



NEW YORK STATE SENATOR

Brad Hoylman-Sigal

SENATOR HOYLMAN DEMANDS NY SENATE LEADERSHIP PRODUCE DOCUMENTS FROM SUBPOENA REQUEST TO HOOSICK FALLS POLLUTERS

BRAD HOYLMAN-SIGAL October 28, 2016



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Hoylman: What's the truth on the Hoosick Falls subpoenas? New Yorkers deserve answers."

NEW YORK – State Senator Brad Hoylman (D-Manhattan), Ranking Member of the Senate Environmental Conservation Committee, sent a letter today to State Senators Thomas O’Mara (R-Big Flats), Chair of the Environmental Conservation Committee, and Kemp Hannon (R-Nassau), Chair of the Senate Health Committee, insisting they produce documents related to subpoenas their committees apparently issued to Saint Gobain, Taconic Plastics, and Honeywell International related to perfluorooctanoic acid (PFOA) water contamination.

On September 1, after representatives from Saint-Gobain, Taconic Plastics and Honeywell – the companies allegedly responsible for the crisis – repeatedly refused to participate in three statewide legislative hearings convened by the New York State Senate to look into water contamination in Hoosick Falls and Petersburg, Senator Hoylman called on his Republican colleagues to issue subpoenas to compel their participation. Since such subpoenas were apparently issued to the companies, however, no information has been provided.

In his letter Senator Hoylman notes that the companies “were to produce responsive documents by 3:00pm on September 12, 2016. Over a month has passed since this deadline, yet there has been no public indication that the companies have complied with the subpoenas . . . If the companies you served have requested you modify or withdraw the subpoenas, or you have not yet received documents responsive to your subpoenas, the public deserves to know.”

State Senator Brad Hoylman said: “What’s the truth on the Hoosick Falls subpoenas? New Yorkers deserve to know answers on what these companies knew. Saint-Gobain, Taconic Plastics and Honeywell, the companies responsible for the water contamination crisis, were supposed to provide those answers by September 12, yet nearly two months has passed and we still don’t know whether these companies have complied with the terms of the subpoena.

“The issue of water contamination is of the utmost importance to the residents of Hoosick Falls, Petersburg and other communities in New York that may be at risk. Documents from these companies are essential in addressing this issue. I urge my Republican colleagues make public any documents they’ve received from these companies.”

Senator Hoylman’s full letter can be found below.

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October 28, 2016

Hon. Thomas F. O’Mara

Chair, Environmental Conservation Committee

New York State Senate

307 Legislative Office Building

Albany, NY 12247

Hon. Kemp Hannon

Chair, Health Committee

New York State Senate

Capitol, Room 420

Albany, NY 12247

Dear Chairmen O’Mara and Hannon:

I write to insist that you make public the documents your committees have received from the subpoenas duces tecum issued last month to Saint Gobain, Taconic Plastics, and Honeywell International related to perfluorooctanoic acid (PFOA) contamination, other perfluorinated compounds (PFCs), and water quality and contamination.

By the terms of the subpoenas you issued, the aforementioned companies were to produce responsive documents by 3:00pm on September 12, 2016. Over a month has passed since this deadline, yet there has been no public indication that the companies have complied with the subpoenas and efforts to get an update from your offices have been met with silence.

The issue of PFOA and PFC contamination of water systems is one of crucial importance to the residents of Hoosick Falls, Petersburg, and other communities in New York that may be at risk. The companies to which you served subpoenas very likely hold information that is key to understanding how the water contamination crisis in Hoosick Falls and Petersburg unfolded. The public deserves to see the documents you sought to compel.

If the companies you served have requested you modify or withdraw the subpoenas, or you have not yet received documents responsive to your subpoenas, the public deserves to know that as well. The subpoenas you issued purported to be pursuant to the authority granted by Article III, Section 1 of the New York State Constitution, and Legislative Law §§ 60 and 62-A. As noted in § 62-A of the Legislative Law, the provisions of the Civil Practice Law and Rules relating to enforcing obedience to a non-judicial subpoena apply to subpoenas issued by a legislative committee.

Pursuant to Civil Practice Law and Rules § 2308(b), if a person fails to comply with a non-judicial subpoena, the issuer may go to the Supreme Court to compel compliance under the penalty of civil fines or commitment to jail for continued failure to comply. In the event any or all of the companies upon which the subpoenas were served have been non-responsive, I

would urge you to exercise your power to enforce compliance via the Supreme Court. Allowing the subject of a legally-binding subpoena to blatantly ignore their duty to produce documents would make a mockery of this Legislature.

I would also like to register my disappointment that the subpoenas you issued did not seek to compel the appearance of a witness before a public legislative hearing. Your failure to do so denied legislators the opportunity to ask representatives of these companies what they knew about PFOA contamination and when they knew it, under penalty of perjury.

The public – and particularly the residents of Hoosick Falls and Petersburgh – has waited long enough for answers. I again insist that you promptly make public any and all documents you have received from Saint Gobain, Taconic Plastics, and Honeywell International.

Sincerely,

Brad Hoylman

Ranking Member, Environmental Conservation Committee

27th Senate District

cc: Hon. John Flanagan, Senate Majority Leader