BRIAN HIGGINS
26TH DISTRICT, NEW YORK

COMMITTEE ON WAYS AND MEANS
SUBCOMMITTEE ON HEALTH
SUBCOMMITTEE ON TRADE
SUBCOMMITTEE ON SOCIAL SECURITY

COMMITTEE ON THE BUDGET

ASSISTANT WHIP

Congress of the United States
House of Representatives
Washington, DC 20515–3226

2459 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225–3306
(202) 226–0347 (FAX)

726 EXCHANGE STREET
SUITE 601
BUFFALO, NY 14210
(716) 852–3501
(716) 852–3929 (FAX)

800 MAIN STREET
SUITE 3C
NIAGARA FALLS, NY 14301
(716) 282–1274
(716) 282–2479 (FAX)

higgins.house.gov

January 6, 2020

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

RE: Science Advisory Board Commentary on Proposed EPA Rules

Dear Administrator Wheeler:

I write to express severe concern regarding the Environmental Protection Agency's (EPA) efforts to roll back environmental regulations governing water and air pollution, per the Science Advisory Board's "Commentary on the Proposed Rule Defining the Scope of Waters Federally Regulated Under the Clean Water Act" and "Consideration of the Scientific and Technical Basis of the EPA's Proposed Mercury and Air Toxics Standards Rule." Rollback of these rules actively threatens efforts to revitalize waterways like the Buffalo River and endangers Western New York and other Great Lakes communities that depend on the health of their natural resources.

On January 24, 1968, the Buffalo River caught fire due to contamination from heavy industrial development. The River was "devoid of oxygen and almost sterile,"[1] coated with a thick oil film from industrial waste, combined sewer overflow outfalls, and garbage. In 2005, a site-specific fish survey found that thirty-seven percent of Buffalo River fish were had visible abnormalities, including deformities, tumors, and lesions.[2] Immense cleanup efforts funded by over $75 million in Great Lakes Restoration Initiative funding since 2011 have removed 550,000 cubic yards (62,000 truckloads) of contaminated sediment, restored twenty acres of plant and animal habitats, and improved water quality so drastically that the river is now a recreational center. The River has transformed from a public health hazard to a national model for waterway cleanup efforts and is on track to be delisted as an Area of Concern in the next few years. The rollback of these pollution guidelines threatens the health of nearly thirty-five percent of its tributary source waters and the health of the Buffalo River itself.

Reducing or eliminating environmental protections presents opportunities for new pollution, such as nutrient runoff, to harm the Great Lakes. Nutrient pollution, often caused by agricultural runoff from fertilizer, is a contributing factor to the growth of harmful algal blooms. These toxic algae masses create "dead zones," biological deserts where decreased oxygen levels result in marine life deaths or migration, and cause illness or death if ingested by animals or humans. In 2014, a harmful algal bloom in Lake Erie's western basin rendered the city of Toledo, Ohio's municipal water supply not potable for over two days. According to the National Climate Assessment, heavy downpours have increased across the

1. U.S. Department of the Interior, Federal Water Pollution Control Administration, Great Lakes Region. (1968.) *Lake Erie Report: A Plan for Water Pollution Control.* Retrieved from Google Books.
2. Irvine, K.N., R.J. Snyder, T.P. Diggins, B. Sinn, C.F. Chuey, J. Jedlicka, and J. Barrett O'Neill. 2005. Assessment of Potential Aquatic Habitat Restoration Sites in the Buffalo River Area of Concern. Report for the New York State Department of Environmental Conservation. Buffalo, New York. October.

PRINTED ON RECYCLED PAPER

Northeast and Midwest due to climate change, resulting in increased agricultural runoff and nutrient pollution. The threat of algal blooms will worsen over time if no action is taken, posing risks to the Great Lakes' delicate ecosystems, drinking water for the millions of people who reside on their shores, and stifling their role as an economic engine.

The EPA has a responsibility to protect the Great Lakes and their residents against both traditional pollution sources and new threats that are becoming more severe. I implore the EPA to consider the suggestions of the experts on the Science Advisory Board to protect our country's natural resources so we do not risk undoing the successful results of millions of dollars of investment and years of work. We cannot allow generational progress to be undone by a generational mistake.

Sincerely,

[redacted]

Brian Higgins
Member of Congress

1. U.S. Department of the Interior, Federal Water Pollution Control Administration, Great Lakes Region. (1968.) *Lake Erie Report: A Plan for Water Pollution Control.* Retrieved from Google Books.
2. Irvine, K.N., R.J. Snyder, T.P. Diggins, B. Sinn, C.F. Chuey, J. Jedlicka, and J. Barrett O'Neill. 2005. Assessment of Potential Aquatic Habitat Restoration Sites in the Buffalo River Area of Concern. Report for the New York State Department of Environmental Conservation. Buffalo, New York. October.