

Congress of the United States

Washington, DC 20510

September 20, 2023

The Honorable Jessica Rosenworcel
Federal Communications Commission
45 L Street N.E.
Washington, DC 20554

Dear Chairwoman Rosenworcel,

We write with great concern regarding reports of lead-lined telecommunications cables throughout the United States. A series of articles from the *Wall Street Journal* revealed a network of over 2,000 lead-covered cables left unaddressed by the companies that inherited the Ma Bell communications network.¹ The reporting also found that local, state, and federal regulators were not previously aware of the potential public health threats of these cables.²

There is no safe level of lead exposure and children are especially vulnerable to the effects of lead toxicity.³ For that reason, we seek additional information from state and federal regulators to understand the full scope of this source of lead toxicity in soil and drinking water. While we appreciate that the Federal Communication Commission (FCC) reached out to the Environmental Protection Agency (EPA) and the White House Council on Environmental Quality,⁴ the *Journal's* reporting raises serious questions as to the current locations of lead-lined cables and which locations are at elevated of risk of harming communities, particularly children at elevated long-term risk of harm from due to lead exposure. In an interview with former AT&T executive Brad Allenby, Mr. Allenby noted that “lead was a ubiquitous material in telecom.” Moreover, evidence shows that the telecom companies knew of the risk of lead exposure to their employees.⁵ As recently as 2013, OSHA conducted an investigation into CenturyLink (a descendant of Ma Bell) and issued nine lead-related citations.⁶

The *Journal's* 18-month investigation found records of more than 2,000 lead-sheathed cables throughout the United States.⁷ These cables are strung on poles, buried underground, and run

¹ Pulliam, Susan, Shalini Ramachandran, John West, Coulter Jones, and Thomas Gryta. 2023a. “America Is Wrapped in Miles of Toxic Lead Cables.” *WSJ*, July 9, 2023. <https://www.wsj.com/articles/lead-cables-telecoms-att-toxic-5b34408b>.

² *Id.*

³ “Basic Information about Lead in Drinking Water | US EPA.” 2023. US EPA. January 27, 2023. <https://www.epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water>.

⁴ “Lawmakers Demand Telecom Firms Act on Toxic Lead Cables after WSJ Investigation.” *WSJ*, July 11, 2023. <https://www.wsj.com/articles/lawmakers-demand-telecom-firms-act-on-toxic-lead-cables-after-wsj-investigation-9c4f6a09>.

⁵ Pulliam, Susan, Shalini Ramachandran, John West, Coulter Jones, and Thomas Gryta. 2023a. “America Is Wrapped in Miles of Toxic Lead Cables.” *WSJ*, July 9, 2023. <https://www.wsj.com/articles/lead-cables-telecoms-att-toxic-5b34408b>.

⁶ *Id.*

⁷ Pulliam, Susan, Shalini Ramachandran, John West, Coulter Jones, and Thomas Gryta. 2023a. “America Is Wrapped in Miles of Toxic Lead Cables.” *WSJ*, July 9, 2023. <https://www.wsj.com/articles/lead-cables-telecoms-att-toxic-5b34408b>.

underwater in source drinking water.⁸ Investigative reporters and environmental quality experts visited approximately 300 cable sites, collected 200 samples and conducted lead testing on 130.⁹ The independent testing commissioned by the *Journal* found elevated levels of lead in water and sediment, severely exceeding the EPA's recommended threshold.¹⁰ The newspaper used isotopic analysis and rigorous control sampling to confirm that the detected lead contamination came from nearby telecommunications cables.¹¹

Given the serious danger to public health and the lack of information regarding the extent of the public health threat, we seek any additional information the Commission has on the following:

1. Please provide any and all records documenting the following:
 - a. Instances in which Bell Telecommunications Company, AT&T or any corporate successor requested regulatory approval from the Commission to deploy telecommunications equipment that they indicated contained significant amounts of lead. This includes records dating back to the Commission's inception in 1934.
 - b. Information as to the locations where the Bell Telecommunications Company, AT&T or any corporate successor requested regulatory approval from the Commission to deploy equipment that they indicated contained lead? Please provide maps and detailed location information.
2. Prior to the *Wall Street Journal* reporting, did the FCC have specific knowledge of the network of lead-sheathed cables throughout the U.S.?
 - a. If yes, did the FCC have knowledge of the potential public health risks caused by lead contamination from the cables?
 - b. Did the FCC ever receive a disclosure from a whistleblower (as defined in the American Recovery and Reinvestment Act of 2009) regarding the potential public health threats of lead-lined telecommunications cables?
3. Has the Bell Telephone Company or its corporate descendants ever misrepresented to the Commission the extent of lead use or the known risk of lead-sheathed cables?
4. Is the FCC aware of any lead remediation efforts, specifically related to lead-sheathed cables, undertaken by the telecommunications industry?
5. How is the Commission coordinating with federal health and environmental safety agencies to respond to the issues raised in the *Wall Street Journal* reporting?
6. What authorities does the Commission possess under the Communications Act to test, mitigate, and/or replace lead-sheathed cables or require that the corporations that acquired these assets do so?
7. Do the Commission's discontinuance rules requires telecommunications companies to identify any potential environmental or public health hazards resulting from abandoned network infrastructure?

⁸ *Id.*

⁹ *Id.*

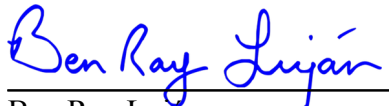
¹⁰ *Id.*

¹¹ "Lawmakers Demand Telecom Firms Act on Toxic Lead Cables after WSJ Investigation." WSJ, July 11, 2023. <https://www.wsj.com/articles/lawmakers-demand-telecom-firms-act-on-toxic-lead-cables-after-wsj-investigation-9c4f6a09>.

- a. If no, does the Commission have the authority to issue a rule requiring companies to provide such information?

Thank you for attention to this matter, we look forward to a prompt response.

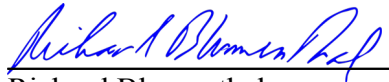
Sincerely,



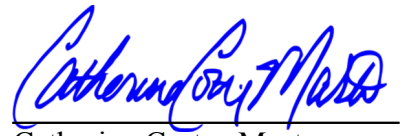
Ben Ray Lujan
United States Senator



Robert Menendez
United States Senator



Richard Blumenthal
United States Senator



Catherine Cortez Masto
United States Senator



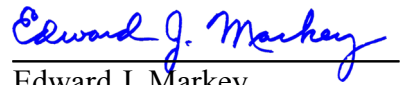
Tammy Duckworth
United States Senator



Ron Wyden
United States Senator



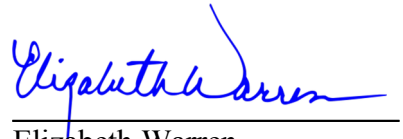
Peter Welch
United States Senator



Edward J. Markey
United States Senator



Jacky Rosen
United States Senator



Elizabeth Warren
United States Senator



Martin Heinrich
United States Senator



Alex Padilla
United States Senator