

May 18, 2017

Administrator Scott Pruitt
U.S. Environmental Protection Agency
Washington, DC 20460

Dear Administrator Pruitt:

We were heartened when, soon after assuming your office, you pledged continuing support for the nation's environmental cleanup programs, including Superfund. We ask you to demonstrate that support by lifting the deferral of the rule, "Addition of a Subsurface Intrusion Component to the Hazard Ranking System."

As you know, this rule, when it takes effect, will allow federal officials to consider subsurface intrusion, including vapor and liquid intrusion, when evaluating contaminated sites for addition to the Superfund National Priorities List (NPL). That rule was published in the January 9, 2017 Federal Register, but according to a notice in the March 20 Federal Register, its implementation has been deferred until May 22 at the earliest.

Subsurface intrusion is occurring at thousands of sites across the country. Hazardous volatile substances—substances known to cause cancer, birth defects, and other serious health problems—are migrating into our homes, workplaces, schools and daycare centers, recreational facilities, and places of worship. EPA has developed a robust program for addressing subsurface intrusion, and it is supporting the development of better science for the investigation, mitigation, and long-term management of subsurface intrusion.

At many sites, the subsurface intrusion response is proceeding effectively. Some of those sites are on the NPL for other reasons. Others are being overseen by state agencies or other EPA programs. But there are also significant unlisted sites where the resources and authorities of the Superfund program would strengthen and accelerate the environmental response.

EPA has been considering this rule for years. Its implementation will not create undue hardships for responsible parties. But it will heighten protection of our health, our families, and our property values while enabling the safe reuse of seriously contaminated property.

We urge you to lift the deferral and let EPA's professional career employees do their job.

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