**To:** McGowan, Michael[McGowan.Michael@epa.gov]; Martin, John[Martin.JohnJ@epa.gov]
**From:** Enck, Judith
**Sent:** Fri 9/2/2016 4:33:38 AM
**Subject:** Clips

Sent from my iPhone

Begin forwarded message:

**From:** "Harrison, Melissa" <Harrison.Melissa@epa.gov>
**Date:** September 1, 2016 at 6:05:08 PM EDT
**To:** "Rupp, Mark" <Rupp.Mark@epa.gov>, "Enck, Judith" <Enck.Judith@epa.gov>, "Benenati, Frank" <benenati.frank@epa.gov>
**Cc:** "Emerson, Michael" <Emerson.Michael@epa.gov>
**Subject: RE: Letter**

Judith-just finished pulling clips from today. The letter is included in the second story.

1. TENSIONS RISING BETWEEN CUOMO ADMINISTRATION AND EPA - POLITICO New York's Scott Waldman: "The U.S. Environmental Protection Agency has been at odds with Gov. Andrew Cuomo's administration over a few high-profile issues in recent years, including a Tappan Zee bridge construction loan, oil trains in the Port of Albany and the cleanup of the Hudson River. But the unfolding water pollution crisis in Hoosick Falls has turned the administration's relationship with the EPA, and in particular with the Region 2 office headed by administrator Judith Enck, especially toxic. At the first of three legislative hearings on Hoosick Falls and water quality issues on Tuesday, state health commissioner Dr. Howard Zucker pointed to the EPA dozens of times as the reason residents were allowed to drink poisoned water without public warning. The state also took the unprecedented step of accusing the EPA of bungling the Hoosick Falls response and insisting that it reimburse some of the state's response costs." http://politi.co/2bDWngn

2. EPA responds to PFOA crisis in Hoosick Falls
The Environmental Protection Agency is responding to the State Health Department about the water quality in Hoosick Falls. During this week's public hearing, the state placed a lot of blame on the EPA. The health commissioner says his department was following EPA standards, when residents were allowed to drink contaminated water for more than a year. In a letter, the EPA responded, saying the health department should not have been "confused" about the guidelines. The EPA regional director tells NewsChannel 13 when she found out, she called state health and sent a letter, urging them not to allow people to drink the water, but the health department wouldn't do it. You can read the EPA's letter below.
Letter From McCarthy to Zucker

---

The Department of Health and the Department of Environmental Conservation released the

following statement:
We thank the EPA Administrator for her prompt response-and for her acknowledgement that there were extensive conversations between our agencies and the Region 2 EPA office regarding Hoosick Falls. Conveniently though, the Administrator's letter leaves out two important facts that lie at the heart of the confusion that EPA Region 2 created:

1) The EPA was notified in December 2014 at the time the contamination was discovered, and the EPA agreed with the state's approach and response until there was a sudden shift in policy from EPA's Region 2 office a year later in December 2015.

2) The following month, in January 2016, the EPA Regional Administrator issued a new 100 parts per trillion guidance value for PFOA that only applied to private wells in the Village of Hoosick Falls and the Town of Hoosick but nowhere else in the state or country, let alone the Hoosick Falls public water supply.

Despite the Regional Administrators claims to the contrary, our agencies followed the EPA's official 2009 health advisory guidance for addressing PFOA in drinking water and, after a bipartisan call from the Governors of New York, New Hampshire and Vermont to do so, appreciated the EPA's establishment of a lifetime health advisory level in May 2016. However, Region 2 Administrator Enck's independent decision to issue a 100 parts per trillion guidance level that only applied to Hoosick Falls private wells - and the unprecedented do not drink recommendation nearly a year after the EPA was informed - were conflicting guidelines that caused confusion and anxiety. Prior to any action by the EPA, the state Department of Health had already instituted a bottled water program for the community as a precautionary measure and had secured funding from St. Gobain for a granular activated carbon filtration system on the public supply.

We encourage the Region 2 Administrator to move beyond making inflammatory statements to the media and encourage her to accept the State Legislature's invitation to testify at the water quality hearings. She has previously appeared before the New York State Assembly on issues like climate change, and it's unfortunate that she is choosing to duck her responsibility to answer questions about the EPA's role in the response to the Hoosick Falls water contamination.

Moreover, our agencies know full well our responsibilities under the Superfund Law and Safe Drinking Water Act and we remain committed to holding polluters accountable, which is why we've listed PFOA as a hazardous substance and listed the Saint Gobain plant as a state Superfund site - both of which the federal government has still failed to do. When the federal government inserts itself into a situation and causes confusion, the state fully believes they should bear responsibility for any costs borne by the state that cannot be recovered from polluters.

3. EPA fires back at Cuomo administration over PFOA crisis
EPA says state shouldn't blame feds over bungled PFOA response
By Brendan J. Lyons

Gina McCarthy, the administrator for the U.S. Environmental Protection Agency, on Thursday fired back at New York's commissioners for health and environmental conservation, who earlier this week accused the federal agency of giving "conflicting guidance" about a toxic chemical that polluted multiple water supplies in eastern Rensselaer County.
On Tuesday, the state agencies released a letter in which they cast blame at the EPA for any issues in the state's handling of the crisis, including waiting more than a year to warn residents in the village of Hoosick Falls to stop drinking the PFOA-contaminated water. The state's letter was issued as a Senate hearing began in Hoosick Falls that day in which legislators called on government officials to explain their responses to the situation.

"I urge you to move beyond accusatory letters and, rather, work cooperatively with EPA Region 2 and the residents of Hoosick Falls on the important work of cleaning up the contamination in the village and protecting the public drinking water supply," McCarthy wrote in a letter sent Thursday to DEC Commissioner Basil Seggos and Health Commissioner Howard A. Zucker.
McCarthy's letter questioned the assertion by Seggos and Zucker that "changing" EPA guidelines on PFOA resulted in "undue public confusion."

The finger-pointing between the state agencies and the EPA has been festering since earlier this year when New York officials came under fire as a result of internal emails and other records indicating they downplayed the significance of any harm to public health from the contaminated water. The EPA, meanwhile, has faced criticism for waiting years to issue an advisory on the potential adverse health effects from long-term exposure to PFOA in drinking water supplies.
PFOA is a toxic chemical used since the 1940s to make industrial and household products. Several manufacturing plants in eastern Rensselaer County and North Bennington, Vt., used the chemical for decades and PFOA has been discovered in wells in those areas. Human health studies have found links between PFOA exposure and six diseases: kidney cancer, testicular cancer, ulcerative colitis, thyroid disease, pregnan-cy-induced hypertension and high cholesterol.

In December, more than a year after PFOA was discovered at elevated levels in public water supplies in Hoosick Falls, the state Health Department distributed "fact sheets" to village residents at a public meeting that said no adverse health effects were expected from drinking the contaminated water. The EPA's Region 2 administrator, Judith Enck, issued a statement days later urging people not to drink the water or use it for cooking. Enck also criticized Mayor David Borge for saying it was a "personal choice" whether to consume the polluted water.

For years, New York has adhered to a standard that does not raise health alarms unless unregulated contaminants such as PFOA exceed 50,000 parts per trillion. The state's reliance on that threshold took place even though the EPA in 2009 issued an advisory about the potential health risks of consuming water with more than 400 ppt of PFOA for short periods, which the EPA said meant weeks or months.

In May, the EPA issued a nationwide advisory declaring the maximum level of PFOA in drinking water for lifetime exposure should not exceed 70 ppt.
In Hoosick Falls, tests of the public water supply in 2014 showed levels of PFOA above 600 ppt.
But McCarthy, in her letter to New York's commissioners, said the EPA's 2009 short-term advisory made clear that people should not consume water with more than 400 ppt of PFOA for long periods of time.

"Further contending in your letter, as you do, that EPA contributed to your agencies' confusion by changing the level of the drinking water health advisories for PFOA is ... difficult to understand," McCarthy's letter states. "These health advisories to not conflict with one another, they complement one another."

The state Health Department and EPA both were notified in 2014 that the levels of PFOA in the village's water supply exceeded the levels recommended in the EPA's 2009 short-term exposure advisory. But state and local leaders said the EPA's guideline was not binding or enforceable, only advisory, and that since PFOA was an unregulated contaminant there was no need to warn the public to stop drinking the water. At the same time, state and local officials began exploring filtering options and alternative water supplies for village residents, who were offered free bottled water more than a year after the chemical was discovered in the water.

State health officials and other members of Gov. Andrew Cuomo's administration also have taken the position that studies have only shown an "association" between PFOA exposure and diseases such as kidney cancer and thyroid disease.

Robert A. Bilott, an Ohio attorney who has taken on DuPont for its production of the hazardous chemical that's polluted water supplies across the country, has criticized New York officials for mischaracterizing the findings of the health studies that examined links between PFOA exposure and several life-threatening diseases.

Bilott said a science panel formed as a result of the litigation with DuPont did a comprehensive study of the health effects of exposure to PFOA and issued a report concluding the chemical has a "probable link" to six diseases, including kidney and testicular cancer.
But the attorney also has criticized the EPA for its response to the nation's PFOA contamination of water supplies. In July, after a congressional committee announced it was investigating the handling of the Hoosick Falls water crisis, Bilott urged the federal panel to also examine the EPA's actions on the contaminant, including why it took years for the agency to issue the 70-ppt advisory that was issued in May.

"Although we understand that the developments in Hoosick Falls since 2014 are what triggered the committee's current investigation, EPA's delay in responding to PFOA drinking water contamination issues extends far beyond Hoosick Falls and well beyond the events of the last two years," Bilott wrote in a letter to the congressional panel. "We

continued, repeatedly, to press EPA to take appropriate action in this regard as more and more PFOA contamination was discovered between 2001 and 2006 in drinking water supplies in West Virginia, Ohio, Minnesota, and New Jersey, leading to significantly elevated PFOA blood levels in the residents drinking that water."

At least six public water systems in New York, including two in Rensselaer County, have detected PFOA in their supplies in excess of the EPA's new guidance standard.
Bilott said the EPA retreated from investigating PFOA contamination, or setting a national guideline, after it reached an agreement with manufacturers in 2006 that they would phase out their use of the chemical by last year. The EPA's 2006 agreement with DuPont and other manufacturers came a year after DuPont agreed to pay $10.25 million in civil penalties to settle a complaint brought by the EPA over the company's PFOA pollution in the Midwest.

4. EPA Fires Back at State Amid PFOA Criticism
The Environmental Protection Agency is taking issue with claims the state was confused by its guidelines, according to a letter issued Thursday to the state Departments of Health and Environmental Conservation, amid criticism heaped on the EPA for its role in identifying PFOA contamination in Hoosick Falls.
DOH has previously said the EPA changed its guidance on what's considered safe levels of PFOA in drinking water. In 2009, the federal government issued an advisory that drinking water in the short-term with contaminants more than 400 parts per trillion could cause health problems. In recent months, the EPA revised that number to be 70 parts per trillion for lifetime exposure.
"Given these communications and the expertise within your agencies, it's very difficult to understand how there was any confusion in the guidance provided to NYSDOH regarding contamination in Hoosick Falls," the EPA wrote in the letter, referring to conversations between with the state agencies about Hoosick Falls water contamination.
On Tuesday, the Department of Health and Department of Environmental Conservation sent the EPA a letter suggesting the federal agency pay for the cost of cleaning up the contamination. DOH Commissioner Howard Zucker testified during Tuesday's state Senate hearing that the clean up has cost the state $25 million so far and expects it will cost another $50 million.
The EPA says it's surprised by the state's demand since federal and state Superfund laws require the companies causing the contamination pay for clean up.
DEC has identified Saint Gobain and Honeywell as the source of the contamination in Hoosick Falls.

Melissa J. Harrison
Deputy Associate Administrator
Office of Public Affairs
U.S. Environmental Protection Agency
Office: (202) 564-8421
Mobile: (202) 697-0208
Harrison.Melissa@epa.gov

-----Original Message-----
From: Rupp, Mark
Sent: Thursday, September 01, 2016 5:59 PM
To: Enck, Judith <Enck.Judith@epa.gov>; Benenati, Frank <benenati.frank@epa.gov>; Harrison, Melissa <Harrison.Melissa@epa.gov>
Cc: Emerson, Michael <Emerson.Michael@epa.gov>
Subject: RE: Letter

Will do...haven't seen anything yet.

-----Original Message-----
From: Enck, Judith
Sent: Thursday, September 01, 2016 5:59 PM
To: Rupp, Mark <Rupp.Mark@epa.gov>; Benenati, Frank <benenati.frank@epa.gov>; Harrison, Melissa <Harrison.Melissa@epa.gov>
Cc: Emerson, Michael <Emerson.Michael@epa.gov>
Subject: Letter

Hi mark. A gannet reporter tweeted about new yorks response to the administrators letter but I can't find it anywhere on line. If you receive the letter plz send my way. Tx

Sent from my iPhone