

https://www.hudsonvalley360.com/news/greencounty/cairo-considers-joining-pfas-suit/article_d2a1fba1-71ff-5bb5-a91c-bcd14537288a.html

Cairo considers joining PFAS suit

By Sarah Trafton

Mar 3, 2020



Sarah Trafton/Columbia Greene MediaToxics Targeting President Walter Hang presents to the Cairo Town Board on Monday.

CAIRO — Town officials discussed the idea of joining municipalities across the nation in litigation against the makers of a contaminant known as PFAS.

PFAS, or per- and polyfluroalkyl substances, form a group of contaminants, including PFOA and PFOS, that resist degradation and accumulate in the human body.

PFAS have been linked to serious illnesses such as kidney and testicular cancer, thyroid disease, liver damage, preeclampsia and other conditions, according to ag.ny.gov.

Paul Napoli, an attorney with Napoli Shkolnik, a law firm based in Long Island and endorsed by the state Association of Counties, presented to the town board Monday.

Napoli has represented municipalities against MTBE — a contaminant that can be used as an additive in gasoline; first responders whose health was compromised by the 9/11 attacks; and first entered the fight against makers of PFAS about three years ago representing Suffolk County.

“This is something you want to get out of water,” Napoli said. “You don’t want to drink it.”

Municipalities from Alaska to Maine to Florida with PFAS contamination are having cases heard in Charleston, South Carolina, Napoli said.

“You shouldn’t be the ones responsible to pay for it,” Napoli said. “It should be the companies that created [the contaminants.]”

Two of the primary producers of PFAS, Napoli said, were 3M and DuPont, which made Scotchgard and Teflon, respectively.

“They knew back in the ’60s this product had a tendency not to biodegrade,” Napoli said.

The companies also had knowledge that the products were bioaccumulative and toxic in nature, Napoli said.

A lawsuit filed in November by state Attorney General Letitia James against 3M, DuPont and other manufacturers also cites this prior knowledge.

“In 1975, 3M concluded that PFOS was present in the blood of the general population,” according to court papers. “Since PFOA/S is not naturally occurring, this finding should have alerted 3M to the possibility that their products were a source of this PFOS. The finding should have also alerted 3M to the possibility that

PFOS might be mobile, persistent, bioaccumulative and biomagnifying, as those characteristics could explain the absorption of PFOS in blood from 3M'S products.”

In 1976, 3M found the contaminant in the blood of its employees, according to court papers.

Two years later, a study conducted by 3M showed that PFOA reduced the survival rate of fathead minnow fish eggs, according to court papers.

“Other studies by 3M in 1978 showed that PFOS and PFOA are toxic to rats and that PFOS is toxic to monkeys,” according to court papers. “In one study in 1978, all monkeys died within the first few days of being given food contaminated with PFOS.”

In 1983, 3M found that PFOS caused cancerous tumors in rats, according to court papers.

Both 3M and DuPont paid fines to the U.S. Environmental Protection Agency for failing to disclose the health risks of their products, for \$1.5 million and \$10.25 million, respectively, according to court papers. In April 2016, the state Department of Environmental Conservation designated both PFOA and PFOS hazardous substances.

Hoosick Falls is largely responsible for getting the ball rolling in New York, Toxics Targeting President Walter Hang said.

“New York is way ahead of the rest of the country,” he said.

A survey performed by Bennington College in 2018 in Hoosick Falls, Petersburgh and Bennington, Vermont, found higher rates of cancer in areas contaminated with PFOA.

With 443 responses, the survey reported 31 instances of kidney cancer, 11 instances of testicular cancer and over 230 instances of thyroid disease in Hoosick Falls, Petersburg, and Bennington, according to bennington.edu.

The EPA has a nonenforceable health advisory limit of 70 parts per trillion but this number has historically gone down, Napoli said.



“It went from 400 parts per billion to 200 parts per trillion to 70 parts per trillion at the federal level and 10 parts per trillion at the state level,” he said.

The 10 parts per trillion limit proposed by the state Department of Health would apply to PFOS and PFOA separately, not PFAS levels cumulatively. It has not been approved by the state Legislature.

“This is the only contaminant that the current administration is regulating,” Napoli said. “That should give you some cause for concern.”

Results of the town’s 2019 water quality report set PFOS levels of 8.37 parts per trillion before treatment and 8.51 after treatment. The water is treated with soda ash and chlorine, according to the report.

Cairo’s public drinking water is supplied by a well at Angelo Canna Town Park, which is fed by groundwater, according to the report. PFOS were commonly used in firefighting foam. These foams were previously used at the Greene County Training Center on Mountain Avenue.

Some in the audience asked about testing their private wells or if anything had been done to address the water at the elementary school, which uses the town’s municipal water.

The town has attempted to reach out to the school and received no response, Town Supervisor John Coyne said.

The district sent letters to parents and posted a statement on its website Feb. 4.

“At this time, the Town of Cairo assures the school district that the water supply is safe for drinking and does not exceed the maximum contaminant level of 70 parts per trillion,” according to the statement. “The samples tested were far below this figure at 8.51 nanograms per liter. Although the PFOS levels are well within the acceptable limit, as identified by the Environmental Protection Agency, the Town of Cairo is working toward further reducing PFOS contaminants and keeping the community informed with yearly testing reports.”

Pending a decision by the state Legislature or Congress, there is no maximum containment level for PFAS.

U.S. Rep. Antonio Delgado, D-19, introduced legislation Monday, along with Reps. Dan Kidee of Michigan, Mike Gallagher of Wisconsin, Ron Kind of Wisconsin and Elissa Slotkin of Michigan, that would help citizens find resources to test their private wells.

“I’m working alongside my colleagues every day to protect our communities from known contaminants like PFOA and PFOS,” Delgado said. “I’m proud to join a bipartisan coalition to introduce legislation that will enable everyone in upstate New York to test their well water and ensure their personal water supply is free of harmful chemicals. It is critically important that our communities know what is in their drinking water, and I encourage the House to take up this common-sense bill as soon as possible to increase transparency and keep our water safe.”

In January, a version of this legislation, known as the PFAS Action Act, passed the House of Representatives.

The act requires the EPA to set a maximum contaminant level for PFOA and PFOS in drinking water, establish a grant program to help communities pay to remove PFAS from drinking water and designate PFOA and PFOS chemicals as hazardous materials under the EPA’s Superfund program. It will also require drinking water utilities to monitor for PFAS as part of the EPA’s unregulated contaminant monitoring program.



Columbia-Greene

Daily

Updates

with **Bill Williams**

Columbia-Greene Update with Bill Williams-March 4, 2020