

The Intelligencer

Ivyland woman sues Navy after finding high PFOA blood level

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For the first time, public information reveals how much of the toxic, unregulated chemical PFOA has made its way into the blood of a local resident.

According to a lawsuit filed last month, Dorothy Palmer, of Ivyland, has 31 parts per billion (ppb) in her blood, a level approximately 15 times the national average. The amount is also higher than typical levels found in other highly contaminated communities across the country.

The information was included in the lawsuit filed on behalf of Palmer and her son, George Palmer, in late December in Bucks County Court. The suit alleges the Navy improperly disposed of PFOA and PFOS during its operation of the now-shuttered Naval Air Warfare Center in Warminster.

There's no indication in the suit or from the attorney if Palmer or her son have developed any physical ailments from the chemicals. Their lawyer said they didn't want to comment.

The chemicals are suspected to have originated from firefighting foams used as far back as the early 1970s at the former Warminster base, as well as the former Naval Air Station-Joint Reserve Base Willow Grove in nearby Horsham, part of which is now the active Horsham Air Guard Station. The chemicals made their way into groundwater and contaminated the drinking water supplies of as many as 70,000 people.

The Navy first began sampling for the chemicals in the area in 2011. By 2013 and 2014, a nationwide Environmental Protection Agency testing program found the chemicals in numerous public water wells at levels that were among the highest in the country. That finding forced the wells to be shut off.

“The Navy’s a big defendant, and I’m really interested in making sure that Dorothy and her son get the relief they’re entitled to,” said Steven Angstreich, the Palmers’ attorney and a partner at Weir & Partners in Center City Philadelphia.

According to the lawsuit, Dorothy Palmer has lived at 26 Gough Ave. in Ivyland since 1981. The property is about a half-mile from the former NAWC.

The suit states Palmer relied on a private well until it was found to be contaminated by PFOA and PFOS in October 2014. At that time, it contained 446 parts per trillion (ppt) of PFOS and 157 ppt of PFOA. Those amounts, combined, are more than eight times higher than the 70 ppt advised limit for drinking water recommended by the EPA to avoid health effects.

Palmer’s well is one of more than 200 private wells that have been closed due to contamination in Warminster, Horsham, Warrington and surrounding communities. Sixteen public wells, serving tens of thousands of people, also have been closed.

Angstreich said Palmer only had her blood tested for PFOA, as there are “very few physicians” who will order a test for PFOS. But since the PFOS level was found to be higher in Palmer’s drinking water than the PFOA, and PFOS takes longer to leave the body, Angstreich agreed that Palmer may have an even higher level of PFOS in her blood than PFOA.

Palmer’s PFOA level was 15 times higher than the 2-ppb level of the average American, according to a nationwide blood testing program administered by the U.S. Centers for Disease Control and Prevention. Those whose blood levels were in the top 5 percent in the nationwide testing program showed an average PFOA level of 5.68 ppb. Palmer’s was five times higher.

Palmer’s blood level appears to exceed those in even the nation’s most highly contaminated communities.

In the Mid-Ohio Valley, approximately 70,000 residents have successfully sued chemical company DuPont for hundreds of millions of dollars after being exposed to PFOA in their drinking water. Median PFOA blood levels in that community were 28 ppb for PFOA. Residents exposed to PFOA leaking from a factory in Hoosick Falls, New York, had median PFOA blood levels of approximately 23 ppb. And at a joint military-private trade facility in Pease, New Hampshire, median PFOA blood levels were 3.2 ppb, and median PFOS blood levels were 8.9 ppb.

Palmer's level also appears to offer some evidence that blood concentrations here may be higher than federal officials previously thought. At a May community meeting in Horsham, Karl Markiewicz, a senior toxicologist with the CDC, said, "I think the same thing that we see at Pease is what we would see here if we did a (blood test) study (locally)."

Data from New Hampshire's Department of Health and Human Services showed the highest level of PFOA detected in the blood of any individual in the Pease blood testing program was 32 ppb -- just slightly higher than Palmer's. An analysis by the department also showed that age, male sex and length of time spent on Pease were most strongly associated with higher blood levels of the chemicals. For males, typical blood levels of PFOA and PFOS were both higher than levels in women.

This news organization has further investigated comparisons to Pease and found people there potentially could have been exposed to lower levels of the chemicals than residents in southeastern Pennsylvania.

In the Mid-Ohio Valley, Hoosick Falls, and at Pease, large-scale blood testing programs were administered by private industry or state and federal government agencies. Despite widespread calls for the Navy or federal government to provide blood tests here, no entity has agreed to foot the cost. An agency of the CDC recently said it has knowledge of additional blood levels in Bucks and Montgomery counties, but couldn't share information due to privacy concerns.

The Palmers' suit seeks to force the Navy to pay for blood tests and a health effects study, not only for the Palmers, but for as many as the 70,000 residents who may have been exposed to the chemicals.

"The average person doesn't have the (means) to pay (for blood tests or studies)," Angstreich said. "These people should not be living with this hanging over them."

The suit also seeks medical monitoring for the Palmers, to potentially detect ailments linked by some studies to the chemicals. They include kidney and testicular cancers, thyroid disease, ulcerative colitis, pregnancy-induced hypertension, high cholesterol and others.

The case is the sixth filed over the local water contamination, and the second against the Navy. The other four seek relief from the companies that manufactured the firefighting foams containing the chemicals.

The Palmers' case may face a difficult legal road. A similar suit filed on behalf of a Warrington family in Montgomery County Court is in the midst of a complex legal battle, with the family's attorneys arguing the case should be heard in county court, while the Navy's attorneys are arguing it should be tried in U.S. District Court in Philadelphia.

That suit also seeks medical monitoring and a health study, and family attorney Mark Cuker, of Philadelphia's Williams Cuker Berezofsky firm, previously told this news organization those claims would likely be thrown out if the case is heard in federal court.

Cuker said Thursday that both sides are waiting to hear back from U.S. District Judge Gerald Pappert. "The judge could decide it, (or) he could ask for oral arguments," Cuker said.

Angstreich said he expects similar resistance to the Palmers' case.

"I believe the Navy is going to pull out all the stops to try and prevent the citizens from getting the relief they're entitled to," Angstreich said.

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