

# PFOA TESTIMONIAL

January 31, 2017

William S. Sumner Jr. (Sandy)

Marie-Pierre Huguet

37 Susan Taylor Lane

North Bennington, VT

05257

We built our house at 37 Susan Taylor Lane in 1990. From the moment we moved in we recognized there was a going to be a problem with the exhaust that would come from the then ChemFab Co. At that time it was not a serious issue but a concern and irritant.

Sometime in the early 1990's the company initiated a new assembly line process called "double dipping". This process allowed them to put more material on their fabric in less time. Unfortunately for us this new process increased the toxic exhaust by an enormous amount. The smoke was darker and smelled terrible. My wife and I began to experience nose bleeds, headaches and coughing fits anytime the smoke came in our direction, which was often because we are located to the east of the ChemFab plant. In summer the inside of our house was often covered with a film of very black dust. I personally filled two complaints with the VT. EPA but was told nothing could be done because ChemFab was following the state and national guidelines for polluting.

For two years myself along with three other household's met on a regular basis with Chem-Fabs management to try to get them to make some improvements to their exhaust system. It was a waste of time. The tiny changes they made, made no noticeable difference.

When the company moved away in 2002 the health issues stopped and we put it all behind us until February 2016 when North Benningtons contamination was discovered.

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**House POET Filter:** Our house now has one of the POET filtering system's but we are, and will, only drink the bottled water supplied. The filter has worked to reduce our wells **PFOA level from 780 ppt** down to a drinkable level, but the filter has also lowered the water pressure in our house to the point that I have had to hire plumbers twice to fix problems caused by the low pressure. I will not ever except the POET filter as a final solution to the water crisis....even if Saint-Gobain agrees to pay for its ongoing \$3K annual maintenance.

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**Property value:** Of course we are very concerned over our property value. Even if the water problem is resolved we will still have soil contamination issues that could potentially effect the sale of our property. **Our soil contamination is currently at 2.9 ng/g to 8.2 ng/g (12,600 – 48,600 ppm).**

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**Health concerns:** For years my wife and I have been struggling with very low energy and muscle weakness. We understand it is impossible to connect our health issues with the PFOA problem but it's very strange that we both have the same health challenges.

**The PFOA in my blood tested was 305.1 micrograms per liter**

**The PFOA in Marie-Pierre's blood tested was 415 micrograms per liter**

I ask you, what do you think our blood levels were 14 years ago when the company left No. Bennington?

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In closing I will add that we recently joined the Vermont class-action law suit against Saint Gobain because they are not willing to except the science behind studies proving that PFOA is harmful. Our lives, livelihood, health and future have been seriously compromised buy their past and present actions.

**Senate Committee on Natural Resources and Energy**  
**Testimony**  
**January 31, 2017**

**S. 11 - An act relating to the liability of municipalities for hazardous material releases from landfills**

Thank you for allowing me to offer this testimony. My name is Stuart Hurd. I am Bennington's Town Manager, having served in that role since 1992, and am a municipal employee experienced with the strict liability doctrine and the potential costly impacts arising therefrom.

Bennington has survived two EPA led investigations into former landfill sites, the first resulting in a Superfund designated site formally closed under CERCLA in the period 1991-1999. The second site was identified in 2011 following a hearsay allegation of PCB dumping at this site, a municipal landfill closed in 1969, now a portion of Willow Park, a multi-use public park. Ultimately, the Town and the State agreed to a \$30,000 closure plan. There was no surface, surface water, or ground water contamination above State and Federal standards found at the site. Under the Superfund law, EPA ordered the Town to pay \$175,000 in principal and interest using the strict liability determination. When PFOA/PFOS was recently found at both sites, I became very concerned about the potential for re-opening both sites. My fear increased when the State identified PFOA at the Shaftsbury landfill last year and, using newly adopted legislation, ordered the Town to provide water to adjoining, and potentially impacted, neighbors at its expense.

This legislation addresses that very concern. It recognizes that, historically, the State had mandated that municipalities operate landfills or otherwise provide solid waste disposal options to their residents and businesses, including industries. It recognizes that to impose the strict liability doctrine upon a municipality can be very costly when, in fact, the municipality was simply following the law. It offers an exemption from liability "when the Secretary of Natural Resources determines that the municipality was not responsible for the generation or transport of the hazardous material". Furthermore, this legislation outlines the conditions for approval of an application for exemption from liability.

By providing this opportunity for exemption and detailing how it can be achieved, this legislation will save municipalities thousands of dollars in litigation, investigation, and construction. It minimizes the risk that the determination hinges on the good graces of the Secretary by providing specific conditions that the application must meet for approval. It reduces the uncertainty all municipalities that operated landfills now face.

In conclusion, I ask that you give thought to every municipality in the State. Historically, the laws of this State required Towns to handle disposal of municipal waste, residential, commercial and industrial. Every former landfill is a potential source of a release, or a threatened release, or the allegation of same. This legislation offers municipalities very necessary protection.

Thank you for your consideration.

Stuart A. Hurd  
Town Manager