UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

August 26, 2016

The Honorable Kemp Hannon
New York State Senate
Chair, Senate Committee on Health
Room 430 – Capitol
Albany, New York 12247

The Honorable Thomas F. O'Mara
New York State Senate
Chair, Committee on Environmental Conservation
Room 307 – Legislative Office Building
Albany, New York 12247

The Honorable Steve Englebright
New York State Assembly
Chair, Committee on Environmental Conservation
Legislative Office Building
Albany, New York 12248

The Honorable Richard N. Gottfried
New York State Assembly
Chair, Committee on Health
Legislative Office Building
Albany, New York 12248

Dear Senator Hannon, Senator O'Mara and Assembly Member Englebright
and Assembly Member Gottfried:

Thank you for your July 6, 2016, letter seeking information relating to Hoosick Falls, New York and perfluorooctanoic acid (PFOA). The U.S. Environmental Protection Agency takes concerns regarding PFOA contamination very seriously and is actively engaged in providing technical support and information about the health risks of PFOA to states, tribes, and local governments, including the state of New York, so that appropriate actions can be taken to address public health risks associated with PFOA contamination in places such as Hoosick Falls.

This letter provides information regarding EPA's role and responsibilities under the Safe Drinking Water Act and actions we have undertaken in coordination with the State to protect human health. I hope this information is helpful to the Committee and request that it be entered into the record for this hearing.

EPA Safe Drinking Water Actions

The Safe Drinking Water Act authorizes EPA to delegate the primary enforcement responsibility for public water systems to states. That has been done in 49 of the 50 states, including New York. In New York, EPA delegated primacy responsibility for the statewide drinking water program to the New York State Department of Health, although EPA reserves certain authorities, provides oversight of the State program and provides funding to the state. The Health Department receives federal funds and is responsible for the day-to-day implementation and enforcement of drinking water regulations. EPA provides approximately $4.4 million annually to the New York State Department of Health for this purpose.

In addition to the resources EPA provides for implementation and enforcement of drinking water regulations, EPA also provides over $40 million annually to the New York Drinking Water Revolving Fund program to support capital costs for public drinking water systems. That funding goes to the New York State Department of Health, which administers the program and, along with the New York State Environmental Facilities Corporation, provides funding to local governments for drinking water facilities.

EPA has set federally enforceable drinking water standards for over 90 contaminants. States can, and often do, adopt their own drinking water standards; but if a contaminant is one for which EPA has set a federal drinking water standard, the state standard cannot be less stringent. The New York State Health Department has adopted approximately 40 state level drinking water standards for substances for which there is no federal drinking water standard, and has also set about 11 state standards that are more stringent than the corresponding federal standard.

EPA also establishes health advisories for some contaminants that can damage health and are known or anticipated to occur in drinking water in order to provide drinking water system operators, and state, tribal and local officials who have the primary responsibility for overseeing these systems with the best available information on the health risks of these chemicals so that they can take appropriate actions in protecting their residents.

In January, 2009, EPA set a drinking water health advisory of 400 parts per trillion for PFOA for short term exposure. "Short term" refers to exposure that may occur over a period of weeks to months. In May 2016, the EPA released lifetime health advisories of 70 parts per trillion for PFOA (and perfluorooctane sulfonate or "PFOS") based on the Agency's assessment of the latest peer-reviewed science.

Unlike the 2009 short-term health advisories, these new advisories are *lifetime* health advisories. They are intended to provide Americans, including the most sensitive populations, with a margin of protection from a lifetime of exposure to PFOA and PFOS from drinking water.

Moving forward, the EPA will continue to share the latest science and information on PFOA so that state and local officials can make informed decisions and take actions to protect public health. This is an important part of our broader effort to support states and public water systems as we work together to strengthen the safety of America's drinking water. The EPA is also currently engaging with key partners and stakeholders to develop and implement a national action plan to address the nation's critical drinking water challenges. As a part of this engagement, one of the key priority areas the EPA is focusing on is developing and implementing improved approaches through which EPA, state, tribal and

local governments, and other stakeholders can work together to address the challenges posed by emerging and unregulated contaminants such as perfluorinated compounds. The EPA anticipates releasing this national action plan by the end of 2016.

EPA Engagement in Hoosick Falls, NY

On December 19, 2014, a resident of Hoosick Falls contacted the EPA regarding the presence of PFOA in the Village's public water supply. That resident provided a copy of data that the Village had obtained from the sampling of three of its public supply wells. The PFOA levels were 170-230 parts per trillion (ppt) in well #3, 280 ppt in well #6 and 450-540 ppt in well #7. The data summary stated that, as a result of the sampling, well #7 (the one well with a PFOA level exceeding the EPA provisional health advisory of 400 ppt then in effect) was no longer being used as the primary water supply. On December 19, 2014, EPA Region 2 contacted the New York State Department of Health (NYSDOH), which informed the EPA that the well with the highest concentration of PFOA (well 7) had reportedly been taken off-line. NYSDOH also stated it was providing support to the Rensselaer County Department of Health (RCDOH), which was working with the Village and its water department in addressing the PFOA issue.

On December 30, 2014, Keller and Heckman, LLP, on behalf of Saint-Gobain Performance Plastics Corp., a company with two plants in Hoosick Falls, sent a letter to the EPA's Toxic Substances Control Act (Confidential Business Information Center in Washington, providing the same water data that the local resident had provided to the EPA and informed EPA it had been told that the one public supply well with a PFOA level above 400 ppt had been removed from service.

In October 2015, EPA Region 2 received a request for financial assistance from the Rensselaer County Executive regarding the PFOA water contamination in Hoosick Falls. The EPA immediately contacted NYSDOH again to obtain up-to-date information and sampling results, which showed that the public water supply in Hoosick Falls contained levels of PFOA above 600 ppt.

In November 2015, EPA Region 2 sent a letter to the Mayor of the Village (attached), outlining steps the community should take to reduce exposure to PFOA, including a recommendation that residents use an alternate drinking water source (e.g., bottled water) for drinking and cooking until such time as PFOA concentrations in the public water supply are brought consistently below the 400 ppt level. Saint-Gobain Performance Plastics agreed to pay for the provision of bottled water to residents.

On November 30, 2015, the Mayor of Hoosick Falls responded to EPA's November 25, 2015 letter (attached). The Mayor indicated that Saint-Gobain agreed to pay for the Village to retrofit the municipal water treatment plant with a granular activated carbon filtration system to remove PFOA from the water.

EPA engaged in frequent discussions with the State and Village and provided extensive information to the public, including speaking at a January 14, 2016 public meeting in Hoosick Falls attended by approximately 1,000 people to help educate the public about the problems with the Hoosick Falls public water supply. EPA also made available written answers to frequently asked questions (enclosed) about the water contamination problem, and established a web page on PFOA issues in Hoosick Falls, https://www.epa.gov/ny/hoosick-falls-water-contamination. In addition, the New York State Health Department announced that it had begun a study of the incidence of cancer among Hoosick Falls residents and would also initiate a PFOA biomonitoring program involving the testing of the blood serum of willing residents of the Hoosick Falls area. The state agency also indicated that it would continue to test private wells in the area for the presence of PFOA, and would continue to provide technical advice and assistance to the Village.

The EPA remains actively involved. In February 2016, in response to a request from the community, EPA sampled soil at the ballfields and park areas along Waterworks Road in Hoosick Falls, as well as in the athletic field between Barton Avenue and Griffin Avenue, to determine if past releases from local manufacturing facilities had contaminated the fields. The sampling results found no problems that prevent the fields from being acceptable for recreational use.

The EPA has also received a request from the New York Department of Environmental Conservation proposing that the agency nominate for inclusion on the federal Superfund National Priorities List (NPL) the Saint-Gobain Performance Plastics Corps McCaffrey Street Plant in Hoosick Falls, and any other source of release of PFOA in the Village of Hoosick Falls or Town of Hoosick that may be identified during the course of the investigation. As part of the NPL evaluation, EPA tested groundwater and other media to gather data. EPA also sampled residential and recreational properties for possible soil contamination. EPA will continue to keep the community informed on these test results and any determination made on listing of the site on the NPL.

The State has also announced that, upon request, it would test private wells for residents of the Town of Hoosick, outside of the Village of Hoosick Falls (no private drinking water wells are believed to be in use within the Village boundaries) for PFOA and would install a point of entry treatment (POET) system on each private well if desired. Since that time, the State has installed hundreds of POET systems at homes in the area.

The NYSDOH has the lead role for confirming the effectiveness of the temporary and permanent treatment systems for the Village's public water supply. As mentioned earlier, Saint-Gobain paid for the installation of a temporary carbon filtration system for the Hoosick Falls water treatment plant. This system became operational in March of 2016. The NYSDOH announced on March 30, 2016, that "repeated testing of the village of Hoosick Falls' municipal water system shows no detection of Perfluorooctanoic acid (PFOA) and is now safe for all uses including drinking and cooking." We understand that the Village is preparing to install a permanent granular activated carbon treatment system for the public water supply. In addition, the New York State Department of Environmental Conservation issued administrative orders on June 3, 2016, requiring potentially responsible parties to take a number of response actions, including studies of the nature and extent of the contamination.

The EPA remains committed to supporting the State and the public water system as they continue to take steps in reducing Hoosick Falls residents' exposure to PFOA in drinking water.

Thank you again for the opportunity to provide the committee with information about EPA's action on this important topic. I hope the information included in this letter is helpful. If you have further questions, please contact me at (212) 637-5000 or your staff may contact Mark Rupp, Deputy Associate Administrator for EPA's Office of Intergovernmental Relations at rupp.mark@epa.gov or (202) 564-7178.

Sincerely,

Judith A. Enck

Judith A. Enck
Regional Administrator

Enclosures