



# 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-B/S 4574-B

Honorable Anna Kelles

Assembly Member

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Via Email: [kellesa@nyassembly.gov](mailto:kellesa@nyassembly.gov)

Honorable Rachel May

Senator

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Albany, NY 12247

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April 22, 2025

Dear Assemblymember Kelles and Senator May:

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

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 require entities identified by the Department of Environmental Conservation (DEC) with wastewater discharges SPDES permits, to conduct monitoring at each permitted outfall on a quarterly basis for one year and 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. At first it requires DEC to immediately authorize the use of EPA method 1633 and further requires DEC to investigate other testing methods.

This legislation would impose expansive PFAS monitoring requirements on identified direct industrial discharges or discharges through Publicly Owned Treatment Works (POTW) with limited consideration of whether such dischargers ever produced or used PFAS on site and would be a likely source of discharges.

While we appreciate that the bill has been amended to reflect discretion of the Department to identify an industry "known or suspected to discharge PFAs" or to "warrant PFAs monitoring based on the industrial discharger's industry or facility", we believe there should be a more direct nexus demonstrated that the regulated industry or facility be known to "manufacture, process, or store PFAS-containing materials".

In the case of our two paper manufacturing facilities producing uncoated sheet paper, there are, nor have been, any known PFAS sources used in the manufacturing processes or handling operations that would cause contamination of their direct discharges. Requiring PFAS monitoring in such contexts will be expensive and unnecessary while also adding to the problems of 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 amended version of legislation has also includes General SPDES Permits including the Multi Sector Stormwater General Permit that in at least the A version had been removed. We are particularly concerned with the inclusion of stormwater discharges associated with Sector A – Timber Producers and Sector B – Paper and Allied Products Manufacturers where there have been no known PFAS sources or handling operations.

We are also concerned with DEC advancing these regulations on stormwater discharges where the U. S. Environmental Protection Agency (EPA) is already advancing regulations on the same stormwater discharges. See Proposed National Pollutant Discharge Elimination System (NPDES) 2026 Issuance of the Multi-Sector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activity (Docket ID No. EPA-HQ-OW-2024-0481). Because New York's industrial stormwater permits must align with EPA's regulatory framework we believe this proposal would be premature. EPA's framework will ripple through New York's program, and we need not confuse the matter.

Our concerns with the proposed inclusion of Multi-Sector Industrial Stormwater Permits for timber and paper manufacturing from natural fibers also include:

**Cost and Resource Burden:**

The cost of sampling and laboratory analysis for PFAS across multiple outfalls would represent a substantial increase in permit compliance costs without a demonstrated environmental benefit.

**High Risk of Cross-Contamination and False Positives:**

The analytical sensitivity required for PFAS detection raises concerns about cross-contamination and false positives. PFAS are pervasive, present in industrial sites with no known PFAS sources the largest background sources is from precipitation. Even with stringent sampling protocols, the likelihood of inadvertent contamination remains high, questioning the reliability of monitoring results. False positives could lead to unnecessary remedial actions, causing operational disruptions and financial setbacks.

**Low Relevance for Timber Product and Natural Fiber Paper Facilities:**

Facilities in Sector A (Timber Products) and Sector B (Paper and Allied Products Manufacturing) involving uncoated sheet paper production do not manufacture, process, or store PFAS-containing materials. Requiring PFAS monitoring in such contexts will produce data that is not meaningful and serve no purpose other than public disclosure which are likely to mislead the public and create false alarms on otherwise responsible manufacturers in New York.

**Data Quality Concerns:**

Due to the challenges outlined above, this requirement would produce data of limited scientific validity. In effect, it risks creating a body of unreliable "junk data" that do not support informed environmental decision-making or resource prioritization.

We appreciate the premise of this legislation focusing on reducing PFA 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 benefits anyone. While regulatory compliance is paramount, it must be balanced with operational feasibility and practicality. The proposed PFAS monitoring requirement challenges this balance by imposing disproportionate costs and operational hurdles on our member products sectors and other industries covered by the proposal.

For these reasons we oppose adoption of **A. 5832-B/S. 4574-B**. We urge the sponsors to amend the PFAS monitoring requirements in this legislation. We recommend a collaborative approach, engaging stakeholders to develop practical, effective, and economically viable regulatory measures that safeguard water quality and New York manufacturing.

We appreciate your consideration of our comments and look forward to continued dialogue on this critical issue.

**For More Information Contact:**

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