

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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**Opening Statement: Panel Two**  
**Chairman Harley Rouda**  
**Hearing on “The Devil They Knew: PFAS Contamination and the Need for Corporate**  
**Accountability, Part II”**  
**Subcommittee on Environment**  
**September 10, 2019**

Good afternoon. Because this is a unique hearing, I wanted to say a few words before we hear from our next panel. We have with us today representatives from three corporations—the 3M Company, DuPont de Nemours, and Chemours—and I believe this is the first time these companies have testified before Congress on the issue of PFAS chemicals. I’d like to welcome our panel to the lion’s den and thank them for being here.

We just heard from Lori Swanson and Rob Bilott, and how the cases they litigated against 3M and DuPont, respectively, relied on a long historical record that showed both companies knew PFAS chemicals—specifically PFOA and PFOS—were toxic for decades, and yet continued to manufacture these chemicals and carelessly discharged them into our air, our water, and our soil.

And as a result, Americans unwittingly drank, ate and breathed toxic, man-made chemicals for decades, chemicals that can lead to liver disease, thyroid disease, kidney disease and cancer. I’m hammering home this point because PFAS contamination is an issue that is just now starting to get the attention it deserves, and companies are only recently starting to pay for what they’ve done.

As I’ve mentioned, the companies represented before us today are American institutions. They’ve made products Americans have been eager to buy, and they’ve helped create many of the conveniences of modern life—but that doesn’t make them exempt from basic ethical standards of conduct. Part of why American capitalism has survived and thrived for as long as it has is because companies have historically treated both their workers and the larger American society responsibly and fairly, in addition to turning a profit.

A company is not just its CEO, or its head of PR, but the hundreds, thousands or millions of people all working to serve a specific purpose. The relationship between companies and the

American people is interdependent: Companies make high-quality products that Americans decide to purchase, and each makes the other better off. And, importantly, each trusts the other implicitly to participate in the marketplace in good faith.

So, when that covenant is broken, when the American people learn that companies have obscured and suppressed evidence that the chemicals they use and manufacture are toxic, it is a seismic event. I mean it—it shakes the foundations of democratic capitalism. And that's why we are here today—not just to try to help gain some semblance of justice for the affected people who lived in contaminated communities, but also to ensure companies are held accountable for what can only be described as violating the trust of all American people.

I certainly recognize that our panel here today represents companies that have, in some cases, undergone a lot of changes, including but not limited to corporate restructurings and changes in management, over the past several decades. Chemours didn't even exist until 2015, when it was spun off from DuPont.

But our Subcommittee doesn't accept that these changes in corporate structure let the current incarnation of the company off the hook. A company is tied to its past, morally responsible for its past, and must answer for its past, no matter what changes have occurred from Point A to Point B—in the same way a nation must contend with and be responsible for actions taken decades ago even though there have been changes in government and leadership since then.

This is Congress, the people's body, not a courtroom. And the American people recognize that companies don't just disappear into thin air because a few people in a boardroom somewhere decided a merger and a few spinoffs might improve the company's bottom line. Companies are morally liable for what they've done in the past. And frankly, even if this were a courtroom, there are serious outstanding questions about DuPont's recent reorganizations that could lead many to believe that the company's hands are nowhere near clean.

So I hope we don't spend this hearing trying to ping-pong responsibility back and forth between two companies, or debating whether or not the DuPont that exists today is the same DuPont that dumped PFAS into the water.

But I hope what we can do is use our common sense to say, look, companies aren't just here one day and gone the next. Whatever form a company takes today, it has built off of and prospered from its past—including every merger, acquisition and spin-off—and we don't accept that a company can continue to reap the benefits of its past but retain none of the burdens. It simply does not work that way.

It also does not work to simply deny the science linking PFAS to serious health effects in Americans and try to leave Americans you poisoned on their own, to clean up your mess.

So, I hope that we can all start from a common baseline, and that is the scientific consensus that PFAS chemicals, and especially the long-chain chemicals like PFOA and PFOS, are harmful to human health. Let's not get sucked into the rabbit hole of "more research needs to be done," because you know what? That excuse can be, and has been, used ad infinitum to justify inaction, and the American people are smart enough to see that excuse for what it is.

It's 2019, and these chemicals are killing people. Let's stop using them, and let's get them out of our environment. I call on each company to here today to come to the table, work with Congress and the EPA to address this national emergency. The lives of each and every American depend on it.