



Good morning, Chairman Vitali, Chairman Causer, and other members of the House Environmental Resource and Energy Committee. Thank you for holding this hearing. I appreciate the opportunity to testify today on the important topic of addressing exposure to per- and polyfluoroalkyl substances or PFAS in Pennsylvania.

My name is Steve Hvozdovich and I'm the Pennsylvania Campaigns Director for Clean Water Action. Clean Water Action is a national non-profit environmental organization with roughly 90,000 members across Pennsylvania. Since our founding during the campaign to pass the landmark Clean Water Act in 1972, we've worked to enact strong protections for our health and environment by bringing issue expertise, solution-oriented thinking and people power to the table.

Pennsylvania has already taken some initial steps to tackle PFAS. Around this time last year, Pennsylvania Attorney General Michelle Henry filed a complaint in Pennsylvania Commonwealth Court against DuPont, Chemours, and Corteva for being in violation of Pennsylvania's Consumer Protection Law. As part of this action, Attorney General Henry cited that these companies continued production and distribution of products containing dangerous PFAS that then cause's contamination denies Pennsylvanians of their basic environmental rights under Article 1, Section 27 of the Pennsylvania Constitution. Last year also marked Pennsylvania setting for the first time ever a state drinking water maximum contamination level for the most common constituents of these toxic chemicals. But given PFAS's pervasiveness in our environment we must build upon these efforts and tackle other sources of exposure.

That's why we're here to support HB 2238 and encourage its passage. HB 2238 is a good vehicle for tackling the next frontier of exposure through prohibiting the manufacture and sale of products that contain intentionally added PFAS chemical, through giving the Pennsylvania Department of Environmental Protection (DEP) the flexibility to use the rulemaking or regulation process to build upon the initial baker's dozen list of covered products, and through creating public transparency by requiring the registration of products with intentionally added PFAS. Moreover, this legislation gives reasonable exemptions for items deemed essential for the health and safety of society and offers an outlet for manufacturers who can demonstrate that their use of PFAS is currently unavoidable and provides both industry and DEP with clear guidance on how to determine if a use of PFAS is considered currently unavoidable.

But let's go back to the four key words I believe this bill revolves around, "intentionally added PFAS chemical". As you may already be aware, the Agency for Toxic Substances and Disease Registry at the Center for Disease Control and Prevention found associations between PFAS exposure and health effects like, lower antibody response to some vaccines, immune system suppression, increased cholesterol levels, pregnancy-induced hypertension, reduced fertility, liver damage, an increased risk of thyroid

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disease and the potential for cancer- findings that have been recognized by the Pennsylvania Department of Health. Also, according to an NYU Grossman School of Medicine study on the impacts of daily exposure to PFAS, together, these diseases generate medical bills and reduce worker productivity across a lifetime. The result according to their study is in an economic burden that is estimated to cost Americans a minimum of \$5.5 billion and as much as \$63 billion annually.ⁱ

Knowing these dangers why would we continue to allow businesses to produce and distribute products with INTENTIONALLY ADDED PFAS chemicals, especially those covered products initially identified in the bill that in some cases come into direct contact with the food we eat; that intimately come into direct contact with the bodies of our wives, daughters, sisters, aunts and mothers; that our children interact with daily and in the case of babies maybe even put into their mouths; and that ironically are meant to sanitize our homes and ensure the health of our teeth and gums.

Previously released internal industry memos and studies prove that industry knew for decades that PFAS was dangerous, bioaccumulated in blood and were linked to terrible illnesses suffered by those exposed.ⁱⁱ A recent story ProPublica co-produced with the New Yorker documents how a 3M chemist showed executives back in 1997 that its PFAS chemicals were in people's bodies, something they already knew by the way and how the executives responded by questioning the methodology, downplaying the findings, compartmentalizing the knowledge within the company and reassigning the lead chemist and her team so they couldn't continue their research.ⁱⁱⁱ Companies KNOW it is dangerous, yet they ignore that fact and continue to manufacture and sell products with PFAS. Let's not also approach the situation with a similar blind eye.

Now industry is going to tell you that they can't comply with HB 2238's requirements. Well the process of eliminating PFAS has already begun around the world as well as here in the United States in places like Maine and Minnesota where policies similar to HB 2238 have already been adopted. Minnesota also happens to be the home of 3M, one of the two major companies in the U.S. that manufactured the majority of legacy and emerging PFAS. So, if compliance can happen overseas and in one of the very epicenters of PFAS production in our country, why can't and shouldn't it occur in Pennsylvania?

Industry is going to try to convince you that HB 2238 is unnecessary because they're already voluntarily phasing out PFAS. While it's encouraging to see some companies proactively respond to the emerging science, health, technology and consumer trends, there's an innate unreliability when it comes to voluntary action. Let's look to 3M again as an example. In 2022, they said that they would work to discontinue the use of PFAS across its product portfolio by the end of 2025. But 3M acknowledged that as this deadline approaches more than 16,000 of its products still contain PFAS. We need legislation! Legislation will codify the process, provide a level playing field, universally increase consumer trust and

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ensure that actions are not only taken in a timely manner but that there's appropriate oversight to make sure it gets done and gets done right.

Industry will also argue for revising the definition of PFAS so that it's defined as two fluorinated carbons. Yet 23 other states and the international Organization for Economic Co-operation and Development define PFAS in the same scientifically grounded way HB 2238 does which is as a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom. Congress has also often adopted the same definition, for example in enacting the National Defense Authorization Act in 2021, 2022 and 2023. The presence of "at least one fully fluorinated carbon atom" is the defining feature of PFAS compounds, and it is what makes these chemicals incredibly persistent in the environment and virtually impossible to break down. Industry will justify this change to the definition by stating that PFAS are necessary for the climate transition or that the type of PFAS that they use is completely safe. None of this is true. PFAS are dangerous, no matter what form they are in. These approaches by industry are nothing more than a tactic used to minimize the impact of legislation like HB 2238 through excluding many PFAS chemicals in order to gain greater leeway that'll them to keep more toxic products in circulation.

HB 2238 is the right step to further protect Pennsylvania families. This legislation will save taxpayer dollars by turning off the tap of new PFAS and the inevitable contamination to our health and environment it'll lead to. I encourage you to vote HB 2238 out of committee and support its passage before the full chamber.

ⁱ <https://link.springer.com/article/10.1007/s12403-022-00496-y>

ⁱⁱ <https://annalsofglobalhealth.org/articles/10.5334/aogh.4013>

ⁱⁱⁱ <https://www.propublica.org/article/3m-forever-chemicals-pfas-pfos-inside-story>

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