



## STATE OF NORTH CAROLINA

August 14, 2017

The Honorable Bill Cook  
N.C. Senate  
16 W Jones Street, Room 1026  
Raleigh, NC 27601-2808

Dear Senator Cook:

We appreciate your consideration of the critical funding needs for the Department of Health and Human Services (DHHS) and the Department of Environmental Quality (DEQ) to ensure we have the resources to protect public health. North Carolina families deserve to have confidence in the water they drink.

We are ready to engage in a productive dialogue about these topics and are available to meet in person to share more information with you about our request for expedited funding and personnel. We are glad you are reviewing the effect of legislative budget cuts, both past and current.

The departments are deploying all available resources to address the immediate concerns in the Lower Cape Fear region. We are communicating regularly with local officials to share information. And based on the ongoing investigation along with support from residents and local officials, Chemours has stopped discharging GenX into the Cape Fear. Initial water tests being conducted by DEQ show that levels of GenX in the water supply are down dramatically.

The challenge is far from over. As additional compounds have been identified in the lower Cape Fear Region, health and water quality experts will seek to set standards.

### **Status of emerging contaminants**

While the state has the authority to enact regulatory standards, it does not currently have sufficient research at the state or federal level to make these determinations for GenX and other unregulated compounds on a consistent basis.

As more unregulated compounds are being identified, the need for more qualified people to address these issues is growing. These problems are present in southeastern North Carolina, but water quality is a statewide priority for cities from Burlington and Greensboro to Hickory and Washington.

Because of the lack of scientific data on the long-term public health effects of these compounds, we have chartered the Secretaries' Science Advisory Board to guide state officials on protecting public health and the environment from new or unregulated chemicals.

But making these determinations requires scientific studies, and experts to do it. DEQ and DHHS are working with the Environmental Protection Agency (EPA) and Centers for Disease Control and Prevention to get more research to develop regulatory guidance for GenX and other emerging compounds.

In the few instances where DEQ instituted drinking water regulations when federal regulations did not exist, the state was provided significant data and scientific research from the EPA to support establishment of a state standard. This kind of information is not currently available for GenX or these other emerging compounds.

We should also warn that the General Assembly is poised to eliminate a provision in G.S. 150B-19.3 that restricts regulators' ability to address threats to public health, safety and welfare. (See Section 6 of the [Conference Report](#) for House Bill 162).

#### **Request for water quality assurance:**

Our request is for funding for positions that will directly help protect water quality for all North Carolinians, and to cover the expense of tests monitoring the presence of GenX and other chemical compounds in the Cape Fear River and other inland waterways as they become known to us. The additional appropriation would allow us to continue the independent testing that provides the public with the most reliable results.

The large scope and pressing nature of this challenge requires a larger response than our departments have resources to provide while continuing to meet the day-to-day requirements. The scope of work includes regulating thousands of industries and protecting 38,000 miles of waterways across the state.

DEQ staff with the expertise to execute compliance, permits and enforcement actions are mandatory. These are specialized needs and must be performed by people with appropriate knowledge, skills and backgrounds.

In recent years, responses to emerging compounds have diverted considerable time and attention from important routine responsibilities in both departments. In order to meet this challenge, we need scientists who are experts in water quality issues and can provide the state and our local communities the support they need.

Since 2013, DEQ's water quality program has sustained significant reductions in positions supporting compliance, permitting and enforcement with at least 70 positions in water quality eliminated. This has resulted in a 40 percent backlog in the issuance of wastewater permits, which has decreased the business community's regulatory certainty and ability to create jobs. The positions we are seeking would not only enhance our ability to protect public health and the environment, but would also help ensure our state's economic well-being.

#### **Chemours investigations:**

In November 2016, the previous administration received a research report from the EPA and N.C. State University regarding the Cape Fear watershed. Cape Fear Public Utility Authority staff has noted it received this study in May 2016. In June 2017, DEQ and DHHS staff had separate discussions about GenX and subsequently met with representatives from Chemours. Shortly after that meeting DEQ began

investigating the presence of GenX, collecting water samples from multiple sites, and conducting an on-site inspection to verify that Chemours was redirecting wastewater and discharge had stopped.

Since the state was successful at stopping Chemours from releasing GenX into the Cape Fear River basin, the concentrations of the chemical compound at all sites has declined.

For your background, the DEQ is concluding a review of the specific identifying information the company provided for the chemicals it was discharging into the Cape Fear River, and expects soon to be able to share with you information regarding any appropriate enforcement action. As that process continues, the department has denied Chemours' permit request to release any GenX going forward.

Last month the DEQ and DHHS released an updated preliminary health assessment for concentrations of GenX in drinking water. A list of scientific studies and reports used and details on the preliminary assessment and the revised health goal are posted on-line at: <https://deq.nc.gov/news/hot-topics/genx-investigation>.

You should also be aware that the updated health goal could be revised again as new information becomes available or when standards are made available by the EPA.

Throughout our investigation, all our efforts have been well documented. We have weekly conference calls to update local officials on our investigation and we regularly publish any new information on this topic on our public website, <https://deq.nc.gov/news/hot-topics/genx-investigation>. Here you can find information on assessments and health goals, as well as key dates and maps of the ongoing sampling.

We would also invite you to join our weekly phone calls with local officials or visit our water permitting and public health facilities to learn more about how our agencies operate.

Thank you again for your interest in this issue. We look forward to the opportunity to sit down with all of you in person to continue this important conversation.

Sincerely,



Michael Regan, Secretary  
N.C. Department of Environmental Quality



Mandy Cohen, Secretary  
N.C. Department of Health and Human Services

Cc: The Honorable Phil Berger  
The Honorable Tim Moore