

Testimony of Dairy Producers of New Mexico
Before the Radioactive and Hazardous Materials Committee
of the New Mexico Legislature
August 5, 2022

Good morning, Chair Steinborn, Vice Chair Ferrary, and committee members. Thank you for the opportunity to testify before you today regarding the impacts of per and poly-fluoroalkyl substances (PFAS) on dairy farms in the vicinity of Cannon Air Force Base. My name is Ryan Miltner, and I am outside counsel to Dairy Producers of New Mexico (DPNM) on federal regulatory matters. Dairy Producers of New Mexico is a voluntary, grassroots trade association comprised exclusively of active dairy farmers in New Mexico and West Texas. The mission of DPNM is to sustain and enhance the dairy industry in the Southwest. DPNM advocates for the dairy farmers of New Mexico at the local, state, and federal levels.

You have just heard from Mr. Schaap about the catastrophic impacts on his family's dairy farm resulting from PFAS contamination at Cannon. I have had the privilege of knowing Mr. Schaap and his family for over fifteen years. Seeing the economic destruction and personal toll this contamination has had on the Schaap family is heartbreaking. What compounds my frustration is the lack of accountability and bureaucratic gamesmanship that has compounded the pain that the Schaap family has had to endure.

Certain facts are beyond dispute. First, contamination of groundwater at Canon was caused by the use of firefighting foams by the Department of Defense. Second, that groundwater contamination has traveled through the paleochannels below the surface to multiple wellheads near the base. Third, this contaminated groundwater was utilized by Mr. Schapp's farm while they were wholly unaware that these chemicals had polluted their water sources. Fourth, the Schaap family used this contaminated groundwater to feed cows, irrigate crops, and even for personal use. Fifth, the Department of Defense has failed to provide any support to Mr. Schaap to filter the contaminated water at his farm, let alone compensate him for the economic losses to his farm.

While DPNM aches for the Schaap family, we are equally concerned about the potential contamination of other dairy farms in the vicinity of Cannon Air Force base. The Clovis area is the largest milk production region in New Mexico. Approximately 25% of milk produced in the State originates in Curry County, contributing over \$600 million in annual direct revenue to the New Mexico economy and an estimated \$2 billion in total economic impact to the State. The dairy farms in Curry County support approximately 1,000 direct jobs and 3,000 indirect jobs. In addition to the greater environmental damage, this is what has been placed at risk by these PFAS chemicals. We simply cannot allow other dairy farms in the area to suffer the same fate as the Schaap family.

DPNM appreciates the efforts of our New Mexico agencies, especially Secretary Kenny and the Environment Department, and Secretary Witte and the Department of Agriculture, along with their staff, to pursue justice and remediation for all those affected. We likewise appreciate the

efforts of this committee and our federal legislators to seek solutions, while DOD has remained seemingly intransigent and unaffected.

On behalf of all the dairy farmers in the Clovis area, DPNM asks that the following be priority considerations in addressing PFAS contamination:

- PFAS contamination is a matter of groundwater contamination. A scientifically sound, adequately funded, and time-bound plan for remediation must be adopted. While DOD caused this issue, our dairy farmers and the larger community cannot afford to wait for DOD to act. Remediation must be a universal priority now.
- Scientific gaps must be identified, prioritized, and addressed. A comprehensive state-driven plan for researching the impacts of PFAS contamination, bioaccumulation, sequestration, and disposal should be developed. We can and should utilize our resources at our state research universities, especially our land-grant agricultural researchers, to fill these scientific gaps so that the acknowledged limited resources can be most effectively deployed.
- Any future affected dairy farms must be held harmless. We know filtration systems can be installed if PFAS contamination spreads through the paleochannels to other locations. These filtration systems effectively remove PFAS, allowing cows to be fed and crops to be irrigated without risk of further contamination. Still, filtration equipment is expensive, and disposal of the filtrate material is a concern. Dairy farmers should not bear these costs. We urge DOD and our state agencies to develop financial assistance plans for such eventualities. Of course, dairy farms are not the only potentially affected groundwater users. These filtration systems should be universally available to those affected.
- National standards based on scientific research must be achieved. While we appreciate the urgency for addressing PFAS contamination, establishing multiple local standards and limitations should not be utilized in determining PFAS maxima. We urge state agencies to work with US EPA to develop a logical national drinking water standard. Similarly, we suggest a nationally applicable threshold for the presence of PFAS in food products rather than a patchwork of local limitations. All threshold standards should be supported by research with meaningful scientific relevance concerning the human effects of PFAS compounds.
- We urge caution in declaring PFAS chemicals as hazardous substances under CERCLA. While such a designation is a federal issue, listing PFAS chemicals under CERCLA will have catastrophic unintended consequences. Users of any contaminated groundwater will instantly convert their property into Superfund sites, rendering them valueless. We can address the issue of PFAS contamination in a better manner—one that focuses on research, testing, and remediation, with the costs of these efforts born by those responsible for the contamination, not those who have already been rendered victims.

Thank you again for your invitation to speak. I am happy to answer any questions you might have.