

ASSOCIATED INDUSTRIES OF VERMONT

Representing the Vermont Industrial and Business Community Since 1920

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Senate Committee on Natural Resources and Energy

Chair Watson and Committee Members:

AIV appreciates the opportunity to provide follow-up comments and recommendations on H.727 regarding PFAS.

As noted during our testimony previously, we are concerned that the House version of H.727 would create potentially unattainable standards for PFAS in wastewater discharges, a problem not only for data centers directly but also presenting a potentially damaging precedent for other businesses and facilities in Vermont.

H.727, Sec. 4. 10 VSA § 6086a (g), would prohibit the “addition of PFAS to water discharged from a data center”. However, this would include any added PFAS from any source to a water discharge, including incidental and environmental sources outside the control of the company. It would also prohibit the addition of PFAS even if the resulting PFAS levels in the water are compliant with state or federal regulatory limits.

This would impose an arguably unreasonable and even unattainable requirement. The potential problems with setting such limits on PFAS in water discharges mirror a closely similar set of issues and discussions regarding water used in manufacturing processes during last year’s development of H.238 (Act 54). The ultimate conclusion of that discussion was to not include new discharge prohibitions but instead call for a report from ANR in January 2027 on other state measures related to the use of PFAS contaminated water in manufacturing.

We would strongly recommend a similar approach here:

- First and foremost, our primary request would be to delete (g), the prohibition on the addition of PFAS to water discharges regardless of source or amount.
- We would also support asking ANR for a report, either next year or at a time recommended by the agency, on any other state or federal requirements addressing PFAS in water discharges from data centers.
- We would also recommend either (1) deleting (f), which requires a monitoring plan for PFAS in wastewater discharges generally, and instead include other state or federal models for monitoring requirements in the ANR report suggested above, or, alternatively, (2) redrafting (f) to more clearly focus on specific uses/sources of potential PFAS contamination of particular concern (e.g., cooling systems).

It should be noted that any data center would still have to comply with all applicable state and federal regulatory requirements, including those for PFAS.

Thank you for your consideration of these recommendations, and we are happy to address any questions or otherwise continue working with the Committee on this and related matters.