To: Mears, Mary[Mears.Mary@epa.gov]
From: Enck, Judith
Sent: Tue 9/13/2016 5:12:58 PM
Subject: RE: PFOA articles

tx

From: Mears, Mary
Sent: Tuesday, September 13, 2016 1:12 PM
To: Enck, Judith <Enck.Judith@epa.gov>
Cc: Kluesner, Dave <kluesner.dave@epa.gov>
Subject: PFOA articles

Times Union

LeBrun: Health Department's Zucker in hotseat

DOH handling of Hoosick Falls PFOA crisis leaves mess for Gov. Cuomo

Published 7:34 pm, Saturday, September 10, 2016

Last week's joint legislative hearing in Albany on the Hoosick Falls water crisis and the state's faulty response was a giant leap forward in getting it right.

A country mile from the state Senate hearing the week before in Hoosick Falls, when state Health Department Commissioner Dr. Howard Zucker was allowed to babble at will in his agency's defense, and complimented for it. A "fact-finding" hearing that gave tripe a bad name.

Not this time. Thirteen hours of testimony from a wide range of experts and questioning from nearly three dozen legislators gave the issue a fair hearing and ultimately a resounding thumbs down for the state DOH. Led by the Assembly, questions were sharp and the range of observations by the questioners not at all flattering to Zucker, who led off the marathon of testimony, or to his health department. It was appropriately a bipartisan roast.

All the witnesses, including Zucker, were sworn in with a simple, "Do you swear to tell the truth?" But not the whole truth, and nothing but the truth, as we subsequently learned.

There is a Grand Canyon between a deliberate lie and the whole truth — coming clean — and Dr. Zucker showed us over and over for nearly five hours that he could sit comfortably at the bottom of that canyon, wrapped in implausible deniability. He answered questions that weren't asked, and didn't answer those that were. He went off on tangents. He gave irrelevant material to relevant inquiries. In short, he practiced classic evasion.

While the closest Zucker came to admitting any state culpability was by begrudgingly allowing that a key DOH advisory to residents related to consequences of drinking the PFOA-contaminated water could have been better written, he revealed himself to one and all anyway. It wasn't pretty.

Zucker, remember, is both a lawyer and a doctor. So there he was, on the hot seat over the most serious public credibility crisis the state DOH has faced in memory. And which hat did he choose to wear? Right. The black one.

The problem is Zucker is not of counsel to some shyster law firm trying to slime out of a tight hole. He's the state's emblematic first doctor, constitutionally in charge of our public health, which he is supposed to guard with an abundance of caution. Not a profusion of risk, as he implicitly and repeatedly defended. What Zucker showed us is something's gone dreadfully wrong with the moral compass at our state health department.

At this juncture, the governor's office understandably has to be running every aspect of the damage control Zucker's DOH has brought to Cuomo's doorstep. With another hearing on Monday on Long Island, and yet another Assembly hearing after that because the DOH failed to deliver requested materials in a timely fashion, this ongoing PR nightmare is the last thing the administration needs as it girds for doomsday with federal prosecutor Preet Bharara.

I have a hunch that early on the Cuomo crowd took the advice on how to proceed from

the top echelon of the DOH, and now they're stuck with a really stupid situation that is embarrassing the governor. It could so easily have been avoided by admitting they had inadvertently misinformed the residents of Hoosick Falls. A simple apology. An appropriate act of contrition, and by now it would be a paragraph in an old story instead of negative headlines in the New York Times.

It's never a good plan to embarrass the governor, especially when he's your boss.

Not to sound too much like Max Von Sydow in "Three Days of the Condor" instructing Robert Redford on how the end will come, but Zucker, it will be when you least expect it, someone you trust ... a two paragraph press release at 5 p.m. on a Friday announcing you've accepted an opportunity of a lifetime to study the brown snake epidemic in Guam.

During the hearing we heard that the EPA had nominated the Saint-Gobain site for federal superfund status, big news. That means federal resources, engineers, scientists, an entirely different culture from our state DOH, will descend on the site. Plus EPA lawyers will engage the polluters, Saint-Gobain, and others, to pay for every dime.

The most revealing testimony came from Dr. Howard Freed, former head of the state DOH's Center for Environmental Health. Because what he told us goes to the heart of the most puzzling aspect of Zucker's defense of the indefensible. Namely, why is he doing this? To what end?

It seems it's not just about the DOH's actual dicey handling of this particular situation, so much as it is a broader and deeper defense of the existing DOH culture, of how they do business. Described by Freed as while not outright lying to the public, "the DOH has a troubling tendency to downplay potential health risks from toxic contaminants ... a pattern of behavior doomed to fail the people of New York."

Sounds familiar.

So what Zucker is fighting for is to preserve the status quo for his agency, and his job. Considering the disaster it's brought the administration, I wouldn't bet on it, doc.

The central question that leaves us is if Zucker and the DOH continue to refuse to admit their mistakes, or even the possibility they could be mistakes, what confidence can we have they'll do any better in the future?

LeBrun: Clowns ran PFOA circus in Hoosick Falls

Fred LeBrun Published 6:28 pm, Saturday, September 3, 2016

Take heart, Hoosick Falls, it ain't over yet.

Granted, the state Senate's public hearing last Tuesday at the Hoosick Falls high school, apart from giving residents and others close to the village PFOA water contamination crisis an important opportunity to tell their stories, was otherwise garbage, an infuriating and arrogant waste of time, a circus with too many clowns.

Serious answers to serious questions related to the slow state response to the crisis and the medical implications to where we are now that residents — and the rest of us — deserved to hear from the state Health Department did not materialize. Any answers or responsibility for what didn't happen was artfully dodged by state Health Commissioner Dr. Howard Zucker, who was led gently along by a Senate committee providing the whitewash. It was a pathetic show, and certainly didn't fool the audience.

Zucker, and DEC commissioner Basil Seggos after him, blamed everything on the Environmental Protection Agency, the official Cuomo line that they are required to embrace. Zucker was especially awful.

In fact, if he were really as addle-witted as he came across, he'd be institutionalized. Then again, he's in the Health Department. Sorry.

Zucker professed nothing but confusion. Brought on, he said, by the EPA changing the

numbers, "out of left field" and with bewildering speed, from 400, to 100, to 70 parts per trillion exposure allowances for PFOA in drinking water. Oh, some of those are really big numbers.

"What we need from the EPA," Zucker remarked at the end of his performance art, and with a straight face, "is a lot less confusion."

No, Dr. Zucker, what we need from you is a lot less bovine poop passed off as "testimony," and gratefully received as applesauce by a legislative committee supposedly holding you and your agency accountable.

Not that I believe for one second that Zucker is lamebrained. He's a brilliant man, a physician as well as a lawyer, with a page full of impressive credentials. He can probably do calculus puzzles in his head. Which makes his feigned "confusion" all the more insulting, and speaks more to what he thinks of his audience than what we think of him. Politics can make fools of good men, especially Cuomo politics.

So what was Zucker up to? Probably, along with Seggos, he was under orders to deflect the glaring spotlight from state failures, well known to the locals here, and create the very confusion he complains about as to where the faults lie for the water crisis response.

What he and his handlers didn't count on was the clean and clear rebuttal in subsequent days from, first, the regional EPA administrator, Judith Enck, and by the end of the week, Gina McCarthy, administrator of the entire agency.

There is no confusion. The numbers are logical, science based, that clearly spell out the difference between short term and lifetime exposures, nor were they arrived at overnight.

It took five years to arrive at the 70 parts per trillion as a maximum lifetime exposure rate. Equally important, the state Health Department was involved all along in the dialogue leading up to that number. So much for being surprised by the EPA.

But back to why Hoosick Falls should take heart. It's because we have two more series of hearings, and Zucker and Seggos are already on record, with stances they are going to have an increasingly difficult time sustaining. Coming up are joint Assembly-Senate hearings in Albany and Long Island, that I am assured will not be the softball game that took place in Hoosick Falls. Yet to be scheduled is a congressional hearing. Enck assures me the EPA will most surely be testifying there.

So the cumulative effect here will not necessarily bring admissions from the state for its failures. But that same conclusion may become irrefutable anyway from the profusion of evidence and testimony presented before all these hearings are over.

But what can be done, if anything, to make the looming legislative hearings less a political sideshow and more actual fact-finding events that make us proud of our legislators rather than embarrassed by them?

Hoosick Falls resident Michele Baker, in a scathing letter to state Sen. Kathy Marchione expressing "profound disappointment" at the Senate hearing Marchione organized, called on the legislators to subpoena the appearance of polluter Saint Gobain, which did not show at Hoosick Falls, at the next hearings. Sending subpoenas to Saint Gobain, as well as Taconic Plastics and Honeywell, has also been advanced by Democratic Sen. Brad Hoylman, a minority member of the Senate Health Committee.

The Senate majority, however, seems deeply disinclined, since they are carrying water for the governor, and Cuomo most definitely does not want the polluters taking the stand.

Not when they might have a lot of interesting observations to make about their contacts with state government during this crisis.

The governor, remember, is all about controlling the narrative. Make that all about control.

But there is one small step that might be taken to improve the quality of testimony at these hearings.

Swear in the witnesses. Put them under oath. It's what former Assemblyman Richard Brodsky used to do when he was chair of the Environmental Conservation committee to elicit more reliable utterings from those appearing. He even had a court stenographer taking down every word.

With several lawsuits looming, these witnesses are likely to be eventually deposed under oath anyway.

Stakes change for professionals testifying with perjury on the table. So do their responses.

flebrun@timesunion.com

Times Union

EPA pursues Superfund status for Hoosick Falls

EPA decision sets course for federal resources to combat contamination

By Brendan J. Lyons

Updated 11:06 pm, Wednesday, September 7, 2016

Hoosick Falls

The U.S. Environmental Protection Agency on Wednesday declared that contaminated areas in the village of Hoosick Falls are being proposed as a federal Superfund site.

The declaration would allow federal resources to be used to help clean up areas in the village contaminated with a man-made chemical that polluted public and private water supplies. The Superfund designation also means the federal government will

simultaneously seek reimbursement and assistance from any companies found responsible for the pollution.

The federal Superfund listing — a precursor to being named a Superfund site — comes after New York officials earlier this year said the Saint-Gobain Performance Plastics plant in the village of Hoosick Falls would become a state Superfund site. That designation allowed the state to list perfluorooctanoic acid or PFOA, a toxic chemical that has been found in elevated levels in the village's water supply, as a hazardous substance.

"The people of Hoosick Falls need all hands on deck — and especially the EPA's Superfund status — to hold accountable the corporations who created this PFOA mess and force them to clean up the pollution," said U.S. Sen. Charles E. Schumer, D-New York. "I am glad that EPA has heeded our call to add this site to the National Priority List right away, because it gives the EPA leverage to make the polluters pay and to set a protocol for investigation and clean-up."

The EPA said groundwater that supplies the village's water treatment plant is contaminated with PFOA and also Vinyl Chloride and Dichloroethylene. "PFOA does not break down easily and therefore is very persistent in the environment," the agency said in an announcement saying it had added Hoosick Falls to its list of the nation's most contaminated sites. "Its toxicity and persistence in the environment can pose adverse effects to human health and the environment."

Superfund authority allows the state to investigate the extent of any contamination, and to begin remediation immediately. But the federal Superfund declaration elevates the government response to the situation, including the weight of a federal cleanup program that has been in place for more than 30 years and led to cleanups of severely polluted sites around the country, including dredging PCBs from the Hudson River.

Elevated levels of PFOA were discovered in the village's water system in 2014 by Michael Hickey, a former village trustee whose father died of cancer. Hickey sent water samples to a Canadian lab that reported levels of PFOA that the EPA later said are not safe for human consumption.

The EPA in 2009 established a guideline that a level of 400 parts per trillion is safe for "short-term" consumption of the water. But the EPA this summer set a long-term exposure level of 70 ppt for the chemical. PFOA was detected in drinking water in the Hoosick Falls and Petersburgh areas at levels above 500 ppt.

The man-made chemical was used to make non-stick and other household and commercial products that are heat-resistant and repel grease and water. Under a deal with the EPA, major PFOA makers began phasing out its use in 2006. PFOA exposure has been linked to increased health effects, including testicular and kidney cancer and thyroid disease.

"The EPA made the right decision by formally proposing the Saint-Gobain facility in

Hoosick Falls as a federal Superfund site," said U.S. Sen. Kirsten Gillibrand, D-New York.

The state Department of Environmental Conservation issued a statement Wednesday commending the EPA for "finally acting" on the request to add the site to the federal National Priorities List of polluted sites. The state said it formally asked for the federal designation in January.

Dr. Marcus E. Martinez, who runs a family medical practice in Hoosick Falls, told the Times Union last year that he and his father, who opened the practice in 1956, have noted rare and aggressive forms of cancer in patients, as well as thyroid disease and other health problems. In December, the Times Union reported many residents in the village and town believe their community has been afflicted by rare and aggressive forms of cancer and thyroid disease.

State officials previously said their Superfund designation "exists to enable the DEC to go out and spend money against the state Superfund remedial work. We then go after the polluter to recover those monies."

Although the source of the Hoosick Falls contamination has not been identified, officials have focused on the Saint-Gobain plant, which is near several wells that supply Hoosick Falls' water treatment plant. The small factory, which Saint-Gobain bought in 1999, used the chemical for decades and is the village's largest employer with about 125 workers. It owns a second plant in the village with about 75 workers.

Saint-Gobain used PFOA at its plants until December 2014, when it stopped using the chemical. Its own water tests, done as a result of Hickey's discovery, included results that showed levels of PFOA at 18,000 ppt in the groundwater under its McCaffrey Street plant — several hundred yards from the village's well fields.

New York Times

Lawmakers Skeptical of State's Explanation for Hoosick Falls Water Crisis

By JESSE McKINLEY

SEPT. 7, 2016

ALBANY — For the second time in two weeks, New York State Department of Health officials sought to blame the Environmental Protection Agency for a contaminated water crisis in upstate New York, saying on Wednesday that they were confused and hamstrung by changing federal standards on perfluorooctanoic acid, a toxic chemical known as PFOA.

But again and again, lawmakers at a joint legislative hearing seemed deeply skeptical of the state's explanations about what happened in Hoosick Falls, a riverside hamlet where PFOA has been found in dangerously high levels.

"There's a nice game going on where you're going to blame the E.P.A.," Assemblyman Steve McLaughlin, a Republican who represents the village, said. "I don't think that the members up here are quite buying the fact the D.O.H. holds no responsibility for this."

It was a local resident, Michael Hickey, who first raised alarms about PFOA in the public water supply in the summer of 2014. It took nearly a year and a half for state officials to warn residents to not drink the water, acting only after the E.P.A. — the very entity that the state now blames for the crisis — had issued such a warning.

Gov. Andrew M. Cuomo, a Democrat, has repeatedly defended the state's response to the crisis in Hoosick Falls. Nonetheless, the response was the subject of a hearing last week in the village's high school, where speakers included Mr. Hickey, who spoke passionately about the death of his father from kidney cancer, which has been linked in studies to PFOA. (PFOA is used in the creation of Teflon, a common component of products once made in the village.)

The testimony on Wednesday was less emotional, but more contentious, as lawmakers on both sides of the aisle sharply questioned Dr. Howard Zucker, the health commissioner, for several hours.

"Would you acknowledge that in this particular community that the general public does not seem to have been adequately informed?" Brian Kavanagh, a Democrat from Manhattan, asked.

Dr. Zucker said he believed that the state had informed residents, via village and county officials. A formal warning about not drinking the water, however, did not come until December.

Such answers did not please environmental groups.

"When it comes to PFOA, Dr. Zucker failed to abide by the precautionary principle," said Peter M. Iwanowicz, the executive director ofEnvironmental Advocates of New York. "He appears to have set aside his physician hat for a regulator's." Mr. Iwanowicz added that Dr. Zucker's claim that the science is evolving on PFOA is "baffling," noting a major 2012 study that established several health impacts from the chemical, includingcancer.

The hearing came the same day as the E.P.A. proposed adding the Saint-Gobain Performance Plastics plant — identified by the state as the source of the PFOA — to the federal Superfund list, reserved for the nation's worst hazardous waste sites. Such a move, which comes after the state made a similar declaration in January, could unlock funds for long-term cleanup of the site, where Teflon was in use.

The state's Department of Environmental Conservation issued a statement citing its own "ongoing and aggressive response" to the Hoosick Falls water, and saying that the E.P.A. was "finally acting" on a January response for federal Superfund consideration.

Billed as a hearing on statewide water quality and contamination, the daylong hearing did briefly touch on issues of lead in the water of New York City's schools and a similar tainted-water problem in Newburgh, in the Hudson Valley.

But the central topic on Wednesday was Hoosick Falls, and the state's performance. And by and large, the reviews were not positive.

"Somebody," said Assemblyman Dan Stec, a North Country Republican, "could have done a much better job."

Photo A wellhead that provides water in Hoosick Falls, N.Y. The village's water has been contaminated with perfluorooctanoic acid, a toxic chemical known as PFOA. CreditNathaniel Brooks for The New York Times

TWC NEWS

Hoosick Falls Proposed as Superfund Site Amid Questions on Water Contamination

By Katie Eastman

Updated Wednesday, September 7, 2016 at 05:50 PM EDT

ALBANY, N.Y. -- The EPA has nominated Hoosick Falls as a federal Superfund site and the announcement comes on the same day as the state Assembly and Senate hearing on water quality issues.

The DEC is now urging the EPA to act quickly to formally declare the village part of the Superfund program.

The second water quality hearing began Thursday morning with Department of Health Commissioner Howard Zucker and DEC Commissioner Basil Seggos testifiying before members of the state Assembly and Senate.

But before either of them testified, Assemblyman Steve Englebright said there would likely be a third Assembly hearing because documents requested from the Department of Health weeks ago were only recieved Tuesday night, and in paper form.

The joint hearings are reviewing statewide policies on water quality, and discussing any broad policy changes that could better protect the health of New Yorkers. Zucker and Seggos are still placing blame on the EPA.

Testimony got contentious as Assemblyman Steve McLaughlin, who represents Hoosick Falls, voiced his frustration in support of residents. McLaughlin and other lawmakers continued to question the two, asking why their agencies did not take action sooner.

"Would you have let your mother drink that water for 18 months?" asked McLaughlin.

The two commissioners answered questions for hours, most of them directed at Department of Health Commissioner Howard Zucker.

McLaughlin accused Zucker of pushing off responsibility onto the EPA and telling resident there were no health effects related to drinking water with high levels of the possible carcinogen PFOA.

"They had a right to be notified and you did not do it," said McLaughlin.

Zucker responded by saying, "in March of 2015, you were contacted and you did not respond."

"Incorrect!" McLaughlin yelled back several times.

Zucker repeatedly said they didn't sound an alarm because EPA's advisories have a built in margin of protection.

"When you have a health advisory that's put into place, you don't put a health advisory in where the health effects occur at the level of the advisory," said Zucker, adding that even though the levels of PFOA in the Hoosick Falls drinking supply were well over 400 parts per trillion, that would have been within the margin.

But the DOH says they were alarmed when the EPA told residents to stop drinking the water in December of 2014 because according to their interpretation of the advisory, that wasn't necessary.

Ultimately, lawmakers were looking for ways to prevent this kind of confusing response in the future. The Department of Environmental Conservation Commissioner Basil Seggos wants the EPA to update a rule on unregulated contaminants, UCMR 3.

"This arbitrary threshold leaves 2.5 million New Yorkers at risk," he said.

Currently, the EPA won't test for certain unregulated contaminants in communities with a population of less than 10,000 people.

Gov. Andrew Cuomo is advocating for this regulation to be reformed quickly.

Since Hoosick Falls found PFOA in their drinking water, it's been discovered in dozens of communities across New York and other nearby states.

NY POST

State admits staff knew Hoosick Falls water was dangerous

By Kirstan Conley

September 7, 2016 | 11:44pm

ALBANY — Under intense grilling at a legislative hearing, state Health Commissioner Howard Zucker admitted Wednesday he and his staff knew for years that a chemical in the water in Hoosick Falls was a danger to residents, but didn't sound the alarm.

"Yes," Zucker relented when asked repeatedly by Assemblyman Richard Gottfried (D-Manhattan) if his agency was aware of information "it took [resident] Mike Hickey five minutes on Google to find."

Gottfried pointed to a fact sheet issued by the Health Department in December 2015 stating residents of the upstate village had nothing to fear.

"There's a 'Q and A' where it says are health effects expected given the PFOA levels found in Hoosick Falls' public water system and the answer to that sentence is a one-word sentence: "No," Gottfried said.

PFOA is shorthand for perfluorooctanoic acid, a toxic chemical first found in Hoosick's water supply in 2014 by Hickey, a former village trustee whose father died of cancer.

"How could the department say that, given all the information that the department had . . . given EPA's statement, in a health advisory that said you shouldn't drink the water in Hoosick Falls?" Gottfried asked Zucker.

Zucker insisted federal warnings didn't mean residents should stop drinking the water because "the EPA builds in a large margin of protection" in its recommendations.

"When you have a health advisory that's put into place, You don't put a health advisory in where the health effects occur at the level of the advisory," said Zucker, adding that even though the levels of PFOA were over 400 parts per trillion, that would have been within the margin.

He also said the state worked as quickly as possible to get bottled water to residents.

That left Gottfried scratching his head.

"If you were pressing for bottled water and filtration, it was for a reason, you were concerned about something," he said.

Not coincidentally, Gov. Cuomo picked Wednesday to call on the federal government to set new national water standards for towns under 10,000.

As the hearing was underway, the federal government designated contaminated areas of the village as a proposed Superfund site.

AP

UPDATED: Village proposed as federal Superfund cleanup site

MARY ESCH Associated Press

ALBANY — Federal regulators said Wednesday they have proposed designating part of a Rensselaer County village as a Superfund site for cleanup.

The announcement from the Environmental Protection Agency came as New York lawmakers were questioning state authorities about their response to the toxic chemical PFOA contaminating drinking water in Hoosick Falls and about water pollution in other communities.

Health Commissioner Dr. Howard Zucker and Environmental Conservation Commissioner Basil Seggos told the joint Senate-Assembly hearing that they now have rapid response teams to address problems.

“Clean water is crucial to public health, the economy and the environment,” Seggos said. Often authorities don’t learn the full impact of pollution until long after it’s been dumped, he said.

Their agencies are overseeing testing and cleanup, which includes carbon filtration systems to remove PFOA from the municipal water system, 830 private wells and the public school.

Health officials said their testing finally showed the contamination from perfluorooctanoic acid, or PFOA, was actually in the groundwater. It was used for decades in the manufacture of Teflon and other nonstick coatings but was phased out after being linked to cancer and other ills.

The Department of Environmental Conservation, which in January designated parts of the village a state Superfund site, is holding St. Gobain Performance Plastics and its plant’s predecessor, Honeywell International, liable for cleanup costs.

The state agency asked the federal EPA in January to do the same, intending to coordinate cleanup efforts as they have at other polluted industrial sites, Seggos said.

Residents of Hoosick Falls, located about 30 miles northeast of Albany, have complained that the Cuomo administration took too long to warn people about their water and that the federal EPA had finally advised against drinking it in December.

Zucker said Wednesday that the PFOA levels measured in Hoosick Falls' water were 600 parts per trillion, higher than the EPA's guideline of 400 ppt for short-term exposure. However, the state health department still believed the health risk was low and that there was a large margin of protection in the guidelines. But it went ahead with measures that have removed measurable amounts of PFOA from the public water supply.

Dr. Howard Freed, former director of the state Health Department's Center for Environmental Health, submitted testimony saying there's decades-old institutional culture at the department among competent, experienced scientists that consistently minimizes health risks and emphasizes uncertainty in studies. "Unfortunately, always minimizing the risk of ingesting toxins in drinking water is a pattern of behavior doomed to fail the people of New York," he wrote.

Politico

Hoosick Falls hearing turns into 5-hour grilling for state officials

By SCOTT WALDMAN

09/07/16 07:31 PM EDT

ALBANY— Wednesday's hearing on Hoosick Falls and water pollution issues turned into a five-hour grilling of state health commissioner Dr. Howard Zucker and other officials who organized the state's response to the crisis.

The hearings were intended to take a broad look at water quality issues across the state. And while they touched on Hudson River water quality, road salt runoff in waterways and fracking waste, they largely centered on the state's response to Hoosick Falls, the Rensselaer County village where water was found to be contaminated by an industrial chemical, perflurooctanoic acid, or PFOA.

Story Continued Below

As he has done in the past, Zucker repeatedly pointed the finger at the federal Environmental Protection Agency for bungling the response in Hoosick Falls, accusing the Obama administration of issuing conflicting and "confusing" guidance on PFOA contamination. Unlike last week's hearing, however, lawmakers did not let such statements stand.

They shouted at Zucker and charged that the state had made significant errors in its response. They said Gov. Andrew Cuomo's administration had failed to protect people in Hoosick Falls and other communities and asked why officials had refused to admit even the smallest mistake, which they said could signal that future water quality emergencies will be mishandled.

Democratic Assemblyman Tom Abinanti of Westchester told Zucker he did not see any proposals from the Cuomo administration to solve water quality problems. He asked why the state could not raise water quality standards on its own, without waiting for guidance from the EPA.

“For you to come in here and say the EPA is the protector, I’m not sure why we have you guys,” he said. “You’re the ones who are responsible for protecting the people of the state of New York, not the EPA.”

Wednesday’s hearing, attended by about three dozen lawmakers from across the state, started very differently from a hearing in Hoosick Falls last week.

Democratic Assemblyman Richard Gottfried, the Assembly's health committee chair, blasted state officials for ignoring information requests from state lawmakers for five months. He said that although the committee requested information about water quality issues from the health department in April, it received only a stack of meaningless data hours before the hearing started.

Democratic Assemblyman Steve Englebright of Long Island, chair of the environmental conservation committee, said the Legislature would now likely hold another hearing because the health department delayed its release of key information.

Gottfried made a point of putting all Cuomo administration officials under oath.

He pressed Zucker to acknowledge that the state could have acted independently of the EPA when it learned of the extent of the contamination in Hoosick Falls. “What is the department’s legal responsibility when it gets a report like that? What is its moral and professional responsibility,” he asked.

Some senior level Cuomo officials showed signs of the pressure. His voice cracking, Lloyd Wilson of the state Department of Environmental Conservation said he was “stressed” and encouraged those conducting the hearing to focus on moving forward. Wilson, of the Bureau for Water Supply Protection, said the state had conducted extensive testing in Hoosick Falls and other communities around the state where water pollution threatened public health.

Republican Assemblyman Steve McLaughlin, who represents Hoosick Falls and led the push for the hearings, had the most intense and direct questions for Cuomo officials. He told Wilson he had no sympathy for state officials who felt stressed, comparing their situation to mothers in Hoosick Falls and Petersburgh who worried about high PFOA levels in their children’s blood.

To cheers from local residents, McLaughlin pressed Zucker on whether he would let his own mother drink Hoosick Falls water for 18 months, as the state did before sounding a public alarm.

“There’s a game going on, you’re going to blame the EPA and then push responsibility on to the village, which is a small village, and meanwhile the DOH has continued to say, 'we didn’t do anything wrong,'” McLaughlin said. “It’s distressing to hear that ... I don’t think the members up here are quite buying that fact the DOH holds no responsibility in this.”

Zucker, his voice rising, accused McLaughlin of distorting the state’s response. He accused McLaughlin of failing to act as well, saying that lawmakers knew in March 2015 that a chemical was in the water.

None of the companies connected to the pollution, St. Gobain, Honeywell and Taconic Plastics, attended the hearing. Neither did the EPA.

Lawmakers also questioned how widespread PFOA pollution could be in New York state. DEC Commissioner Basil Seggos said the state is now exploring about 2,500 industrial sites where PFOAs may have been used at some point.

On Wednesday, the EPA declared Hoosick Falls a potential federal Superfund site. The designation opens up a legal avenue for the federal government to force the companies responsible for polluting the municipal water supply with a toxic chemical to pay for its clean up. The EPA’s determination, which has been expected, could cost the polluters millions of dollars in clean-up costs and set a national standard in other states grappling with similar PFOA pollution.

Also on Wednesday, Seggos and Zucker sent a letter to U.S. Environmental Protection Agency administrator Gina McCarthy asking the Obama administration to conduct more thorough testing of water systems that serve fewer than 10,000 people.

The Cuomo administration said one-third of New Yorkers, or about 6.5 million people, rely on water systems that do not require the testing of emerging contaminants such as perflurooctanoic acid, which poisoned the water in Hoosick Falls and Petersburgh.

The state has already determined that St. Gobain and Honeywell, which owned the factory connected to the pollution, were responsible for the cancer-linked chemical. The state has reached an agreement for the companies to conduct an investigation into the extent of the pollution and to study alternative water sources.

Zucker came as close as any administration official has ever done to admitting a misstep in Hoosick Falls. After being pressed by GOP Sen. John DeFrancisco, he said a state fact sheet distributed in late 2015 that assured residents that “normal use” of their water was fine could have been better worded.

“That fact sheet probably could have been clearer for the public,” he said.

People of Hoosick Falls: We don’t trust our lawmakers

By Samantha DiMascio

Updated: September 8, 2016, 5:17 am

ALBANY, N.Y. (NEWS10) – It was a long day for lawmakers and families from Hoosick Falls and Petersburgh dealing with the PFOA water contamination crisis.

Wednesday’s hearings in the State and Assembly over “who knew what,” and “when” lasted for hours on end at the State Legislative Office Building.

These meetings started Wednesday morning and went on past midnight. State lawmakers spent the majority of the day questioning the EPA and DOH.

It wasn’t until some eleven hours later that the people who say they’d been lied to for 18 months were finally given a chance to speak.

Many of them told NEWS10 they no longer trust their local and state leaders after allowing families and young children to ingest poison for so long.

“This is a social justice issue. This is a human rights issue. People should have been protected and been given accurate information so they could protect themselves and the ones they love,” said Jennifer Plouffe of Hoosick Falls.

The Department of Health remained on the defensive throughout the hearing claiming they did their part when it came to responding to the contamination and notifying the people affected.

WNYT

Emotions boil as lawmakers discuss toxic water

September 07, 2016 06:30 PM

ALBANY - What was supposed to be a hearing on the overall water quality in the State of New York focused mostly on the response to the PFOA crisis in Hoosick Falls. The majority if the questions were directed at State Health Commissioner Dr. Howard Zucker.

At one point, Senator John DeFrancisco said he gave up, signaling that questions to his answers were not forthcoming. Others did too after they grilled Dr. Zucker and getting the same answers. The central question for many: Was state health slow to respond in the PFOA water contamination in Hoosick Falls?

Things got heated when Assemblyman Steve McLaughlin started peppering Dr. Zucker with questions.

Dr. Zucker and Assemblyman McLaughlin went at it for 15 minutes, with Zucker at times raising his voice with some counter points.

Zucker says the state worked closely with the village and county health, following the guidelines of the Environmental Protection Agency, pretty much the same thing he said at the previous Senate hearing in Hoosick Falls.

Lawmakers tell NewsChannel 13's Dan Bazile they want someone held responsible for what happened to the people in Hoosick Falls and they want to make sure it doesn't happen to another community.

WRVO

Cuomo officials grilled on Hoosick Falls water crisis

By KAREN DEWITT • 2 HOURS AGO

New York State Health Commissioner Howard Zucker, right, testifies at joint legislative hearing on water quality at the Capitol Wednesday

KAREN DEWITT / WRVO NEWS

Gov. Andrew Cuomo's health commissioner faced an intense grilling from lawmakers Wednesday at a joint hearing on how the administration handled water contamination in the eastern New York village of Hoosick Falls.

Cuomo's administration has been accused of failing for 18 months to inform Hoosick Falls residents that their water might be contaminated with the toxic chemical perfluorooctanoic acid, and unsafe to drink. PFOA is used in Teflon manufacturing, among other things, and linked to cancer.

Legislators, both Democrats and Republicans, intently questioned New York State Health Department Commissioner Howard Zucker and other administration officials to find out what they knew about the PFOA contamination — and when.

Zucker, testifying under oath, blamed the federal Environmental Protection Agency for

any mix-up, saying they kept making “sudden” changes on their guidelines for safe levels of PFOA for human consumption, and the state health department struggled to keep up.

“There were inconsistencies,” Zucker said.

But Sen. John DeFrancisco (R-Syracuse) says the health department needs to explain an even bigger inconsistency. Why, he asked, did the department in December 2015, distribute a fact sheet to village residents saying the water was safe to drink, after federal EPA administrator Judith Enck in November 2015 had warned residents in a town meeting not to drink the water? And after state health officials had already helped distribute bottled water and installed filtration systems?

“I can’t understand, for the life of me,” DeFrancisco said.

Zucker answered that one day after the EPA administrator issued her warning, the state health department acted.

“The next day we complied with that,” Zucker said.

A spokesman for Cuomo said later that the health department did change some language in its fact sheet.It changed the phrase “people may consider use of bottled water” for drinking and food preparation, written on December 3, 2015 to “people should use bottled water” on December 18.

But, DeFrancisco asked, why then did DOH not change the fact sheet and tell residents the water was not OK to drink?

“Doctor, I don’t think there’s anybody that can read the English language that can confuse the determination by the health department that the water is not dangerous to people,” said DeFrancisco. “Is there any other interpretation?”

Zucker finally conceded the health department could have done better.

“That fact sheet probably could have been clearer for the public,” Zucker said.

Tests conducted this year by the health department found hundreds of residents in Hoosick Falls with very high levels of PFOA in their blood.

Zucker and other health department officials, in addition to blaming the EPA for any confusion, also pointed the finger at the polluter, Saint-Gobain, which was invited to testify but declined. The company may be subpoenaed to appear at a later hearing.

The health officials also cast doubt on village leaders’ efforts, and even blamed landlords for not informing tenants about the potential safety of their water. That led Assemblyman Steve McLaughlin, who represents Hoosick Falls, to finally explode.

“There’s a nice game going on,” said McLaughlin, who said he and other legislators weren’t “buying it.”

“Meanwhile, DOH continues to say, ‘We didn’t do anything wrong,’” McLaughlin said. “It’s distressing to hear that.”

While the hearing continued, there was a new development. The EPA declared Hoosick Falls a federal Superfund site.

WRGB

Hearings continue as EPA proposes Hoosick Falls a federal Superfund site

BY EMILY DEFECIANI

WEDNESDAY, SEPTEMBER 7TH 2016

ALBANY--"What's offensive to the people of Hoosick Falls, just so you all know that are sitting right there denying anything went wrong here, what's offensive is that for 18 months they were not told that their water was tainted," said Assemblyman Steve McLaughlin.

Emotions over water contamination in Hoosick Falls and Petersburgh came to a boiling point Wednesday at the second state hearing. Assemblymen Steve McLaughlin sounded off at the Department of Health Commissioner.

"Would you have let your mother drink that water for 18 months?" McLaughlin asked the Commissioner.

At the heart of the hearing were questions trying to determine what the state knew and when.

"Why didn't you just immediately say 'look, we don't really know what this stuff is or does yet but we're going to find out and until then we want you on bottled water.'" McLaughlin said.

But like in the first state hearing last week in Hoosick Falls, tonight DOH Commissioner Howard Zucker shifted blame to the federal EPA - which again had no representatives in attendance. Zucker argued that the agency gave changing and conflicting safety guidelines.

"The inconsistencies at the end of 2015 caused the confusion that we had and they didn't bring anything to us saying we should issue a do not drink order," Zucker said.

"I can't understand for the life of me when you talk about this confusion. The EPA came out with do not drink the water in 2015, and the DOH and their fact sheet said it's ok to drink - after!" said Senator John DeFrancisco.

The Commissioner maintains that DOH has been active in both Hoosick Falls and Petersburgh throughout the water crisis.

"We were out there 3 times a week, we had town meetings in the village armory, we worked with the community, there are many times we worked closely with the mayor," Zucker said.

"As you can see I don't think the members up here are quite buying the fact that DOH holds no responsibility in this," said McLaughlin.

EPA proposes adding Hoosick Falls, N.Y. factory to federal Superfund

EPA has proposed adding Saint-Gobain's McCaffrey Street site to federal Superfund program for PFOA contamination

By Edward Damon

benningtonbanner.com

POSTED: 09/07/2016 03:01:40 PM EDT

HOOSICK FALLS, N.Y. — Federal environmental regulators have proposed designating a local manufacturing facility, a suspected source of PFOA contamination, as a Superfund cleanup site.

The addition of Saint-Gobain Performance Plastics' McCaffrey Street plant to the national program would make federal funds available for a cleanup and give the Environmental Protection Agency power to recover costs from responsible parties, EPA officials say.

The proposal initiates a 60-day public comment period. EPA must still make a final determination before the site is added to the list of the country's most hazardous sites, or National Priorities List.

The federal Superfund is separate from New York's program of the same name. An EPA spokesman said the agency will sometimes coordinate with state programs on investigations, but the agency is not discussing coordination on Hoosick Falls.

U.S. Sen. Charles E. Schumer, D-N.Y., said in a statement the community needs "all hands on deck" and said the designation would help residents of Hoosick and Hoosick Falls.

Saint-Gobain has made high-performance tapes, foams and membranes at the factory since 1999. A spokeswoman for Saint-Gobain said in a statement the company "will continue to work with local, state and federal officials as we have since first learning of the situation so that the residents of Hoosick Falls can continue to access clean drinking water."

Advertisement

Wednesday's news came while New York lawmakers grilled state officials about their response to water contamination in the village and nearby Rensselaer County communities. It was the first of two joint Senate and Assembly hearings; the second is slated for Sept. 12 on Long Island.

The state's Department of Environmental Conservation added village sites, including McCaffrey Street, to the state Superfund in January after elevated levels of PFOA, a man-made chemical formerly used to manufacture Teflon products, turned up in private and public water supplies. At the same time, officials asked the EPA to list McCaffrey Street "and other possible sources of contamination" in the federal Superfund.

DEC says Saint-Gobain and Honeywell International are the responsible parties. Both companies agreed to consent orders in June that require they study the full extent and submit clean-up plans for sites on McCaffrey, Liberty and Lyman streets, and River Road. Both companies have agreed to pay for bottled water and to install filtration systems on affected water supplies.

The EPA's Superfund process is complex and multi-phased. The agency will publish a notice in the Federal Register on Friday, proposing to add the Hoosick Falls site and seven others to the Superfund.

Eight companies voluntarily agreed in 2006 to EPA's nationwide phase-out of PFOA, a suspected carcinogen, by 2015. Officials have said they aren't sure how long PFOA has been in the groundwater, and that a full cleanup will take years.

The 14 McCaffrey St. site was built in 1961 for Dodge Fibers Corp. It was later owned by the Oak Materials Group and then AlliedSignal, which would later merge with Honeywell. It's been used to manufacture circuit board laminates, Teflon-coated fibreglass and other Teflon products.

Former employees described a powder-like smoke plume that was routinely discharged from the smokestacks and settled near the plant. Filters were installed in the early 1980s, but former employees said they were cleaned by washing them on a hillside outside the plant, according to EPA documentation.

The EPA in 2009 set a guideline of 400 parts per trillion (ppt) for short-term PFOA exposure. Tests done in 2015 found water from the village's municipal system had

levels as high as 600 ppt. And tests on groundwater underneath Saint-Gobain's site found levels as high as 17,000 ppt.

Health Commissioner Howard Zucker and DEC Commissioner Basil Seggos criticized the EPA last week for issuing "conflicting guidance" and changing the limit: It set a 100 ppt level in January for the Hoosick-area and a national standard of 70 ppt in May. Both commissioners also demanded the EPA reimburse the state for costs that companies do not pay.

EPA Administrator Gina McCarthy sent a letter the next day responding to the statements.

"If there was any confusion, it is difficult to understand why the state failed to seek clarification at the time," McCarthy wrote. "And it is extremely unfortunate the state chose not to advise EPA of its apparent decision to not follow EPA's advice."

Both the federal and state Superfund programs, though separate from each other, are grounded in a "polluter pays" principle, she wrote. "There is no legal basis for shifting those costs to EPA and it seems ill advised to ask federal taxpayers to bear these costs."

EPA adds Hoosick Falls as proposed federal Superfund site.

BY WRGB STAFF

WEDNESDAY, SEPTEMBER 7TH 2016

ALBANY - The U.S. Environmental Protection Agency is proposing to add the Saint-Gobain Performance Plastics site in the Village of Hoosick Falls.

In 1999, Saint-Gobain Performance Plastics purchased the facility and began operations there, using PFOA in its manufacturing process.

"By placing this site on the federal Superfund list, the EPA will continue to work hard to address the contamination at the source, and hold the polluters accountable for the full cost of cleanup," said Judith A. Enck, EPA Regional Administrator.

The public will have 60 days for comments from the public.

In January, 2016, DEC added Saint-Gobain site to the state's Superfund list and nominated the site for inclusion in the federal Superfund list.

EPA holding public comment period on whether to add Hoosick Falls as a Superfund Site

By Joe Gullo

Updated: September 7, 2016, 6:23 pm

ALBANY, N.Y. (NEWS10) – The United States Environmental Protection Agency (EPA) announced it is adding 10 and proposing the addition of eight hazardous waste sites to the Superfund program's National Priorities List (NPL).

The EPA says the sites have contamination from a variety of sources, including manufacturing, mining, battery recycling, and dry cleaning.

The following sites have been added to the NPL:

- Anaconda Aluminum Co. Columbia Falls Reduction Plant in Columbia Falls, Mont.
- Argonaut Mine in Jackson, Calif.
- Bonita Peak Mining District in San Juan County, Colo.
- Dorado Ground Water Contamination in Dorado, P.R.
- Eldorado Chemical Co. Inc. in Live Oak, Texas
- North 25th St. Glass and Zinc in Clarksburg, W.Va.
- SBA Shipyard in Jennings, La.
- Valley Pike VOCs in Riverside, Ohio
- Wappinger Creek in Dutchess County, N.Y.
- West Vermont Drinking Water Contamination in Indianapolis, Ind.

The following sites have been proposed for addition to the NPL:

- Anaconda Copper Mine in Yerington, Nev.
- The Battery Recycling Company in Bo. Cambalache, P.R.
- Former Custom Cleaners in Memphis, Tenn.
- Highway 18 Ground Water in Kermit, Texas

- Microfab Inc (Former) in Amesbury, Mass.
- Old HWY 275 and N 288th Street in Valley, Neb.
- Post and Lumber Preserving Co. Inc. in Quincy, Fla.
- Sant-Gobain Performance Plastics in Village of Hoosick Falls, N.Y.

According to the EPA, it adds sites to the NPL when mismanagement of contamination threatens public health and the environment. The agency initiates Superfund involement at a site when states, tribes, or citizens ask for the agency's help.

Senator Chuck Schumer said in a press release saying that the EPA declared Hoosick Falls a Superfund site on Wednesday.

"The people of Hoosick Falls need all hands on deck — and especially the EPA's Superfund status — to hold accountable the corporations who created this PFOA mess and force them to clean up the pollution. I am glad that EPA has heeded our call to add this site to the National Priority List right away, because it gives the EPA leverage to make the polluters pay and to set a protocol for investigation and clean-up. Simply put, this will help the people of the Village of Hoosick Falls and the Town of Hoosick," said U.S. Senator Charles E. Schumer.

"The EPA made the right decision by formally proposing the Saint-Gobain facility in Hoosick Falls as a federal Superfund site. I have been urging the EPA to designate Hoosick Falls a Superfund site so that a long overdue cleanup can finally begin. I will continue to urge my colleagues at all levels of the federal government to devote every available resource to clean up the water in Hoosick Falls and Petersburgh, fully investigate the sources of the PFOA contamination, identify those responsible and hold them accountable so that this never happens again."

On Wednesday, Gov. Andrew Cuomo announced aggressive water quality protections.

There will be 60 day comment period before the Saint Gobain site can be added to the NPL.

For information about Superfund and the NPL: http://www.epa.gov/superfund.

WGRZ

Amid backlash, NY seeks well testing

Joseph Spector, Gannett Albany Bureau

1:12 PM. EST September 07, 2016

ALBANY -- Gov. Andrew Cuomo said Wednesday his office will seek a law next year that would require testing of private wells in New York, knocking the federal government for poor oversight in his ongoing battle with the U.S. Environmental Protection Agency.

The Democratic governor's proposal came as his top health and environmental officials were grilled during a legislative hearing in Albany over the state's response to water contamination problems across the state, particularly in Hoosick Falls outside the Albany area.

The state has defended its response to the crises and has put the blame on the EPA, which in turn said the problems are the state's fault.

The EPA also on Wednesday declared Hoosick Falls as a Superfund site, giving "the EPA leverage to make the polluters pay and to set a protocol for investigation and clean-up," said Sen. Charles Schumer in a statement.

On Wednesday, the state commissioners of the health and environmental conservation departments urged the EPA in a letter to close a federal loophole that exempts public water systems that serve less than 10,000 people from being required to be tested for contaminants.

Additionally, Cuomo said he would seek a state law that would require the testing of private wells by homeowners prior to the sale of a house and mandate landlords test properties and share the results with tenants.

The state has 1.1 million private wells, serving nearly 4 million residents.

"We firmly believe that the health and safety of our residents should not depend on the size of the town in which they live," Health Commissioner Howard Zucker said in a statement.

Lawmakers ripped Zucker for the slow response to the Hoosick Falls water contamination last year, accusing the state for not more quickly addressing the problem and getting homeowners off the public water system until there was remediation.

The EPA ordered residents to stop drinking the water in December 2015, when high levels of the danger chemical perfluorooctanoic acid, or PFOA, were detected.

But legislators -- at a hearing last week and again Wednesday -- said the state Health Department didn't immediately take similar action, leading to confusion. Zucker said the state did act quickly.

“Would you have let your mother drink that water for 18 months?” Assemblyman Steve McLaughlin, a Republican who represents Hoosick Falls, asked Zucker about the response.

Assemblyman Steve Engelbright, D-Suffolk County, said residents expect better from state regulators.

"The public has an expectation that the state's laws are protective of our water and environment," Engelbright, who chairs the Assembly Environmental Conservation Committee.

"Recent events have challenged that assumption – and instead created authentic victims and damaged communities."

State officials have increased criticism of the EPA, saying it should mandate more testing for contaminants in water and questioning why existing regulations often do not apply to water systems with less than 10,000 people.

The state asked EPA to boost its regulations and expand its funding for water testing, and Cuomo said he would also seek state laws to address the gaps in oversight.

Under his proposal, Cuomo said the state would require testing of private wells upon sale of homes or when a new home is built. The same standards would apply to landlords who own homes using private wells.

Any high levels of contamination would require notification to state and local health department, as well as requiring the homeowner to pay for the testing when the property is sold -- a cost of about $400.

Cuomo said the state would cover the cost for "low-income homeowners and seniors."

The plan would require approval of the state Legislature, which reconvenes at the Capitol in January.

Times Union

Watch: McLaughlin spars with Zucker, other DOH officials

By Casey Seiler, Capitol bureau chief

September 7, 2016 at 12:39 PM

Temperatures rose in the first hours of Wednesday's joint legislative hearing into water quality during a heated exchange between state Assemblyman Steve McLaughlin and state Health Commissioner Howard Zucker. The Republican lawmaker, who represents part of the Rensselaer County area affected by PFOA contamination, has been waiting for months to pose questions to Zucker in a hearing.

McLaughlin began by upbraiding another DOH official for previously mentioning his stress and fatigue levels while dealing with Hoosick Falls; that was something the village's residents might understand more keenly, the lawmaker said. McLaughlin's first question to Zucker was whether he had felt a legal obligation to immediately inform the citizens of Hoosick Falls that their water was tainted.

"Assemblyman, I take issue to some of your statements," Zucker said, insisting that he was keenly aware of the sense of anxiety in the community.

McLaughlin tried asking the question a different way: "Would you have let your mother drink that water for 18 months?" — a reference to the gap in time before Hoosick Falls' resident Michael Hickey's first test results and the state's eventual December 2016 advice that residents shouldn't drink from the village water supply or any other system with PFOA levels above 400 parts per trillion.

Zucker said the question of what happened in 2014 and 2015 was obscuring the real problem of corporate pollution. "The concern is drinking (the water) for decades," he told McLaughlin, leaving his mother out of it.

McLaughlin noted a disparity between DOH's willingness to buck EPA advice on the safety of the natural gas drilling technique known as hydrofracking — which the state banned in 2014 based in part on Zucker's findings — while depending on the federal agency utterly and completely when it comes to regulation of PFOA.

"These are completely different issues," Zucker said.

During another sharp exchange, Zucker noted that McLaughlin himself had been informed by local officials about the PFOA contamination in March 2015 "and you did not respond to the community in that sense at that time."

"Incorrect! Incorrect," McLaughlin shot back. " … You're under oath stating something incorrect."

He explained that he had indeed been informed by Hoosick Falls officials — along with Rensselaer County Executive Kathy Jimino, Rep. Chris Gibson and U.S. Sens. Charles Schumer and Kirsten Gillibrand — and asked to find out if there were funds available for a new water treatment system for the community.

McLaughlin said the response from all of those elected officials after they made inquiries was that no funds were available.

AGENCIES ON TRIAL IN WATER CRISIS AGENCIES ON TRIAL IN WATER CRISIS

09/07/2016

Times Union

Albany

The hot seat was considerably hotter for top state officials on Wednesday, when Howard Zucker of the Department of Health and Basil Seggos of the Department of Environmental Conservation spent almost five hours fielding questions from the second legislative hearing to delve into the water contamination crisis in Rensselaer County.

As in last week's initial hearing in Hoosick Falls -- a session hosted by the state Senate -- much of the testimony from the agency chiefs included repeated complaints that the state's response to the discovery of high levels of perfluorooctanoic acid first discovered by a local citizen's testing in 2014 was hobbled by what they characterized as confusing advisories from the federal Environmental Protection Agency.

A former Health Department official, however, said the agency had a tendency to minimize potential health risks when conducting public outreach.

The day's more charged exchanges included a confrontation between Zucker and Assemblyman Steve McLaughlin, R-Schaghticoke, who represents part of the region affected by PFOA contamination in the water supply.

McLaughlin, who had been pressing for legislative hearings for months, began by upbraiding one of Zucker's colleagues for previously mentioning his stress and fatigue levels while dealing with the crisis in Hoosick Falls -- anxiety the village's residents might understand more keenly, the lawmaker suggested.

"Assemblyman, I take issue to some of your statements," Zucker said, insisting he and the agency's staff understood the upset felt by local residents. Many have levels of PFOA in their systems many times the national average, according to recent blood tests.

McLaughlin then asked Zucker, "Would you have let your mother drink that water for 18 months?" -- a reference to the gap in time between Hoosick Falls resident Michael Hickey's first test results and the state's eventual December 2016 advisory that residents shouldn't drink from the village water supply or any other system with PFOA levels above 400 parts per trillion.

Zucker said the question of what happened in 2014 and 2015 was obscuring the real problem of corporate pollution. "The concern is drinking (the water) for decades," he told McLaughlin.

In another pointed exchange, Assemblyman Tom Abinanti, D-Westchester, hit Zucker for reliance on federal guidance. "I'm not sure why we have you guys," Abinanti said in reference to DOH and DEC. "You're the ones who are responsible for protecting the people of the state of New York, not the EPA."

Zucker responded that he respectfully disagreed with the characterizations of the state's work on water quality. "We've been extremely proactive," he said.

As Wednesday's hearing was about to begin, Gov. Andrew Cuomo's administration released a letter penned by Zucker and Seggos and sent to the EPA's Administrator Gina McCarthy demanding she "close a loophole in federal oversight" that exempts water systems serving less than 10,000 people from the Unregulated Contaminant Monitoring Rule, which requires testing of substances such as PFOA. The state estimates that 2.5 million New Yorkers use water from such systems.

At the same time, the Cuomo administration pledged to put forward state legislation should the EPA not act on that request. Another piece of proposed legislation would require testing of the 1.1 million private wells statewide upon the sale of property and construction of a new well.

Zucker, Seggos and other state officials spent even more time at the hearing describing the arduous processes of testing for PFOA in the Hoosick Falls area -- including having to retrofit the state's Wadsworth Laboratory to properly test samples for the chemical -- and defending their timeline of steps taken to determine PFOA's presence and effects and to mitigate its presence.

"I think as you look to our actions through the whole course of the event, we never, ever thought we shouldn't do something about it," said Lloyd Wilson of DOH's Water Supply Protection Bureau.

But the former head of DOH's Center for Environmental Health told the panel that the unit he led for 31/2 years has a troubling tendency to downplay potential health risks from toxic contaminants.

In his testimony, Dr. Howard Freed emphasized that while CEH never lied to the public, "DOH always downplays the risk ... and always emphasizes the scientific uncertainties of any papers that suggest that PFOA may be causing major health problems."

Freed led CEH for 31/2 years beginning in 2008, and said he worked to adjust the unit's culture from what he termed a "minimizer" mindset to one that emphasized a "precautionary principle" that gave more weight to potential risks.

"Always minimizing the risk of ingesting toxins in drinking water is a pattern of behavior doomed to fail the people of New York," Freed said. "Routine reassurance cannot be justified in the face of our profound scientific ignorance about the health effects of long-term exposure to PFOA."

In response to Freed, DOH spokesman Jim Plastiras said, "The former director's critique of his own job performance has no bearing on the fact that the Department has consistently pointed out the health effects associated with PFOA and the need to remove the contaminant from the water supply."

Another legislative hearing on water quality will be held Monday on Long Island, which has dealt with contamination of its own. Assembly Environmental Conservation Committee Chairman Steve Englebright said it's likely a third legislative hearing will be necessary.

Also dealt with in Wednesday hearing was contamination by a related substance, perfluorooctanesulfonic acid, in Newburgh's water supplies. Amid questions of if and when the state will perform blood testing of residents in that Hudson Valley community, Zucker said the federal government is looking into the best approach for biomonitoring, and promised he would personally contact the Centers for Disease Control to find out if they have settled on that best approach.

Petersburgh interim Town Supervisor Alan Webster, whose Rensselaer County community is also dealing with PFOA contamination, called for more of that kind of cross-governmental coordination. "We need to put an end to the war of the pronouns and focus on one," Webster said. "That is 'we.'"

Times Union

As hearing begins, Cuomo officials call for stepped-up water testing

By Casey Seiler, Capitol bureau chief

September 7, 2016 at 11:49 AM

Just minutes before the start of the second legislative hearing in water quality across the state, the Cuomo administration released a letter sent by state officials to the chief administrator of the federal Environmental Protection Agency asking it to “close a loophole in federal oversight” that exempts water systems serving less than 10,000 people from theUnregulated Contaminant Monitoring Rule. The state estimates that 2.5 million New Yorkers use water from such systems.

PFOA is one of many contaminants that are currently unregulated by the EPA. New York acted in January to place PFOA on its own list of regulated substances, a change that enabled it to declare contamination zones in Rensselaer County as Superfund sites. The EPA currently lists PFOA as an “emerging” contaminant.

In addition, Gov. Andrew Cuomo said he will introduce legislation to step up testing for contaminants in the state’s estimated 1.1 million private wells prior to the sale of a home; the legislation will also require landlords to test their properties’ private wells and share those results with tenants.

The letter to EPA administrator Gina McCarthy was signed by Department of Environmental Conservation Commissioner Basil Seggos and Health Commissioner Howard Zucker.

Perhaps not coincidentally, a similar letter to McCarthy was released Wednesday morning by state Sen. Kathy Marchione, who represents the communities affected by the PFOA contamination. Marchione took criticism for her initial opposition to legislative hearings, which she worried would be counterproductive to the state's efforts to aid Hoosick Falls and the nearby community of Petersburgh.

It is unclear why the state has not issued this call before, or taken its own action to augment federal rules.

Wednesday morning's announcement follows a media strategy also seen last week: The start of the initial legislative hearing on water quality in Hoosick Falls coincided with the release of another letter to McCarthy from Seggos and Zucker, this one calling on EPA to pick up any costs of the state's efforts in Rensselaer County that might not be borne by the polluters.

More from Cuomo's press release:

"We firmly believe that the health and safety of our residents should not depend on the size of the town in which they live," Commissioner Zucker said. "The EPA's current testing requirements leave millions of New Yorkers in the dark about the quality of their water simply because they are not part of large water systems. If the EPA fails to act, we will move new legislation to mandate the testing of unregulated contaminants in the 9,000 public water systems across the state. The administration is also advancing legislation to require the testing of private wells – which currently have no federal oversight whatsoever. We urge the legislature to join us in supporting these critical actions."

"At DEC, we work to remediate pollution in communities of all sizes. By only requiring testing of water systems that serve 10,000 residents or more, the EPA's current program does not reflect the reality of drinking water in our state and across the country," Commissioner Seggos said. "I strongly urge the EPA to reform their inadequate, subjective threshold for the requirement of testing of unregulated contaminants in public water systems. In addition, I encourage the Legislature to back our proposal to require testing of private wells. Whether you're buying a home or renting an apartment, you should have access to information about the quality of water you are drinking."

Require Testing of All Public Water Systems

The EPA's current UCMR program mandates testing for unregulated contaminants in only 188 of the state's 9,000 public water supplies. The UCMR program does not apply to water systems with less than 10,000 people – which means that 2,700 smaller community water systems and more than 6,000 other non-municipal water systems, like businesses and schools, are not required to test.

The result is that approximately 2.5 million New Yorkers are provided water from a system that is not required by the EPA to test for unregulated contaminants. This lack of federal oversight creates situations like Hoosick Falls, where for potentially decades, residents were drinking water contaminated with PFOA, which remains unregulated by the federal government and since it was not on the village's testing list. The letter asks that these important changes to federal oversight of unregulated contaminants testing are made prior to the end of the current administration.

The letter from Commissioner Seggos and Commissioner Zucker makes a number of specific requests to the EPA:

· Expansion of the UCMR program to require sampling of unregulated contaminants for all public water supplies – no matter the size – to protect the 2.5 million New Yorkers who currently drink water from systems not required to test.

· Sampling results of unregulated contaminants should be provided to states in a timely and transparent manner, since the EPA currently does not report them.

· Actionable guidance to make clear the steps that should be taken when unregulated contaminants are detected in a water supply.

· Funding and technical assistance to support sampling, analysis, and technologies to address unregulated contaminants in drinking water.

If the EPA fails to comply with the state's request to overhaul their egregiously inadequate monitoring program, the Administration will:

· aggressively pursue legislation to mandate the testing of public water supplies for unregulated contaminants, regardless of size.

· take into consideration specific issues affecting localities across the state and require additional testing based on each particular circumstance.

· provide funding opportunities for small community water systems with financial hardship.

The letter to EPA Administrator Gina McCarthy can be viewed here.

Require Testing of Private Wells

In February, Governor Cuomo established the New York State Water Quality Rapid Response Team, co-chaired by Commissioners Seggos and Zucker, to swiftly identify and address New York's most critical drinking water contamination concerns. A major challenge identified through this effort is the fact that the EPA fails to provide any degree of regulatory oversight for the nation's private wells.

There are 1.1 million private wells in New York State, serving nearly four million residents, yet the EPA does not require any testing of those wells – even during a home purchase. In response to this shortcoming, the Administration will be advancing legislation to require the testing of private wells upon sale of property and upon construction of a new well. In addition, the legislation will require landlords to conduct testing of private wells and notify tenants of the results.

· The required testing will include a subset of regulated contaminants that pose a threat to human health and are most often detected in private wells.

· Testing for unregulated contaminants may also be required in areas where contamination is known or suspected to exist due to previous sampling or proximity to a state or federally designated Superfund site.

· If a test shows an exceedance of a contaminant, the private well owner will be required to notify the county or state Department of Health.

· The party selling or renting the property will be expected to cover the expense of the required sampling, which currently costs approximately $400, but is expected to drop to $200-300 due to increased demand.

· The state will also provide hardship funding to low-income homeowners and seniors.

Journal News

Amid backlash, NY seeks well testing

Politics on the Hudson

Joseph Spector, Albany Bureau Chief

1:51 p.m. EDT September 7, 2016

Lohud.com

ALBANY -- Gov. Andrew Cuomo said Wednesday his office will seek a law next year that would require testing of private wells in New York, knocking the federal government for poor oversight in his ongoing battle with the U.S. Environmental Protection Agency.

The Democratic governor's proposal came as his top health and environmental officials were grilled during a legislative hearing in Albany over the state's response to water contamination problems across the state, particularly in Hoosick Falls outside the Albany area.

The state has defended its response to the crises and has put the blame on the EPA, which in turn said the problems are the state's fault.

The EPA also on Wednesday declared Hoosick Falls as a Superfund site, giving "the EPA leverage to make the polluters pay and to set a protocol for investigation and clean-up," said Sen. Charles Schumer in a statement.

On Wednesday, the state commissioners of the health and environmental conservation departments urged the EPA in a letter to close a federal loophole that exempts public water systems that serve less than 10,000 people from being required to be tested for contaminants.

Additionally, Cuomo said he would seek a state law that would require the testing of private wells by homeowners prior to the sale of a house and mandate landlords test properties and share the results with tenants.

The state has 1.1 million private wells, serving nearly 4 million residents.

"We firmly believe that the health and safety of our residents should not depend on the size of the town in which they live," Health Commissioner Howard Zucker said in a statement.

Lawmakers ripped Zucker for the slow response to the Hoosick Falls water contamination last year, accusing the state for not more quickly addressing the problem and getting homeowners off the public water system until there was remediation.

The EPA ordered residents to stop drinking the water in December 2015, when high levels of the danger chemical perfluorooctanoic acid, or PFOA, were detected.

But legislators -- at a hearing last week and again Wednesday -- said the state Health Department didn't immediately take similar action, leading to confusion. Zucker said the state did act quickly.

“Would you have let your mother drink that water for 18 months?” Assemblyman Steve McLaughlin, a Republican who represents Hoosick Falls, asked Zucker about the response.

Assemblyman Steve Engelbright, D-Suffolk County, said residents expect better from state regulators.

"The public has an expectation that the state’s laws are protective of our water and environment," Engelbright, who chairs the Assembly Environmental Conservation Committee.

"Recent events have challenged that assumption – and instead created authentic victims and damaged communities."

State officials have increased criticism of the EPA, saying it should mandate more testing for contaminants in water and questioning why existing regulations often do not apply to water systems with less than 10,000 people.

The state asked EPA to boost its regulations and expand its funding for water testing, and Cuomo said he would also seek state laws to address the gaps in oversight.

Under his proposal, Cuomo said the state would require testing of private wells upon sale of homes or when a new home is built. The same standards would apply to landlords who own homes using private wells.

Any high levels of contamination would require notification to state and local health department, as well as requiring the homeowner to pay for the testing when the property is sold -- a cost of about $400.

Cuomo said the state would cover the cost for "low-income homeowners and seniors."

The plan would require approval of the state Legislature, which reconvenes at the Capitol in January.

Hudson Valley Press

September 7th, 2016

State Oversight of Drinking Water Crisis Requested

NEWBURGH - In written testimony to the State Senate Health and Environmental Conservation Committees, Riverkeeper drew attention to the Department of Health's delayed and problematic response to the drinking water contamination crisis in Newburgh, NY. Despite years of exposure to PFOS, a toxic chemical linked to several health conditions, the residents of Newburgh have yet to receive a fair and comprehensive response from the Department.

Drinking water contamination is nothing new. Hoosick Falls and Petersburgh, NY have experienced similar crises with a related chemical, PFOA. The Department's response there, compared with its response in Newburgh, demonstrates the agency's disparate treatment of the two communities. Residents in Hoosick Falls and Petersburgh received blood tests, but the residents of Newburgh are still waiting to find out the extent of their exposure. While the State must do more to provide a comprehensive response to drinking water contamination, including medical monitoring and source water assessments, blood tests are a necessary first step in Newburgh.

Riverkeeper will continue to advocate for a fair and comprehensive response to the drinking water contamination crisis in Newburgh at the September 7, 2016 State Senate

and Assembly Public Hearing on Water Quality Contamination in Albany and the September 19, 2016 community meeting in Newburgh.

Following is the written testimony submitted by Riverkeeper.

Re: Written Testimony for the August 30, 2016 Joint Senate Health and Environmental Conservation Committee Hearing on Drinking Water Contamination at Hoosick Falls

Dear Senators Hannon and O'Mara:

Riverkeeper, Inc. hereby submits this written testimony into the public record for the August 30, 2016 Public Hearing of the Senate Standing Committees on Health and Environmental Conservation. The water contamination crises in Hoosick Falls and Petersburgh, New York are an urgent warning for the residents of the State of New York on an issue that requires immediate attention and oversight. The crisis in these communities has properly drawn attention to the environmental health implications of contaminated drinking water. The Department of Health's response to the crisis was delayed and continues to be problematic, especially with regard to blood testing and the need for bio and medical monitoring. This raises serious questions about the agency's effectiveness in providing a comprehensive public health and environmental response to drinking water contamination.

Water contaminated by perfluorinated compounds ("PFCs"), including perfluorooctanoic acid ("PFOA") and perfluorooctane sulfonate ("PFOS") extends beyond the Village of Hoosick Falls drinking water supply. Hundreds of homes in the Town of Hoosick Falls with private wells were also found to have elevated levels of PFOA. Additionally, PFOA has been detected at the highest levels to date at the Hoosick Falls town dump, and low levels of PFOA have been detected in the Hoosic River.

Beyond Hoosick Falls, the scope of PFC contamination in the U.S. is far more widespread than previously known, impacting the drinking water supply of millions of residents at the source—long before it reaches the taps in our homes. Despite these realities—the lessons of Hoosick Falls and the ongoing suffering of the residents exposed to the contamination—the Department of Health is providing yet another delayed, problematic response to the most recent known crisis in the City of Newburgh, New York.

We submit these written comments to the State Senate documenting our efforts to raise awareness of the issue of water contamination in Newburgh, and to establish a path forward that includes a comprehensive public health and environmental response. We ask the Senate to review and to investigate the Department of Health's continuing problem-plagued response, and to develop legislative and fiscal priorities for state agencies to respond to address the future concerns of victims of contaminated drinking water.

Timeline of the State's Response to the Crises Hoosick Falls and Newburgh.

A local resident discovered PFOA contamination in Hoosick Falls in the fall of 2014. A year later, in November 2015, the U.S. Environmental Protection Agency advised residents against drinking the contaminated water. Then, in January 2016, Governor Cuomo simultaneously announced that Hoosick Falls was designated a Superfund site and that residents would receive tests to determine the level of PFOA in their blood.

Similarly, for years, the residents of the City of Newburgh, a community of 29,000vpeople located on the Hudson River, have been exposed to PFOS in their drinking water. PFOS is a toxic chemical related to PFOA. Riverkeeper first raised concernsvabout water quality issues with the Department of Environmental Conservation in February 2015. In May 2015, the City of Newburgh identified PFOS as a contaminant in the drinking water supply. In May 2016, the City declared a State of Emergency due to the contamination. In August 2016, the State declared the Stewart Air National Guard Base in Newburgh a Superfund site.8 Newburgh residents have yet to receive a commitment from the State for blood tests, despite numerous requests by elected officials, local residents, and advocacy groups, demonstrating a failure to act by Department of Health officials in response to this most recent crisis.

A Comparison of Hoosick and Newburgh Shows The Ineffective and Disparate Treatment For Two Communities Exposed to Drinking Water Contamination.

Earlier this year, the U.S. Environmental Protection Agency issued health advisories for PFOS and PFOA. The New York State Department of Environmental Conservation also issued an emergency rulemaking to classify PFOS and PFOA as hazardous substances.

In short, these government agencies have made it clear that both of these contaminants pose a clear danger to human health and the environment.

Respectfully submitted,

John Parker

Director of Legal Programs

WNYT

Petersburgh residents meet with officials over PFOA concerns

September 07, 2016 05:30 AM

PETERSBURGH -- Kathy Kocienski and her husband bought her home in Petersburgh four and a half years ago.

That was before information about PFOA contamination in the towns water came to light.

"We had no idea there was contamination in the area," Kocienski said.

She was among dozens of other residents who grilled state, county and federal officials about the issue on Tuesday.

The suspected source of the contamination, Taconic Plastics, was declared a state Superfund site.

"We are in the process of negotiating with Taconic Plastics," said Keith Goertez, New York DEC Region 4 Director.

But in just last week, the state DEC also declared a landfill Petersburgh shared with Berlin during the 1990s a potential Superfund site.

Goertez says it's also leaking PFOA and the state is trying to determine who is responsible, which could include the towns of Petersburgh and Berlin. The state says an investigation into the extent of the contamination will begin in the fall.

But many walked away feeling frustrated by what they see as the state's slow response.

"As one gentleman brought up about the dump, why has it taken so long to put stuff in to hold all the leaking coming out of there," Kocienski wondered.

The state DEC says it's negotiating with Taconic Plastics about what should be done about the contamination problem. But the two parties aren't seeing eye to eye. The state says legal action against the company may be the next step.

BLOOMBERG BNA

Superfund

EPA Poised to Tack Gold King Mine Onto Superfund List

Snapshot

• The EPA is set to add 10 sites to the Superfund National Priorities List, which includes the district that encompasses Gold King Mine

• The agency is also proposing eight sites, and a public comment period will start Sept. 9

By Brian Dabbs

Sept. 7 — The Gold King Mine and its surrounding San Juan County, Colo., district will soon join the Superfund National Priorities List, the Environmental Protection Agency said Sept. 7.

That district, dubbed the Bonita Peak Mining District, will join nine others on the list, which is a collection of the most contaminated industrial sites nationwide. The EPA will publish a rule to make the changes Sept. 9, a statement said. The agency is also proposing eight additional sites for the list.

An EPA contractor in August 2015 accidentally discharged 3 million gallons of mine wastewater laced with heavy metals into Cement Creek in the high mountains upstream of Silverton, Colo. The plume eventually contaminated the San Juan and Animas rivers.

NPL Changes

On top of the Bonita Peak designation, the EPA is poised to finalize the inclusion of the following sites:

• Anaconda Aluminum Co. Columbia Falls Reduction Plant in Columbia Falls, Mont.

• Argonaut Mine in Jackson, Calif.

• Dorado Ground Water Contamination in Dorado, P.R.

• Eldorado Chemical Co. Inc. in Live Oak, Texas

• North 25th St. Glass and Zinc in Clarksburg, W.Va.

• SBA Shipyard in Jennings, La.

• Valley Pike VOCs in Riverside, Ohio

• Wappinger Creek in Dutchess County, N.Y.

• West Vermont Drinking Water Contamination in Indianapolis.

Other Sites Proposed

The EPA also pledged to propose the following sites:

• Anaconda Copper Mine in Yerington, Nev.

• The Battery Recycling Co. in Bo. Cambalache, P.R.

• Former Custom Cleaners in Memphis, Tenn.

- Highway 18 Ground Water in Kermit, Texas
- Microfab Inc (Former) in Amesbury, Mass.
- Old HWY 275 and N 288th Street in Valley, Neb.
- Post and Lumber Preserving Co. Inc. in Quincy, Fla.
- Sant-Gobain Performance Plastics in Village of Hoosick Falls, N.Y.