

House Agriculture, Chesapeake & Natural Resources  
Chesapeake Subcommittee  
Testimony in Favor of HB245 and HB1085  
January 29, 2024

Thank you for the opportunity to provide testimony on critical bills to regulate PFAS, the forever chemicals. I am Robin Broder, Deputy Director of Waterkeepers Chesapeake, the coalition of 17 Waterkeeper programs in the Chesapeake and Coastal Bays region.

I'm also here as a Virginia resident and mother of two young women. As a mother, I'm very concerned about how families have been exposed to these chemicals for decades – and future generations will be exposed -- unless we act today.

Four bills – HB245 & SB462 and HB1085 & SB243 -- have been filed this session to assess and regulate the sources of PFAS -- this is critical as we need to stop use of and discharge of PFAS at the source before it reaches public drinking water and wastewater treatment facilities.

The substitute proposal before the committee is not one or any of those bills. While likely well intended in trying to consolidate the bills, the substitute is flawed, and will do little to identify sources of PFAS pollution in Virginia. This substitute bill does not require public water systems (of any size) to test for and/or report PFAS in their raw water.

The substitute is focused on maximum contaminant levels (MCLs) for large public drinking water systems only and excludes facilities that serve fewer than 3,300 people (more than 2600 facilities) which are more likely to be located in environmental justice communities.

The critical flaw is there is that requirements in the substitute bill do not apply unless two things happen: 1. the large public drinking water facility monitors for PFAS using EPA approved methods; and 2. they report the results of their monitoring that exceeds EPA's proposed MCL for PFAS to DEQ.

In contrast, the four bills that were filed are all self-executing, meaning that upon adoption, they will require initial assessment of PFAS sources and reporting to DEQ. The common-sense bill introduced by Delegate Bulova and Senator Marsden offers a path forward to develop a more complete picture of industrial PFAS discharges to Virginia waters in a targeted way. It will provide useful data to help shape DEQ and VDH action in the future.

Virginia should join other Chesapeake Bay states and become a leader on protecting families and drinking water from toxic forever chemicals. We oppose the substitute and support the original four bills.

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