susanb.red@mac.com	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 5:06 PM
Fenner-Lukaitis, Elizabeth	glukaitis@mcttelecom.com	Not Given	A Member of the Public	Myself	Oppose	No	5/9/2021 6:55 PM
Hackmann, Kent	hackmann@uidaho.edu	16039343225	A Member of the Public	Myself	Support	No	5/9/2021 6:59 PM
Blanchard, Sandra	sandyblanchard3@gmail.com	603.724.3768	A Member of the Public	Myself	Support	No	5/9/2021 7:09 PM
McKevitt, Susan	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	5/9/2021 7:16 PM
Zaenglein, Barbara	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 7:25 PM
Zaenglein, Eric	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 7:26 PM
Minton, Faith	minton.faiht@gmail.com	603-456-3098	A Member of the Public	Myself	Oppose	No	5/9/2021 7:39 PM
Rettew, Annie	abrettew@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 8:04 PM
Stack, Kathy	Kathystack421@gmail.com	603.785.6005	A Member of the Public	Myself	Support	No	5/9/2021 8:10 PM
Bixby, Peter	peter.bixby@leg.state.nh.us	16037495659	An Elected Official	Myself	Support	No	5/9/2021 8:38 PM
Dontonville, Roger	rdontonville@gmail.com	603.632.7719	An Elected Official	Myself	Support	No	5/9/2021 8:47 PM

Clark, Denise	denise.m.clark03055@gmail.com	603.213.1692	A Member of the Public	Myself	Support	No	5/9/2021 8:52 PM
Dontonville, Anne	Adontonville@gmail.com	603.632.7719	A Member of the Public	Myself	Support	No	5/9/2021 9:10 PM
Zavgren, John	john@zavgren.com	603.371.0513	A Member of the Public	Myself	Support	No	5/9/2021 9:15 PM
jakubowski, dennis	dendeb146@gmail.com	603.496.5749	A Member of the Public	Myself	Support	No	5/9/2021 9:30 PM
Jakubowski, Deborah	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 9:30 PM
Coon, Kate	kate2coon@gmail.com	339.793.0686	A Member of the Public	Myself	Support	No	5/9/2021 9:35 PM
Vincent, Laura	lvalauravincen5@gmail.com	603.783.4849	A Member of the Public	Myself	Support	No	5/9/2021 9:42 PM
Rich, Cecilia	cecilia.rich@leg.state.nh.us	Not Given	An Elected Official	Myself	Support	No	5/10/2021 1:44 AM
Bartlett, Rep Christy	christydbartlett@gmail.com	603.717.8151	An Elected Official	Merrimack 19	Support	No	5/10/2021 5:03 AM
Schapiro, Joe	Not Given	Not Given	An Elected Official	Cheshire 16, Keene	Support	No	5/10/2021 11:23 AM
Schmidt, Jan	tesha4@gmail.com	603.880.6060	An Elected Official	Myself	Support	No	5/10/2021 11:31 AM
Field, Bryan	bryguy350@yahoo.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 11:43 AM
Weber, Jill	jill@frazilfarms.com	603.978.1263	A Member of the Public	Myself	Support	No	5/10/2021 10:17 AM
Jachim, Nancy	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 7:02 AM
Chamberlin, Alice	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	5/10/2021 7:29 AM
Smith, Sara	sara.rose.ssmith@gmail.com	603.485.4231	A Member of the Public	Myself	Support	No	5/10/2021 7:36 AM
West, Christie	christiemwest@gmail.com	603.320.6261	A Member of the Public	Myself	Support	No	5/10/2021 7:37 AM
Hatch, Sally	SALLYHATCH@COMCAST.COM	16037247448	A Member of the Public	Myself	Support	No	5/10/2021 8:01 AM
Gibbs, Elizabeth	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 8:08 AM
Wells, Lee	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 8:22 AM
KARRICK, DAVID	davidonpumpkinhill@yahoo.com	603.496.8376	A Member of the Public	Myself	Oppose	No	5/10/2021 8:24 AM
Goodnow, Martha	mrwg@netzero.net	603.673.1075	A Member of the Public	Myself	Support	No	5/10/2021 8:30 AM
Lieberman, Sheryl	saml54@comcast.net	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 9:12 AM
Embley, George	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	5/10/2021 9:33 AM
johnson, glenda	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	5/10/2021 9:49 AM
Lucas, Janet	janluca1953@gmail.com	16037267614	A Member of the Public	Myself	Oppose	No	5/10/2021 9:56 AM
perencevich, ruth	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 9:56 AM
Stevens, Representative Deb	debstevens4ward7@gmail.com	603.820.0866	An Elected Official	My 10K constituents	Support	No	5/10/2021 10:40 AM
Walker, April	april@morefrogs.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 11:09 AM
Jones, Andrew	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 11:16 AM
Devore, Gary	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 11:17 AM
Beeson, Roberta	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 1:17 PM
Minihan, Jeremiah	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 2:24 PM
Warner, Kelly	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 2:27 PM
Reed, Barbara	Not Given	603.352.5015	A Member of the Public	Myself	Support	No	5/10/2021 12:10 PM
Spyvee, Stephanie	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 12:12 PM

Josephson, Helina	helinahappy@gmail.com	603.523.2023	A Member of the Public	Myself	Support	No	5/10/2021 12:21 PM
Thompson, Keith	kthomp0909@aol.com	7690732	A Member of the Public	Myself	Support	No	5/10/2021 12:27 PM
Wyatt, Timothy	timwyatt1@juno.com	603.886.5227	A Member of the Public	Myself	Support	No	5/10/2021 12:50 PM
Frey, Gina	Not Given	603.554.8850	A Member of the Public	Myself	Support	No	5/10/2021 12:59 PM
Robertson, Doreen	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 1:21 PM
Latvis, Maida K.	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 3:13 PM
Teden, Pat	tedenp@me.com	917.340.8299	A Member of the Public	Myself	Support	No	5/10/2021 4:30 PM
Bauer, Dorothy	dottiebauer@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 4:34 PM
Bride, Elwin	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 3:35 PM
Grassie, Chuck	chuck.grassie@leg.state.nh.us	16039787417	An Elected Official	Strafford 11	Support	No	5/10/2021 11:21 PM
Pedersen, Michael	pedersenusa@aim.com	16035781253	An Elected Official	Hillsborough 32	Support	No	5/11/2021 12:02 AM
Istel, Claudia	claudia@sover.net	Not Given	A Member of the Public	Myself	Support	No	5/11/2021 2:37 AM
Rasmussen, Elissa	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 2:39 PM
Parente, Cindy	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 2:39 PM
Defuria, Claudia	gregs999@aol.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 2:46 PM
Prince, Sonia	Ssprince1@comcast.net	603.578.0786	A Member of the Public	Myself	Support	No	5/10/2021 3:03 PM
Moccia, Lianne	lianne.moccia@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 3:57 PM
Cann, Emily	emily_cann@hotmail.com	Not Given	A Member of the Public	Myself	Oppose	No	5/10/2021 4:15 PM
Thomas, Wendy	wethomas@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 4:48 PM
Greenwood, Nancy	nancgreenwood@yahoo.com	603.226.2471	A Member of the Public	Myself	Support	No	5/11/2021 5:39 AM
Briggs, Ronald	Rongb1950@gmail.com	603.226.2471	A Member of the Public	Myself	Support	No	5/11/2021 5:40 AM
Lewis, Elizabeth	ecop.lewis@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/11/2021 8:16 AM
Day, Karen	riverqueen@pobox.com	603.547.2985	A Member of the Public	Myself	Support	No	5/11/2021 9:19 AM
Dipirro, Carol	cmdipirro@hotmail.com	603.759.1689	A Member of the Public	Myself	Support	No	5/10/2021 6:23 PM
Smith, Pam	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 6:48 PM
Hunter, Anthony	andy.hunter@live.com	254.702.5234	A Member of the Public	Myself	Support	No	5/10/2021 6:50 PM
Desrosiers, Marie	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 6:59 PM
Morgan, Marie	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 7:28 PM
Frewert, Kevin and Susan	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 7:32 PM
Thompson, Laura	nicmom@hotmail.com	603.553.0100	A Member of the Public	Myself	Support	No	5/10/2021 7:37 PM
Stratemeyer, Katherine	kestra119@yahoo.com	Not Given	A Member of the Public	Myself	Oppose	No	5/10/2021 7:45 PM
Gordon, Laurie	lgord23@yahoo.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 8:07 PM
Briggs, Eleanor	ebphoenix@aol.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 8:16 PM
Gordon, Margaret	megordon98@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 8:29 PM
Robbins, Annie	anniemrobbins@gmail.com	603.473.2000	A Member of the Public	Myself	Support	No	5/10/2021 8:33 PM
Seasholtz, Christian	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 8:43 PM

Toscano, Theodore	teddyt73@yahoo.com	603.669.0322	A Member of the Public	Myself	Support	No	5/10/2021 8:59 PM
Hamblet, Joan	joan.hamblet@leg.state.nh.us	603.205.4925	An Elected Official	Myself	Support	No	5/10/2021 9:06 PM
Howard, Heather	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 9:15 PM
Richman, Susan	susan7richman@gmail.com	603.343.6314	A Member of the Public	Myself	Support	No	5/10/2021 9:16 PM
Howard, Scott	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 9:19 PM
Spencer, Louise	lpskentstreet@gmail.com	603.491.1795	A Member of the Public	Myself	Support	No	5/10/2021 9:42 PM
Spencer, Rob	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 9:43 PM
Covert, Susan	scovert@comcast.net	603.746.4486	A Member of the Public	Myself	Support	No	5/10/2021 9:43 PM
Northrop, Faith	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 10:05 PM

Testimony



BUSINESS & INDUSTRY ASSOCIATION
New Hampshire's Statewide
Chamber of Commerce

Testimony of David Creer
Business & Industry Association
HB 236
Senate Judiciary Committee
May 11, 2021

Dear Members of the Senate Judiciary Committee,

I'm David Creer, director of public policy for the Business and Industry Association (BIA), New Hampshire's statewide chamber of commerce and leading business advocate. BIA represents more than 400 members in a variety of industries. Member firms employ 89,000 people throughout the state, which represents one in seven jobs, and contribute \$4.5 billion annually to the state's economy.

BIA opposes HB236 because an increased statute of limitations for per and polyfluoroalkyl substances (PFAS) exposure is not needed in New Hampshire. Under current law in New Hampshire, a person would have three years to commence an action for PFAS exposure, which starts from the time an injury and its causal relationship to an act or omission by the defendant. This means that even though illness from PFAS may be delayed for years, a suit can still be brought within three years of getting sick and linking the illness to PFAS exposure.

Three years is ample time to bring suit and is used in almost every other type of civil case in New Hampshire, including medical malpractice which can often also have delayed injuries. There is no reason to create a special statute of limitations for PFAS and doing so would make NH the only state with such a law, making us less business-friendly than every other state.

This concludes my testimony and I am happy to address any questions from the committee.

Jennifer Horgan

From: Sharon Carson
Sent: Monday, May 10, 2021 5:22 PM
To: Jennifer Horgan
Subject: FW: HB 236 Statement

Follow Up Flag: Follow up
Flag Status: Flagged

From: d <didi116@aol.com>
Sent: Monday, May 10, 2021 2:25 PM
To: Sharon Carson <Sharon.Carson@leg.state.nh.us>; William Gannon <William.Gannon@leg.state.nh.us>; Harold French <Harold.French@leg.state.nh.us>; Becky Whitley <Becky.Whitley@leg.state.nh.us>; Jay Kahn <Jay.Kahn@leg.state.nh.us>
Subject: HB 236 Statement

Good Afternoon Members of the Senate Judiciary Committee,

I wish to submit my statement to you in full today regarding HB236. I did testify in January at the Hearing and wish to elevate again the need for this very important Bill.

Please find my sentiments again on behalf of the firefighters and first responders my husband and I advocate for daily.

Sincerely,
Diane Cotter
Rindge, NH 03461

May our 20-plus-years in the 'Greatest Deception Ever' at the hands of our cancer summit sponsors and voting members of our safety standards institution, the National Fire Protection Association, serve as a horrific cautionary tale for anyone wishing and hoping corporations living in their community will do the right thing for their impacted communities.

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. 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 that 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-](https://cen.acs.org/environment/persistent-pollutants/Protective-gear-expose-firefighters-)
[firefighters-](https://cen.acs.org/environment/persistent-pollutants/Protective-gear-expose-firefighters-)

[PFAS/98/i26?fbclid=IwAR3ktyIcasjnxHiv3RNDRJldZmunQleAEoS3Av225uOscj2hFbf](https://cen.acs.org/environment/persistent-pollutants/Protective-gear-expose-firefighters-)
[fVcO3-Go](https://cen.acs.org/environment/persistent-pollutants/Protective-gear-expose-firefighters-)

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

Manufacturers argue only PFAS will meet this standard.

Our study, conducted by Dr Peaslee 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.

It is made by W.L. Gore. ~ In 2004 Gore was told 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:

<http://assets.usw.org/resources/hse/resources/Walking-the-Talk-Duponts-Untold-Safety-Failures.pdf>

Gore and DuPont ignored the orders to warn the end users.

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.

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

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 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. This would require 'turnout gear' or 'personal protection ensambles' be added to the list of DoD items to be PFAS-FREE.

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-</u></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-](https://www.environmentalleader.com/2021/01/johnson-controls-settles-lawsuit-for-pfas-contamination-agrees-to-17-5m-compensation/#:~:text=Johnson%20Controls%20has%20agreed%20to,a%20subsidiary%20of%20Johnson%20Controls.)

[compensation/#:~:text=Johnson%20Controls%20has%20agreed%20to,a%20subsidiary%20of%20Johnson%20Controls.](https://www.environmentalleader.com/2021/01/johnson-controls-settles-lawsuit-for-pfas-contamination-agrees-to-17-5m-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 the PFAS in the dust matches the PFAS in 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=IwARos2MXJ9_3tmHokfDtDpeesww2XbOEVnDVyFmvJeoekI7Dq3_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

Rindge, NH 03461

yourturnoutgearandpfoa.com

Jennifer Horgan

From: Sharon Carson
Sent: Monday, May 10, 2021 6:39 AM
To: Jennifer Horgan
Subject: FW: HB 236

-----Original Message-----

From: Laurene Allen <alaurene@gmail.com>
Sent: Sunday, May 9, 2021 7:35 PM
To: Sharon Carson <Sharon.Carson@leg.state.nh.us>; William Gannon <William.Gannon@leg.state.nh.us>; Harold French <Harold.French@leg.state.nh.us>; Becky Whitley <Becky.Whitley@leg.state.nh.us>; Jay Kahn <Jay.Kahn@leg.state.nh.us>
Subject: HB 236

Good evening esteemed members of the Senate Judiciary Committee,

I am a Merrimack resident impacted by the PFAS contamination that has polluted our only drinking water source, our groundwater, and also am a cofounder of the community group, Merrimack Citizens for Clean Water. I am writing to express my support for HB 236 which seeks to extend the current statute of limitation for civil action involving PFAS related harm in NH from 3 years to 6 years.

We learned from NHDES back in 2016 that a manufacturing facility in our community, Saint Gobain bears responsibility for contaminating our groundwater, which is where drinking water is exclusively attained for both municipal and private well use in an area of no less than 65 square miles. Merrimack is at the center of a multi town contamination by Saint Gobain Performance Plastics with all 6 of our municipal wells contaminated by PFAS. Two of our public drinking water wells that are located just over the border into Hollis appear to be additionally polluted by TCI, who has been deemed responsible for the contamination of many private wells in Amherst.

As is the case in the groundwater management zone in the Merrimack/ Bedford/ Litchfield/ Londonderry area, wells in the Amherst vicinity were also initially identified in 2016. In the Amherst area a groundwater management zone has yet to be set by NHDES despite identification of a responsible party. We are 5 years into an investigation that has long since identified responsible parties but finalization is lacking for many locations.

HB 236 is of great importance to thousands of residents impacted by PFAS Contamination of drinking water in southern NH as despite knowing responsible parties, grave inadequacies are present in the area of what would be expected of a known polluter. Saint Gobain has continued business as usual over the last 5 years and has profited immensely from immense Department of Defense Contracts as well as other contracts. They hold patents for PTFE (Teflon) uses for various fabric coating processes which contain exclusively PFAS compounds, only 4 of which are currently regulated in NH. Unfortunately, the Federal government has lagged behind for many years in hazardous substance designation for PFAS compounds despite government conducted toxicological studies that show significant health disruptions for every PFAS studied. Here in the Merrimack area, we consistently see 16 PFAS compounds in water samples, and on site at Saint Gobain, 34 PFAS compounds have been detected at significant levels in groundwater monitoring wells and storm water/outfall samples.

The statute of limitations extension is of utmost importance as this investigation has been continually delayed by Saint Gobain from the start and many homes still do not have adequate information as the state ordered work plan leaves the responsible party in charge of the course. Hundreds of residents have been caught in limbo waiting for a remediation plan that has not been committed to by Saint Gobain.

In the Amherst contamination area a Groundwater

I would ask for your support of HB236 as residents in Merrimack and many surrounding towns in Southern NH are bearing the harm of what we did not create.

Thank you for your consideration,
Laurene Allen
Merrimack resident
Merrimack Citizens for Clean Water cofounder

Jennifer Horgan

From: Marissa Chase <mchase@nhaj.org>
Sent: Tuesday, May 11, 2021 3:06 PM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn
Cc: Jennifer Horgan
Subject: HB 236

Good afternoon Senators,

Senator French called me out for being conspicuously absent from a hearing on a bill (HB 236) that expands a civil statute of limitations, so I wanted to follow up with the committee.

NHAJ is supportive of efforts aimed at making sure individuals, families, and small businesses harmed by PFAS contamination have equal footing in our justice system when going up against well-heeled corporate defendants. Extending the statute of limitations in this unique area of the law seems in line with that goal.

HB 236 was not a bill requested by our organization, nor have we worked on any of the language. I have sent the bill language to one of our members who is well versed in toxin tort claims, and am waiting for his feedback. I do have a few questions about unintended consequences: the question raised by Atty. Brooks at the Department of Justice is a good one - limiting any action the State may take against polluters would be a terrible unintended consequence.

Once I hear from our toxin tort expert, I will be sure to send formal testimony to the committee. In the meantime, if you have any specific legal questions about the language in HB 236, please do not hesitate to let me know and I will get them answered.

Thank you,
Marissa

Marissa Chase
Executive Director
New Hampshire Association for Justice
10 Ferry Street, #311
Concord, NH 03301
O 603.224.7077 | F 603.224.3256 | C 603.854.9330

Jennifer Horgan

From: Katy Cutshall <vivadofamily@aol.com>
Sent: Tuesday, May 11, 2021 11:15 AM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: HB542 and HB226

Dear State Senators of the Judiciary Committee,

We ask you to SUPPORT HB236. Coming from a community greatly affected by PFAS contamination, we have watched our neighbors suffer the impact of this corporate pollution. Expanding the statute of limitations to 6 years just makes sense as the negative consequences of PFAS build over time.

Please also OPPOSE HB542. This bill is too broadly written and will lead to discrimination. Religion is not a license to discriminate in a civilized society.

Sincerely,
Mauricio Vivado & Catherine Cutshall
42 Strafford Ln
Bedford NH 03110
603-471-9142

Jennifer Horgan

From: PATRICIA TEDEN <tedenp@mac.com>
Sent: Monday, May 10, 2021 4:31 PM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: Please support HB236

As a citizen of Merrimack (town), New Hampshire which is struggling with PFAS contamination released for DECADES by a large (powerful) multinational chemical company, I encourage you to support HB236.

Actually the concept of any statute of limitations on liable for damages addressing pollution of 'forever chemicals' feels ridiculous to me, but 6 years is better than 3 years.

Please help protect our beautiful state from wanton pollution !

Patricia Teden
11 Bean Rd
Merrimack, NH 03054
917-340-8299

Voting Sheets

Senate Judiciary Committee
EXECUTIVE SESSION RECORD
2021-2022 Session

Bill # HB236

Hearing date: _____

Executive Session date: _____

Motion of: 1062 Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTPA Vote: 3-0

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reported out by: Whitley

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Tuesday, May 25, 2021

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, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 2021-1695s

Senator Rebecca Whitley
For the Committee

This bill extends the statute of limitation on civil actions relative to damage caused by perfluoroalkyl and polyfluoroalkyl substances. This is an important piece of legislation that gives those impacted by these damages six years to bring forward civil action as opposed to the standard three years. The Committee amended the bill to ensure that this language would not impact the State's ability to bring forward actions in these cases and asks for your support in passing this language with the amendment.

Jennifer Horgan 271-7875

FOR THE CONSENT CALENDAR

JUDICIARY

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

Ought to Pass with Amendment, Vote 5-0.

Senator Rebecca Whitley for the committee.

This bill extends the statute of limitation on civil actions relative to damage caused by perfluoroalkyl and polyfluoroalkyl substances. This is an important piece of legislation that gives those impacted by these damages six years to bring forward civil action as opposed to the standard three years. The Committee amended the bill to ensure that this language would not impact the State's ability to bring forward actions in these cases and asks for your support in passing this language with the amendment.

General Court of New Hampshire - Bill Status System

Docket of HB236

Docket Abbreviations

Bill Title: creating a statute of limitation on civil actions relative to damage caused by perfluoroalkyl and polyfluoroalkyl substances.

Official Docket of HB236.:

Date	Body	Description
1/9/2021	H	Introduced (in recess of) 01/06/2021 and referred to Judiciary HJ 2 P. 40
2/16/2021	H	Public Hearing: 02/16/2021 10:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/94907543326 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
3/2/2021	H	Executive Session: 03/02/2021 09:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/95501229688
3/9/2021	H	Majority Committee Report: Ought to Pass (Vote 11-10; RC) HC 18 P. 51
3/9/2021	H	Minority Committee Report: Inexpedient to Legislate
4/8/2021	H	Ought to Pass: MA VV 04/08/2021 HJ 6 P. 106
4/8/2021	H	Reconsider (Rep. McLean): MF DV 117-226 04/08/2021 HJ 6 P. 110
4/13/2021	S	Introduced 04/08/2021 and Referred to Judiciary; SJ 12
5/6/2021	S	Remote Hearing: 05/11/2021, 01:45 pm; Links to join the hearing can be found in the Senate Calendar; SC 23
5/25/2021	S	Committee Report: Ought to Pass with Amendment #2021-1695s , 05/27/2021; Vote 5-0; CC; SC 25A
5/27/2021	S	Committee Amendment #2021-1695s , AA, VV; 05/27/2021; SJ 17
5/27/2021	S	Ought to Pass with Amendment 2021-1695s, MA, VV; OT3rdg; 05/27/2021; SJ 17
6/10/2021	H	House Concurs with Senate Amendment 2021-1695s (Rep. Gordon): MA VV 06/10/2021 HJ 10 P. 12
7/12/2021	S	Enrolled Adopted, VV, (In recess 06/24/2021); SJ 20
7/12/2021	H	Enrolled (in recess of) 06/24/2021
7/26/2021	H	Signed by Governor Sununu 07/23/2021; Chapter 133; Eff: 09/21/2021

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB036

Senate Committee: Jud

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 16625 - amendment # _____

- amendment # 16955 - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # _____ - amendment # _____

- amendment # _____ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

All available versions of the bill: {Clerk's Office}

as amended by the senate as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Jennifer Horgan
Committee Aide

8/12/01
Date

Senate Clerk's Office AK