

**Center for Health, Environment & Justice  
Breast Cancer Fund  
Citizens' Environmental Coalition  
Clean Air Coalition of WNY  
Community Health and Environment Coalition  
Concerned Residents of East Fishkill  
Earthjustice, Inc.  
Empire State Consumer Project  
Finger Lakes Citizens for the Environment  
Grassroots Environmental Education  
Great Neck Breast Cancer Coalition  
Green Education and Legal Fund, Inc.  
HabitatMap  
Hillcrest Environmental Action Team  
Hopewell Junction Citizens for Clean Water  
Huntington Breast Cancer Action Coalition, Inc.  
Ithaca South Hill Industrial Pollution  
Natural Resources Defense Council  
Neighbors Allied for Good Growth  
New York Committee for Occupational Safety and Health  
New York Lawyers for the Public Interest  
New York Public Interest Research Group (NYPIRG)  
New York Vapor Intrusion Alliance  
PEF/encon  
Prevention Is The Cure  
Sierra Club Atlantic Chapter  
Sustainable South Bronx  
WE ACT for Environmental Justice, Inc. (WE ACT)  
Western Broome Environmental Stakeholders Coalition  
Western New York Council on Occupational Safety and Health**

Howard Freed, MD, Director  
Center for Environmental Health  
NYS Department of Health  
Flanigan Square, 547 River Street  
Troy, NY 12180-2216

December 1, 2009

Dear Dr. Freed:

On behalf of local, regional, statewide and national environmental health organizations, environmental justice groups, consumer and labor organizations, and vapor-intrusion impacted communities, **we are writing to request that the New York State Department of Health (NYS DOH) revisit and update the NYS DOH indoor air guideline for tetrachloroethylene (PCE). We recommend the NYS DOH adopt a new guideline that is at least as strict as the U.S. EPA's PCE Regional Screening Level of 0.41 µg/m<sup>3</sup>.**

As you know, PCE is the dry-cleaning chemical and solvent found at many toxic sites across the state, often in conjunction with trichloroethylene (TCE). Residents, workers, children, infants and young children are exposed to PCE through drinking water and vapor from household water, emissions from dry cleaners and other users of the chemicals, vapor intrusion from PCE groundwater plumes, and from the off-gassing of dry-cleaned clothes.

NYS DOH's PCE guideline of 30 µg/m<sup>3</sup> is driving testing, clean-up and mitigation decisions at many vapor intrusion sites across the state, such as the Meeker Avenue Plumes in Greenpoint, Brooklyn.

We are very concerned that the NYS guideline of 30 µg/m<sup>3</sup> does not adequately protect public health and environment, and it is not based on the latest science recognizing the hazards of PCE. We are particularly concerned for the following reasons.

- **EPA Guidance Significantly More Protective:** In May 2008, three EPA regions consolidated PCE risk data into a table of Regional Screening Levels, also known as Preliminary Remediation Goals (see <http://www.epa.gov/reg3hwmd/risk/human/rb-concentration-table/index.htm>). A number of states are using it in evaluating PCE contamination; for example Tennessee uses it for vapor intrusion from dry-cleaning sites. The NYS DOH air guideline of 30 µg/m<sup>3</sup> is 73 times higher than U.S. EPA's Regional Screening Level of 0.41 µg/m<sup>3</sup>.
- **Other States More Protective:** A number of states have set PCE-in-indoor-air standards that are more protective than NYS:
  - Colorado : 0.31 µg/m<sup>3</sup>
  - New Jersey : 3µg/m<sup>3</sup>
  - Vermont : 0.41 µg/m<sup>3</sup>
- **New Assessment Finds PCE 14 Times More Toxic:** DOH should set an indoor air standard that takes into consideration cancer health effects. In June 2008, EPA released a Draft Toxicological Review for PCE, which found the compound is 14 times more toxic, measured by cancer risk from inhalation, than EPA previously found in its 1991 assessment. The EPA's report suggested a screening level ranging from .05 to 0.5 µg/m<sup>3</sup>, substantially more protective of public health than the NYS DOH guideline. The report specifically states, "This analysis supports a unit risk 14-fold higher than in EPA's 1991 assessment" (see <http://cfpub.epa.gov/ncea/cfm/iris/recordisplay.cfm?deid=192423>).
- **Does Standard Provide 1 in a Million Risk Protection?** We are concerned the DOH's current guideline fails to meet the one in a million cancer risk level. The NYS Assembly report on vapor intrusion (January 2006) found that, "One-in-one million is the target cancer risk level for site remediation established in statute for the new Brownfield Cleanup Program (BCP), and the required risk level for the development of soil cleanup objectives under the same statute. Moreover, experience under the New York State Superfund program has established an historical preference for cleanup to levels that pose equal to or less than a one-in-one million risk of cancer..."
- **Consider Cumulative and Synergistic Exposure:** At many sites, residents or workers are often exposed to other chemicals in addition to PCE, such as TCE, vinyl chloride and/or TCA. The DOH needs to take into consideration the cumulative and synergistic exposure to multiple hazardous chemicals of concern.

**We strongly urge the NYS DOH to develop new health-protective guidelines for PCE, and recommend the NYS DOH adopt a new guideline that is at least as strict as the U.S. EPA's Regional Screening Level of 0.41 µg/m3.**

We would appreciate the opportunity to meet with you to discuss this important issue. Please let us know if this is possible by contacting Mike Schade at [mike@chej.org](mailto:mike@chej.org). Thank you for considering our request.

Sincerely,

Mike Schade, Campaign Coordinator  
**Center for Health, Environment and Justice**  
New York, NY

Janet Nudelman, Director of Program and Policy  
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**Great Neck Breast Cancer Coalition**  
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Brooklyn, NY

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**Hillcrest Environmental Action Team**  
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Roger Downs  
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Susan Lawrence  
**Sierra Club Atlantic Chapter**

**CC:** Governor David Patterson  
NYS Attorney General Andrew Cuomo  
NYS DOH Commissioner Richard Daines  
NYS DEC Commissioner Pete Grannis  
Senator Antoine Thompson, Chair, NY Senate Environmental Conservation Committee  
Assemblyman Robert Sweeney, Chair, NY Assembly Committee on Environmental Conservation  
Robert Chinery, Assistant Center Director, Center for Environmental Health

Jaime Stein, Environmental Policy Analyst  
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Endicott, NY

Roger Cook, Executive Director  
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Buffalo, NY

**Individuals:**

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Concerned parent of child at PS 278  
NY, NY

Joseph A. Gardella, Jr., Ph.D.  
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Katie Schmid  
Newtown Creek Alliance  
Brooklyn & Queens, New York