



March 25, 2019

Monica Bharel, MD, MPH
Commissioner, Department of Public Health
250 Washington Street
Boston, MA 02108

Dear Dr. Bharel,

Public Employees for Environmental Responsibility (PEER) is writing to request that the Department of Public Health (MADPH) issue a fish, fowl, and deer meat advisory for per- and polyfluoroalkyl substances (PFAS) taken within five miles of the PFAS contamination in Ayer, Massachusetts.¹ PEER is a Washington D.C.-based non-profit, non-partisan public interest organization serving and protecting public employees working on environmental issues. We represent thousands of local, state and federal government employees nationwide, and our members are concerned about PFAS contamination in game.

As you may be aware, the State of Michigan issued a “Do Not Eat” advisory for deer taken within five miles of perfluorooctane sulfonic acid (PFOS) contamination after a single deer was found to have levels of 547 ppb in its muscle (see <https://content.govdelivery.com/accounts/MIDNR/bulletins/2157986>). The “Do Not Eat” advisory was taken out of an abundance of caution, as PFAS bioaccumulates in tissues and consumption of contaminated deer meat can be dangerous to humans. In addition, we request that you investigate whether there are farms providing dairy, poultry, eggs or meat in these areas, as PFAS can get into the tissues of animals exposed to contaminated water and air (see, for example, <https://www.wisfarmer.com/story/news/2019/02/19/air-force-pollution-has-poisoned-everything-dairy-farm/2920729002/>).

¹ The home range of white tailed deer is two to three miles, although they travel farther when food is scarce, so five miles should be protective of human health.

Currently, it appears that there are only two advisories in Ayer for high levels of mercury in fish (see Figure 1). There are no advisories for PFAS, despite levels of 39,000 ppt (well above the Environmental Protection Agency (EPA) Lifetime Health Advisory of 70 ppt) being found at Fort Devens.

Figure 1

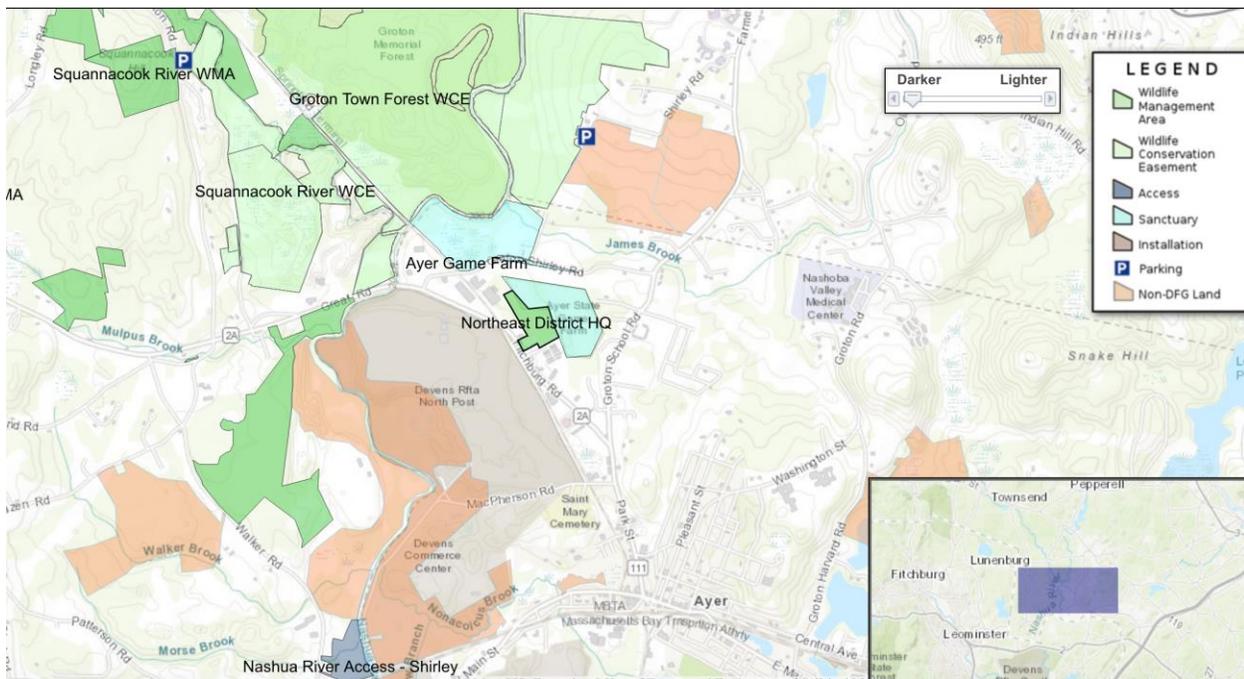
Public Health Fish Consumption Advisory

Search Results for Town: **Ayer** New Search

WaterBody	Hazard	Advisory	Fish Type
Grove Pond	Mercury	P6 - The general public should not consume any fish from this water body.	all fish
Footnotes: Municipality issued advisory			
Plowshop Pond	Mercury	P6 - The general public should not consume any fish from this water body.	all fish
Footnotes: U.S. Army issued advisory.			

Given that there is a game farm and Wildlife Management Areas (WMAs) very close to these waters with high levels of PFAS (see Figure 2), and that hunting is allowed on all Massachusetts WMAs, failure to issue an advisory is risking human health.

Figure 2



Although it does not appear that Massachusetts has a direct legal authority for issuing such an advisory, fish consumption advisories are issued based on five statutes: MGL c. 30A § 2 (emergency regulations for public health); MGL c. 111 § 5 (dissemination of information pertinent to the health of the citizens of the Commonwealth); MGL c. 111 § 6 (giving MADPH the power to define what is dangerous to public health); MGL c. 94 § 186 (the authority to regulate food if it contains a deleterious substance); and MGL c. 94, §192 (the ability to enforce the above sections).

Finally, PEER requests that MADPH consider issuing similar advisories for other areas in Massachusetts with high levels of PFAS. Given that so few areas in Massachusetts have been tested (slightly less than 50% of public water supplies have been tested throughout the Commonwealth), and that surface waters not being used for public water supplies have not been tested at all, the extent of contamination might be far more widespread than we are aware. As such, MADPH should provide for deer meat testing from other areas around the state.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions.

Sincerely,

Kyla Bennett

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