

### S.113 Testimony – Jim Sullivan, North Bennington

I would like to express my appreciation to Senators Dick Sears and Brian Campion for introducing and working for passage of legislation (S.113) that would provide legal recourse for Vermonters directly affected by the release of toxic contaminants into the environment. Our experience with perflourooctonaic acid (PFOA) contamination of domestic water supplies and the complex legal hurdles faced by local residents when attempting to hold accountable a large corporation such as Saint Gobain has highlighted the need for such action.

This legislation would provide at least a partial remedy by holding polluters responsible for harm caused by release of toxic chemicals without findings of negligence or immediately demonstrable health effects. S.113 would enable people with high levels of toxins in their bodies to pursue claims for payment of medical monitoring tests prior to having developed a disease linked to the exposure.

The proposal is not without controversy, however, due to concerns over liability exposure for businesses. I am a strong proponent of our business community, local manufacturing, and economic development. It is in our collective interest to support local businesses in their efforts to provide goods and services in a competitive marketplace. State and local governments should work to ensure that land, infrastructure, a skilled workforce, and appropriate financial incentives are available for entrepreneurs and business owners.

Many business practices, however, result in production of more than marketable goods and services, jobs, tax revenues, and profits. They may create wastes as by-products which, if not carefully managed and disposed of properly, can have devastating effects on the environment and on peoples' health and well-being. So while these businesses justifiably enjoy many rights and benefits in our economic system, they also must be fully cognizant of, and responsible for, potentially dangerous contaminants they produce. A corporate entity that does not properly control toxic emissions avoids a cost of production, increasing their profit, but causing harm and very real expense to others.

S.113 is one tool to help correct this historic imbalance. It will motivate corporations to carefully evaluate their practices and waste disposal technologies. In Bennington, ChemFab/Saint Gobain released huge amounts of PFOA into the environment despite repeated complaints from neighbors and considerable industry information on potential risks to human health. It should not matter that PFOA was not a regulated substance at the time; it certainly mattered to those affected by it.

My family and our neighbors will be living with a toxic chemical imbued in our bodies for years to come, with possible, but as yet undetected impacts on our health. The soil and ground water in our neighborhood, and in much of North Bennington and Bennington, will remain polluted for centuries. We have pursued a time-consuming and complex lawsuit in federal court that will provide payment for monitoring to allow early detection of medical conditions related to the poisons in our bodies. Such compensation is reasonable, even if it can never fully remedy the damage done to us. I hope that this medical monitoring legislation will provide a more direct remedy should similar situations arise in the future.

Economic prosperity and a healthy population are interdependent and fundamental to a good quality of life for everyone. Residents and businesses all need to assume responsibility for both, and S.113 will help ensure that all parties are contributing in equal measure.

Jim Sullivan  
North Bennington