

United States Senate
WASHINGTON, DC 20510

COMMITTEES:
APPROPRIATIONS
COMMERCE
HEALTH, EDUCATION,
LABOR, AND PENSIONS

July 19, 2018

Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Daniel Meyer
Secretary
Wisconsin Department of Natural Resources
101 S. Webster Street
Madison, WI 53707-7921

Cathy Stepp
Regional Administrator – Region 5
U.S. Environmental Protection Agency
Ralph Metcalfe Federal Building
77 West Jackson Blvd
Chicago, IL 60604-3590

Dear Acting Administrator Wheeler, Administrator Stepp and Secretary Meyer:

Communities in northeast Wisconsin are facing serious contamination challenges from perfluoroalkyl substances (PFASs), specifically perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS). While sampling is underway and response plans are being developed, many local residents have contacted me to share their concerns that the Environmental Protection Agency and Wisconsin Department of Natural Resources are not responding to this contamination with the urgency and seriousness this situation requires. I am calling on you, as leaders of the agencies responsible for protecting public health and the environment, to increase your engagement on this issue and work directly with the communities and members of the public to take further and faster action to fully respond to this public health and water quality threat.

While PFAS contamination is cause for concern across the country, the Town of Peshtigo and City of Marinette, Wisconsin, face particularly pressing and acute PFAS contamination concerns. The area is home to Tyco Fire Products, which has manufactured and tested firefighting foams that contain high concentrations of perfluorinated substances for decades. The contamination at this site has severe ramifications for public health, the safety of groundwater, and the protection of water quality in Lake Michigan, which is a source of drinking water to hundreds of thousands of people in the region. Addressing the present and future threat of PFAS in the Marinette area is critically important to protecting public health in the impacted communities and broader region.

The contamination at the site is substantial and severe, and ongoing testing is revealing further extents of contamination and related risks. There is a mobile underground plume of contaminants below the town of Peshtigo and the neighboring city of Marinette, which has contaminated groundwater and may interact with groundwater flows into adjacent ground and surface waters,

including Green Bay. Updated sampling recently detected high levels of PFAS in the surface waters of ditches connecting the Tyco site to Green Bay and its tributaries. Elevated levels of PFAS have also been found in the City of Marinette's wastewater treatment system. This finding is particularly concerning because treated wastewater is released to tributaries that flow into Green Bay, and processed solids from the plant are spread on fields, potentially dispersing concentrated PFAS into the soil.

Given the complex nature of the hydrology and ecosystems in the area, and the evolving scientific understanding of these chemicals, it is critical that national and state experts are fully engaged to assist the company and community in responding to this contamination. This is important to protect the health of local residents, as well as the health of the hundreds of thousands of people across the region who get their drinking water from Green Bay and Lake Michigan, and the health of Lake Michigan and the ecosystem it supports.

As response plans are being developed, I urge you to incorporate frequent and meaningful opportunities for public input that inform the approaches implemented at the site, including on sampling methods, treatment strategies, and remediation plans. Local residents were exposed to these chemicals for a long time before their risk was addressed, and they face the challenges associated with health impacts, property value decreases, and the uncertainty of the long-term impacts of these exposures. It is crucial they have a meaningful role in shaping the next series of actions, which will impact their families, their properties, and the region.

The EPA has affirmed that this family of chemicals are harmful to human health and have extremely long lasting impacts on ecological systems. The timing of the EPA's national response to the threat of these chemicals has been unacceptably slow given the severity of the health threat posed by these substances. The EPA and Department of Health and Human Services took an important, though very delayed, step when they released the Agency for Toxic Substances and Disease Registry (ATSDR) toxicological study on PFAS in June. The report's release was unduly delayed, and it was made public only after my Senate colleagues and I sent a letter urging the agencies to release it, and then after we included a provision requiring its release in next year's EPA funding bill. As you know, the results of the study suggested that perfluorinated substances may be even more harmful to human health than first believed. As the dangers of these chemicals become clearer, as indicated by the ATSDR study, it is critical that you address PFAS contamination with urgency commensurate to the serious threat it poses to public health. In order to protect public health, EPA must dedicate budget resources to the staff, research, monitoring, and response necessary to help communities and states respond to these contaminants.

I ask that the EPA and DNR collaborate to address the pressing health threats of contaminated water use by first ensuring the provision of clean water to impacted individuals, including households that are on private wells and municipal water systems. In addition, it is critical that households in the area have information about their potential risks for contamination, as well as information on the specific health threats and symptoms they should be aware of. I ask that you work to provide this information in coordination with local, state, and national health officials and provide the best available information, updated as additional health information is developed related to these chemicals and this site. The public has a right to understand the risks of

contamination and have full and accurate information about options to protect their families, and to respond to harms incurred.

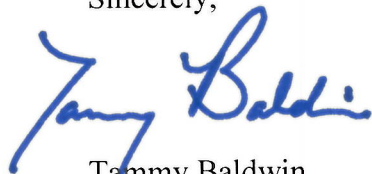
Both agencies also have a duty to address the broader source of the contamination by establishing enforceable regulatory standards for PFAS in drinking water and eliminating sources of PFAS contamination. To facilitate remediation efforts, I reiterate my request expressed in an April 13, 2018, letter to the EPA Administrator for the agency to establish a federal Maximum Contaminant Level (MCL) for PFAS. The DNR may also establish a Wisconsin state standard that is enforceable; multiple states, including Michigan and Minnesota, have established their own MCLs for certain perfluorinated substances. An appropriate MCL should incorporate scientific findings respected by the public health community, the recently released ASTDR report, and reflect the exposure risks faced by people exposed to these chemicals in routine or acute events, as well as vulnerable populations. Establishing an MCL is an important step to addressing public concerns about the cleanup response at this and other sites, and it should move forward as quickly as possible.

Furthermore, I ask that both the DNR and EPA increase transparency and communication with residents potentially impacted by PFAS contamination from the Tyco facility. Maintaining an up-to-date website where residents in the local area and region can access information about health threats, water quality and remediation efforts is very important to ensuring the public's access to information. Hosting regular public meetings announced with adequate notice and communicating with local elected representatives in a way that is recorded and publically available is crucial to ensuring the public has full access to information that impacts them, their families, their communities, and our natural resources.

Finally, while these foams are widely used, effective tools for first responders, their high PFAS content threatens human health, endangering the lives of those who serve to keep our communities safe. Their health should not be jeopardized by this threat, and safer alternatives should be developed. I urge you to work with other agencies to address exposure issues for first responders and other workers who have had acute or long-term exposure to these chemicals to ensure that risk-based information informs health screenings and the development of safer alternatives that perform effectively.

Thank you for your work to address the threats from these chemicals and the contamination at this site, and for your action in response to these requests on behalf of the constituents we serve.

Sincerely,



Tammy Baldwin
United States Senator