

April 17, 2019

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

RE: Docket 16-10-000 Mountain Valley Pipeline, LLC: **Assessing Toxins in Pipe Coating**

Ms. Bose and Members of the Commission:

As a Virginia resident and intervenor for citizens impacted by the Mountain Valley Pipeline (MVP), I applaud VDH & DEQ leadership questioning the public health risks posed by the fusion bonded epoxy coating on the pipes (FERC Library accession number 20190402-0014). This material will cover 400+ miles of pipe planted in Virginians' land and water, if both MVP and ACP (Atlantic Coast Pipeline) are constructed. Dr. M. Norman Oliver, Commissioner, Virginia Department of Health and Director David Paylor, Virginia Department of Environmental Quality addressed concerns about the 3M Skotchkote Fusion Bonded Epoxy 6233 coating in a March 21, 2019 letter addressed to the Federal Energy Regulatory Commission (FERC). This coating degrades ("chalks") in response to ultraviolet exposure (sunlight) which is ongoing and cumulative as pipes lay unprotected along the construction right-of-way and in pipeyards.

In their letter to FERC, Dr. Oliver and Director Paylor note FERC's simplistic and unsubstantiated response to public comments on MVP's FEIS (PS2A-130): "the pipeline coating would not release dangerous chemicals into the ground." In fact, FERC's response at that time was inaccurate. Dr. Oliver and Director Paylor offer information in their letter citing five photo degradation products of epoxy resin coating. Those include benzene, a known carcinogen; styrene, a possible carcinogen per the International Agency for Research on Cancer; and benzophenone, a carcinogen with acute and chronic aquatic toxicity per its Material Safety Data Sheet www.cdhfinechemical.com/images/product/msds/19_1472077032_Benzophenone-CASNO-119-61-9-MSDS.pdf. Research findings shared with both state agency leaders describe xylenes and methyl isobutyl ketone leaching from epoxy pipe coating into surrounding water, both of which can have negative health impacts.

FERC is obligated to substantiate their claim of safe pipe coating by providing scientific data proving lack of toxicity of the coating for the surrounding environment – air, soil and water. Merely citing industry claims is inadequate, particularly given that the original pipe coating is degrading, i.e., chalking off in small particles, due to prolonged sun exposure in storage yards and along the pipeline corridor. A reasonable person would expect increased dispersal of coating components via the chalked particles, including the toxins indicated on 3M Skotchkote FBE 6233 Materials Safety Data Sheet.

Our Virginia Department of Health Commissioner and Director of DEQ have asked for answers from FERC. 28 days later there is no response on the MVP FERC docket. Does this reflect FERC's lack of respect for state agencies and their lead officials, leading them to ignore VDH and DEQ's direct requests for concrete information? Or is FERC's lack of response regarding coating safety issues based on a dearth of scientific data assessing the coating's potential toxicity and health impacts? Or might the data show toxicities that would jeopardize construction of both pipelines? It is a complicated request with potentially widespread consequences which absolutely must be addressed before 400 miles of this pipe is buried in Virginia soil.

Transmission pipelines are preferentially burrowed through rural, less populated countryside - areas where the populace typically depends on their own wells and springs for household water. Rural citizens have no official state or federal agency protection for their potable water. Furthermore, testing for suspected chemicals which are not part of standard water testing panels is prohibitively expensive for most impacted landowners (over \$2,000 per well). The burden of proof - of no water contamination - unjustly rests on the shoulders of impacted landowners already suffering loss of property, peace of mind, and land value due to pipeline construction.

I am a concerned citizen, not a toxicologist or chemist, but it is patently obvious to me that additional scrutiny of the chalking process, leaching of coating constituents, and response of coating to different soil and groundwater environments is critically necessary for the health of people (including pipeline workers) who live or work close to or downstream from the pipeline. Chemicals leaching into our groundwater impact our household water supplies whether we drink from wells and springs or a public water source fed by the watershed of either the MVP or ACP.

Given the many serious unanswered questions relating to the degradation products of 3M Skotchkote FBE 6233, it is imperative to halt both construction and placement of additional pipe along the paths and in the laydown yards of the two pipelines. To quote the letter of Dr. Oliver and Director Paylor:

"VDH and DEQ would like to make sure there is opportunity to review all available technical guidance or health risk information that FERC, BPA, or 3M might have available on the toxicity and exposure pathways for this product, including the chalking substance. "

"Specifically, VDH and DEQ would like to review the safety profile of FBE, the potential ability of the pipe coating and its photo-degradation byproducts to leach and impact the environment, your view of risks to the potable drinking water supplies, and any other documented health and safety hazard from the use of FBE as a pipeline coating. We kindly request that FERC provide DEQ and VDH with any additional information regarding the pipe coating material not found in the EIA."

It is imperative that technical studies done by independent scientists outside industry i.e., not profiting

from pipeline construction or operation, should be identified and consulted, rather than relying on information from groups and agencies with vested interests in building both pipelines. FERC's propensity to approve virtually every proposal for fossil fuel pipelines suggests their opinion should not be the sole criteria for assessing the public safety of a ubiquitously used pipeline coating. Until safety of the pipe coating can be fully established, no additional pipe should be stored or buried along either pipeline route.

A handwritten signature in cursive script, appearing to read "Tina L. Smusz".

Tina L. Smusz, MD, MSPH
Montgomery County, VA

Cc:

Dr. M. Norman Oliver, State Health Commissioner
Dr. Parham Jaber, Chief Deputy Commissioner, Virginia Department of Health
Director David Paylor, Virginia Department of Environmental Quality
Virginia State Water Control Board members