

United States Senate

WASHINGTON, DC 20510

September 20, 2023

The Honorable Michael Regan
Administrator
U.S. Environmental Protection Agency
45 L Street NE
Washington, DC 20460

Dear Administrator Regan:

We have serious concerns regarding potential lead contamination and exposure caused by an expansive network of lead-sheathed telecommunications cables throughout the country. We appreciate the work that the Biden Administration and the Environmental Protection Agency (EPA) have undertaken to reduce—with a goal of ultimately eliminating—lead exposure for children, families, and workers, and believe that a full understanding of the scope of possible lead exposure from these cables is critical to achieving this goal. We strongly urge the EPA to investigate and ascertain the scope of this problem and move swiftly to hold any potentially responsible parties accountable and ensure they engage any needed remediation activities to mitigate harms affecting communities, families and children, current and former employees and contractors, and ecosystems that were exposed to lead-sheathed telecommunications cables.

As you know, “EPA and the Centers for Disease Control and Prevention (CDC) agree that there is no known safe level of lead in a child's blood.”¹ Under President Biden’s leadership, Congress and the Administration have worked together to make historic investments in replacing lead pipes and reducing other potential sources of contamination. Last month, the EPA proposed updates to its lead paint and dust abatement standards to protect children, vulnerable groups, and all communities, and better align its standards with current abatement capabilities.² However, even as the federal government works to reduce lead contamination, recent reporting from *The Wall Street Journal* indicates that lead-sheathed cables may be a significant unaddressed source of exposure. We appreciate that EPA has conducted its own testing at sites in West Orange, New Jersey and Coal Center, Pennsylvania and is working with state agencies in New York to review additional samples. While EPA has stated that initial testing results at the West Orange site do not pose an immediate health risk, it also acknowledged that some samples did have lead concentrations above EPA’s threshold of 400 parts per million.³ We believe that these results warrant continued monitoring and further investigation to fully ascertain the scope of this issue.

¹ U.S. ENV’T PROT. AGENCY, BASIC INFORMATION ABOUT LEAD IN DRINKING WATER, <https://www.epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water#:~:text=EPA%20has%20set%20the%20maximum,in%20the%20body%20over%20time>

² News Release, U.S. Env’t Prot. Agency, Biden-Harris Admin. Proposes to Strengthen Lead Paint Standards to Protect Against Childhood Lead Exposure (Jul. 12, 2023), <https://www.epa.gov/newsreleases/biden-harris-administration-proposes-strengthen-lead-paint-standards-protect-against->

³ U.S. ENV’T PROT. AGENCY, EPA INVESTIGATES LEAD CONTAMINATION IN SOIL: WEST ORANGE, NEW JERSEY (2023), https://response.epa.gov/site/site_profile.aspx?site_id=16176#:~:text=As%20part%20of%20this%20work,the%20health%20of%20people%20nearby.

We also understand EPA requested additional information from telecommunications companies.⁴ We urge EPA to conduct a full assessment of the risks that these cables pose to all communities in which they are present and any risks to the public, workers, and the environment.

The Wall Street Journal's investigation found that these cables are the likely source of elevated lead levels in soil and water samples that significantly exceed EPA guidelines, from West Orange, New Jersey, to Lake Tahoe, California.⁵ Lead contamination at sites identified in the investigation, as well as at any unreported locations, could endanger drinking water and areas around schools, playgrounds, and other locations that may pose a high risk of exposure for children.⁶ In total, the *Journal* identified over 300 underwater cables in source water protection areas and aerial cables running alongside over 100 schools that serve approximately 48,000 students.⁷ Additionally, reporting indicates that telecommunications companies may have had knowledge of the risks associated with lead-sheathed cables for decades, including health risks to workers and the environment.⁸

These reports raise serious questions about the public health risks associated with deteriorating lead-sheathed cables, along with risks to workers who came in contact with these cables, and warrant further examination at the federal level to fully assess these risks. We urge EPA to work with other federal agencies, state and local governments, organized labor and affected workers, civil society and public health advocates and researchers, environmental experts, the telecommunications industry, and other stakeholders to quickly gather information to determine the scope of this issue and undertake swift and aggressive remediation efforts as needed. Further, EPA should utilize existing authorities under the Safe Drinking Water Act, Clean Water Act, Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and other landmark environmental laws to conduct its own investigation and testing at sites identified by *The Wall Street Journal*, as well as other high-risk locations across the country. EPA should also work closely with the Federal Communications Commission as it uses its jurisdiction over telecommunications service providers and its authority under the Communications Act to preserve and promote the public interest, including safeguarding the environment and protecting public health and safety.

In addition to taking the above actions, we request answers in writing to the following questions by September 29, 2023:

1. Was EPA aware of potential lead contamination and exposure risks posed by lead-sheathed cables prior to *The Wall Street Journal's* reporting?

⁴ Corinne Ramey et al., *Justice Department and EPA Probe Telecom Companies Over Lead Cables*, WALL ST. J., July 26, 2023, <https://www.wsj.com/articles/justice-department-and-epa-probe-telecom-companies-over-lead-cables-d2f7e8d8>.

⁵ Susan Pulliam et al., *America is Wrapped in Miles of Toxic Lead Cables*, WALL. ST. J., July 9, 2023, <https://www.wsj.com/articles/lead-cables-telecoms-att-toxic-5b34408b>.

⁶ *Id.*

⁷ *Id.*

⁸ Shalini Ramachandran et al., *What AT&T and Verizon Knew About Toxic Lead Cables*, WALL ST. J., July 12, 2023, https://www.wsj.com/articles/att-verizon-lead-cables-telecom-5e329f9?mod=hp_lead_pos7.

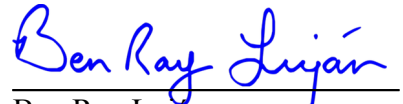
- a. Has EPA previously conducted any internal review of the exposure risk from lead-sheathed cables? Please provide the results of any internal reviews.
 - b. Has EPA previously conducted any water, soil, or sediment testing in the vicinity of lead-sheathed cables? Please provide any specific locations and testing results.
2. Will EPA commit to a full investigation of possible contamination caused by lead-sheathed cables, and utilize the full scope of its authority to ensure the remediation of contaminated sites by potentially responsible parties?
 3. Will EPA commit to working closely with the FCC as the Commission uses its authority under the Communications Act to address the existence of lead-sheathed telecommunications cables?
 4. What additional resources or authorities, if any, does EPA require to fully assess, mitigate, and remediate lead exposure risks caused by lead-sheathed cables?
 5. Will EPA commit to keeping our offices fully informed regarding this investigation, findings, remediation efforts, and enforcement actions?

We appreciate your consideration, and we respectfully request a response no later than September 29, 2023. We look forward to continuing our work together to protect communities across the U.S.

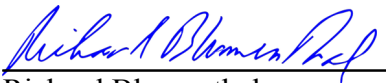
Sincerely,




Robert Menendez
United States Senator



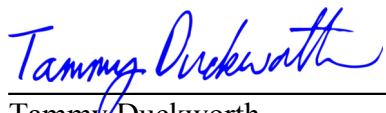
Ben Ray Lujan
United States Senator



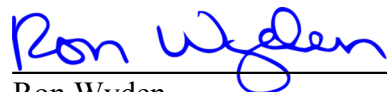
Richard Blumenthal
United States Senator



Catherine Cortez Masto
United States Senator



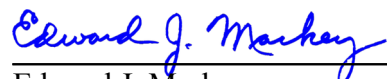
Tammy Duckworth
United States Senator



Ron Wyden
United States Senator



Peter Welch
United States Senator



Edward J. Markey
United States Senator



Elizabeth Warren
United States Senator



Jacky Rosen
United States Senator



Martin Heinrich
United States Senator



Alex Padilla
United States Senator

cc: The Honorable Jessica Rosenworcel, Chairwoman, Federal Communications Commission