

M. Norman Oliver, MD, MA
State Health Commissioner
Virginia Department of Health

David K. Paylor
Director
Virginia Department of Environmental Protection

April 16, 2019

Re: March 21, 2019 Letter To FERC

Commissioner Oliver and Director Paylor:

An associate recently made me aware that you sent a letter to Secretary Bose of the Federal Energy Regulatory Commission (FERC) on March 21, 2019 regarding the concerns that Dr. Smusz and I have expressed over possible public health impacts from the 3M Scotchkote Fusion Bonded Epoxy (FBE) used to coat the pipes for the Atlantic Coast Pipeline (ACP) and the Mountain Valley Pipeline (MVP).

Thank you for contacting FERC, and for your research into this product.

In the future, please copy us on your correspondence with FERC on this issue. This would allow us to receive your letter in a more timely and appropriate manner. Please copy us on any future correspondence regarding this issue as well, including any correspondence that you receive from FERC.

I received a copy of your letter to FERC from my associate, and hereby respond.

You state in your letter to FERC that you have contacted 3M Manufacturing Company, the United States Environmental Protection Agency, and the National Sanitation Foundation (NSF), and they have not shared or identified any short-term or long-term risk with the use of FBE. Does this represent research done by any of these groups? Please advise if they stated that this product is safe for human health. Please also provide me with copies of correspondence that you have had with these agencies regarding this matter, and any notes from conversations with them by May 1, 2019.

You misrepresented our position when you stated that we believe there are health impacts with FBE. Our letters to FERC and VDH indicated a concern of possible health impacts.

Besides our concerns about FBE leachate or particulate matter entering, and possibly contaminating groundwater and potable water supplies, we expressed concerns about health issues where this material is being inhaled. This reflects our fears for pipeline workers, as well as others breathing air containing the particles

You mention that FERC stated in its' environmental impact statement (EIS) for the MVP

that “the pipeline coating would not release dangerous chemicals into the ground”. I would caution you that FERC is an energy regulatory agency with limited expertise in public health impacts. You should not rely on FERC’s single sentence statement regarding health impacts from this material. FERC needs to provide hard science and references supporting this declaration. You should research more credible expert sources.

You also state to FERC that you have not found a specific environmental or public health risk with use of the coating material. Please advise if you have found information that definitely indicates this product is safe for the environment or human health, and please provide that information if you have it.

You further state that you have identified benzene, styrene, benzophenone, benzoic acid, and benzaldehyde as being produced by photo-degradation of epoxy resins.

A brief look through the literature provides the following preliminary information regarding these chemicals.

CDC - Benzene has been found by the Department of Health and Human Services (DHHS) to cause cancer in humans, including leukemia and cancer of the blood forming organs. It causes harmful effects on the bone marrow, and a decrease in red blood cells leading to anemia. It causes irregular menstrual periods and a decrease in the size of the ovaries.

CDC- Styrene is listed as “reasonably anticipated to be a human carcinogen” by DHHS, and a possible carcinogen by the International Agency for Research on Cancer. It has been found to negatively impact the human nervous system. It has been shown to impair learning and damage sperm in rats.

CDC - Benzophenone is a naturally occurring chemical that is used in sunscreen and cosmetic products. It has been shown to cause weak hormonal activity in laboratory animals. More research is needed to determine human health effects.

NIH - Benzoic Acid is an irritant to the skin, eyes, and respiratory system, but with only minor residual injury.

NIH - Benzaldehyde easily penetrates the soil to contaminate groundwater and nearby waterways. Immediate steps should be taken to limit its spread in the environment. It is a fire hazard and easily ignites. It is listed as causing significant irritation, but with only minor residual injury.

Given the risks to human health identified here, and especially for benzene and styrene, it is all the more important that VDH and DEQ take the following actions as previously advised:

- Advise the Virginia Water Control Board that this material may be violating Virginia water quality standards, and is a possible human health risk, and advise them to rescind

the Water Quality Certification for the ACP and MVP to protect water quality and human health.

- Request that FERC act to prevent additional chalking pipeline coating from escaping into the environment, and clean up any material that has escaped into the environment.

- Sample groundwater for this material, with a priority of sampling groundwater where pipe is buried in karst areas, and locations where pipe is submerged in high water tables along the MVP route where citizens use wells or springs for their drinking water.

- Contact the ACP and MVP, and require them to provide you with health and environmental information regarding this material.

I would like to inform you of an error in my earlier correspondence to you regarding FBE. I stated that the NSF had approved 3M Scotchkote Fusion Bonded Epoxy 6233W under standard 61 for coating the interior of potable water pipes. A recent correspondence with them indicates that they have not.

It has been nearly 8 months since I first brought this important issue to your attention. Since then, large amounts of this material continue to escape into Virginia's environment, and I believe that it continues to enter the bodies of exposed individuals. There have been no findings that this material is safe for human health or our environment, leaving both at risk.

I urge you to act aggressively to protect the public health and the environment in this matter. To date you have not done so.

Please note that Dr. Tina L. Smusz, MD, MSPH collaborated with me on this letter, but was not able to co-sign due to logistical issues.

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