Congress of the United States
Washington, DC 20510

April 29, 2019

The Honorable Jayne Harkins
Commissioner
International Boundary and Water Commission
4171 North Mesa Street
El Paso, TX 79902

The Honorable Andrew Wheeler
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, DC 20004

The Honorable R. D. James
Assistant Secretary of the Army (Civil Works)
108 Army Pentagon
Washington, DC 20310

The Honorable Michael R. Pompeo
Secretary of State
U.S. Department of State
2201 C Street N.W.
Washington, DC 20520

The Honorable Kevin K. McAleenan
Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Avenue
Washington, DC 20229

Dear Commissioner Harkins, Administrator Wheeler, Assistant Secretary James, Secretary Pompeo, and Commissioner McAleenan,

We are writing to request that your respective departments work together to provide rapid assistance and mitigate the serious environmental and public health concerns resulting from the ongoing pollution crisis along the US-Mexico border. Over the past couple of months, the region has experienced several cross-boundary flows, totaling millions of gallons of treated and untreated wastewater flowing into the United States and affecting our constituents.

The rupture of the Colector Poniente sewage collector in Tijuana, Mexico is an immediate example of the kinds of pollution issues that communities along the California-Mexico border face every day. On December 10th, 2018, a ruptured collector pipe in southeast Tijuana began discharging an estimated six to seven million gallons of raw sewage per day into the Tijuana River. As a result of the sewage spill, communities along the river and downstream in places like Imperial Beach, California risk dangerous exposure to a variety of bacteria present in raw sewage. This can include E.coli and salmonella, as well as parasites and viruses that can lead to respiratory infections or meningitis, among other dangerous health conditions.[1] The area continues to face risks from exposure to raw sewage like that released by the Colector Poinente even though months have passed, resulting in almost 30 days of Imperial Beach closures already this year.[2]

Last December's spill provides a timely reminder of the ways in which communities in Southern California and Northern Mexico are impacted by transboundary pollution. However, it is only one recent example of the dire environmental conditions vulnerable populations along the border experience. Further east along the border, the sewage, harmful chemicals, and heavy metals present in the New River can cause rashes and stomach illnesses for individuals who directly contact its waters.[3] Air pollution resulting from agricultural burns, diesel fumes, a shrinking Salton Sea[4] and other sources[5] emanates throughout the Imperial Valley and contributes to high rates of asthma, chronic obstructive pulmonary disease (COPD), heart disease, and stroke.[6] Additionally, transboundary pollution poses health and safety risks to dedicated U.S. Customs and Border Protection (CBP) agents who operate in the area to help keep all Americans safe. These agents must work in areas that their own reporting concludes has a consistently strong presence of E. coli, enterococcus, and other organisms typically found in untreated sewage.[7]

These alarming conditions exist even as the U.S. government has collaborated on promising programs like the U.S.-Mexico Border Water Infrastructure Grant program, administered through the EPA. This program has helped to improve the quality of surface and groundwater along the border through investments in wastewater collection and treatment services, but its scope and funding levels cannot alone address all aspects of the

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[1] https://www.sandiegouniontribune.com/news/environment/sd-me-mexico-sewage-tijuana-river-20181212-story.html
[2] https://fox5sandiego.com/2019/03/07/imperial-beach-holds-meeting-on-border-sewage-spills/
[3] https://www.desertsun.com/in-depth/news/environment/border-pollution/poisoned-cities/2018/12/05/toxic-new-river-long-neglect-mexico-border-calexico-mexicali/1381599002/
[4] https://www.usatoday.com/pages/interactives/salton-sea/toxic-dust-and-asthma-plague-salton-sea-communities/
[5] https://www.niehs.nih.gov/research/supported/translational/community/imperial/index.cfm
[6] https://www.desertsun.com/in-depth/news/environment/border-pollution/poisoned-cities/2018/12/05/air-pollution-taking-deadly-toll-u-s-mexico-border/1381585002/
[7] https://www.cbp.gov/sites/default/files/assets/documents/2019-Feb/TJ%20Sampling%20Analysis%206%20Month%20Effort%20Draft.pdf

problem. Reports of air quality monitors not being maintained[8] and repairs to critical infrastructure being mismanaged[9] stymie real progress towards remediating environmental conditions in vulnerable communities along the border. The results can be deadly, particularly to those who most need protection from environmental stresses, especially children and the elderly.[10]

It is critical that your agencies work together to develop a comprehensive plan to address the ongoing pollution issues along the border in Southern California. We urge you to improve monitoring of air and water quality in southern San Diego and Imperial counties, aggressively mitigate impacts of air and water pollution, and encourage activities that cut down on sources of pollution. In the meantime, we ask your agencies to provide answers to the following questions:

1. What is the current status of repairs to the Colector Poniente? What have your agencies done to protect against subsequent future accidents?

2. What actions are currently underway to mitigate impacts of transboundary pollution issues facing vulnerable populations along the border?

3. How many transboundary flows have occurred in 2019? What are the dates and causes of these flows?

4. What specific guidance is being provided to maintain the safety of CBP agents who are exposed to high levels of pollutants along the border?

5. What are the primary challenges your departments face to resolving this longstanding environmental and public health crisis?

6. How are your agencies working together on these critical issues?

We look forward to your quick response to our questions above. Thank you for your attention to this serious and challenging public and environmental health issue.

Sincerely,

Kamala D. Harris
United States Senator

Dianne Feinstein
United States Senator

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[8] https://www.desertsun.com/in-depth/news/environment/border-pollution/poisoned-cities/2018/12/05/air-pollution-taking-deadly-toll-u-s-mexico-border/1381585002/

[9] https://www.sandiegouniontribune.com/news/border-baja-california/sd-me-border-sewage-20170310-story.html

[10] https://www.epa.gov/sites/production/files/2015-10/documents/cehtp_border_report_final_aug2015.pdf

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Susan A. Davis
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