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Statement of Robert Menendez
April 7, 2011 - Edison, New Jersey
United States Environmental Protection Agency
In Response to the Notice of Opportunity for Public Input
Potential Addition of Vapor Intrusion Component to the Hazard Ranking System

Thank you for permitting me the opportunity to provide input on the possible change in the Hazard Ranking System (HRS) to include a vapor intrusion component and thank you for providing New Jerseyans a listening session at the EPA facility in Edison.

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA and popularly known as Superfund) has been the driving force behind the cleanup of a number of toxic sites in New Jersey. CERCLA, as amended by the Superfund Amendments and Reauthorization Act (SARA), requires that the HRS be periodically revised to more accurately assess the relative degree of risk to human health and the environment. That assessment which is taking place now is critically important to the State of New Jersey.

New Jersey has had a long history with Superfund, a state that has an industrial past with more Superfund sites than anywhere else in the country. It is also a state that has a multitude of sites where Volatile Organic Compounds (VOCs) pose a real and existential threat to human life through this newly recognized pathway. It is for that reason that I believe vapor intrusion should be included in the HRS as a migration pathway or as part of an exposure pathway. Inclusion of vapor intrusion in the HRS might put some of these sites at a ranking of 28.5 or greater, which would make them eligible for the National Priorities List.

The science is relatively new, but we now know that volatile organics migrate through contaminated groundwater or soil and then seep through cracks in basement foundations as vapor intrusion, creating an exposure that can enter the bloodstream quickly and at higher concentrations than other pathways. Whether this occurs in the home, in schools, or in the workplace, vapor intrusion of VOCs can result in a number of ailments, including cancer. In one New Jersey Borough, Pompton Lakes, where there is a history of volatile organics on site, the New Jersey Department of Health and Senior Services in cooperation with the U.S. Department of Health and Human Services, Agency for Toxic Substances and Disease Registry (ATSDR), has documented a statistically significant increase in the number of cases of kidney cancer and non-Hodgkin's lymphoma.

There are many sites in New Jersey where air is being monitored for vapor intrusion. In addition to the aforementioned site in Pompton Lakes, VOCs and vapor intrusion are being examined at the Quanta Resources Superfund site in Edgewater, at the Fairlawn Wellfield, and at the Rockaway Township Wells. Because medical science and environmental science have progressed to an understanding of the potential of life-threatening exposure to VOCs, vapor intrusion should be considered a priority issue for ranking purposes.

Although we have increasingly limited resources in which to address contamination and cleanup, we have to continue to strive to focus on the relative risks to human and environmental health. Inclusion of vapor intrusion as a migration pathway or as part of an exposure pathway will go a long way in making this happen. It will afford us the opportunity to prioritize the cleanup sites and mitigate human health exposures.