

GOOD MORNING SENATORS BISHOP AND STEDMAN AND COMMITTEE MEMBERS. MY NAME IS STEVE RISOTTO AND I AM TESTIFYING ON BEHALF OF THE AMERICAN CHEMISTRY COUNCIL. WE HAVE SUBMITTED WRITTEN COMMENTS TO THE COMMITTEE EARLIER THAT I WILL BRIEFLY SUMMARIZE FOR YOU NOW.

ACC OPPOSES THE SENATE BILL 121 AS CURRENTLY WRITTEN BASED ON THREE PRIMARY CONCERNS.

- FIRST, THE BILL WOULD CREATE STANDARDS FOR SEVERAL PFAS WITHOUT GOING THROUGH THE APPROPRIATE REGULATORY PROCESS
- SECONDLY, THE PROPOSAL WOULD CREATE RESPONSIBILITY FOR PFAS RELEASES THAT EXTEND WELL BEYOND THOSE CONTEMPLATED BY THE AUTHORS, AND
- LASTLY, THE PROPOSAL WOULD RESTRICT THE USE OF FIREFIGHTING FOAMS CONTAINING PFAS BEFORE EFFECTIVE FLUORINE-FREE ALTERNATIVES ARE READILY AVAILABLE.

THE US ENVIRONMENTAL PROTECTION AGENCY RECENTLY ANNOUNCED THAT IT WOULD PROPOSE NATIONAL STANDARDS FOR TWO OF THE SUBSTANCES INCLUDED IN SB 121 – PFOA AND PFOS - LATER THIS YEAR AND FINALIZE THEM IN LATE 2023. ESTABLISHING STATE-BASED LIMITS FOR THESE TWO SUBSTANCES, AS PROPOSED, HAS SIGNIFICANT POTENTIAL TO OVERLAP AND CONFLICT WITH THE NATIONAL ONES. RATHER THAN MOVE AHEAD ON ITS OWN, WE URGE THE STATE TO AWAIT FEDERAL ACTION ON PFOA AND PFOS AND TO USE EPA'S 2016 HEALTH ADVISORIES FOR GUIDANCE IN THE MEANTIME. CONSIDERATION OF STANDARDS FOR OTHER PFAS SHOULD BE DETERMINED BY THE AVAILABLE INFORMATION ON POTENTIAL HEALTH EFFECTS AND OCCURRENCE IN THE STATE – NOT BY THE LEGISLATURE.

IN SEEKING TO ASSIGN RESPONSIBILITY FOR PFAS RELEASES, SB 121 WOULD RESULT IN SIGNIFICANT UNINTENDED CONSEQUENCES. ALTHOUGH THE PROPOSAL WOULD EXEMPT RELEASES OF AQUEOUS FILM FORMING FOAM – OR A-TRIPLE F - TO EXTINGUISH FIRES, IT DOES NOT EXEMPT THE PREVIOUS USE OF A-TRIPLE F FOR TESTING OR TRAINING BY LOCAL FIRE DEPARTMENTS. NOR DOES THE PROPOSAL EXEMPT PUBLICLY OWNED LANDFILLS THAT MAY HAVE RELEASED PFAS OR WASTEWATER TREATMENT PLANTS THAT HAVE PROVIDED BIOSOLIDS CONTAINING PFAS FOR AGRICULTURE. FARMERS WHO HAVE APPLIED THOSE BIOSOLIDS ON THEIR LAND ALSO ARE POTENTIALLY LIABLE UNDER THE BILL. THESE ACTIVITIES HAVE BEEN IDENTIFIED AS CONTRIBUTING TO PFAS LEVELS IN GROUNDWATER ELSEWHERE IN THE COUNTRY.

THE PROPOSAL WOULD PERMIT THE USE OF A-TRIPLE F CONTAINING PFAS IN THE OIL AND GAS SECTOR BUT WOULD RESTRICT EMERGENCY USE OF THESE FOAMS IN OTHER APPLICATIONS. CONSIDERABLE EFFORTS ARE BEING MADE BY MULTIPLE FEDERAL AGENCIES TO EXPLORE EFFECTIVE FLUORINE-FREE ALTERNATIVES. THUS FAR, THESE EFFORTS HAVE IDENTIFIED SEVERAL SIGNIFICANT CHALLENGES — BOTH IN TERMS OF EFFECTIVENESS AND EQUIPMENT COMPATIBILITY. IN THIS REGARD, THE PROPOSAL RUNS COUNTER TO, AND FAILS TO ACCOUNT FOR, THE LEARNINGS OF THESE FEDERAL EFFORTS.

GIVEN THESE CONCERNS, ACC CANNOT SUPPORT THE CURRENT VERSION OF SB 121 BUT LOOKS FORWARD TO WORKING WITH THE COMMITTEE AND THE BILL SPONSORS TO DEVELOP LEGISLATION THAT CAN MAKE MEANINGFUL PROGRESS IN ADDRESSING THE PFAS ISSUE IN THE STATE. WE HAVE SUPPORTED LEGISLATION IN OTHER STATES TO RESTRICT THE USE OF A-TRIPLE F FOR TESTING AND TRAINING WHICH HAS REPRESENTED MOST OF THE ENVIRONMENTAL RELEASE OF PFAS FROM FOAM USE. SUCH TRAINING AND EQUIPMENT TESTING CAN BE MANAGED APPROPRIATELY WITHOUT THE USE OF FLUORINATED FOAM WHILE STILL ENABLING ITS USE WHERE NEEDED TO ADDRESS CRUCIAL, HIGH-HAZARD FIRES

ACC ALSO SUPPORTS THE MANAGEMENT OF UNUTILIZED PFAS-CONTAINING A-TRIPLE F AS PROPOSED IN THE BILL. THIS COLLECTED MATERIAL CAN BE SAFELY AND EFFECTIVELY DESTROYED THROUGH THERMAL TREATMENT UNDER APPROPRIATE CONDITIONS.

THANK YOU FOR YOUR ATTENTION. I WOULD BE HAPPY TO ANSWER ANY QUESTIONS.