

KATHLEEN C. HOCHUL  
26TH DISTRICT, NEW YORK

COMMITTEE ON  
HOMELAND SECURITY

COMMITTEE ON  
ARMED SERVICES

**Congress of the United States**  
**House of Representatives**

Washington, DC 20515-3226

1711 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-5265 — PHONE  
(202) 225-5910 — FAX

325 ESSJAY ROAD, SUITE 405  
WILLIAMSVILLE, NY 14221  
(716) 634-2324 — PHONE  
(716) 631-7610 — FAX

<http://www.hochul.house.gov>

July 12, 2012

The Honorable Lisa P. Jackson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Room 3426 ARN  
Washington, D.C. 20460

The Honorable Joseph Martens  
Commissioner  
NYS Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233

The Honorable Nirav R. Shah, M.D., M.P.H.  
Commissioner  
NYS Department of Health  
Corning Tower, Empire State Plaza  
Albany, NY 12237

Dear Administrator Jackson, Commissioner Martens and Commissioner Shah,

I am writing on behalf of my constituents living in the Village of Middleport, New York, located in Niagara County. For several years, the United States Environmental Protection Agency (EPA), the New York State Department of Environmental Conservation (DEC), and the New York State Department of Health (NYSDOH) have reviewed cleanup options designed to remediate arsenic present in the soil of over 180 properties near the FMC Corporation facility in the Village. According to NYSDOH, these areas contain elevated levels of arsenic resulting from the production of agricultural chemicals at the plant which could present a health risk to Village residents. As a result of this risk, your agencies have proposed various Corrective Measure Alternatives to appropriately clean up this toxin.

I understand your agencies are currently in a public comment period before issuing a final Statement of Basis to determine what cleanup action will be taken. During this comment period, I have heard from many of my constituents in the Middleport community who are concerned with how proposed cleanup actions will adversely affect the infrastructure, façade, and day-to-day atmosphere of the Village.

I urge all agencies involved to fully consider the ramifications an invasive cleanup may have on property rights and quality of life for Middleport and its residents. I am hopeful agency officials can assure the people of Middleport that any remedial action implemented will take into account local concerns and will reflect public consent. As this process moves forward, I pledge to work with all agencies involved to make sure the outcome is in the best interest of my constituents in Middleport, while making certain that the health and well-being of the community is protected.

Sincerely,



Kathleen C. Hochul  
Member of Congress