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 Committee on Environment  
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PFAS: THE VIEW FROM AFFECTED CITIZENS AND STATES

Wednesday, June 9, 2021

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Committee on Environment and Public Works

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The committee, met, pursuant to notice, at 10:00 a.m. in room 406, Dirksen Senate Office Building, the Honorable Thomas R. Carper [chairman of the committee] presiding.

Present: Senators Carper, Capito, Cardin, Markey, Stabenow, Kelly, Padilla, Inhofe, Boozman, Ernst.

STATEMENT OF THE HONORABLE THOMAS R. CARPER, A UNITED STATES  
SENATOR FROM THE STATE OF DELAWARE

Senator Carper. Good morning, everybody. Welcoming our witnesses and everyone else. All of our staff, it is nice to see you all again. Recognizing the critical importance of this matter before us today, I am pleased to call this hearing to order.

I am particularly pleased to welcome a panel of witnesses uniquely prepared to help us understand better the impacts of PFAS in our lives, our communities, and our States. A warm welcome to Joanne Stanton, to Jim Kenney, to Scott Mandirola, and Mr. Mehan. Some of you are not strangers, and we have been with you before. We welcome a chance to be with you all again. Thank you for your willingness to share your experience and your perspectives with us today.

As you all may know, I am privileged to represent Delaware, one of the smallest States in our Union, albeit a State that sometimes punches above its weight. Despite the fact that our population numbers just under a million people, every one of our three Delaware counties has been plagued by the presence of PFAS chemicals in drinking water.

In fact, while I hate to say it, there is not one of the States represented by the Senators sitting around this dais, nor in the entire Senate, that is not struggling to address this

problem for their citizens and their communities.

If this were merely a question of some pesky pollutant that occasionally finds its way into our groundwater and water wells on a very localized level, that would be one thing. That is not the situation that we all face today.

What we are dealing with here is an almost universal, persistent toxin. Its presence in our water, at levels measured in parts per trillion, creates a very real risk of adverse developmental effects to fetuses and breastfed babies. This toxin is also associated with testicular and kidney cancer, liver tissue damage, as well as harmful changes to the thyroid and the immune system.

It is not just a public health concern. The presence of PFAS in our communities and our drinking water is having major impacts on livelihoods, as well. People in affected communities are worried about falling property values, and farmers with contaminated lands and dairy herds are, well, sometimes out of business.

According to Bloomberg News, Stoneridge Farms, a 100-year-old family business near Arundel, Maine was forced to shutter in 2019 due to PFAS contamination from sludge that was spread on the farm as fertilizer. As we will hear shortly in the testimony here, this farm in Maine is far from the only farm adversely affected by PFAS-contaminated sludge.

We will also hear that States across America are scrambling to protect citizens and restore contaminated lands and waters in the absence of needed federal action on PFAS. In early May, Attorneys General from 18 States and the District of Columbia commented on the challenges posed by EPA inaction in their comments to EPA on its proposed rule to require public water systems to test for PFAS compounds.

Those comments these AGs said, and I am going to quote them, they said: "millions of people across the United States are exposed to PFAS-contaminated drinking water and widespread released of PFAS into the environment. Many of the States have limited resources to comprehensively assess and address PFAS. Therefore, it is crucial for EPA to broadly regulate PFAS to protect public health and the environment."

Another outcome of varied State approaches to regulating PFAS is the familiar challenge of a patchwork of regulatory requirements, which could hamper an effective and efficient national effort to manage a nationwide public health threat. It will not be long before we all hear from our business communities about the challenge of meeting disparate requirements amongst the States.

The bottom line is this: PFAS is a sinister and pervasive threat to our families' health, a drag on local, State, and national economies, and a problem that will not go away on its

own. We need strategic national policies, programs, and investments to help us determine where PFAS contamination is, the health threats that these chemicals can pose, the best methods to rid our water and lands of these so-called forever chemicals, and a host of other issues that are related with this class of chemicals.

What we lack, and I suspect all our witnesses here today will agree, is a sense of urgency to address these and other questions and to provide the relief that many affected communities and families need, particularly those with vulnerable infants and children.

Once again, I want to welcome on behalf of our entire committee, each of the witnesses. Thank you for sharing your testimony and your stories with us.

With that, I am pleased to recognize for her opening statement, our Ranking Member, whose State of West Virginia has endured far more of this than its fair share of PFAS contamination, Senator Capito.

[The prepared statement of Senator Carper follows:]

STATEMENT OF THE HONORABLE SHELLEY MOORE CAPITO, A UNITED STATES  
SENATOR FROM THE STATE OF WEST VIRGINIA

Senator Capito. Thank you. Thank you, Mr. Chairman. I thank the witnesses for being here today, and thanks for calling this hearing.

Addressing the challenges of PFAS contamination has been one of my highest environmental policy priorities, as many of you know, and I have long led bipartisan efforts to address this issue. For example, I took the lead role in provisions reported out of this committee and included in the Fiscal Year 2020 National Defense Authorization Act that established a clear process for EPA to publicly share information from PFAS manufactures, processors, and users around the Country.

To address a substantial environmental and public health impact from PFAS in West Virginia, I secured language in the Fiscal Year 2019 Department of Defense Appropriations Act to reimburse the City of Martinsburg for the significant costs involved in upgrading the Big Springs water treatment facility. The upgrades at that facility address PFAS resulting from Federal Government releases from the base of aqueous firefighting foam detected in their drinking water.

I also ensured that Berkley County, which is where Martinsburg is, was included in a joint study between the Department of Defense and the Agency for Toxic Substances and

Disease Registry on PFAS exposure in populations living and working on and around military bases.

Of particular importance to me is the timely action by the EPA to set drinking water standards for two specific PFAS: PFOS and PFOA. Assuring the American people's confidence that their drinking water is safe is essential. I have pressured the EPA directly, both the prior administrator and this one, and via legislative proposals for years to move forward on regulating PFOS and PFOA.

That process is now underway, though it was temporarily frozen by the Biden Administration when they first came into office, along with a lot of other policies that were frozen. So we wrote to the President. In response to my February 17th, 2021 letter flagging this issue for White House Chief of Staff Ron Klain, EPA promptly reissued its final determination to regulate PFOS and PFOA under the Safe Drinking Water Act.

So I am very grateful for Mr. Klain for his quick response and for the President as well, and that the EPA continues to work expeditiously to establish a national primary drinking water regulation.

However, as we know, more work remains. I agree with the EPA's assessment that many of the regulatory and enforcement actions the Executive Branch and States may pursue relative to PFAS hinge on continued research and a more in-depth



understanding of the chemistry, environmental, and health challenges posed by this broad class of compounds.

I wrote to the EPA on April 19th, 2021 requesting updated information on the agency's research initiatives in order to inform me and my colleagues when we can expect the scientific data and information required to support regulatory actions and when they will be available to EPA. Unfortunately, I am still waiting for a response from the agency. It is critical that EPA ensures that science and not politics is driving EPA's regulatory decisions.

While the Federal Government continues its much-needed regulatory processes, West Virginia has utilized its State authorities to take action, led by the Department of Environmental Protection. Sadly, West Virginia has faced the legacy of PFAS contamination, originating from both industrial and military sites, the two major sources of contamination Nationally, but it is this experience that has made the State government vigilant in its response.

A chemical facility in Parkersburg led to PFAS pollution entering the environment for decades and resulted in an unprecedented ecological study of the population to identify the resulting health risks. As I mentioned earlier, in Martinsburg, on the other side of our State, an international guard-based use of PFAS-laden firefighting foams contaminated the Big Springs

water filtration plant. I worked with my colleague, Senator Manchin, to secure the nearly \$5 million needed to provide the necessary filtration for that system after the military first agreed to pay for it, and then they tried to walk away, but we wouldn't let them.

I know there are similar stories around the Country. As I believe we all know and will be reaffirmed to today, PFAS are all over this Country, with background levels of contamination from a multitude of sources. But the actual threats to human health and the immediate environment tend to be highly localized, which is exactly why a deliberative, science-based approach to testing and remediation is necessary.

The State of West Virginia authorized and funded a review of its drinking water systems and currently, the West Virginia Department of Environment Protection is sampling for PFAS in nearly every community water system across the State. I am very pleased that Scott Mandirola is here as a witness to provide an update on this ongoing effort.

While I am proud to see West Virginia taking initiative in response to PFAS contamination, I am also aware of the critical need for continued scientific research to form the basis of appropriate Federal action that supports West Virginia and other States as they try to assess and respond to these challenges. With plenty of misinformation out there, appropriate risk

communication from the Federal Government is crucial for helping State and local governments and our constituents understand and address PFAS pollution and not undermine the ability for States and localities to do so.

I very much look forward to hearing from our witnesses on these topics today. Thank you, Mr. Chairman.

[The prepared statement of Senator Capito follows:]

Senator Carper. Senator Capito, thanks for very much for your statement.

Our colleagues on this committee will remember a hearing we held last month on three nominees, all women, for senior positions, including at EPA. One of those was Dr. Michal Freedhoff, a member of this committee's staff for a number of years, and she was reported out 19 to 1. I have been urging our leadership on our side of the aisle to bring that nomination to a vote, and I would just ask our Republican colleagues to do whatever you can to make sure that she gets a vote. Maybe we will get somebody to answer our letters more promptly, so there you go.

Again, welcome everybody, and let me introduce a couple witnesses, and then Senator Capito is going to introduce at least one of them.

Our first witness is Joanne Stanton, the co-founder of the Buxmont Coalition for Safer Water in Pennsylvania. Ms. Stanton grew up near two military bases, both of which have become Superfund sites. I note, for the record, during the time I spent in the Naval Reserve, 18 years plus 5 years active, I flew out of one of those bases, Wilborough Naval Air Station, a P3 aircraft mission commander for 18 years.

I could put my car on autopilot from Wilmington, Delaware to Wilborough Naval Air Station after 18 years, and it would

drive itself.

Ms. Stanton became a community activist in 2015 after learning about decades-long exposure to PFAS through contaminated water in her community. We welcome you today to our committee, Ms. Stanton.

I am also pleased to introduce Jim Kenney, who serves as the Cabinet Secretary for the New Mexico Environment Department. Prior to his current appointment, Secretary Kenney spent more than 20 years across two stints at USEPA. Most recently, he was a senior advisor for oil and gas and also as an environmental engineer, leading both criminal and civil investigations related to environmental statutes. Thank you for joining us today, Secretary Kenney.

I am also going to introduce Mr. Mehan. Tracy serves as the Executive Director for Federal Affairs at the American Water Works Association. Mr. Mehan has a long career working on water policy and served as an Assistant Administrator for EPA's Office of Water from 2001 to 2003.

With that, let me just yield to Senator Capito to introduce our final witness.

Senator Capito. Sure, thank you. I am very, very pleased to introduce Scott Mandirola, who is joining us today from Elkview, West Virginia to share his expertise on these issues. He is the Deputy Secretary for External Affairs, as well as the

Chief Science Officer for the West Virginia Department of Environmental Protection. He has worked for the department since 2006, when he first joined the Division of Water and Waste Management to manage the statewide water quality standards program before becoming director of the division in 2010.

Prior to joining the department, Scott worked for 17 years for SGS Environmental Services, and before that, at the Connecticut Department of Health Services in the Water Supply section. He has extensive experience working on water issues, and I am eager to hear his update on the statewide sampling for PFAS in West Virginia.

The excellent work of Scott and his department are a valuable asset to the people of West Virginia, and I think my colleagues will find this testimony extremely useful to our committee as we consider PFAS policies in this Congress.

Senator Carper. Thanks for that introduction.

Let me just say to our colleagues, I don't know what all of you did during the recess last week, but I covered my little State, we only have three counties, so it is not hard.

But a lot of times, I would walk all around the State of Delaware, and I would hear from people, why don't you all work together, why don't you find things you can work on together? And the work that we have done on water infrastructure and drinking water and wastewater sanitation, unanimously endorsed

by us 89 to 2 a month ago, and the work that we did in reporting our unanimously the surface transportation legislation. I hear, just a couple weeks ago, it has gotten pretty good attention in my State, and I hope in your State as well.

We are known in this Senate to be a workhorse committee, not a show horse committee. We get stuff done, and I think we have the opportunity on PFAS, we have another great opportunity here to get stuff done, important stuff done for people in every one of our States. Every one of our States are affected by this.

With that in mind, let's just turn to your testimony, Ms. Stanton. You are our lead-off hitter, and let's begin with you, and you are recognized at this time for your statement. Thank you. Nice to see you.

STATEMENT OF JOANNE STANTON, CO-FOUNDER, BUXMONT COALITION FOR  
SAFE WATER

Ms. Stanton. Thank you, Senator, and good morning. My name is Joanne Stanton. I grew up in Warminster, Pennsylvania, about two miles from two separate military bases that both used AFFF, the foam used by firefighters.

My PFAS story started when I was a young mother. About seven years ago, our community was devastated to find out that our drinking water had been highly contaminated with PFAS for nearly 50 years, with some of the highest levels of PFAS pollution ever detected in public drinking water samples.

As you can imagine, as a mother, I started to read everything I could possibly get my hands on about PFAS. When I began to research the health effects, I learned that some of these chemicals can cross the placenta, and they can affect a developing fetus. Animal studies showed that they caused cancer, tumors, neurodevelopmental problems, and even second-generation health effects.

The magnitude of what I was uncovering hit me like a ton of bricks. I literally fell to my knees and started crying as my mind raced back to an earlier time when my son was diagnosed with a cancerous brain tumor at age six.

Back then, after my son's surgery, epidemiologists came into my son's hospital room and began pummeling my husband and I



with very pointed questions: where do you live, where was your early pregnancy, have you or your husband ever worked with chemicals or pesticides? They told us at that moment that they found embryonic tissue in the very center of his tumor. That meant that it started to form during my pregnancy.

There are three of us who grew up together in Warminster on the same street within just a few houses, and each had children of our own with brain tumors. All of the tumors were cancerous; all of the tumors had embryonic tissue in the core. Doctors immediately questioned our environmental exposures, and we realized that we all had drunk PFAS-contaminated water throughout our entire childhoods and during our pregnancies.

As you can imagine, as a mother, it was gut wrenching for me to be told that my exposure may have actually caused my child's cancer. But what was truly sickening for me was to learn that both the Department of Defense and the chemical manufacturers have known since the 1970s just how poisonous PFAS are, and they chose to be silent. They chose to watch people in surrounding communities get sick and sometimes die, without warning us at all.

Then I came to find out that the EPA also knew, since about 1998, just how toxic PFAS are, and they too, failed to protect us.

In my town, where I grew up, we have three-year-olds with

kidney cancer who may never get a chance to do something as simple as learn how to ride a bike or put their first tooth under their pillow. There are new moms who don't feel they can safely breastfeed their babies due to the high level of PFAS found in their breast milk, and today, the Department of Defense is refusing to clean up legacy pollution across the Country.

It has been eight years since we learned about PFAS at our two military sites, yet the chemicals are still polluting our public waterways. Within the past couple of years, PFAS groundwater levels on base has measured over 4,000 times what the current EPA's health advisory is for drinking water, and discharge levels in the runoff coming off base have far exceeded limits set in temporary discharge permits. No one, no one seems to be able to hold them accountable. How can this be?

It is the EPA's job to regulate chemicals, to set safe drinking water standards, and to hold polluters accountable, even when that polluter is the Department of Defense, and it is your job to hold the EPA accountable when the agency fails to act. You all have the power to change the current course of history. You have the power to protect people like me, communities like mine.

You have the power to designate PFAS as a hazardous substance under CERCLA, as Chairman Carper has proposed in the PFAS Action Act, which will ensure that PFAS pollution in

communities like mine is treated as an urgent priority. You have the power to set a two-year deadline for a federal drinking water standard for PFAS, as Senator Capito has proposed in the Protect Drinking Water from PFAS Act. That is going to ensure that all communities across the Country have safe drinking water. Why should my neighbors in New Jersey have safer drinking water than someone like me, who lives in Pennsylvania?

You also have the power to set a deadline to clean up PFAS at military installations, precisely what Senator Gillibrand's Fifty Filthy and Senator Padilla's Clean Water for Military Families Act would jointly do to help communities like mine.

My story is not unique. There are thousands of stories like mine across this Country. On a personal note, my son was one of the lucky ones. He survived cancer, but it did not come without a price. As a mother, watching my vibrant, bright child slowly fade into a disabled adult has been one of the hardest things I have ever had to do. Today, he's 30 years old and still lives at home. He can't drive, he probably won't marry and have children, or experience many of the joys in life that we had dreamed of for him. I now realize that stronger regulations governing environmental pollutants like PFAS could have prevented needless suffering for me and for so many, many people in my community.

It might be too late for my son, but it is not too late for

others. Our children, our grandchildren, cannot afford to wait another minute.

The fact remains that the Department of Defense is one of the largest polluters in this Country, and I find it ironic that the very entity whose job it is to protect the American people has given a lot of American people cancer and other diseases.

You all have the power to hold both the DOD and the EPA accountable. You have the power to change the way things are and ensure that our children, our grandchildren, and future generations are better protected than we are. As a mother, I implore you to act on PFAS with urgency and action.

Thank you.

[The prepared statement of Ms. Stanton follows:]

Senator Carper. I know you speak from the heart, and I would say not just as a Senator and the Chairman of this committee, but as a father who has helped raise three boys, and I speak for all of us, to just say we appreciate your deep and sincere sadness. We want to express our concern and sympathy for what your family has been through. Nobody should have to go through that. Nobody should have to go through it.

My hope is that your testimony here today will enable us to prevent this from happening to others and have them endure what your family has to endure.

Ms. Stanton. Thank you.

Senator Caper. With that, I am going to call up our next witness. I think he is joining us remotely. Is that right? Secretary Kenney is out there. Secretary Kenney, where are you today? Earth to Secretary Kenney, come in, Secretary Kenney. Can you hear me?

Mr. Kenney. Chairman, I can hear you. Can you hear me?

Senator Carper. No, we can't.

[Laughter.]

Senator Carper. Actually, we can hear you clearly now. Welcome aboard. Where are you?

Mr. Kenney. I am in Albuquerque, New Mexico, Mr. Chairman.

Senator Carper. All right. We are delighted. Good to see you out there, and thanks for being here today, as well. You

are recognized. Take it away.

STATEMENT OF THE HONORABLE JAMES KENNEY, SECRETARY, NEW MEXICO  
ENVIRONMENT DEPARTMENT

Mr. Kenney. Thank you. Mr. Chairman, Ranking Member Capito, members of the committee. My name is James Kenney, and I am the Cabinet Secretary for the New Mexico Environment Department under Governor Michelle Lujan Grisham. Thank you for the opportunity to provide testimony today on behalf of the State of New Mexico.

Simply stated, the mission of my department is to protect the health of New Mexicans. The reality is, I can't do so when it comes to PFAS. It is not for lack of scientific data or remedial technology. What we are lacking is a federal regulatory framework for PFAS.

The EPA Drinking Water Health Advisory from 2016 was a great start. But it is now 2021, and there is no regulatory certainty for States and our communities. No person should suffer the negative health effects of PFAS, not in New Mexico or elsewhere, which is why States have been taking action to protect their communities.

I have been asked many times by New Mexicans, is my water safe, are my agricultural products impacted, how is my property value affected, and why isn't EPA and why aren't you doing work?

States commonly tackle problems impacting their communities. What is not common is when such efforts are met

with federal lawsuits. The United States Air Force sued New Mexico to prevent the cleanup of PFAS at Cannon Air Force Base in New Mexico. The Air Force argued Congress did not give EPA and States the authority to clean up PFAS under the Resource Conservation and Recovery Act, a hazardous waste management law passed by this body.

The Department of Justice and the Air Force are trying to reshape the intended purpose of this act. It is clear that Congress intended for this act to protect all Americans, including the dairy farmer just outside of Cannon Air Force Base who learned in 2018 that his cows were contaminated with PFAS. He lost millions in milk sales, and he is now faced with disposing of thousands of PFAS-contaminated cow carcasses.

New Mexico also sued the Air Force due to the imminent and substantial endangerment from PFAS contamination at Cannon Air Force Base and Holloman Air Force Base. For perspective, PFAS levels at Cannon Air Force Base were 370 times the EPA health advisory, and PFAS levels at Holloman Air Force Base are 27,000 times the EPA health advisory. This is clearly a public health, environmental, and economic crisis for New Mexico and other States.

You don't have to live near an Air Force base to be concerned about exposure to PFAS. Every day, news articles appear about PFAS in consumer products. Recently, we were



shopping for a rug in Albuquerque from a national furniture retail store. The retailer offered a fabric protection treatment and told us it was safe for people, pets, and the environment. I asked for information on the fabric protection treatment out of curiosity and noticed it contained PFAS.

Aside from the concerns over consumer disclosure, employee safety for those who are applying the chemical, the retailer will continue to generate PFAS waste from the application process, and these wastes will end up in our municipal landfills and our wastewater treatment plants. The point being, PFAS is moving throughout our economy and throughout our environment completely unregulated by the Federal Government.

In conclusion, to reduce and eliminate the risk from PFAS, we need the whole of government approach. This is where Congress can help. By affirming that discarded PFAS is a hazardous waste under the Resource Conservation and Recovery Act, this will immediately create a national cradle-to-grave approach across 50 States and territories that have EPA-approved hazardous waste programs. This will allow States to definitively address PFAS, including contamination at Air Force bases, PFAS waste generated by retailers, and once enacted, a national drinking water standard, we will be dealing with wastewater treatment sludges, and this will, again, help with that effort.

Lastly, Congress must directly fund States. We are the front lines. We are managing the increased cost of PFAS responses, and we are being responsive to our communities. New Mexico, like other States, cannot equally protect its communities without such funding.

I appreciate the opportunity to provide my perspective and recommendations, and thank you, Mr. Chairman.

[The prepared statement of Mr. Kenney follows:]

Senator Carper. Secretary Kenney, thank you very much for joining us.

Now, I am going to call on Mr. Mehan. Mr. Mehan, you are recognized next, please.

STATEMENT OF G. TRACY MEHAN III, EXECUTIVE DIRECTOR, AMERICAN  
WATER WORKS ASSOCIATION

Mr. Mehan. This is Tracy Mehan. I am Executive Director for Government Affairs at the American Waterworks Association, and like the other panelists, most grateful to be able to address you today on this pressing public health issue.

Before I get into PFAS, I would like to thank you on behalf of our 50,000 members for your excellent work and collaboration on S. 915, Drinking Water and Wastewater Infrastructure Act of 2021. This is a most welcome development. The overwhelming bipartisan approval shows that your work was very fruitful.

We are also pleased to see the parity now, at least ultimately, between the two SRFs, between the Clean Water Act and the Safe Drinking Water SRF. For your hard work on that, we are extremely grateful.

Senator Carper. We want to thank you and a lot of folks, your counterparts around the Country for the great work that you did in helping us to write the legislation. Thank you.

Mr. Mehan. I appreciate that, Mr. Chairman.

Turning to the categories of chemical compounds known as PFAS, I would like to discuss several issues, at least that I can. One is other authorities that EPA could be using to address this problem beyond just the Safe Drinking Water Act, but then also discuss the theme that Senator Capito mentioned,

the need for research to do important and successful regulation, especially under the Safe Drinking Water Act, and if there is time, address any number of issues that you can find in our written testimony.

Regarding existing authorities, we still believe, and we have testified this previously before this committee, that the Toxic Substance Control Act, TSCA, is a huge tool that is not being utilized by the agency. TSCA has data-gathering authority that the agency could use to garner more information from the manufacturing sector about the number of PFAS compounds that have been developed, in what quantities they were produced, and where they were produced.

TSCA data indicates that the manufacturers have already, as we know, discontinued use of a number of the PFAS compounds, but State and local risk managers need more information that is currently available to manage not just legacy compounds, but proactively manage PFAS that are currently in use. Deploying TSCA authorities in service of safe drinking water is source water protection, really, at the most strategic level, and again, not just that law, but the Clean Water Act can come into play controlling PFAS, as well.

Information gleaned from TSCA can help the assessment of PFAS in the environment and the development of industrial pre-treatment actions under that Clean Water Act. Clean water

authority is important in the development of analytical methods for PFAS and industrial waste waters and the development of appropriate and reliable treatment methods. EPA has yet to take substantial action under TSCA or the Clean Water Act to collect substantial data on PFAS in the United States.

In contrast, my members are going to be subjected to unnecessary but very onerous process under UCMR 5, placing responsibility on water systems to take the lead to identify potential sources of PFAS in the environment as opposed to taking actions under TSCA and the Clean Water Act to substantively identify these sources. This will again place the burden on the public water systems and their customers to address PFAS issues that were caused by other polluters. What happened to the polluter pays principle?

AWWA continues to emphasize the need for EPA to take action under TSCA and other authorities, such as provide a report in one year and update it every two years describing the locations of current and past PFAS reduction, import, processing, and use in the U.S. of individual PFAS compounds based on data collected through TSCA and report on actions planned or otherwise to restrict production, use, and import.

We have several other recommendations relating to TSCA and the Clean Water Act, and I will refer to my written testimony. Research, we have many suggestions in our written testimony. It

is absolutely fundamental. The reason why we probably haven't had as many regulatory determinations under the 1996 amendments is because of a lack of occurrence data and necessary toxicology to make an informed, science-based, data-driven, risk-focused decisions, and research is absolutely key, and resources in that area are essential.

Thank you for your time today. I am most grateful.

[The prepared statement of Mr. Mehan follows:]

Senator Carper. Thank you, Mr. Mehan. Next, we are going to hear from Mr. Mandirola.



STATEMENT OF THE HONORABLE SCOTT MANDIROLA, DEPUTY SECRETARY,  
EXTERNAL AFFAIRS, WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

Mr. Mandirola. Thank you. Chairman Carper, Ranking Member Capito, and members of the committee, good morning. I want to thank you for the opportunity to be here today to represent West Virginia in this dialogue about PFAS contamination and its impact on water quality.

Thank you, Senator Capito, for your persistence in helping Martinsburg pursue reimbursement from the Department of Defense and for being a champion on this issue for the State of West Virginia and the Nation.

As you know, West Virginia was made a focal point of this issue in 2019 with the release of the movie Dark Waters, which is based on a story of an attorney who takes a stand against a large chemical company that has contaminated a small town's drinking water with PFOA.

Per- and polyfluoroalkyl substances, PFAS, were manufactured and used in a variety of industries around the globe since the 1940s. PFOA and PFOS are the most studied of several thousand PFAS compounds. PFAS is estimated to be present in the blood of almost all U.S. residents. The EPA recently developed a health advisory level for the combined concentration of PFOA and PFOS in drinking water of 70 parts per

trillion and is in the process of developing a maximum contamination level for drinking water.

While EPA continues to study the toxicity of PFAS chemicals, West Virginia created a PFAS work group in 2019 in order to understand the potential problem. The work group consisted of members from the West Virginia Department of Environmental Protection, the West Virginia Department of Health and Human Resources, and the United States Geological Service. It determined early on that the most significant exposure pathway in the State is contaminated drinking water.

The work group asked USGS to create a study plan to sample and analyze every public water system regulated by the West Virginia DHHR, including schools and daycare facilities. The project analyzes untreated water from both groundwater and surface water intakes for the presence of 26 PFAS compounds.

While the work group planned its study, the West Virginia Legislature debated action on PFAS in the form of a bill named the Clean Water Act of 2020, which required the State to develop water quality standards and maximum contamination levels. Following DEP's discussion with the State Senate about the planned testing activity for PFAS across the State, the Senate created and passed Senate Concurrent Resolution 46, directing the West Virginia DEP and the West Virginia DHHR to propose and initiate a plan to sample PFAS substances in all community water

systems in West Virginia.

Our drinking water study began in July of 2020. The study will take two years, the first for sampling, the second to conduct data analysis and draft a report. When complete, the State's 279 public water systems will have been tested.

The USGS completed sampling of all the sites last month. To date, USGS has received preliminary results for 273 sites. The study revealed five sites that tested positive for the presence of PFOA and PFOS in excess of EPA's health advisory limit of 70 parts per trillion: the Lubeck, Vienna, and Parkersburg public water systems are contaminated by PFOA related to the production and use of C8 at the Washington Works DuPont facility.

In Martinsburg, the public water system is contaminated primarily by PFOS, associated with the historical use of AFFF firefighting foam at a local military installation. The Glendale Public Water System is contaminated by PFOS, likely related to the historic use of the compounds in metal plating industries, although further investigation is still underway.

The preliminary results revealed only two areas of known contamination in West Virginia: along the industrialized Ohio River corridor and the Eastern Panhandle of the State. Fortunately, the rest of West Virginia shows little PFAS contamination.

In summary, thanks to USGS's work with the State, West Virginia has developed an extensive database of PFAS results. The next step in the protection of public health is the development of a safe exposure limit for PFAS compounds.

Although some States have developed their own MCO and water quality standards, West Virginia and many other States are relying on the EPA Office of Research and Development to develop National guidelines and regulations for the protection of human health from these chemicals.

In closing, I would like to thank the committee for its effort to protect the public from PFAS. Thank you.

[The prepared statement of Mr. Mandirola follows:]

Senator Carper. Mr. Mandirola, thanks so much for joining us from West Virginia, the Mountain State.

I want to ask maybe the same question of you, Ms. Stanton, and maybe the same question of Secretary Kenney, maybe a two-part question; it deals with discovering the problem. Ms. Stanton, would you just describe for us who first discovered that PFAS was a problem in the community where you and your family live, or in the case of Secretary Kenney, in your State of New Mexico? The question is, who first discovered it, if you can help us with that, Ms. Stanton?

Ms. Stanton. Sure. Thank you for the question, Senator. For us, it was the summer of 2014, and local water companies did sampling under EPA's UCMR 3, and that is what got the hit and started everything in motion.

Senator Carper. All right. Secretary Kenney, can you help us with the same question, how the folks in your State first became aware of this problem?

Mr. Kenney. Senator, yes. I almost want to ask you which problem. There are multiple PFAS problems in the State of New Mexico, like there are in many States.

With respect to our Air Force Bases, the two that I mentioned earlier, they disclosed the problem to us in 2018 after looking into it prior to my tenure, and we are also, like West Virginia and other States, working through the USGS to look

across counties in New Mexico to see where there are PFAS problems, so we are actively engaged in looking for them and finding them.

Senator Carper. Could either of you just mention for us what might have motivated the folks who discovered this contamination, what motivated them to do it? Ms. Stanton, do you want to take a shot at that? Any idea what motivated the folks who made this detection of the contamination, what motivated them?

Ms. Stanton. The EPA.

Senator Carper. Okay. Secretary Kenney, same question.

Mr. Kenney. Senator, what motivated us here is a concern for public health. Knowing that where we look for these omnipresent, ubiquitous, hard-to-treat chemicals, we will find them, so it was our due diligence to go out and look. What motivated the Air Force to look for the chemicals, I believe there was impetus by federal agencies and maybe this Congressional body.

Senator Carper. All right, thank you.

Secretary Kenney, another question for you, if I may. Please describe for us some of the specific public health and economic challenges faced by your State as a result of the PFAS contamination, and would you specifically discuss the impact of PFAS contamination on your agricultural producers?

Mr. Kenney. Thank you for that question, Senator. The environmental impacts and economic impacts are real for our State. You will see in my written testimony that we have seen implications from environmental impacts historically in New Mexico. Things like Gold King Mine really affected our economy, from outdoor recreation from a tourism perspective, and we fear that that could be the same outcome that could result from things like PFAS contamination. Holloman Air Force Base is directly adjacent to the most popular national park in New Mexico, White Sands, with 600,000 visitors a year.

So we are concerned about the economic impact to those industries, and most importantly to our agricultural industry, a \$300 billion a year industry that is threatened by PFAS contamination. I would be remiss not to say to this committee as well as to those listening that we are actively engaged with testing agricultural products to ensure their safety. That is something we have been embarking on now for a while. We are concerned about the public health, environmental, and economic impacts.

Senator Carper. You spoke of this already, but let me just ask one last follow-up. Would you just share with us some of the primary challenges that the State of New Mexico is facing in dealing with this contamination, please?

Mr. Kenney. Again, thank you for the question. The

challenges that we are facing is the lack of a regulatory framework in order to protect New Mexicans. Specifically, let me give you this example. When we find PFAS and it is above the EPA health advisory level, and we know that other States have set much lower standards, it is complicated to assure the public and even ourselves as regulators as to what the right outcome should be. How do you treat down to that level, what do you remediate to?

So, the lack of standards presents not only a question of where do you start, but where do you end.

Senator Carper. Thank you, sir.

Senator Capito?

Senator Capito. Thank you, Mr. Chairman.

Mr. Mandirola, I would like to ask a couple of questions. You mentioned the one, two, three, four, five communities that had a higher level, and that the rest of West Virginia had little or no trace PFAS contamination. You mentioned there were 273 community water systems that were tested. Is that correct?

Mr. Mandirola. That is correct. There were actually 279, I believe, that were tested. We haven't gotten results for all of them back.

Senator Capito. You haven't. Okay, so let's go back to the history of this, because I think it was probably three or four years ago, our State was notified, I believe, by the EPA



that in the Parkersburg and Martinsburg area, our water systems were above the level. Is that how the whole thing sort of started for us, correct?

Mr. Mandirola. That is correct. Through the UCMR testing of water systems, Martinsburg was tested for PFAS compounds, and it was determined to have above the action level.

Senator Capito. So, above the 70 parts per billion?

Mr. Mandirola. Correct.

Senator Capito. Then they shut the water systems down, right?

Mr. Mandirola. That is correct. They took Big Springs Well offline.

Senator Capito. And then Martinsburg, and I believe Vienna was the water system, I think, for in the Parkersburg area, they purchased filters or whatever that would filter this out. Right?

Mr. Mandirola. That is correct.

Senator Capito. That is right, but they are still doing a community assessment, health assessment in the Martinsburg Area to see what the effects might be?

Mr. Mandirola. That is correct.

Senator Capito. Okay. So, if you look at where we started and where we have been, I think that raised huge alarm bells for our State, not only because of the impacts. One of the impacts

in Martinsburg, as you know, what the fact that we had an enormous industrial partner that came, P&G, to build the state-of-the-art manufacturing facility in and around the Martinsburg area in Berkley County. One of the provisos was that clean water would be available for their products.

Obviously, that is extremely important to the manufacturing, and this became the real strain, I think, for Martinsburg to be able to get back online to be able to fulfill their commitment to Procter & Gamble.

Mr. Mandirola. That is correct.

Senator Capito. Right, right. So, as we move forward on this, I am sure there is a lot of trepidation on the community water systems as to what is this going to mean when you know that Martinsburg was \$4 million, I can't remember what Parkersburg was.

In working with the local community water systems, how are they looking at this as a potential effect in the communities? I grew up in Glendale. I grew up drinking this water. So, what are you seeing in the community in terms of what effect, and are they frustrated because they can't really get a drinking water standard that they can really meet the technology to?

Mr. Mandirola. To this point, yes. There is obviously concern over an advisory level versus a MCL issued by EPA. Currently, obviously, you were instrumental in DOD reimbursing

Martinsburg for their water system. The facilities around the Parkersburg Chemours Facility, those have all had treatment installed, and it has been done under an enforcement action between EPA and the State and Chemours, it has been in place prior to my coming to the DEP in 2006.

They are required to test all public and private sources of drinking water around their facility. If it is above the advisory limit, they are then required to either replace the drinking water source or supply an alternate source or treat it.

Senator Capito. You mentioned when I was talking with you when we first started that ORSANCO, which is the Ohio -- I won't even try to get it, the Ohio River --

Mr. Mandirola. Ohio River Sanitation Commission.

Senator Capito. Thank you very much. It is conducting a study of their own. What does that consist of?

Mr. Mandirola. They are doing a study that is going to consist of the entire length of the Ohio River. They are doing 20 samples spaced roughly 50 miles apart. They have randomly chosen the first sample and are then spacing them down the river.

What it is, is more of a background level sampling. They are not really doing source-tracing at this point, but they are trying to determine, similar to what we were doing in West Virginia, do we have a problem, and if we do, what is the extent

of it. So, they will be utilizing USGS sampling methods to do both depth integrated and width integrated sampling across the river to try to determine is there PFAS, and where in the water column is it, if there is.

Senator Capito. Right. It is important to know that several communities of the five communities that came up above the level are located along the Ohio River, so I applaud that for moving forward on that, and I am ready to keep working with you to make sure we get this right. Thank you.

Mr. Mandirola. That study starts in two weeks.

Senator Capito. Great. Thank you.

Senator Carper. Thank you, Senator.

The order of questions now, I think Senator Cardin is going to join us by WebEx. He will be succeeded by Senator Inhofe, who is here in person. So, Ben, you are recognized if you are able to join us.

Senator Cardin. Thank you, Mr. Chairman. Let me thank all of our witnesses for their testimony and for their work for clean water. We want our policies in regards to the detection and remedial work to be based upon best science, and I think that has been made very clear.

I applaud the leadership of our committee in pushing the issues on PFAS. We haven't studied the situation in Maryland. We don't have a complete analysis, but we know that at at least

one water system plant, we have detected an unacceptable level. We have four military installations where we have detected concerns.

I just want to follow up on Senator Capito's question, if I might, and that is, obviously, our first order is to make sure we have the safety of our communities. So work needs to be done, whether it is in the remedial work in an installation, or whether it is in our water treatment facility plant upgrades.

My concern is this: we already have severe pressure on the ratepayers in dealing with the costs of safe water. We need to have some degree of holding those responsible accountable for that. It is one thing for Congress to make a specific appropriation to deal with particular circumstance, but this is now widespread.

What advice do you have that we can hold those who are responsible accountable for the remedial work so that we can keep the pressure off the ratepayers in having to foot the bill for the costs of the remedial work? Any suggestions from those that are responsible for your water systems in your particular States?

Mr. Mandirola. Senator, we have been lucky in West Virginia in that we were able to get reimbursed by DOD, and we have, through an enforcement action with EPA, been able to hold the facility that contaminated the majority of the other

facilities or water treatment plants accountable. It is a very big concern for us, as well, for our ratepayers. It is going to be impractical to expect ratepayers to pick up the costs of, for instance, Martinsburg, I think, was \$4.9 million.

Senator Carper. Did you say impractical or unfair?

Mr. Mandirola. I am sorry. It is not really going to be practical for us to hold them accountable, and that is why we took the approach we did with Chemours. I am not sure how we hold them accountable. As I said, EPA was very helpful in their enforcement action in that effect.

Senator Cardin. My concern is that, it may have worked well for West Virginia, but Mr. Chairman, we need some national direction to hold those responsible accountable, whether it is private industry, or whether it is the Department of Defense. Is the story of West Virginia common in other States that we found the ability to force the costs against those who were responsible?

Senator Carper. Mr. Mehan has his hand up. Go ahead, and then we will come back to you.

Mr. Mehan. I just want to point out, Senator, we are seeing a situation relative to PFAS that looks very much like the old problems under MTBE, where now we are seeing water utilities as plaintiffs in common law cost recovery actions using common law theories, like public nuisance, et cetera, et

cetera, trespassing.

Orange County, California, I know, has six law firms in contract just beginning to pursue claims based not on a regulatory standard, but on a health advisory for the State of California. I just read where Dayton has filed suit against the Air Force. New York utilities, there is litigation in North Carolina.

So, the utility sector, at least those that are incurring major expenses, is taking action, and I think there will be sort of a land office business on plaintiffs work in the water utility sector.

Senator Carper. Others, please. Ms. Stanton?

Ms. Stanton. Yes, thank you, Senator. At least, in Pennsylvania, where I am, we have not been able to hold the DOD accountable, and ratepayers have been paying almost double water bills for the last seven years. Just within the last 12 months, we have gotten some relief. There are several townships involved.

We had got some State funding, but that is what is coming through. We are not going to be fully refunded and I don't think it is going to be retroactive, so it is a long time to pay up to double water bills seven years, and not be able to hold the polluter accountable.

Senator Carper. Yes, ma'am.

Senator Cardin. I see Mr. Kenney wanting to make a response.

Mr. Kenney. Yes, Mr. Chairman and Senator Cardin. I appreciate that question.

The ability for States to hold polluters accountable is contingent upon a secure regulatory framework. That is one of the areas where Congress can be helpful under listing PFAS as a hazardous waste.

The other piece of this is there will be times in which we don't have a responsible party, so when we do have one, absolutely, they should be held accountable through strict enforcement as well as those who are not accountable, we need to have funding so that we can move the cleanup forward and then find the responsible party if possible.

Senator Cardin. Thank you. This is an area, Mr. Chairman, I hope that we will follow up.

Senator Carper. Yes, sir. Thanks, Senator Cardin, for joining us. Senator Inhofe, you are next, and then you will be succeeded by, I think, Senator Stabenow by WebEx, and then Senator Padilla. Senator Inhofe?

Senator Inhofe. Thank you, Mr. Chairman. I appreciate this.

Of course, I used to chair this committee, and we have been addressing this for a long period of time. We haven't found the



solutions yet. I think we are kind of tending to talk around it.

I can remember back when the FAA didn't just require commercial airlines or airports to have available PFAS, but also required them to use it. That is no longer the case, and it has changed. In 2018, with the FAA reauthorization, but still, even though it is not required, they are still using it, and I think we all agree that that is what happening right now.

So, we know the FAA, we know the DOD. Everyone is researching it, trying to get a solution. They don't have a solution yet, and that is the problem.

I can't help but think they are arriving at solutions by now. This has been going on for a long period of time.

So I guess, Mr. Mandirola, I would just ask you, are you aware of any PFAS-free foams that are proven to be as effective and fast-acting as PFAS-based foams? I am reading that question to make sure I get it right, because I am expecting an answer from you.

Mr. Mandirola. Obviously, my specialty is water quality and environmental protection. I am not a firefighting expert, but I have participated, listened in on a number of PFAS-related presentations, and I am personally not aware of any replacement that is as effective as AFFF at this time.

Senator Inhofe. You know, and I have, I am not either, and

I have looked, and of course we have had a lot of these hearings, and we have a lot of experts, and that is kind of the reality of today.

Mr. Mehan, as you know, there are hundreds of PFAS in existence, and they have all diverse compounds. Some are liquid, some are gases, and just an unlimited number that are out there, so a lot of people are supporting the lumping all PFAS into a single, regulated class. But those proposals, some feel, are misguided, because they don't take into account the diverse nature of these chemicals.

So I think you are in a position to respond to this question. Would you discuss why efforts to regulate all PFAS as one single class would not be the preferred way of doing it? I think it would be difficult, if not impossible, to get.

Mr. Mehan. Thank you, Senator. Well, you could do it, but it wouldn't be prudent, and you couldn't do it so much with an MCI. You would have to use a treatments technique, which would then pretty much push everybody to some pretty costly treatment technologies.

But I think the discussion that was just had about the cost to ratepayers indicates one of the problems with going after the whole class. If you look at our written testimony at the bottom of page 9, we just costed out doing two, the two legacy PFOA and PFOS, and I think we are talking \$3 billion, if you start at the

EPA level, if you start using the standards that some of the States are using at the more strict level. You get the \$38 billion, and that is just capital costs for two.

If you start adding in O&M and disposal and waste management, it gets up to, those costs are a billion annually. If you are doing 300, 400, 500, 600, just plug in the numbers in the equation, and the numbers become quite staggering, whether it is using granular or activated carbon. Or to go beyond, just say three or four PFAS compounds, then you are into ion exchange and some very expensive treatment, so cost is irrelevant.

There are trade-offs to be faced, and I think the wise course of action, AWW is the wise course of action, is to follow the procedures in the Safe Drinking Water Act and the 96 amendments, which is, as I said before, science-based, date-driven, and risk-focused. That is the prudent way to do it, and it attends to the relative risk issues.

We have got a new lead and copper rule coming, which is where Cincinnati is going to increase water rates 3-point-something percent this year, and then 5.5 percent for the next four years just to deal with lead and copper service line removal. So prudence may sound like a very tame, conservative word, but I think it is the right word to use when you talk about addressing PFAS as an environmental and public health issue.

Senator Inhofe. Thank you, Mr. Chairman.

Senator Carper. Senator Inhofe is in a unique position here because he is not only the former chairman of this committee, but the former chairman of the Defense Committee, the Armed Services Committee.

Senator Inhofe. We have a real interest in this, and I know that even in our defense authorization legislation, we get into this. We are concerned about it.

Senator Carper. All right.

I understand that Senator Stabenow is out there somewhere to join us by WebEx. Senator Stabenow, can you hear me?

Senator Stabenow. Good morning.

Senator Carper. Good morning to the Great State of Michigan, the home of the surging Detroit Tigers. You are recognized, Senator Stabenow.

Senator Stabenow. Good morning, Mr. Chairman. Thank you. Go Tigers.

I so appreciate this hearing. So many of us have been working on various aspects of this, a deeply challenging and concerning set of issues.

I just wanted to ask if you would put in the record a copy of an article that just came out yesterday from researchers in the Great Lakes. It is called, It Is Literally Raining PFAS Around the Great Lakes.

Senator Carper. Without objection.

[The referenced information follows:]

Senator Stabenow. It is literally in the precipitation that is raining down on our crops and our water and our people right now, so deeply concerning.

I would like first to start with Secretary Kenney, and say first, I appreciate all of the witnesses today. I definitely support establishing a strong national drinking water and cleanup standard to PFAS.

I am concerned about what happens, though, before federal standards are in place. Like New Mexico, Michigan has significant challenges when it comes to working with the Department of Defense, we are talking about that all this morning, to address PFAS contamination on military bases.

We have actually detected PFAS on at least 10 bases in Michigan. At one base, we have had readings as high as 32,200 parts per trillion. At some of the bases, such as Wurtsmith and Oscoda and Camp Grayling in Grayling, Michigan, we have PFAS mitigating it off the base and into water sources, and we have lakes and streams where they are sometimes covered by thick foam as a result of PFAS from the bases. We have had test results showing contamination at these times pouring out of Selfridge Air and National Guard Base into the Clinton River and Lake St. Clair, which is the source of drinking water for thousands and thousands of Michiganders.

So the State of Michigan has established its own drinking

water and groundwater standards for numerous PFAS, and under current federal law, it is pretty clear that in the absence of a national standard, the Department of Defense is to comply with State standards.

Unfortunately, this is not happening. It is certainly not happening quickly enough, in fact. Congress passed the PFAS Accountability Act, which seeks to pressure the Department of Defense to finalize new cooperative agreements with States and expedite cleanup. The State of Michigan, the governor has recently pursued that, but there are so many ways.

Through the Farm Bill, we have tried to address it, my colleagues on the committee have tried and are trying at so many different ways to expedite this.

From your perspective, could you talk more about the other ways you think that Congress should be acting to expedite the cleanup by the Department of Defense? For example, should we push for better interim cleanup standards, looking for ways to compel cleanup action? I would appreciate your thoughts.

Mr. Kenney. Thank you, Senator, and your State has been really helpful to us on a number of issues related to PFAS, relating to foams, and other things. I appreciate the technical advice of the Michigan Department of Environment.

To answer your question, yes, we absolutely need to compel cleanups. As you probably know, members of the committee and

other States, the timeframe by which the Department of Defense puts cleanup in the queue for us does not serve our citizens.

At Cannon Air Force Base where the plume is migrating towards our agricultural sector, our industry, the cleanup there was scheduled to start in 2028 under CERCLA authority. That is too late. We have people questioning today whether they should get a shower, drink their water, water their cows. It is too late for that, so we need to act, and we need to hold them accountable, continue with our lawsuits.

That is where Congress could absolutely affirm that PFAS is a listed hazardous waste under the Research Conservation Recovery Act. I also think Congress, this committee, could start with giving strict oversight to DOD's implementation under CERCLA and Executive Order 12580 that talks about the Department of Defense and EPA's relationship to cleanup.

So those are some immediate thoughts. But declaring PFAS a listed hazardous waste would create that national framework that I think has been lacking and give us causable action to hold DOD accountable today.

Senator Stabenow. Thank you. Thank you, Mr. Chairman. I will submit other questions for the record. This is such an important issue.

Senator Carper. It is, and you have been a great leader on it, and we appreciate that and look forward to continuing to



work with you, Senator Stabenow.

Senator Padilla has joined us again. Senator Padilla, welcome, please.

Senator Padilla. Thank you, Mr. Chair. Thank you to all of the witnesses.

I want to ask a couple questions to Ms. Stanton. First of all, I deeply thank you for highlighting in your testimony the failures by the Department of Defense and the EPA to protect Americans from toxic PFAS chemicals, and believe me, I was moved by your testimony as a father of three young boys. So I thank you for turning the injustices that you have experienced and clearly felt into action by pushing Congress and federal agencies to hold polluters accountable, and as you said in your testimony, even when it is the Department of Defense.

For decades, the Department of Defense knew that they were polluting toxic, poisonous PFAS chemicals into the environment, and even after leading manufacturer voluntarily phased out production of PFOS and PFOA, the DOD still used firefighting foam containing PFAS, which has resulted in the widespread contamination around military sites, not just on the military sites, but in the surrounding communities.

Good news is, Congress has passed legislation requiring the Department of Defense to phase out the use of AFFF firefighting foams at military installations. While this is a vital step to

ensuring that the Department of Defense adopts PFAS-free alternatives, it does not address the Department of Defense's legacy pollution, nor does it protect communities who continue to suffer from that legacy contamination. In California alone, there are 62 military facilities with a known or suspected release of PFAS chemicals.

But the reality is, every military base or commercial airport in the Country is contaminated to some extent. Yet, there has been little to no progress in going back to clean it up.

Ms. Stanton, again, I just want to recognize your courage and your activism. The onus should not be on you to get the Department of Defense to clean up these harmful chemicals. So I am proud to share that yesterday, I introduced a new bill called the Clean Water for Military Families Act, that you acknowledged. This legislation would require the Department of Defense to conduct investigations and remediate the contamination in and around military installations, and it would authorize \$10 billion for the Department of Defense to do so. Absent the legislation, at the current rate, it would take decades for the Department of Defense to clean up toxic PFAS, which is simply unacceptable.

So I invite you, Ms. Stanton, to share a little bit more not just about what needs to be done, but the urgency with which

we need to act to get the Department of Defense to clean up its legacy pollution in and around military installations, and maybe even discuss for a few minutes how a CERCLA designation could help protect military families and their neighbors.

Ms. Stanton. Thank you. Thank you, Senator Padilla.

Basically, we have been hearing about processes and things like that, and you have to remember from the standpoint of a community member that has been affected, we need to act quickly. We need a sense of urgency.

We need deadlines for cleanup. Right now, there are no deadlines. Deny, minimize, and delay has really been the motto that we have gotten from the Department of Defense. So the legislation that you are introducing is going to help so many people: military families, host communities, to be able to provide deadlines for cleanup. Right now, that is not happening.

The legacy pollution is unbelievable. We have two large PFAS plumes, one at each of our sites. One of our sites was redeveloped over 20 years ago, so we have a large PFAS plume lurking underneath of a park, a playground, a Gilda Radner cancer home, a baseball field. We have monitoring wells that have been so high of late that they had to be turned into pump and treat wells, and that is at the base that they had closed from CERCLA, and it got opened up because of PFAS.

We definitely need deadlines. Everybody just needs to remember that this is a public health emergency. Everyone is talking about processes, and they are all important, but there are lives at stake, here. There are people that are suffering and dying. There is a community that is just about a mile north of the one base in Horsham that has really been hit hard lately. It is a small community of only about 30 homes, and just in that home alone, there were two mothers that passed away within the past few weeks. I am trying to find my notes here on that community. There are two young mothers just passed away; there are three teenagers sick, two with cancer, one with thyroid disease. We have a 12-year-old that has ovarian cancer. Her mother also has cancer, okay? Their next-door neighbor has kidney cancer. That is just one neighborhood, so we really need protection.

These PFAS plumes, even when we go to our RAD meetings and we hear the different levels, one month the levels are lower in one area and higher in another, and the next month, it is just reversed. It is not getting cleaned up. I really don't think that the Department of Defense is handling it well. They don't know what to do, and nothing happening because there are no deadlines.

So your legislation and the financing for that legislation is huge, and is going to make just such an important impact on

our community, because until this legacy pollution gets cleaned up, we are all at risk. You are all at risk. PFAS is everywhere. It is not just the drinking water. It is our wildlife; it is our produce. The sludge is being given away to Pennsylvania farmers as it is across the Country as free fertilizer, and then our broccoli is turning up with high levels of PFAS, our wildlife, our deer, our fish. It is just a never-ending cycle, and the basis of it is the Department of Defense is one of the biggest polluters of this, and we have to start to address this legacy pollution, so thank you.

Senator Padilla. Thank you. Thank you, Mr. Chair.

Senator Carper. Senator Padilla, thanks so much for joining us and for your questions. We have been joined by Senator Markey. You are recognized, please. Thank you for joining us.

Senator Markey. Thank you, Mr. Chairman. Because PFAS are used in firefighting foams, they pose a particular danger to our firefighters, our military members, their families, and surrounding communities. Massachusetts has seen higher levels of these forever chemicals near Fort Devens, Barnes International Guard Base, Joint Base, Cape Cod, and the Barnstable County Firefighter Training Academy.

Ms. Stanton, how would decimating harmful PFAS as hazardous substances under federal statute help communities near current

or former military bases like West Field and Barnstable, which are struggling with contamination?

Ms. Stanton. Well, declaring it a hazardous substance such as CERCLA is going to just begin the whole cleanup process, and that is the most important thing. That is what we need. No matter where we look in the State of Pennsylvania, there is a neighbor who lives just about a mile from the Horsham Base whose, they are worried about their home value for their home because their PFAS pollution is so great.

Right now, there is absolutely nothing they can do. It is not against the law in the State of Pennsylvania to dump PFAS anywhere. Nothing is against the law. It is not declared a hazardous substance.

Right now, we are actually taking our PFAS contaminated soil and we just move it to a municipal landfill. All we are doing is moving it around because it is not considered a hazardous substance, so it can be moved, and we are just shifting our pollution from one place to another.

Senator Markey. Okay, thank you. Towns across Massachusetts are working hard and finding innovative solutions to pay for PFAS remediation and protect their residents. Natick is planning to spend \$3 million on a high-tech carbon filtration system. Littleton has invested \$20 million in PFAS remediation, and Wayland is spending \$20,000 every single week on bottled

water to replace its contaminated wells.

Secretary Kenney, would designating PFAS as hazardous waste and conducting a comprehensive federal response to help communities that are struggling to pay to address PFAS contamination from military bases be a good idea?

Mr. Kenney. Senator, yes. That would be a great idea. One, it would deter the sort of incidental use of PFAS, so it would deter certain businesses like maybe furniture retailers from offering that and perpetuating the cycle of PFAS movement in our economy and our environment.

Two, I think it would prevent, as Ms. Stanton indicated, the casual movement of materials between municipal waste facilities and farmers and things like that. Three, a big benefit here and one that I don't take lightly is that there are economic development opportunities around the technology that would treat PFAS. We in New Mexico are constantly talking to vendors, our national labs, and other technology companies who are trying to bring down the cost to treat this chemical, because they see the importance of it, not only from a public health perspective, but also because water is a precious resource in our State.

Senator Markey. So, would it be important for States to be able to require the Department of Defense to clean up?

Mr. Kenney. Absolutely, Senator. We absolutely need that

hook in order to move the needle and require cleanup by dates certain, with consequences for not reaching it.

Senator Markey. That is obvious, looking back retrospectively, that the Department of Defense thought that this was all kind of just a sacrifice in the areas around these defense facilities, but the communities would have to pay in perpetuity for having a military base which was sited there. So obviously, that was just fundamentally wrong.

Can better testing and holding polluters responsible for PFAS contamination help our water systems and ratepayers avoid these costs, Mr. Mehan? Can better testing and holding polluters responsible for PFAS contamination help our water systems and ratepayers avoid these costs?

Mr. Mehan. Absolutely. I think I would have probably grouped that under the whole area of research, which we put in our written comments. More data, more information, more risk characterization, toxicology, it is all necessary and is a big challenge if we are going to separate the sheep from the goats in the PFAS family.

Senator Markey. Thank you. Obviously, many firefighters have been exposed to PFAS in their turnout gear. According to recent testing, PFAS has been found in pesticides that have been sprayed across Massachusetts after leeching from the pesticide containers in a chemical reaction, and even bottled water might



not be safe. Water sold in Massachusetts was found to have unsafe levels of PFAS. There is no federal standard for PFAS contamination in food and drink, which is, at this late date, is still unbelievable that we don't set that standard. So thank you all so much for your great work in this area.

Thank you, Mr. Chairman.

Senator Carper. Senator Markey, just before you arrived, we had a short discussion here. We need some folks in place, confirmed in position in EPA who have been nominated, including one we know well, Dr. Michal Freedhoff, who was reported out of this committee 19 to zero last month for a position where she could actually do some good work with respect to PFAS, TSCA, all that, and we need to get her through the Senate.

Senator Markey. I agree with you. Shakespeare said, "The will is infinite, but the execution is confined," and I think Shakespeare was referring to the United States Senate. We have the will to get that done, to make sure she is confirmed, but executing that goal on the Floor of the Senate is somewhat confined. She will be great, she will be a fantastic candidate. The Chairman and I know her well.

Senator Carper. Thank you. We joke to say we both have had the pleasure of working for her. She would agree.

We have been joined by the member on our committee with the biggest smile. He is still celebrating the birth of the first

grandchild from a week or two ago, and I am happy to recognize our colleague from Arizona.

Senator Kelly. Thank you. Thank you, Mr. Chairman, and thanks for recognizing my new granddaughter, born about 12 days ago. Very exciting.

So, thank you, and this is a very important hearing, especially for the State of Arizona. It is a pressing issue, and a growing problem, especially near our military installations.

In Arizona, the four largest groundwater PFAS plumes in our State are centered at current or former military installations in the Phoenix or Tucson metropolitan area. As testing has improved, the EPA has provided more guidance, the scope of the contamination has become more significant.

Earlier this year, the Air Force took the drastic step of telling more than 1,600 homeowners near Luke Air Force Base to avoid drinking tap water, and they began distributing bottled water. Just yesterday, the water utility in my hometown of Tucson announced that it would indefinitely be shutting down one of its water treatment plants due to an inability to filter out the extensive PFAS contamination.

This isn't just any water treatment plant. It is part of a federal Superfund site and has been cleaning contaminated drinking water since the early 1990s. Yet the PFAS

contamination proved too significant. It was just too much, and the plant could no longer clean it up. The plant is closed as of yesterday.

This one plant produces around 8 percent of Tucson's annual drinking water, forcing the city to find other drinking water sources at a time when water users throughout Arizona are preparing for a tier one shortage to be declared in the Lower Colorado River Basin after nearly 20 years of drought.

Arizona cannot afford to have additional sources of drinking water contaminated. That is why, as a member of the Senate Armed Services Committee, I am pushing to ensure language is included in the 2022 National Defense Authorization Bill requiring that the Department of Defense's Environmental Restoration Program gives priority to PFAS cleanup efforts in communities near military installations that rely on groundwater for their drinking water, with a particular emphasis on Sole Source Aquifers, like the groundwater aquifer in Tucson.

More must be done to ensure that States and drought-prone regions can use State Revolving Fund dollars to clean up and proactively prevent PFAS contamination. I look forward to working on these issues with my colleagues on the committee.

Thank you, Mr. Chairman and Ranking Member Capito, for holding this hearing today, and thank you to our witnesses for being here for this important and, with regard to the State of

Arizona, timely conversation.

So, my first question here is for Secretary Kenney. I wanted to ask you about proactive PFAS prevention, given the prevalence of PFAS in several Arizona aquifers. Some water systems have sought to make system upgrades before high levels of PFAS are detected to ensure the safety of their drinking water.

Yet, while Congress has created programs for PFAS cleanup in recent years, water systems who want to make proactive upgrades must do so using ratepayer revenue. In so many water systems, these costs are unaffordable without federal assistance.

Secretary Kenney, what are the harms of only providing significant Federal resources to help clean up systems with confirmed PFAS contamination as opposed to funding proactive treatment?

Mr. Kenney. Senator, thank you for that question. Congratulations, as well.

I think the harm is precisely, we are chasing our tail. If we are not preventing PFAS contamination from getting into our drinking water systems, then all we are doing is remediating or treating it at the point of treatment, or trying to remove it at the point of treatment, then we are not preventing it.

Like in Arizona, New Mexico has a similar problem with

municipal drinking water facilities not being able to absorb the debt which the Drinking Water and Clean Water Acts State Revolving Funds require. So we have the same problem.

Again, focusing on prevention by moving through the CERCLA process, the RCRA process, as I have described, would do a lot to deter PFAS from getting into the system to start with.

Senator Kelly. Mr. Chairman, is it possible to have one more minute?

Senator Carper. It is more than possible.

Senator Kelly. Thank you. Secretary Kenney, if Congress appropriates additional funding for PFAS cleanup, how important is it that utilities that have made proactive upgrades to treat PFAS be eligible to be reimbursed for the prior investments that were made?

Mr. Kenney. Senator, I think it is a matter of protecting public health and ensuring that it is not at the cost of the ratepayers. So I think it is absolutely essential that we lean in heavily and make sure that those investments are valued for what they are, and that is preventing people from drinking toxic drinking water.

Senator Kelly. Well, thank you, Mr. Secretary.

Mr. Chairman, I yield back my remaining five seconds.

Senator Carper. We will use every one of those wisely.

Thank you so much for joining us.

Senator Capito?

Senator Capito. Thank you, Mr. Chairman. I apologize, I had to step out. As all of us know, there are like, four meetings going on at the same time.

But I wanted to slip over to a couple of the appropriations and ask some key questions. I saw Administrator Regan over there, so I told him we get to see him a lot in this committee.

I want to say, Ms. Stanton, thank you for coming, and I think putting a human face on what the actual effects can be of something that is not addressed properly that goes on for years, and I just appreciate your willingness to bring forward a very difficult topic for you, I am sure. I am sure that your dedication is to make sure that this doesn't happen to anybody else, and so I just want to thank you for being here.

Ms. Stanton. Thank you. Thank you for the opportunity, so much. It is really important.

Senator Capito. Thank you. Mr. Mehan, let's talk about a little bit, and I hope this isn't too repetitive of where we have been, when I was talking with Mr. Mandirola, I was talking about the different systems, the 137 systems, or something like that, we have in West Virginia, a lot of small systems. Obviously, you know a lot about the systems. The cost of fixing this can be very expensive.

How do you envision our small water systems, what is going

to be the best way for them to face this challenge? Is it repeated testing, is it a national program for repeated testing, is it a DOD response that needs to be amped up more virulently, how do you see this being able to help? We have a lot of small water systems in our State, so we understand the challenge.

Mr. Mehan. The challenge of small water systems is, PFAS is just part of a whole range of challenges: aging workforce, maintaining costs. I was just at a meeting with the California Water Board that said 90 percent of their violations of the Drinking Water Law is from communities of 500 customers or less, so there is stress there to begin with.

PFAS, of course, I was in communication with our colleagues at the National Rural Water Association. They can tell you that a lot of small communities say, let's take region one, New England, I think EPA is requiring for their wastewater systems quarterly, three samples a quarter, gets you up to a couple of thousand.

Again, if you are a couple of hundred customers or connections, these costs are going to be difficult for a small system, not for Chicago or Cincinnati or D.C. Water. There is no easy answer. It is going to require more resources. It is going to require resources from the ratepayers, from the government, federal and State.

And I think when it gets around to, let's say when EPA

promulgated an MCL, as it will, on at least PFOS and maybe a few more contaminants, they are going to build in a system of regular monitoring, depending on the endpoints that the MCL sets. Hopefully, we will see, as we have seen in other rules, a monitoring waiver kicks in after a period of time or two, and then you get several years of free from it.

So that is all at the margin, though. If you end up getting the treatment, that is where your, and then the O&M cost and the disposal costs, that is where you really get into the big money.

Senator Capito. I will say, in our Water and Wastewater Bill that we passed unanimously out of committee 89 to 2 on the Floor, we did have a workforce component of that. We hear this all over our small water systems that while we are both a little sensitive talking about an aging workforce, we know it has happened everywhere, but particularly, it is difficult in this situation.

I don't think younger generations see this as a career path, managing water systems and being a part of that scientific community. Maybe they have a different view of it, so we are working on that. We are working on that.

Let me ask you, Mr. Mandirola, I know what we are doing in West Virginia, and I really applaud you and your efforts at the DEP and the legislature for stepping up to this. Are you in



contact, I mean, how many other States, I am sure you are part of a national organization, how many other States are being as aggressive as West Virginia in this? Couldn't we serve as a shining star here to be able to show the rest of the Country how you can proceed and get good results without completely upsetting the apple cart?

Mr. Mandirola. I agree. I always think West Virginia is a shining star when it comes to trying to be proactive on a number of issues. I know, for instance, Michigan and a number of other States, Michigan comes to mind right now, Kentucky is one of them, that have done extensive studies, as well.

My recommendation would be, there was a lot of fear when we first started this study because the fear, obviously, was that we are going to find this everywhere. Because in all of the national groups and organizations that I belong to, when there are presentations associated with this, you are dealing with a lot of facilities, as we have heard today, around DOD sites. A lot of States have these DOD sites, and they are finding it everywhere.

We have the added bonus of having a C8 manufacturer in our State, so we were very fearful we were going to find it everywhere. But the fear of not knowing it was far overcome by the fear of what we might find out. It was extremely important for us to find out what we have to deal with.

When EPA comes out with a regulatory scheme for us to follow, we will have the informational database to take action and take action quickly, rather than having to go out then and spend two years doing a study. That was our thinking behind it. I think it was a good approach. We addressed every water system that DHHR regulates, which goes down to 25 people. So, it is fairly extensive.

Senator Capito. Good. That is good. I think that is good advice, to be on the front end to have the data ready so that we can meet the challenge.

Mr. Mehan, maybe that is something that you could help through your organization, use this as an example of how you can go about it and be prepared for what we know is coming and have the data, so we can use that science-based approach that I think is the best way for us to meet this challenge.

Mr. Mehan. We have exchanged business cards.

Senator Capito. Great. Thank you.

Senator Carper. Thank you, Senator Capito. I have a couple more questions, and if we are joined by someone else, either in person or virtually, I will recognize them for their questions, but thank you again for joining us today and for your responses.

I have a question for the entire panel, and I am going to ask each of you to take a shot at this. Would you share with us a list of maybe your top two or three action items in order of

priority that the Federal Government should take to address PFAS contamination that would be most helpful to your community, to your State, and maybe to our Nation?

Go ahead and take a shot at that. Ms. Stanton, would you mind taking that lead? Thank you.

Ms. Stanton. Absolutely, thank you, Chairman. My top three, very easy, number one: set a federal drinking water standard for PFAS. Get the NCL set. Number two, please declare PFAS a hazardous substance under CERCLA. This will begin the cleanup process. Number three, set a deadline for cleanup for legacy PFAS pollution that the DOD and industry must adhere to. They are my top three.

Senator Carper. Thank you. Mr. Mandirola?

Mr. Mandirola. My top three, I think we are going to have a lot of consistency. Our top recommendation would be an NCL, as well as a water quality standard recommendation. We are working right now with an advisory level, but advisory levels are just that.

Right on the face of the advisory level, it says, these are not for regulatory purposes, which creates a significant problem from the environmental protection standpoint, putting limits in permits on producers. We need the message of keeping this material out of the environment, not necessarily outlawing the material. But if industries are going to use it for the benefit

of all, there needs to be a method of treatment, capture, proper disposal so that we keep this material out of entering the environment.

Senator Carper. Thank you. My father, who is now deceased, would describe that as common sense.

Mr. Mandirola. Correct, Senator.

Senator Carper. Mr. Mehan?

Mr. Mehan. Senator, not to be facetious, but funding, funding, funding would be our three top. The costs here are over and above what you would normally expect a ratepayer to shoulder, that is the normal replacement of pipes and distribution lines.

The treatment process, this is almost an intervention from deep space that is just going to upturn all the budgets of utilities throughout the Country, but taking funding is one. An NCL is necessary to bring some order and understanding of reasonable cost beneficial rule, and I think, again, following up on my testimony, we have got to get TSCA in the game, Toxic Substance Control Act. Thank you.

Senator Carper. As it turns out, there is a woman named Dr. Michal Freedhoff who is an expert on TSCA and helped us write the bill.

Mr. Mehan. We have been in touch with her.

Senator Carper. With help from Senator Capito to get her

confirmed, that would be great.

All right. Secretary Kenney, please?

Mr. Kenney. Senator, thank you. Our top three actions in order of priority would be to list PFAS as a hazardous waste under RCRA. That would start the prevention of PFAS from continuing to move in the environment unregulated.

Second would be setting of a national drinking water standard, which would then allow States certainty, as well as the drinking water treatment facilities to work towards that.

Third would be, again, funding, funding, funding. We cannot manage the workload we have right now as States. I cannot ask my legislature to keep funding work that has no regulatory background. Yet, we still need to protect our citizens.

Senator Carper. On the funding, funding, funding front, sometimes people call me a recovering governor. I am also a recovering State treasurer, and this Federal Government clearly has significant obligations in this regard across the Country to communities, to families, and all.

This is not entirely a federal burden, and States have some responsibility and some capability to be helpful. The companies that have produced and created this problem have some responsibility, so it is a shared responsibility. Some of the greater share, I believe, falls on the Federal Government, but

it is not solely on the Federal Government.

I think the next question I want to ask -- who have I not heard from, in terms of the top three? Has anybody not responded? Okay, good.

Senator Capito, why don't you go ahead, and then I have a couple more.

Senator Capito. I am finished.

Senator Carper. I have a question for Mr. Mehan, and it is with respect to data needed for a national drinking water standard.

In your testimony, Mr. Mehan, you mentioned the importance of the Safe Drinking Water Act process to carefully determine a substance's potential risk to public health. The reasons for a deliberative process to establish a substance risk are obvious. Many experts and, I might add, fellow members of Congress believe that the necessary evidence exists to establish a drinking water standard for PFOA and PFAS right now. Yet, if we were to allow the Safe Drinking Water Act process to play out according to existing laws and regulations, it could take another five or six years to finalize a standard.

For two chemicals as prevalent and as risky as PFOA and PFAS, do you believe that the EPA can and should establish drinking water standards much sooner than the Safe Drinking Water Act process would seem to take?

Mr. Mehan. I think they are going to move, they are moving very expeditiously as to PFOA and PFOS, and maybe a few additional parameters. I think we will see movement on that pretty fast.

Whether it is going to be as fast as a lot of people like, that is a good question. But the process is in place. It is a good process. We stand by it, and I think, in the long run, given the cost consequences, given the impact on ratepayers, given the other pressing priorities, not to mention lead and copper rule, we are not even talking about legionella, where people die, or disinfection byproducts, which is coming down the road, I think it is worthwhile to get this right and regulate in, as I say, a prudent and cost beneficial manner, and that would be our perspective.

Senator Carper. All right, thank you. Closing statement. Any closing thoughts, Senator Capito?

Senator Capito. No, I just appreciate the panel. I think we have learned a lot. I think we share your frustrations that I want this drinking water level, as I have tried to put in legislation out much sooner than what we expect it to be, and I am going to keep pushing on that, because I think that is critical. We have heard it from everybody.

So Mr. Chairman, I think we have got some good marching orders here in terms of this. The good news/bad news is the bad

news is this exists. The good news is, it is a bipartisan effort, I think. Most every State has some kind of a base that has probably used some of this firefighting foam, or at least has exposures to it, and so we are going to keep fighting with that, but thank you, Mr. Chairman.

Senator Carper. This is a glass half full. Obviously, a huge amount of adversity, but there is some opportunity.

Again, this committee has a great tradition of bipartisan cooperation, and simply identifying problems and going to work to address and to work with, in this case, the industry, with State and local governments, with the communities that are affected.

I just want to share with you a quick, two quick stories. I spent 18 years flying as a Naval flight officer out of Wilborough Naval Air Station, as you know, and before that, I was a Naval flight officer on active duty during the Vietnam War. When we went overseas, we flew out of Moffett Field, California, which is right on 101, close to Mountain View Exit. The Navy shared a large base with NASA. We had big NASA planes, we had a bunch of Navy P3s, which is a pretty big plane, too.

One day, when I was driving to work early in the morning, I went down 101 from where I used to live, I saw black plumes of smoke coming up from Moffett Field. It turned out that one of the flight controls early in the morning, it was about 8:00



o'clock, and they had dual runways that planes could land alongside, so you could have two planes, literally landing at the same site, parallel runways.

Sadly, very sadly, tragically, an air controller directed two aircraft to land not on parallel runways, but on the same runway. A large NASA plane literally crushed a Navy P3 plane, and we lost all but one member of the crew. About 12 or 13 people were killed, and fortunately, nobody in the NASA plane was killed. But by the time I got onto the base, the planes were surrounded by firefighting teams. A lot of firefighting foam had been dispensed in an effort to try to save lives, and we lost a lot of lives that day.

Fast forward to 2006, I am driving south on State Route 1 from my home up in Northern Delaware, Wilmington, heading for Southern Sussex County, and I drive by the Dover Air Force Base, and large plumes of smoke were coming up just to the southern end of the approach to the main runway. A C5-B, one of the largest planes in the world, had been pre-flighted, loaded, full load of gas, full load of cargo, and took off to, I think, for Afghanistan, some place in, maybe in Europe.

It had four engines on the C5, and as it took off and climbed out, they got a warning light on one of the engines that something was amiss. The flight engineer turned off the wrong engine, and realized his mistake, and then he turned off the

right engine. The problem was, with a full load of gas and a full load of cargo, you don't climb out very well and make it to the other side of the world.

The plane realized quickly their problem, and they circled back and tried to land on the same runway that they had taken off on. They didn't quite make it. That is the bad news. The good news is, the crews, the firefighting crews, were ready. They were unloaded, they knew what was the problem, and when the plane crashed less than a mile south of the approach runway, they were immediately surrounded, and firefighting foam was dispensed. Everybody was saved. Everybody walked away from it.

There is a cruel irony here, Senator Capito. The very substance, the product that saved those lives that day, put a lot of other people's lives at risk. Cruel irony here. We have an important job to do. We have talked about this; we have tried to do stuff. We have people on this committee, especially, Ranking Member Capito and Senator Stabenow who put a huge amount of time and effort and their staffs into this.

I think that the road ahead is pretty clear. It is pretty clear. If it wasn't clear before, it is clear now, and we simply have to get it done. I look forward very much to working with Senator Capito on this, as we have worked on drinking water, wastewater treatment, as we worked on surface transportation, and other issues to make the kind of progress

that is needed.

We haven't placed, I think, administration that is more inclined to be forceful and result-oriented on this front. I very much look forward to working with the folks at EPA, the new folks and the folks that have been there for a long period of time. We owe it to all the people that we represent, and they have a right to expect us to make real significant progress.

Let me see if I have anything else here, in closing statement. Some final housekeeping if I could. I ask unanimous consent to include in the record letters and related documents from among others, the Environmental Protection Network, the Water Environment Federation, the National Groundwater Association, and Southern Environmental Law Center. Additionally, Senators will be allowed to submit questions for the record through the close of business on June 23rd. We will compile those questions; we will send them to our witnesses, and we ask our witnesses to reply no later than July 7<sup>th</sup>.

Anything else, Senator Capito? Now, I want to thank your staffs for the good work that you have done in pulling this together for this hearing. I want to thank our three witnesses who are here in person, and I want to thank our Secretary from New Mexico for joining us, as well. If you ever see Tom Udall, our former colleague from New Mexico, give him our very best.

With that, this hearing is adjourned. Thank you so much.

[Whereupon, at 11:48 a.m., the hearing was adjourned.]