

Congress of the United States
Washington, DC 20515

December 2, 2016

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator McCarthy:

As members of New York State's Congressional delegation, we write to express our concerns about the ongoing Five Year Review of the Hudson River Superfund project. While EPA has worked diligently to oversee the removal of toxic polychlorinated biphenyls (PCBs) from the river sediment, current data suggests more work must be done to reduce PCBs to acceptable levels and protect the environmental health of the river and the public health of millions of people who live along it. We support the New York State Department of Environmental Conservation's recent request to the EPA to increase the scope of sediment sampling as part of the review process. We call on EPA to expeditiously determine through its ongoing five year review that the existing remedy is insufficient and that additional cleanup is required, before the change in Administration.

Under the 2002 Record of Decision for the Hudson River Superfund project, EPA set explicit objectives, including reducing PCB concentration in fish to 0.4 mg/kg by 2016. Data from the National Oceanic and Atmospheric Administration¹ and New York State Office of the Attorney General² indicate PCB levels in fish are 600 percent above this target, making it clear that the project goals have not been met. Unless more contaminated sediment is removed from the Hudson, fish consumption advisories will remain in place for decades, jeopardizing the health of communities that depend on the river's fish for sustenance.

The New York State Department of Health (NYSDOH) recently revisited its Hudson Fish Advisory. Though the fish consumption advisory was intended to minimize the health risks associated with eating fish from the Hudson River, the advisory is not working as EPA had hoped. Members of the public have been documented as eating species from the river that are among the most contaminated. Meanwhile, NYSDOH has expanded the advisory to include new species of fish and is working to reach an entire new community of subsistence anglers that have

¹ NOAA: L. Jay Field, et al, Re-Visiting Projections of PCBs in Lower Hudson River Fish using Model Emulation, Science of the Total Environment, 2016.

² See Letter, Office of the Attorney General New York State to U.S. EPA Region 2 Administrator Judith Enck (September 16, 2016).

moved into the Hudson River Valley since the original human risk assessment was conducted for the Hudson River Superfund decision.³

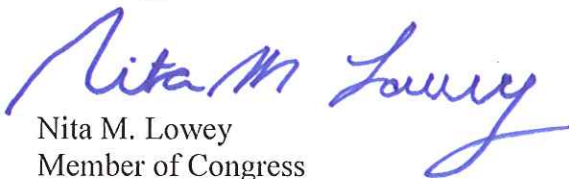
PCB contamination in the Hudson River has affected both upriver and downriver communities. In meetings of the Hudson River Superfund Community Advisory Group, EPA has acknowledged that nearly 70 percent of PCBs present in the New York-New Jersey Harbor that the Army Corps of Engineers must dredge to facilitate water-based commerce originate from General Electric's sites in the upper Hudson River. The level of contamination in the Harbor is so severe that the Hudson River Foundation's 2015 Contamination Assessment and Reduction Project report referred to GE's PCB contamination as an "economic ball and chain" on New York's and New Jersey's waterfronts and ports.⁴ The continuing cost of addressing this contamination is being unfairly borne by the public and represents a lost economic potential.

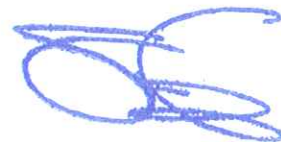
In addition to this frightening data, other studies indisputably show PCB concentrations in river sediment are two to three times higher than estimated at the time the cleanup remedy was determined.⁵ Despite this data and the requests of the federal Natural Resources Trustees, EPA allowed GE to decommission its dredging facilities and declared the cleanup a success last November, even before completing the mandated Five Year Review which is intended to determine the project's effectiveness.

EPA has an obligation to ensure that the environmental health of the Hudson River is restored and that New Yorkers are not harmed by this legacy pollution. We join New York State, your sister federal agencies serving as Natural Resource Trustees, dozens of environmental groups, local elected officials and thousands of people in Hudson Riverfront communities in calling on the EPA to consider all available data and propose additional measures to achieve the mandated goals of this Superfund project.

Thank you for your consideration of this matter.

Sincerely,


Nita M. Lowey
Member of Congress



Sean Patrick Maloney
Member of Congress

³ New York State Department of Health: Hudson River Fish Advisory Outreach Project Update 2009-2016, *Appendix: Preliminary Results of Hudson River Fish Consumption Surveys September 2016*.
<http://www.health.ny.gov/environmental/outdoors/fish/hudson_river/docs/hrfaappendix.pdf>

⁴ Lodge, J., Landeck Miller, R.E., Suszkowski, D., Litten, S., Douglas, S. 2015. Contaminant Assessment and Reduction Project Summary Report. Hudson River Foundation, New York, NY.
<<http://www.hudsonriver.org/download/CARP-summary-report.pdf>>

⁵NOAA: L. Jay Field, et al, *Re-Visiting Projections of PCBs in Lower Hudson River Fish using Model Emulation*, Science of the Total Environment 2016, www.elsevier.com/locate/scitotenv

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