

September 13, 2017

Via E-mail to:

Ras J. Baraka
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Andrea Hall Adebawale
Director, Department of Water and Sewer Utilities
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Re: Elevated lead levels in Newark's drinking water

Dear Mayor Baraka and Director Hall Adebawale,

The City of Newark (City) recently exceeded the federal action level for lead in drinking water, according to an August 28, 2017 notification from the Newark Department of Water and Sewer Utilities (Water Department) and a September 1, 2017 statement from the Mayor's office. We, the undersigned – Newark-based community groups plus state and national organizations with members in Newark – write to convey our deep concern that not enough is being done to make the public aware of the severity of lead-contaminated drinking water in our City, and to respond comprehensively to the crisis.

What the City's statement fails to mention is this: Newark's lead levels are now among the highest recorded by a large water system in America in recent years. In its most recently reported monitoring period, Newark's lead levels tripled as compared to previous measurements – rising to 27 parts per billion at the 90th percentile, meaning at least 10 percent of the addresses tested had 27 parts per billion or more of lead in their water. Those levels are approximately the same as the 90th percentile contamination measured by independent testing in Flint, Michigan in

August and September, 2015, when Flint was not using any chemical treatment to reduce lead contamination in its water.¹

There is no safe level of lead exposure and 27 parts per billion is nearly twice the federal action level for lead, set at 15 parts per billion by the U.S. Environmental Protection Agency. In 2017, Newark reportedly had five addresses testing above 50 parts per billion, more than three times the federal action level, with one address exceeding the action level by nine times at 137 parts per billion.

We urge Newark to address this critical situation more proactively by immediately taking the following actions:

1. Fully inform all Newark residents about the potential risks posed by lead in their drinking water, particularly for vulnerable populations such as the elderly, young children, and pregnant people, and plainly explain the protective measures people should take for themselves and their families. The City may need to design specific engagement tools, including small information sessions and fact sheets, to provide accessible information for residents with disabilities and those with limited literacy. Newark's public education requirement, as triggered by the action level exceedance under the federal Lead and Copper Rule, means that information resources must also be translated into the dominant language of Newark's communities, including Spanish, Portuguese, and Creole.
2. Provide residents with more detailed information regarding low- or no-cost programs for getting their families and children seen by a doctor or tested for lead.
3. Be fully transparent about the location of lead service lines and lead sampling sites by providing a city-wide map or description of lead service line locations, as well as a map or description of all lead sample site locations. To date, despite formal Open Public Records Act requests, the City and the New Jersey Department of Environmental Protection (NJDEP) have failed to disclose the addresses of most homes or other locations tested.

¹ See <http://flintwaterstudy.org/information-for-flint-residents/results-for-citizen-testing-for-lead-300-kits/>.

4. Publicly disclose detailed plans for how the City will comply with its obligations under the Lead and Copper Rule.
5. Publicly explain how the City will comply with the July 11, 2017 letter from NJDEP to the Water Department that found Newark “out of compliance” with the rules for lead in drinking water. Newark’s water system, the letter explains, exceeds the action level for lead, and it is “deemed to no longer have optimized corrosion control treatment” as required to minimize lead contamination.
6. Specifically, please explain the City’s detailed plans to:
 - a. Conduct mandatory public education;
 - b. Conduct source water monitoring and water quality parameter monitoring;
 - c. Commence replacing lead service lines; and
 - d. Meet the required deadlines for providing NJDEP with a list of Newark’s lead service lines, proposed lead service line replacement schedule, revised lead sampling plan, source water treatment recommendation, and optimal corrosion control treatment plan.
7. Set up a public meeting with municipal officials and the signatories to this letter to discuss the City’s proposed action plan for addressing the lead contamination in Newark’s drinking water.

Given the urgency of this public health matter, we believe your detailed response should be provided no later than September 20, 2017. If we do not hear back from you with the requested information and action steps by that date, it is our intention to publicly announce our request that the City carry out these steps immediately, and to express our concern about the City’s response to date.

Please contact Amy Goldsmith, Joseph Della Fave, and Sara Imperiale at the email addresses provided below with any questions. Thank you for your prompt attention to this matter.

Sincerely,

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