

July 1, 20120

Catherine R. McCabe, Commissioner  
New Jersey Department of Environmental Protection  
401 E. State St.  
7<sup>th</sup> Floor, East Wing  
P.O. Box 402  
Trenton, NJ 08625-0402

Dear Commissioner McCabe:

**Subject: J.W. Washington et al., Nontargeted mass-spectral detection of chloroperfluoropolyether carboxylates in New Jersey soils, *Science*, June 5, 2020, Vol. 368, Issue 6495, pp. 1103-1107, <https://science.sciencemag.org/content/368/6495/1103.abstract> - aff-3**

The Delaware Riverkeeper Network, Clean Water Action, Environment New Jersey, and the Sierra Club New Jersey Chapter share a common mission of ensuring a clean, healthy and sustainable environment. To this end, we read with great interest the subject peer-reviewed scientific article for which two coauthors, Erica L. Bergman and Sandra M. Goodrow, are with the New Jersey Department of Environmental Protection (NJDEP) Site Remediation and Waste Management Program and the Division of Science and Research, respectively.

The authors indicate that soil contaminants near the Solvay facility in West Deptford, Gloucester County, included congeners related to poly/perfluorinated alkyl substances (PFAS) that had not been reported previously. The authors speculate that these congeners may be associated with a replacement for historical PFAS's that were voluntarily phased out by Solvay and other companies in the United States.

We have the following questions:

SOLVAY -

1. Has the NJDEP contacted Solvay Specialty Polymers USA, LLC in West Deptford, Solvay USA, and/or the parent company Solvay S.A. regarding the findings reported in this study?
2. Has Solvay confirmed their use of a replacement for the historical, phased-out PFAS's or any other chemical at their West Deptford facility that would account for the contamination?
3. If confirmed:
  - a. Has Solvay provided to you any chemical identification, properties, environmental fate, and toxicity data or other information that would support the safety of these congeners?
  - b. Has Solvay provided information about the use and emissions of these congeners?
  - c. Is Solvay taking any actions to reduce their emissions?

- d. Has Solvay assessed the environmental and health risks associated with the potential exposure levels as found in the subject study?
- e. Can you share with us any of the information provided by Solvay?

#### FURTHER RESEARCH –

- 4. Is the NJDEP planning further research and/or analysis to determine:
  - a. The occurrence of these congeners in other locations in New Jersey?
  - b. The presence and concentrations of these congeners in other environmental media such as groundwater, surface water and air?
  - c. The presence and levels in the aquatic and terrestrial biota near the facility or in other locations?
  - d. The presence and concentrations of these congeners in the drinking water supplies for water systems in the contaminated area and other New Jersey locations, including surface and water well sources?
  - e. The presence and levels in the blood of the Solvay facility workers and nearby residents and those, anywhere in the state, who may be drinking water contaminated with these congeners?
  - f. The environmental fate and persistence in the environment of the congeners?
  - g. The human health and environmental toxicological properties of the congeners?
  - h. The release of these congeners by any other discharger/user?
- 5. Are you aware of any other research or studies being performed by EPA or agencies or scientists in other nations on the aspects of the congeners listed under #4 above?
- 6. Is Solvay collaborating with the EPA and/or NJDEP on any further research, or is Solvay planning any research on their own in these areas? If Solvay is planning to conduct research on their own, will you be able to review and to comment on their plans? Will the public have the opportunity to review new information as it emerges?
- 7. Can you make available any research plans by the NJDEP, USEPA and/or Solvay?
- 8. Will Solvay financially support any research planned by the EPA and/or NJDEP, with no-strings-attached?
- 9. If any of the above actions are being taken, when will the public be informed and will there be a public process associated with a government response?

#### RISK ASSESSMENT -

- 10. Are you or the EPA in possession of any information on the chemical properties, environmental fate and/or toxicity of these congeners, including any modeling data based on their chemical structures? Can you share any of this information?
- 11. What are the current health and environmental risks associated with the potential exposure to these contaminants, based on available information including any environmental and health modeling data?

#### SPILL ACT -

- 12. What is the status of the Spill Act Directives on Solvay? Will DEP require Solvay to come up with testing, a ground water remediation plan, and a full cleanup plan for the site?

NATURAL RESOURCE DAMAGE -

13. Given the extent of soil and groundwater contamination and protection impact to wildlife, is DEP moving forward with filing for natural resource claims against Solvay?

We would very much appreciate your response. As you know, Solvay was responsible for the release of PFNA into the environment in West Deptford and, as a result, the water supplies for people in the region were contaminated. These residents have been shown to have higher levels of PFNA in their blood, increasing their risk of developing an adverse health effect or disease linked to PFNA exposure. This water crisis has been traumatic and has impacted many lives. Now many of those same people may be exposed to another harmful compound.

We recognize that New Jersey was the first state to take action to regulate any PFAS compound with the adoption of the maximum contaminant level (MCL) for PFNA. NJDEP scientists and the Drinking Water Quality Institute carried out nationally recognized research and analyses as they developed the recommendations for the state. New Jersey made further history with the subsequent adoption of MCLs for PFOA and PFOS. We are requesting that the state step up once again as a national leader to protect New Jerseyans and the environment by investigating and taking action to address the revelations of the Science article with the urgency it requires.

Thank you for your consideration and immediate attention to this issue.

Sincerely,

Tracy Carluccio  
Deputy Director  
Delaware Riverkeeper Network

Mark Fukayama, Ph.D.  
Toxics Issues Coordinator  
Sierra Club New Jersey Chapter

Jeff Tittel  
Director  
New Jersey Sierra Club

Doug O'Malley  
Director  
Environment New Jersey

Amy Goldsmith  
New Jersey State Director

Clean Water Action