



January 17, 2017

The Honorable Kirsten Gillibrand  
Committee Member, Senate Committee on Environment and Public Works  
U.S. Senate  
Russell Senate Office Building SR-478  
Washington, DC 20510-3203

Dear Senator Gillibrand:

My organization, Puerto Rico Limpio, looks forward to working closely with your committee to ensure that basic environmental protections are enforced in all parts of our country, and that officials with a duty to protect the public are held accountable when they fail. Accordingly, your committee's upcoming confirmation hearing for Environmental Protection Agency (EPA) Administrator Nominee Scott Pruitt comes at a critical time where we have witnessed a set of misplaced priorities by the Obama Administration's EPA, resulting in a failure to enforce basic, existing laws here at home.

Over the past eight years, with its eyes on global activism, the EPA has not done its job in local American communities. One clear example has taken place in Puerto Rico where the Island's non-compliant municipal landfills have created a public health and environmental crisis, contributing to widespread water, ground soil and air contamination and pollution. Today, as many as 20 of 29 such landfills in Puerto Rico have been documented in severe violation of Subtitle D of the federal Resources Conservation and Recovery Act. Documents we obtained from the EPA through the Freedom of Information Act that showed the EPA knew these non-compliant municipal landfills have posed an imminent threat to human health and the environment for over a decade due to persistently unaddressed violations of federal law. Regulatory and legal actions have been delayed and allowed to lapse, and no meaningful improvement has been made over the course of the previous Administration.

Questions should be raised to the EPA Administrator Nominee on the steps that will take place under his leadership to close the Island's toxic landfills and enforce the law. The EPA's existing federal authority is clear to regulate cases of environmental waste and violations of the law. But from witnessing cases of lead poisoning crisis in Flint, Michigan to Puerto Rico's toxic landfill crisis, there is plenty of evidence that the outgoing EPA leadership has not done its job.

In fact, the Congressional Task Force on Economic Growth in Puerto Rico released its final report in December highlighting the "imminent threat to public health" as a result of the EPA-regulated municipal solid waste landfills that pollute and operate in Puerto Rico; the report acknowledged that 70 percent of the Island's landfills violate the EPA's regulations. The Task Force further recommended that

committees of jurisdiction in Congress investigate the issue “to determine whether there are additional steps that can and should be taken.”

The outgoing EPA leadership needs to be held accountable for failing to enforce the law in Puerto Rico. The bureaucratic ineptitude and misplaced priorities were clearly visible under failed leadership by EPA Administrator Gina McCarthy, EPA Region 2 Administrator Judith Enck, and EPA Caribbean Division Director Carmen Guerrero. These officials not only haven’t enforced the law to close the Island’s toxic landfills, but they’ve prioritized composting over the basic health, safety and humane living conditions in Puerto Rico.

The very same actions by these public officials, especially their prioritization of fiscal considerations over protecting the public, has led to criminal prosecutions throughout the U.S, most recently in the case of lead contamination of the drinking water in Flint. The malfeasance by Ms. Enck and Ms. Guerrero in this matter is outrageous and cries out for accountability.

I urge the Committee to address this matter with grave urgency. I would respectfully submit that the EPA Administrator Nominee should answer how he will implement responsible and effective management to close Puerto Rico’s toxic landfills. Each day that passes, Puerto Ricans continue to suffer the effects of officials whose priorities have been woefully misplaced over the last eight years.

Sincerely,

A handwritten signature in black ink, appearing to read 'HJM', with a stylized flourish at the end.

HIRAM J. TORRES MONTALVO  
Co-founder, Puerto Rico Limpio

CC: Members of the Senate Environment and Public Works Committee

Enclosure:

Congressional Task Force on Economic Growth in Puerto Rico Final Report – Section on Municipal Solid Waste Landfills (December 2016)