



Empire State Forest Products Association

The people behind New York's healthy forests and quality wood products

www.esfpa.org

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Memorandum of Opposition A 5832-A/S 4574-A

Honorable Anna Kelles

Assembly Member

833 LOB

Albany, NY 12248

Via Email: kellesa@nyassembly.gov

Honorable Rachel May

Senator

803 LOB

Albany, NY 12247

Via Email: may@nysenate.gov

March 31, 2025

Dear Assemblymember Kelles and Senator May:

The Empire State Forest Products Association opposes **A. 5832-A/S. 4574-A** as amended over concerns regarding impacts on our industrial members who are regulated under the New York State Pollution Discharge Elimination Systems (SPDES) regulations for direct discharges or through Publicly Owned Treatment Works (POTW).

The Empire State Forest Products Association (ESFPA) represents over 350 member businesses, industries and landowners engaged in forest resource production and stewardship of New York's 19 million acres of forest. In total, \$22.9 billion dollars in annual industry production and nearly 100,000 jobs are attributable to operations of various industries within the forest related sectors.

This legislation would impose expansive PFAS monitoring requirements on direct wastewater resources without consideration of whether such dischargers ever produced or used PFAS on site and would be a likely source of discharges. This legislation references a December 2022 Environmental Protection Agency (EPA) guidance on PFAS monitoring. This legislation, however, is inconsistent with that federal guidance that recommends monitoring be considered for industrial categories known or suspected to have used or discharged PFAS.

This legislation would require all entities with wastewater discharges SPDES permits, to conduct monitoring at each permitted outfall on a quarterly basis for one year regardless of their likelihood of suspected or known discharge of PFAS. This legislation would also apply to permit renewals at least 180 days prior to the expiration of the permit. The monitoring to be done under this legislation using methods authorized by DEC requires the DEC to immediately authorize the use of EPA method 1633 and further requires DEC to investigate other testing methods.

While we appreciate that the bill has been amended to eliminate all general permits, including multisector general industrial stormwater permits, we still have the following concerns with the bill.

First, it mandates extensive and expensive monitoring of discharges without any specific plan to utilize the data other than to make it publicly available.

Second, the proposed monitoring mandate is unconnected to any assessment of likely sources of PFAS whereas the EPA guidance recommends monitoring for “industrial categories known or suspected to have discharged PFAS.”

Finally, the wastewater industry is struggling with an insufficient number of qualified laboratories to complete PFAS analytical protocols including inadequate capacity and lengthy turnaround times that fail to meet the regulatory deadlines. This situation would be exacerbated by such a broad monitoring mandate envisioned in this legislation.

We appreciate the premise of this legislation focusing on reducing PFAS compounds in the environment. However, we do not believe that this expansive PFAS monitoring program where there is no known or suspected PFAS from the permitted industrial use. For these reasons we oppose adoption of **A. 5832-A/S. 4574-A**.

cc: Assembly Environmental Conservation Committee
Senate Environmental Conservation Committee

For More Information Contact:

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