

September 24, 2021

The Honorable Kathy Hochul  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

Re: Emerging Contaminants in Drinking Water

Dear Governor Hochul,

On behalf of the undersigned organizations, we warmly welcome you in your new role as Governor and are eager to work with your office on advancing the public interest. Toxic but unregulated contaminants (also known as emerging contaminants) such as per- and polyfluoroalkyl substances (“PFAS”) are endangering our communities and environment. Decades of unregulated use have led many drinking water sources to have dangerous levels of PFAS and other emerging contaminants. These contaminants harm vulnerable populations like people with compromised immunity, children, and pregnant women the most, creating health disparities. **We ask you to focus on three key priorities to tackle this problem: 1) testing and transparency, 2) regulation, and 3) remediation, which can be accomplished through:**

1. Signing A.126-A/S.1759-A into law;
2. Ensuring state agencies provide consistent and clear information to the public about emerging contaminants and drinking water quality;
3. Establishing water quality standards (WQS) for PFOA, PFOS, and 1,4-dioxane to prevent unsafe discharges;
4. Fully remediating drinking water sources where contamination is uncovered; and
5. Prioritizing continued investments into New York’s Drinking Water Source Protection Program.

Early detection and awareness of emerging contaminants is the first step to mitigate any dangerous pollution in drinking water and prevent people from getting sick. We also strongly believe that it is the public’s right to know what is in their drinking water.

Therefore, we hope that you will **sign A.126-A/S.1759-A, which will create New York's first emerging contaminant testing list**. The bill will ensure that every water utility in the state, regardless of size, monitors for 40 toxic chemicals, all of which are drawn from US EPA unregulated contaminant monitoring lists, are known or likely to occur in New York, and are linked to harmful health effects.

This drinking water testing is long overdue. In 2017, New York enacted the Emerging Contaminant Monitoring Act (ECMA) to prevent future water crises like the one in Hoosick Falls from going undetected. However, over four years later, the NYS Department of Health (DOH) has not yet published a list of emerging contaminants to be tested for, as the law requires.

You have a great opportunity to jump-start this critical program and deliver on the promise to protect New Yorkers' drinking water. Signing this bill will demonstrate your commitment to listening to and addressing the needs of communities harmed by water contamination, and signal your determination to establish New York as a national leader in safeguarding public health. In addition, thanks to funding made available through the ECMA, small water utilities will have the resources they need to conduct this testing without facing a financial burden.

In addition, we ask that you **ensure transparency and clear public communication under New York's new Maximum Contaminant Levels (MCLs) for PFOA, PFOS, and 1,4-dioxane**. Now that water utilities have completed a full year of water testing for these three toxic chemicals, DOH should create a statewide database of the results to give policymakers and the public a complete understanding of contamination across the state. We also ask that you ensure DOH provides guidance to water systems for consistent notification and messaging when levels of concern are found. We have observed instances where DOH advises against consuming water that exceeds the MCLs for PFOA and PFOS, as well as instances where DOH has advised that continued consumption of water that exceeds MCLs is safe. Consistent information and clear explanations is essential to both educate and build trust with the public.

Regulation of emerging contaminants is also needed once enough information about their occurrence is available. We ask your administration to **prioritize the establishment of water quality standards ("WQS") for PFOA, PFOS, and 1,4-dioxane**. The DOH has already promulgated MCLs to protect drinking water from these chemicals; however, WQS are also needed to ensure permitted pollution discharges do not contain high levels of these toxic chemicals and to establish thresholds for remediation efforts.

We also ask that **remediation of contaminated drinking water sources remain a priority in your administration**. Communities such as Hoosick Falls, Newburgh, and Rockland County have been deeply impacted by their tainted drinking water and are still engaged in multi-year cleanup processes. Other impacted communities are likely to be discovered, as testing and regulation of emerging contaminants expands. We urge your administration to take swift and thorough action to completely remove health risks from drinking water sources, conduct rigorous investigations into the sources of contamination to hold polluters accountable, and regularly engage the public to provide health resources and gain their input and feedback.

Finally, **continued investment in the Drinking Water Source Protection Program** should also be a high priority, as this program aims to establish more robust protection programs for public water supplies across the state, a step that should prevent future contamination and identify strategies for reducing and eliminating existing threats.

Thank you for your consideration and we look forward to working with you on these issues.

Sincerely,

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