

April 12, 2021

New York State Legislature
New York State Capitol
State Street and Washington Avenue
Albany, NY 12224

Dear Majority Leader Stewart-Cousins and Speaker Heastie,

We write to express our strong support for S.1759/A.126, which would jump-start testing for emerging contaminants in drinking water. Every New Yorker deserves to know what's in their water. This legislation is essential to locate dangerous contamination and accelerate efforts to clean it up.

Small water utilities, serving fewer than 3,300 people, are not required by the federal government to test for potentially harmful contaminants in their drinking water, like strontium, chromium-6, and many PFAS chemicals. Before 2018, water utilities serving between 3,300 and 10,000 people were also exempt. Due to this lack of testing, 2.5 million New Yorkers, served by approximately 2,000 water utilities, don't currently know if they are being exposed to chemicals that could make them sick.

In 2017, New York State enacted the Emerging Contaminant Monitoring Act to close this loophole and prevent water crises like the one in Hoosick Falls from occurring in the future. For years, Hoosick Falls residents were in the dark about the toxic chemical PFOA in their drinking water because their community's small size exempted them from federal testing requirements.

However, four years later, the NYS Department of Health (DOH) has failed to implement this landmark law. DOH has not created a list of emerging contaminants that all water utilities must test for in drinking water and notify the public if elevated levels are detected.

Given DOH's inaction, New Yorkers are in need of the State Legislature's leadership once again. S.1759/A.126 sets New York's first list of emerging contaminants, and gives DOH thirty days to publish draft regulations establishing the list and setting a testing schedule for water utilities. The list is drawn from contaminants known to occur in New York and linked to harmful health effects, including many PFAS chemicals. New York's Drinking Water Quality Council has analyzed these contaminants for the last several years, providing DOH a wealth of information that makes swift action feasible.

Recent events underscore the urgent need for this bill. In December 2020, DOH issued a "Do Not Drink the Water" order to the 1,800 residents of the Village of Mayville in Chautauqua County. The village had discovered dangerous levels of PFNA, an emerging contaminant and PFAS chemical, in its drinking water. Had DOH quickly implemented the Emerging Contaminant Monitoring Act, testing for PFNA could have commenced as early as 2017, and this toxic

pollution could have been mitigated years earlier. DOH's failure to act deprived residents of a key tool to learn of their contamination and prevent harmful exposure.

We cannot allow any more water contamination crises to go undetected. New Yorkers have already waited too long for this drinking water testing. They should not have to wait any longer.

Thank you for your commitment to guaranteeing clean, safe drinking water for all New Yorkers, and we look forward to working with you to enact S.1759/A.126 this year.

Sincerely,

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Buffalo Niagara Waterkeeper

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CC: Members of the New York State Legislature