

July 29, 2021

Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Re: Support for A.126-A/S.1759-A

Dear Governor Cuomo,

We write to express our strong support for A.126-A/S.1759-A and urge you to sign this bill into law as soon as possible. All New Yorkers deserve to know what's in their water. By signing this legislation, you will fulfill your promise to New Yorkers to locate dangerous contamination and accelerate efforts to clean it up.

Small water utilities, serving fewer than 3,300 people, are not required by federal law to test for emerging 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, approximately 2.5 million New Yorkers, served by approximately 2,000 water utilities, don't know if they are being exposed to chemicals that could make them sick.

In 2016, your administration sent a letter to the US Environmental Protection Agency promising that if the federal government would not act to close this water testing loophole, your administration would. The NYS Department of Health (DOH) and NYS Department of Environmental Conservation (DEC) sent the letter in response to the water crisis in Hoosick Falls, where for years residents were in the dark about the toxic chemical PFOA in their drinking water because their community's small size exempted them from the federal emerging contaminant testing program.

To ensure future water crises would not go undetected, you signed the Emerging Contaminant Monitoring Act (ECMA) into law in 2017. This law requires DOH to publish lists of emerging contaminants that every water utility across the state, regardless of size, are required to test for and notify the public if high levels are discovered. The law also makes funding available through the Clean Water Infrastructure Act to small water utilities that may need financial assistance to conduct this testing.

However, four years since the enactment of the ECMA, your administration has not yet fully implemented the law. While DOH did establish new Maximum Contaminant Levels (MCLs) for the chemicals PFOA, PFOS, and 1,4-dioxane, no contaminant has yet been listed as an "emerging contaminant" as defined under the ECMA. There are likely hundreds of emerging contaminants making their way into our drinking water, yet DOH has not begun the proactive testing to identify whether New Yorkers are facing additional health risks.

Recent pollution in New York has demonstrated the importance of jump-starting testing for emerging contaminants. 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. Statewide testing for PFNA and other contaminants is now urgently needed to determine whether other communities, especially those of small size like Mayville, are being exposed to toxic chemicals when they turn on the tap. The sooner testing begins, the sooner contamination can be identified and remediated.

By signing this legislation, you will finally expand testing across the state and take an important step towards ensuring that all New Yorkers, whether they live in a big city or a small town, receive the same drinking water protections. A.126-A/S.1759-A creates New York’s first list of emerging contaminants and gives DOH ninety days to publish draft regulations setting up the testing program. The 40 contaminants in the bill are drawn from US EPA lists of emerging contaminants, are known or likely to occur in New York, and are linked to harmful health effects.

This bill continues your administration’s important efforts to address toxic PFAS by establishing the most comprehensive monitoring program for PFAS in the nation. No other state has required all of its water utilities to test for the full extent of currently detectable PFAS. The results from this testing will give New York and the nation critical information about the prevalence of PFAS in our drinking water and will inform future policies to protect public health from these “forever chemicals.”

We urge you to fulfill your promise to protect New Yorkers’ drinking water and sign this legislation immediately. Communities have already waited four years for this water testing; they shouldn’t have to wait any longer. Every day that goes by is another day that New Yorkers may be exposed to toxic chemicals and not even know about it.

Thank you for your consideration of this letter.

Sincerely,

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