

Monday, January 8, 2024

The Honorable Lisa Garcia
Regional Administrator
US EPA – Region 2
290 Broadway
New York, NY 10007

RE: Municipal sign-on letter urging EPA to take actions that would place the Hudson River PCBs Superfund Site on a real path to recovery

Dear Regional Administrator Garcia,

On behalf of Hudson River villages, towns and cities with residents living on or near the Hudson River shoreline, we write with concerns about the upcoming release of U.S. Environmental Protection Agency's (EPA's) draft third five-year review (FYR) report for the Hudson River PCBs Superfund Site. Given the importance of the FYR to the protectiveness of the Superfund site, we respectfully request that you hold General Electric accountable to clean up the Hudson River in accordance with the goals and objectives set forth in the 2002 Record of Decision. The data trends clearly indicate that the selected remedy is not on track to meet the goals needed to protect human or ecological health. EPA must take action to improve the protectiveness and effectiveness of the remedy and facilitate continued progress towards a clean and safe Hudson River. **To initiate such progress, EPA must render a determination in the third FYR that the remedy is not-protective of human health and the environment.**

EPA chose to dredge the Upper Hudson River to reduce the time it would take to achieve targeted fish PCB concentrations. This was necessary, according to EPA, to protect the public and the environment exposed to PCBs through fish consumption. In the 2002 Record of Decision, EPA modeling projected that under the dredging remedy the target concentrations of 0.4 mg/kg PCB in fish fillet, which is protective of the average adult who consumes one half-pound meal every two months, would be attained within five years of completion of dredging (before or by 2020). The target of 0.2 mg/kg PCB, which is protective of an average adult who consumes one-half pound meal per month, was projected to be attained within 16 years of completion of dredging (before or on 2031). Attaining such PCB levels was meant to facilitate the relaxation of fish consumption advisories and fishing restrictions (*e.g.* the "eat none" advisory for the Upper Hudson could be relaxed as conditions improved).

EPA has failed to meet the 0.4 mg/kg target within the timeline specified and is not on track to meet the 0.2 mg/kg target. The Hudson River ecosystem remains heavily burdened by unacceptable risks posed by PCB contamination. The data trends clearly show that the amount of PCBs in fish has plateaued and is no longer decreasing at the rates anticipated in the 2002

Record of Decision. **EPA cannot dismiss the importance of achieving the target PCB concentrations which are critical to reduce cancer risks for people eating fish from the Hudson River.**

For many decades, the only protection from the negative health impacts due to exposure to PCB-laden fish has been fish consumption advisories. Although fish consumption advisories remain in place for the entire 200-mile Hudson River Superfund site, fishing has been observed and fish are being consumed, putting a particularly unjust burden on those who rely on fish for subsistence. Moreover, fish consumption advisories do nothing to protect plants and animals that rely on the Hudson River to survive. Without modifications to the remedy, the current elevated human health and ecological risks posed by fish consumption will persist for decades to come. **The third FYR must acknowledge that the remedy has failed to meet the goals and objectives set forth in the 2002 Record of Decision. For these reasons, EPA must render a “not protective” determination.**

Furthermore, we recognize that General Electric is currently performing testing and other investigative activities in the Lower Hudson River to improve the understanding of the Lower Hudson system. However, this voluntary sampling and investigation is not a substitute for a formal Remedial Investigation and Feasibility Study (RI/FS). It will merely delay the beginning of an RI/FS, which must occur before any meaningful response action in the Lower Hudson can take place. There has been continued unacceptable risk to the general public and the environment in both the Upper and Lower Hudson for far too long. **For these reasons, we call upon EPA to issue a clear schedule and commitment to order an RI/FS for the Lower Hudson, assess impacts on environmental justice communities and provide for robust community information and involvement.**

Communities in the Upper Hudson River are also waiting for meaningful action. General Electric has been conducting an RI/FS in the floodplains of the Upper Hudson River since 2014. The objective of this study is to determine the nature and extent of contamination, identify potential ecological and human health risks, and evaluate options for cleaning up the floodplains. Upper Hudson River communities have been waiting almost a decade for EPA and General Electric to complete the RI/FS and select a cleanup action for the floodplains. In the meantime, to address immediate threats to human health, EPA is relying on temporary actions, including installation of topsoil and grass covered material to prevent direct contact with PCBs and posting signs to warn people that PCBs are present. These communities deserve more.

Thank you for your respectful attention to this highly time-sensitive request. We look forward to the upcoming third FYR where we will continue to support the Hudson River's long-term restoration and recovery.

Sincerely,

Kathy Sheehan

Mayor

City of Albany

Lee Kyriacou

Mayor

City of Beacon

David VanLuven

Supervisor

Town of Bethlehem

Joyce Becker

Councilmember

Town of Bethlehem

Maureen Cunningham

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Town of Bethlehem

Steven Vescio

Mayor

Village of Briarcliff Manor

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cc:

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