RIVERKEEPER

Via Electronic Mail

August 29, 2016

Senator Kemp Hannon
Senate Standing Committee on Health
The Capitol, Room 420
Albany, NY 12247
hannon@nysenate.gov

Senator Thomas F. O'Mara
Senate Standing Committee on
Environmental Conservation
Legislative Office Building, Room 307
Albany, NY 12247
omara@nysenate.gov

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.[1] 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.[2]

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.[3] 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.

---

1 Scott Waldman, *Hundreds with Private Wells in Hoosick Falls Still Can't Drink the Water*, Politico, April 13, 2016, https://www.politicopro.com/states/new york/albany/story/2016/04/hundreds-with-private-wells-in-hoosick-falls-still-cant-drink-the-water-033462#ixzz4IjvWKQs8.

2 Scott Waldman, *High Levels of PFOA Found in Dumps in Hoosick Falls, Petersburgh*, Politico, July 7, 2016, http://www.politico.com/states/new-york/albany/story/2016/07/dumps-in-hoosick-falls-and-petersburgh-test-for-extremely-high-pfoa-levels-103577#ixzz4IjvsRSzd.

3 Brady Dennis, *Researchers Find Unsafe Levels of Industrial Chemicals in Drinking Water of 6 Million Americans*, Washington Post, August 9, 2016, https://www.washingtonpost.com/news/energy-environment/wp/2016/08/09/researchers-find-unsafe-levels-of-industrial-chemicals-in-drinking-water-of-6-million-americans/?utm_term=.493ed6ef9f64.

ED_001670_00015628-00002

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.[4] A year later, in November 2015, the U.S. Environmental Protection Agency advised residents against drinking the contaminated water.[5] 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.[6]

Similarly, for years, the residents of the City of Newburgh, a community of 29,000 people located on the Hudson River, have been exposed to PFOS in their drinking water.[7] PFOS is a toxic chemical related to PFOA. Riverkeeper first raised concerns about 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.

---

4 Brendan Lyons, *New York State PFOA Blood Results Pending*, Times Union, May 19, 2016, http://www.timesunion.com/tuplus-local/article/New-York-state-PFOA-blood-results-pending-7697287.php (see timeline).

5 *Id.*

6 *Id.*

7 Riverkeeper, Inc., *Contamination of the Drinking Water Reservoir and Watershed of the City of Newburgh: A Case Study and A Call for Comprehensive Source Water Protection*, July 2016 (including a timeline of events through July 2016).

8 Jesse McKinley, *Military Base Near Newburgh Is Made a Superfund Site Over Tainted Water*, N.Y. Times, August 12, 2016,http://www.nytimes.com/2016/08/13/nyregion/military-base-contaminated-water-in-newburgh-ny-state-says.html.

ED_001670_00015628-00003

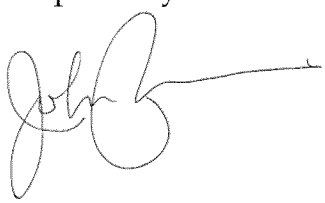
Although the residents of Newburgh and Hoosick Falls were exposed to similar contaminants, the Department of Health's response to the crises has been markedly different. While the Department ordered blood testing in Hoosick Falls, it has failed to do so in Newburgh. To be sure, the State must do more to monitor the long-term health consequences of exposure to PFOS and PFOA in both communities. However, basic principles of fairness and equity demand that, at a minimum, Newburgh residents receive the same care that has been made available to Hoosick Falls residents. Determining the extent of PFOS exposure through free blood testing is an important and necessary first step that cannot be overlooked in Newburgh.

THE CONTAMINATION IS IN OUR SOURCE WATER – AND IT NEEDS TO BE PROTECTED.

Beyond addressing the health consequences of exposure to PFOS, the State must ensure that Newburgh's drinking water supply is safe for future generations. That begins with a new and comprehensive source water assessment to identify other threats to the community's drinking water. Additional steps that the Department of Health and the Department of Environmental Conservation should take in response to the PFOS contamination in Newburgh are detailed in the attached white paper, *Contamination of the Drinking Water Reservoir and Watershed of the City of Newburgh: A Case Study and A Call for Comprehensive Source Water Protection*.[9]

Riverkeeper urges the Senate to work with the Governor, Assembly colleagues, community members, and stakeholders, like Riverkeeper, to provide a comprehensive health and environmental response to the drinking water contamination crisis in Newburgh. Thank you for the opportunity to submit written testimony on this critical issue. Please do not hesitate to contact us if you have any questions or require any additional information.

Respectfully submitted,



John Parker
Director of Legal Programs

Encl.

---

[9] Riverkeeper released this white paper prior to the State designating the Stewart Air National Guard Base as a Superfund site. Riverkeeper appreciates that designation; however, a comprehensive response to the contamination, as outlined in the white paper, is still needed.

ED_001670_00015628-00004

cc: Darlene Murray
Committee Clerk
dmurray@nysenate.gov

Col. Howard Wagner
Commander
Stewart Air National Guard Base
howard.n.wagner.mil@mail.mil

Hon. Kirsten Gillibrand
United States Senate
senator@gillibrand.senate.gov

Hon. Charles Schumer
United States Senate
senator@schumer.senator.gov

Hon. Sean Patrick Maloney
US House of Representatives, NY District
sean.maloney@mail.house.gov

Judith Enck
Regional Administrator
US EPA, Region 2
enck.judith@epa.gov

Hon. John J. Degnan
Chairman
Port Authority of New York
jdegnan@panynj.gov

Kelly Turturro
Acting Regional Director
NYSDEC, Region 3
kelly.turturro@dec.ny.gov

Todd Westhuis
Acting Regional Director
NYSDOT, Region 8
todd.westhuis@dot.ny.gov

ED_001670_00015628-00005

Bill Finch
Acting Executive Director
NYS Thruway Authority
bill.finch@thruway.ny.gov

Hon. Frank Skartados
New York State Assembly
104th Assembly District
skartadosf@assembly.state.ny.us

Hon. William J. Larkin, Jr.
New York State Senate
39th Senate District
larkin@senate.state.ny.us

Hon. Steven M. Neuhaus
County Executive
Orange County
ceoffice@orangecountygov.com

Hon. Judy Kennedy
Mayor
City of Newburgh
jkennedy@cityofnewburgh-ny.gov

Michael G. Ciaravino
City Manager
City of Newburgh
mciaravino@cityofnewburgh-ny.gov

ED_001670_00015628-00006