

ALERT**New Yorkers: Find resources for coronavirus (COVID-19) relief here.**

April 22, 2021

Senator Gillibrand, Representatives Dean And Kildee, Mark Ruffalo, Environmental Attorney Rob Bilott, And Clean Water Advocates Introduce Landmark Bicameral Legislation To Create Access To Medical Monitoring For Victims Of Significant PFAS Exposure

PFAS Have Contaminated The Drinking Water Systems Of At Least 200 Million Americans And Thousands Are Living With Dangerous Levels Of Chemicals Following Contamination; Recently Introduced PFAS Accountability Act Would Improve Access To Medical Monitoring And Create A Federal Cause Of Action For Victims Of PFAS Exposure

Today, U.S. Senator Kirsten Gillibrand, U.S. Representatives Madeleine Dean (D-PA-04) and Dan Kildee (D-MI-05); Mark Ruffalo, environmental advocate, actor and producer of *Dark Waters*; Rob Bilott, the environmental attorney who inspired *Dark Waters* and author of “Exposure”; and clean water advocates announced the introduction of legislation to create a federal cause of action that would help courts award medical monitoring for victims of per- and polyfluoroalkyl substances (PFAS) exposure and bolster PFAS research. PFAS are a group of thousands of manufactured chemicals that can seep into drinking water supplies and have contaminated waterways in New York, Pennsylvania,

Michigan, and states across the country. PFAS chemicals have contaminated the drinking water systems of at least 200 million Americans and thousands are now living with elevated levels of dangerous toxins in their blood after contamination. The chemical is used in industrial manufacturing, including in the production of non-stick goods and firefighting foam, and has been linked to cancer and other serious ailments.

Gillibrand, Dean, and Kildee's landmark *PFAS Accountability Act* would create a federal cause of action and improved legal pathways to award medical monitoring for PFAS contamination victims to prevent premature morbidity, disability, or mortality. The legislation would also incentivize funding for PFAS safety research.

"The discovery of PFAS contamination in communities across New York was shocking and devastating—no parent should have to worry about their child being exposed to dangerous toxins in their water," said Senator Gillibrand. "Unfortunately, PFAS contamination has put the health of far too many New Yorkers at risk for PFAS-related diseases that take years to develop, which is exactly why medical monitoring is critical. I'm proud to introduce this new legislation alongside my House colleagues, Representatives Dean and Kildee, and I will continue fighting until it is signed into law."

"We made significant strides in Pennsylvania's Fourth District to understand the health implications of PFAS through federally funded health studies – and the PFAS Accountability Act – combined with these studies – will allow more people to make justified claims against PFAS manufacturers," said Representative Dean. "Research on the health implications of PFAS is vital to save lives – and accountability is necessary for healing to get to a measure of justice."

“It’s long past time for us to hold polluters accountable,” said Congressman Kildee. “I am proud to join Congresswoman Dean and Senator Gillibrand to introduce the PFAS Accountability Act, to help those exposed to PFAS chemicals get the justice they deserve. This legislation would hold PFAS manufacturers accountable and make it easier for victims of PFAS chemical exposure to take legal action against pollution companies.”

“Millions of Americans across the nation, but specifically today in Hoosick Falls, New York; in Willow Grove, Pennsylvania; in Parchment, Michigan; in Decatur, Alabama, are being poisoned by their corporate neighbors – knowing that this does this damage, knowing that there is no way for their neighbors to find justice or to be compensated for their harm,” said Mark Ruffalo. “In fact all of us are being exposed to PFAS – we’re drinking it in our water, we’re eating PFAS in our foods today, and we’re all taking part of a massive laboratory experiment without our consent. And why? Because the thousands of companies that make PFAS, or use PFAS, have no incentive to keep us safe. They are safe from us, and that’s about to change. Thanks to the PFAS Accountability Act everyone who has been substantially exposed to PFAS will be able to see justice regardless of where they live, who they are, what color skin they have, and who they love.”

“These PFAS chemicals have been manufactured by a small group of companies who have been pumping them out into our environment for over 70 years knowing that these chemicals, if they got out into our environment, would stay in our environment virtually forever – we now refer to them as forever chemicals – that they would get into our water, that they would get into our food and most importantly that they would get into us and they would stay in us. And, unfortunately, most of the rest of us didn’t learn about this until just recently. Why? Because that information was withheld and it was covered up for decades,” said Rob Bilott. “I can’t thank enough Senator Gillibrand, Congressman

Kildee, and Congresswoman Dean for understanding the importance of this issue and crafting a way to fix this, and to give people the right to come into court to say, 'This is an injury.' You shouldn't have to suffer like this and the companies that did this, they should be the ones responsible for paying whatever the costs are – not the taxpayers, not the residents who are being used as guinea pigs. So thank you so much to the Senator, Congressman, Congresswoman, and to the community advocates, Mark and the folks that were able to bring this story out and reach the public in a way that we're now seeing the opportunity for amazing change here.”

*“As Co-Chair of our Hoosick Falls Community Working Group for our federal superfund sites, and a member of the National PFAS Coalition, we are so grateful and excited for this bill. It's long overdue,” said Loreen Hackett, co-chair of the **Hoosick Area Community Participation Work Group**. “Along with our community being severely contaminated by not just PFOA, but even more PFAS chemicals, I can't stress enough the sheer necessity of medical monitoring to identify our future health concerns, particularly those of our babies and children. Results give us knowledge and a baseline to work with, as well as guidance for our physicians, as to what steps medically may need to be taken after these toxic exposures which are linked to a myriad of devastating health effects. Making the polluters pay for it is undeniably logical. They did this TO US. Worse, many of them knowingly. If we start finally holding them accountable with legislation such as this, perhaps they'd start acting more responsibly, especially if it hits them where it hurts - their profits - verses our wallets and health.”*

“This is a piece of legislation that is long overdue for affected communities like mine in desperate need of help – and can finally help empower our community with medical monitoring that allows us to be treated for PFAS related health

problems and get blood tests and screenings so that cancer and other diseases can be detected early, saving countless lives,” said Joanne Stanton, co-founder of Buxmont Coalition for Safer Water.

“I’m an attorney but, more importantly, I’m a citizen who’s been directly impacted by PFAS contamination in my lake home community of Oscoda, Michigan. The impact of PFAS exposure is pervasive in our lives. Our community is subject to five separate public health warnings,” said Tony Spaniola, attorney and member of Need Our Water (NOW). “A leading federal scientist has called PFAS, ‘one of the most seminal public health challenges of the coming decades.’ Another leading scientist has called it, ‘a slow-moving pandemic’. Our federal government must act swiftly and effectively to stem the PFAS menace and to tear down the legal barriers that currently stand in the way. I applaud Senator Gillibrand, Congresswoman Dean, and Congressman Kildee for taking the important step of introducing this medical monitoring legislation. We need it now, and we need it badly. And my community and our allies across the country stand ready to do everything we can to help in getting it passed.”

The EPA previously released data that estimated that water supplies of 110 million Americans may be contaminated with PFAS; last year EWG confirmed those figures are drastically underestimated. However, the EPA has not created adequate regulatory standards to protect Americans from the growing crisis and serious health hazards.

The *PFAS Accountability Act* would support the millions of Americans with significant PFAS exposure by:

- **Creating legal pathways to medical monitoring for PFAS contamination victims to prevent against premature morbidity, disability, or mortality.**
 - Eligible individuals would include those with pending litigation related to PFAS exposure, communities near military bases and airports,

firefighters, workers who handle PFAS, and more.

- Under the legislation, courts could award medical monitoring if, as a result of significant exposure, the individual or class has suffered an increased risk of developing a disease associated with exposure to PFAS and there is a reasonable basis for the individual or class to undergo periodic, effective diagnostic medical monitoring for diseases associated with PFAS exposure.
- **Establishing a federal cause of action for victims of significant PFAS exposure to bring claims against manufacturers of PFAS.**
 - An individual will be considered significantly exposed if they demonstrate that they were present in an area where PFAS was released for at least 1 year or they offer blood testing that demonstrates PFAS exposure.
- **Incentivizing industry to fund PFAS safety research.**
 - The bill would allow courts to order new or additional epidemiological, toxicological, or other studies or investigations of new PFAS as part of a medical monitoring remedy.

Gillibrand has been a leader in the Senate in the fight to support victims of PFAS exposure and end toxic contamination. Gillibrand heard the devastating stories of PFAS contamination in the Hoosick Falls, NY community and pledged to help them receive medical monitoring. She has called for a national ban on toxic PFAS chemicals and repeatedly pushed the Environmental Protection Agency (EPA) to combat environmental contamination. Gillibrand fought to include provisions in the final Fiscal Year 2020 (FY20) National Defense Authorization Act (NDAA) — passed by Congress and signed into law by the President — that would protect communities from toxic PFAS exposure. The first of those provisions included is her bipartisan bill, the *PFAS Release Disclosure Act* that publicly identifies the sources of PFAS emissions. Specifically, it requires the Environmental Protection Agency (EPA) to create a clear process to add PFAS chemicals, including perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) — two of the most pervasive PFAS chemicals with scientifically demonstrated health effects — to the

Toxic Release Inventory (TRI), a centralized database of environmental releases of toxic chemicals. These requirements improve the availability of information related to the emissions of PFAS and help to identify the potential sources of PFAS emissions in the environment. The second provision is an amendment she co-sponsored that prohibits the Department of Defense from procuring firefighting foam that contains PFAS.

Finally, Gillibrand fought to include a provision based on her bipartisan legislation, the *Protect Drinking Water from PFAS Act*, in the FY20 NDAA passed by the United States Senate. However, the provision was stripped out of the conferenced NDAA with the House of Representatives. The legislation would have required the EPA to set a national primary drinking water regulation under the *Safe Drinking Water Act* within two years. Currently, there is no legally enforceable limit to the amount of PFAS in public drinking water under the *Safe Drinking Water Act*.

The *PFAS Accountability Act* is endorsed by the American Association for Justice and the Environmental Working Group (EWG).

Full text of the legislation can be found here.