



Department of
Environmental
Conservation

Department
of Health

September 7, 2016

Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator McCarthy:

Access to clean drinking water remains one of this country's greatest challenges, including combating the threat of emerging unregulated contaminants—like perfluorooctanoic acid (PFOA)—in drinking water. That is why, in February, Governor Cuomo established the New York State Water Quality Rapid Response Team, co-chaired by our agencies, to swiftly identify and address New York's most critical drinking water contamination concerns.

One of the most critical concerns we have identified to date is the fact that 6.5 million people – one-third of all New Yorkers and nearly 60 percent of residents outside of New York City – rely on public water systems and private wells that do not require the testing of emerging contaminants such as PFOA. The failure of the federal government to mandate testing of all public water systems, specifically those with less than 10,000 people, leaves communities across the nation at risk.

As you know, since 1999 the Environmental Protection Agency's Unregulated Contaminant Monitoring Rule program has required public water systems to test for certain unregulated contaminants. Every five years, the EPA issues a new list of no more than 30 unregulated contaminants to be monitored by public water systems, and the most recent list required these systems to test for PFOA. However, the program is only required of public water systems serving more than 10,000 people. Due to this arbitrary threshold, the EPA requires just 188 of New York State's 9,000 regulated public water systems to test for unregulated contaminants, which makes no sense.

This lack of oversight means the state's 2,700 small community water systems—including the Village of Hoosick Falls—as well as thousands of non-municipal entities, including businesses and schools, with their own water systems are not tested for unregulated contaminants. If testing were required in all of these cases, PFOA in the Village of Hoosick Falls water system would have been detected much earlier. How did the EPA come to settle on this arbitrary threshold? And why should people who live in areas served by public water systems below this threshold be treated as second class citizens—does their health and safety not warrant the same protection as everyone else?

This is not just a New York problem. As we have seen in dozens of states nationwide, PFOA and other unregulated contaminants are not confined to state borders. Millions of Americans living in areas that do not meet the 10,000 person threshold are not equally protected by the EPA. This baseless and exclusionary practice must be changed. Therefore today, we call on the EPA to expand the UCMR program to require sampling of all public water systems regardless of size and to provide sampling results to states in a timely and transparent matter. Moreover, we ask the EPA to provide funding to support sampling and analysis for these water systems. We also ask that these important changes be made prior to the end of the current administration.

In the absence of federal action, we will be pursuing state legislation to protect the public health of the estimated 2.5 million New Yorkers not currently served by the UCMR program. We feel strongly that these changes can prevent the next Hoosick Falls here in New York and across the country. We thank you for your attention to this important matter.

Sincerely,



Howard Zucker, MD
Commissioner
Department of Health



Basil Seggos
Commissioner
Department of Environmental Conservation