

The Honorable Michael Regan
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Regan,

As members of the New York State Senate, we urge the U.S. Environmental Protection Agency (“EPA”) to adopt a “not protective determination” in the third five-year review (“FYR”) for the Hudson River PCBs Superfund Site and acknowledge the failure of the Upper Hudson River dredging remedy to meet the goals and objectives of the cleanup. The complex nature of PCBs ensures that General Electric’s toxic waste will continue to travel throughout the Hudson River, resisting degradation, biomagnifying in food chains, and bioaccumulating in human and animal tissue. At the current rate, and without additional actions, the health risks and impacts of those living, working, and playing within a heavily polluted Superfund site along a nearly 200-mile stretch of the Hudson River will persist for future generations. EPA has an obligation to ensure that the environmental health of the Hudson River is restored and that New Yorkers are not harmed by General Electric’s legacy pollution.

The Hudson River—from the foothills of the Adirondacks to New York Harbor—is where diverse populations, geographies, natural resources, and economic opportunities converge. The Hudson possesses abundant scenic and natural resources that provide a commercial and environmental foundation for our communities to thrive. The health and beauty of the Hudson River is critical to the economic vitality of the communities surrounding it. As elected members of the state legislature, we have designed and supported strategies to revitalize the river and its communities through legislation and budgetary allocations.

For 30 years, from 1947-1977, General Electric dumped PCBs into the Hudson River from two capacitor manufacturing plants located in the towns of Fort Edward and Hudson Falls, N.Y. PCBs are man-made, bio-accumulative, persistent organic pollutants that have been linked to a wide variety of adverse health effects. PCBs discharged by General Electric are still found at dangerous levels throughout the Hudson River ecosystem in soils and sediments within the river and the surrounding floodplains; in the living tissues of wildlife, from low-level organisms to larger animals such as birds and fish; and, periodically, suspended in the river itself or in the air.

Even though EPA issued a Certificate of Completion of the Remedial Action to General Electric in 2019 upon the conclusion of General Electric’s dredging operations; significantly more PCBs remain in the river’s sediment post-dredging than was originally estimated. The human health and ecological risks remain well in excess of EPA’s acceptable risk ranges, and based on current trends in fish and sediment PCB levels will not be in the acceptable range for the

foreseeable future. Remaining PCB contamination within the river and the floodplains inhibits private and public growth, development, and recreational and business opportunities along the shores of the Hudson River.

The continued presence of PCBs in the Hudson River has also destroyed the use of the River as a food source as exemplified by the longstanding NY State Department of Health fish advisories against the consumption of fish and the numerous government-posted signs along the river warning of the presence of PCB-contaminated soils and sediments. EPA's reliance on fish consumption advisories is not an effective nor a just solution for mitigation of human health risks, particularly for environmental justice communities who rely on subsistence fishing. For far too long, communities along the Hudson River have faced persistent environmental injustice through toxic PCB pollution. These communities have experienced disproportionate and adverse human health and environmental burdens.

We join dozens of environmental groups, local elected officials and thousands of people in Hudson riverfront communities in calling on EPA to follow the science and issue a "not protective determination" in the draft third FYR. EPA must take action to facilitate continued progress towards a clean and safe Hudson River. EPA must acknowledge that the dredging remedy is not working as intended and begin the process of assessing additional remedial actions to protect the environment and our vulnerable communities along the Hudson River, who will otherwise continue to be exposed to toxic levels of PCBs.

Thank you for your attention to this urgent and important matter.



Senator Peter B. Harckham
NYS District 40

Supporting Senators

Senator Jake Ashby
Senator Neil D. Breslin
Senator Cordell Cleare
Senator Michelle Hinchey
Senator Brian Kavanagh
Senator Liz Krueger
Senator John C. Liu
Senator Rachel May

Senator Shelly Mayer
Senator Gustavo Rivera
Senator Rob Rolison
Senator Luis R. Sepúlveda
Senator Jose M. Serrano
Senator James Skoufis
Senator Kevin Thomas
Senator Bill Weber

