



July 17, 2023

Administrator Michael Regan
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Regan.Michael@epa.gov
Sent by email only

Re: Uncontrolled release of lead to water and surface soil from lead-sheathed cables

Dear Administrator Regan:

The Environmental Defense Fund (EDF), Below the Blue, and Clean Water Action ask the Environmental Protection Agency (EPA) to investigate the uncontrolled release of lead into the water or surface soil from more than 2,000 lead-sheathed telecom and power cables across the nation with more than 300 of these cables posing a threat to the source of drinking water for communities. Without EPA intervention, we expect that the risk posed by the cables will increase as they further deteriorate and release lead into the environment. The agency should act pursuant to its response authorities in section 104 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. § 9604) and in section 1431 of the Safe Drinking Water Act (SDWA) (42 U.S.C. § 300i).

As EPA reaffirmed in its *2022 Strategy to Reduce Lead Exposures and Disparities*, “very low levels of lead in children’s blood have been linked to adverse effects on intellect, concentration, and academic achievement.”¹ Just last week, EPA made clear that “there is no safe level of lead” and “even low levels are detrimental to children’s health.”² Further, not only children are at risk; last month the American Heart Association described lead as a posing an increased risk of cardiovascular disease to adults.³ Due to the well-documented health effects posed by lead, EPA has designated it as a hazardous substance pursuant to Section 101 of CERCLA and has established a Maximum Contaminant Level Goal (MCLG) of zero pursuant to SDWA.⁴

¹ EPA, EPA Strategy to Reduce Lead Exposures and Disparities in U.S. Communities, October 27, 2022, <https://www.epa.gov/system/files/documents/2022-10/Lead%20Strategy.pdf>, referencing EPA, Integrated Science Assessment (ISA) for Lead (Final Report, Jul 2013), <https://cfpub.epa.gov/ncea/isa/recordisplay.cfm?deid=255721>.

² EPA, Biden-Harris Administration Proposes to Strengthen Lead Paint Standards to Protect Against Childhood Lead Exposure, July 12, 2023 at <https://www.epa.gov/newsreleases/biden-harris-administration-proposes-strengthen-lead-paint-standards-protect-against>.

³ Gervasio et al., Contaminant Metals as Cardiovascular Risk Factors: A Scientific Statement From the American Heart Association, *J Am Heart Assoc.* 2023;12:e029852. DOI: 10.1161/JAHA.123.029852. <https://www.ahajournals.org/doi/10.1161/JAHA.123.029852>.

⁴ See 40 C.F.R. § 302.4 and 40 C.F.R. § 141.51.

We recognize that lead-sheathed telecom and power cables were not identified in EPA's 2022 Strategy⁵ as a source of lead exposure. However, the extent of the problem was not understood until the *Wall Street Journal* published a series of articles last week.⁶ From our perspective, reducing the risks from these cables is entirely consistent with the Strategy's goal of reducing community exposures to lead sources. Their combined risk may be lower than other sources such as lead-based paint and lead service lines, but it appears to be significant.

As documentation of the need for EPA to investigate, we reference the following:

- Marine Taxonomic Services (MTS), *Lead Cable Investigation*, June 30, 2023;⁷
- Wall Street Journal, *America Is Wrapped in Miles of Toxic Lead Cables*, July 9, 2023;⁸
- Wall Street Journal, *How the Journal Investigated Hidden Lead Cables Circling the U.S.*, July 9, 2023;⁹
- Wall Street Journal, *Bayou Teche is an Epicenter of America's Lead Cable Problem*, July 10, 2023;¹⁰ and
- Wall Street Journal, *AT&T and Verizon Knew About Toxic Lead Cables – and Did Little*, July 12, 2023.¹¹

Based on the documents, we group the lead-sheathed cables into three categories for EPA to prioritize and provide recommendations for action:

Aerial cable – prioritize for immediate removal:

- **The situation:** The *Wall Street Journal* “identified about 250 aerial cables alongside streets and fields next to schools and bus stops, some drooping under the weight” and described the extent of lead releases in Coal Center, Pennsylvania, Wappingers Falls, New York, and West Orange, New Jersey. In Coal Center, the investigation documented that an isotopic analysis “showed the lead in the soil mirrored the lead from the cable and was unlike the background lead in that area.”¹²
- **Our recommendation:** Where these aerial cables have been abandoned, EPA should ensure they are immediately removed. If still in use, they should be protected to prevent leaching and abrasion from the weather, marked as lead-sheathed, and taken out of service as soon as possible, followed by removal. EPA should also ensure surface soil contaminated by the aerial cables is removed or permanently covered.

Accessible to children – prioritize for immediate removal:

- **The situation:** Many of the lead-sheathed cables and junction boxes where cables are spliced are accessible to the public from the ground with many near playgrounds, schools, child-care facilities, and greenways where inquisitive children may be exposed.

⁵ EPA, EPA Strategy to Reduce Lead Exposures and Disparities in U.S. Communities, October 2022, <https://www.epa.gov/system/files/documents/2022-10/Lead%20Strategy.pdf>.

⁶ Wall Street Journal, Lead Legacy: A Wall Street Journal investigation, <https://www.wsj.com/articles/lead-legacy-a266d59b>.

⁷ https://blogs.edf.org/health/wp-content/blogs.dir/11/files//MTS_EDF-Lead-Cable-Investigation_Final.pdf.

⁸ https://www.wsj.com/articles/lead-cables-telecoms-att-toxic-5b34408b?st=llb93zx51u7j8vx&reflink=desktopwebshare_permalink.

⁹ https://www.wsj.com/articles/lead-cables-investigation-att-methodology-1703dbb0?st=atvf0gdbgg552t&reflink=desktopwebshare_permalink.

¹⁰ https://www.wsj.com/articles/lead-cables-louisiana-telecoms-59f36ffe?st=ncthctna7h8mswt&reflink=desktopwebshare_permalink.

¹¹ https://www.wsj.com/articles/att-verizon-lead-cables-telecom-5e329f9?st=ad4u4g1d4xq2gdw&reflink=desktopwebshare_permalink.

¹² https://www.wsj.com/articles/lead-cables-telecoms-att-toxic-5b34408b?st=llb93zx51u7j8vx&reflink=desktopwebshare_permalink.

The *Wall Street Journal* gave New Iberia, Louisiana as an example and documented through isotope analysis that the nearby soil contamination was from the cable.¹³

- **Our recommendation:** Where children can access abandoned lead-sheathed cables, EPA should ensure the accessible portions are immediately removed. If still in use, they should be encapsulated and labeled. Where possible, accessible portions should be taken out of service and removed. EPA should also ensure surface soil contaminated by the cables is removed or permanently covered.

Underwater cables – assess their risk, prioritizing those in source water protection areas:

- **The situation:** The *Wall Street Journal* identified “more than 1,750 underwater cables” and took “samples from nearly 130 underwater-cable sites.” The reporters shared the location of the underwater cables with EPA which found that roughly 330 of 1,750 were in source water protection areas. These areas are important to protect the supply of community drinking water systems. The reporters’ site investigation found lead “on the banks of the Mississippi River in Louisiana, the Detroit River in Michigan, the Willamette River in Oregon and the Passaic River in New Jersey.” In addition, “roughly 80% of sediment samples taken next to underwater cables . . . showed elevated levels of lead.”¹⁴ In Lake Pend Orielle, Idaho, the investigation documented through an isotopic analysis lead found in the sediment nearby cables was similar to that from the cables, and not from broader environmental contamination.
- **Our recommendation:** EPA should assess the condition of the underwater cables to determine their condition, their current and anticipated releases to the environment, and the risks posed by their removal or leaving them in place. Based on this assessment, EPA should ensure action is taken to protect public health, prioritizing cables located in source water protection areas.

We recognize that EPA has many competing priorities and limited resources. The agency should look to the two telecom companies that are responsible for installing or managing the vast majority of the lead-sheathed cables to support the assessment and actions needed to protect the public from potential exposure.¹⁵

For more information or discuss the request, please contact EDF’s Tom Neltner at tneltner@edf.org or 317-442-3973.

Sincerely,



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¹³ https://www.wsj.com/articles/lead-cables-louisiana-telecoms-59f36ffe?st=ncthtcna7h8mswt&reflink=desktopwebshare_permalink.

¹⁴ https://www.wsj.com/articles/lead-cables-telecoms-att-toxic-5b34408b?st=llb93zx51u7j8vx&reflink=desktopwebshare_permalink.

¹⁵ https://www.wsj.com/articles/att-verizon-lead-cables-telecom-5e329f9?st=lcs4si97oqbp7lu&reflink=desktopwebshare_permalink.

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cc:

- Barry Breen, EPA Acting Assistant Administrator for the Office of Lead and Emergency Management
- Radhika Fox, EPA Assistant Administration for the Office of Water
- Grant Cope, EPA Senior Counselor to the Administrator

About the organizations authoring the letter and requesting EPA action:

Environmental Defense Fund¹⁶ is an international, non-profit environmental organization dedicated to using science, economics, and law to build a vital Earth – for everyone. EDF's Healthy Communities program strives to make air, water, food, and household products safer through cutting-edge research, wide-ranging partnerships, and a focus on strengthening laws and policies that protect health.

The Wall Street Journal reached out to EDF to learn more about the risk of lead cables in lakes, rivers, and streams around the country. EDF learned of Below the Blue and talked with its cofounders, who also work at Marine Taxonomic Services, Ltd. (MTS). EDF agreed to provide guidance, assistance, and funding to MTS to help identify cables and conduct sampling. EDF's goal was to understand the extent to which lead-sheathed cables pose a public health risk, especially to drinking water sources, that may need to be addressed. Consistent with that goal, EDF provided guidance and technical assistance to MTS and the Wall Street Journal when questions about lead arose.

Below the Blue¹⁷ is a community-based, non-profit organization based in Lake Tahoe. Its goal is to remove foreign debris from bodies of water, educate the public about pollution, and collect data that will help facilitate policy change and enforcement. It has been focused on lead-sheathed cables for more than five years. It works closely with a team of environmental lawyers, local agencies, and residents to help guide their work. Its co-founders are employed by MTS.

Clean Water Action¹⁸ is a non-profit environmental organization whose mission is to protect our environment, health, economic well-being, and community quality of life. It organizes strong grassroots groups and coalitions, and campaigns to elect environmental candidates and to solve environmental and community problems. It operates nationally, regionally, and locally.

¹⁶ <http://www.edf.org/about>.

¹⁷ <https://belowtheblue.org/about-us-1>.

¹⁸ <https://cleanwater.org/who-we-are>.