

**Congress of the United States**  
**Washington, DC 20515**

November 29, 2016

The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator McCarthy:

The Western Basin of Lake Erie continues to experience a decline in water quality due to high levels of nutrients that are fueling harmful algal blooms and the toxin they produce. These blooms represent a serious health risk for our constituents. In 2014, nearly half a million citizens in the City of Toledo's drinking water service area experienced a three day drinking water ban due to high levels of microcystin in the treatment system. USEPA has acknowledged the urgent need for addressing nutrient related toxins in its on-going work with Canada through the bi-national Great Lakes Water Quality Agreement process. Yet, the path to recovery requires additional legal reinforcement through USEPA's recognition of the open waters of Lake Erie's Western Basin as impaired under the terms of the Clean Water Act.


Recently, the State of Michigan stepped up to its responsibilities by recognizing the serious challenges facing Lake Erie. Michigan's Department of Environmental Quality has included the open waters of Western Lake Erie on its Section 303(d) list of impaired waters, as submitted to USEPA. We applaud the State of Michigan for taking this responsible and proactive stance. Unfortunately, the State of Ohio has chosen not to follow suit, despite clear evidence of Lake Erie's impairment and the potential risks to human health and safety. An impairment designation for the Western Basin of Lake Erie by Ohio EPA is an essential step in an effective response to managing excessive phosphorous, the root cause of harmful algal blooms. We urge you to use your legal authority under the Clean Water Act to bring Ohio's list into alignment with the State of Michigan as an important step in addressing this public health threat.

Ensuring that citizens have clean drinking water is an essential role of government. One third of the total population of the Great Lakes Basin resides in the Lake Erie watershed, and 11 million people depend on this freshwater resource for their drinking water. Beyond the serious health considerations, the Great Lakes are home to a \$4.5 billion recreational and commercial fishing industry, which is also threatened by the persistent presence of harmful algal blooms.

We urge USEPA to fulfill its obligation under the Clean Water Act and to list the open waters of Lake Erie's Western Basin as impaired. We also ask USEPA to provide leadership by coordinating the states' efforts in the Western Lake Erie Basin to meet the 40 percent phosphorous reduction goals for waters in this region, as reflected in the Annex IV of the Great Lakes Water Quality Agreement with Canada. Through these actions, USEPA will fulfill its stated mission and legal obligation to protect human health and the environment.

Sincerely,

  
Debbie Dingell  
Member of Congress

  
Marcy Kaptur  
Member of Congress