



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

December 21, 2023

The Honorable Raja Krishnamoorthi
U.S. House of Representatives
2367 Rayburn House Office Building
Washington, DC 20515

Dear Representative Krishnamoorthi:

Thank you for your letter concerning the media reports of lead-sheathed telephone cables located in certain rights-of-way around the country. I share your concern.

The Federal Communications Commission takes seriously the public health concerns that have been raised regarding this potential source of lead exposure. The agency has continued to follow reports on this issue and is committed to using its authority to support and assist work being done by our federal and state partners to determine the facts and circumstances surrounding any potential lead exposure, as well as efforts to address it. Accordingly, the Commission has been cooperating with federal and state authorities with jurisdiction over potentially hazardous materials on their efforts to help address this important issue. The agency, however, lacks statutory authority under the Communications Act of 1934, as amended (the Act) to regulate the particular materials that carriers have used in facilities within their existing networks.¹ With respect to these network facilities, the Commission's legal authority, shared with states, is limited to the communications services that were, or continue to be, provided via those facilities. The Act also does not provide the agency with authority over lead remediation, mitigation, or abatement.²

¹ Section 214(a) of the Communications Act requires that a carrier seeking to "construct...acquire, or operate lines" or discontinue service obtain Commission authorization to do so; however, the Commission's specific authority under this section regarding existing facilities is limited to services and does not encompass an analysis of the materials used by carriers in constructing their networks or that they might use in extending their networks. 47 U.S.C. § 214(a). Indeed, section 214(a) explicitly excludes from its scope "any installation, replacement, or other changes in plant, operation, or equipment, other than new construction, which will not impair the adequacy or quality of service provided." 47 U.S.C. § 214(a). Similarly 47 U.S.C. § 251(c)(5) expressly limits the Commission's specific authority with respect to incumbent local exchange carriers' network architecture to regulating only the public notice such carriers must provide when implementing changes to their networks limited to "the information necessary for the transmission and routing of services using that local exchange carrier's facilities or networks, as well as [] any other changes that would affect the interoperability of those facilities and networks." See 47 U.S.C. § 251(c)(5). Thus, this section also does not give the Commission specific authority to regulate the particular materials carriers have used in their existing networks.

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Nonetheless, I believe it is important that the Commission offer its resources and expertise wherever we may be able to assist in the whole-of-government approach that is necessary to ensure that any potential risk from old lead-sheathed cables is addressed. To this end, the agency has taken several key steps to work with federal and state authorities to improve our collective understanding of this matter and support interagency coordination and information exchange.

First, immediately after publication of the July 9, 2023, *Wall Street Journal* article detailing potential health risks involving these cables, Commission staff convened with the Environmental Protection Agency (EPA) and the White House Council on Environmental Quality to discuss interagency coordination. In addition, the agency has met with the President's interagency Task Force on Environmental Health Risks and Safety Risks to Children to discuss this matter. We have also coordinated with the EPA and have similarly engaged with the General Services Administration and the Department of Justice regarding the scope of each agency's authority.

The EPA is responsible for regulating lead and also has extensive expertise in soil sampling and lead removal and remediation. Following this outreach and sharing of information, the EPA requested that telecommunications companies provide the EPA with information needed to evaluate the nature and extent of releases or threatened releases of lead from telecommunications cables and equipment, including results of inspections the companies have undertaken, as well as sampling results and data. The EPA has also been conducting soil sampling in prioritized areas close to vulnerable populations including West Orange, New Jersey, Coal Center, Pennsylvania, and California, Pennsylvania. To date, the EPA has not identified threats to the health of people nearby the sampled sites that would warrant an immediate response or action. Nonetheless, this situation is evolving, and we will do our part to encourage the EPA and other interagency partners involved in this process to keep you updated.

Second, I have directed the Commission's Wireline Competition Bureau to contact the carriers identified in the media reports to discuss their testing and any remediation efforts, and to encourage carrier cooperation with federal and state authorities that are investigating this issue. Commission staff will continue to monitor developments and request updates from the carriers.

Third, the Commission has communicated with the president of the National Association of Regulatory Utility Commissioners (NARUC) to encourage interagency cooperation and information exchange. The lead-lined cables at issue were used in legacy networks that were deployed through the 1960's, during a period when states had oversight of construction and deployment of these local facilities. To that end, the FCC has offered assistance with inter-

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The Commission will continue to provide support for the work being done by our federal and state partners on this important issue. The agency will also continue to review the proceedings before us to identify what additional measures we might be able to take under the Act. I would be happy to provide your office with additional updates and if requested, discuss changes to the law to facilitate further action.

I appreciate your interest regarding this public health and safety matter. Please let me know if I can be of further assistance.

Sincerely,

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Jessica Rosenworcel



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

December 21, 2023

The Honorable Richard J. Durbin
United States Senate
711 Hart Senate Office Building
Washington, DC 20510

Dear Senator Durbin:

Thank you for your letter concerning the media reports of lead-sheathed telephone cables located in certain rights-of-way around the country. I share your concern.

The Federal Communications Commission takes seriously the public health concerns that have been raised regarding this potential source of lead exposure. The agency has continued to follow reports on this issue and is committed to using its authority to support and assist work being done by our federal and state partners to determine the facts and circumstances surrounding any potential lead exposure, as well as efforts to address it. Accordingly, the Commission has been cooperating with federal and state authorities with jurisdiction over potentially hazardous materials on their efforts to help address this important issue. The agency, however, lacks statutory authority under the Communications Act of 1934, as amended (the Act) to regulate the particular materials that carriers have used in facilities within their existing networks.³ With respect to these network facilities, the Commission's legal authority, shared with states, is limited to the communications services that were, or continue to be, provided via those facilities. The Act also does not provide the agency with authority over lead remediation, mitigation, or abatement.⁴

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

December 21, 2023

The Honorable Tammy Duckworth
United States Senate
524 Hart Senate Office Building
Washington, DC 20510

Dear Senator Duckworth:

Thank you for your letter concerning the media reports of lead-sheathed telephone cables located in certain rights-of-way around the country. I share your concern.

The Federal Communications Commission takes seriously the public health concerns that have been raised regarding this potential source of lead exposure. The agency has continued to follow reports on this issue and is committed to using its authority to support and assist work being done by our federal and state partners to determine the facts and circumstances surrounding any potential lead exposure, as well as efforts to address it. Accordingly, the Commission has been cooperating with federal and state authorities with jurisdiction over potentially hazardous materials on their efforts to help address this important issue. The agency, however, lacks statutory authority under the Communications Act of 1934, as amended (the Act) to regulate the particular materials that carriers have used in facilities within their existing networks.⁵ With respect to these network facilities, the Commission's legal authority, shared with states, is limited to the communications services that were, or continue to be, provided via those facilities. The Act also does not provide the agency with authority over lead remediation, mitigation, or abatement.⁶

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Jessica Rosenworcel



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

December 21, 2023

The Honorable Nikki Budzinski
U.S. House of Representatives
1009 Longworth House Office Building
Washington, DC 20515

Dear Representative Budzinski:

Thank you for your letter concerning the media reports of lead-sheathed telephone cables located in certain rights-of-way around the country. I share your concern.

The Federal Communications Commission takes seriously the public health concerns that have been raised regarding this potential source of lead exposure. The agency has continued to follow reports on this issue and is committed to using its authority to support and assist work being done by our federal and state partners to determine the facts and circumstances surrounding any potential lead exposure, as well as efforts to address it. Accordingly, the Commission has been cooperating with federal and state authorities with jurisdiction over potentially hazardous materials on their efforts to help address this important issue. The agency, however, lacks statutory authority under the Communications Act of 1934, as amended (the Act) to regulate the particular materials that carriers have used in facilities within their existing networks.⁷ With respect to these network facilities, the Commission's legal authority, shared with states, is limited to the communications services that were, or continue to be, provided via those facilities. The Act also does not provide the agency with authority over lead remediation, mitigation, or abatement.⁸

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I appreciate your interest regarding this public health and safety matter. Please let me know if I can be of further assistance.

Sincerely,

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Jessica Rosenworcel



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

December 21, 2023

The Honorable Sean Casten
U.S. House of Representatives
2440 Rayburn Houe Office Building
Washington, DC 20515

Dear Representative Casten:

Thank you for your letter concerning the media reports of lead-sheathed telephone cables located in certain rights-of-way around the country. I share your concern.

The Federal Communications Commission takes seriously the public health concerns that have been raised regarding this potential source of lead exposure. The agency has continued to follow reports on this issue and is committed to using its authority to support and assist work being done by our federal and state partners to determine the facts and circumstances surrounding any potential lead exposure, as well as efforts to address it. Accordingly, the Commission has been cooperating with federal and state authorities with jurisdiction over potentially hazardous materials on their efforts to help address this important issue. The agency, however, lacks statutory authority under the Communications Act of 1934, as amended (the Act) to regulate the particular materials that carriers have used in facilities within their existing networks.⁹ With respect to these network facilities, the Commission's legal authority, shared with states, is limited to the communications services that were, or continue to be, provided via those facilities. The Act also does not provide the agency with authority over lead remediation, mitigation, or abatement.¹⁰

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WASHINGTON

OFFICE OF THE
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December 21, 2023

The Honorable Bill Foster
U.S. House of Representatives
2366 Longworth House Office Building
Washington, DC 20515

Dear Representative Foster:

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Second, I have directed the Commission's Wireline Competition Bureau to contact the carriers identified in the media reports to discuss their testing and any remediation efforts, and to encourage carrier cooperation with federal and state authorities that are investigating this issue. Commission staff will continue to monitor developments and request updates from the carriers.

Third, the Commission has communicated with the president of the National Association of Regulatory Utility Commissioners (NARUC) to encourage interagency cooperation and information exchange. The lead-lined cables at issue were used in legacy networks that were deployed through the 1960's, during a period when states had oversight of construction and deployment of these local facilities. To that end, the FCC has offered assistance with inter-

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agency coordination and exchange of information between the public utility commissions and the EPA and other federal and state agencies with jurisdiction to address potentially hazardous materials. In addition, the FCC requested that NARUC's president keep us informed of state public utility commission developments on this matter.

The Commission will continue to provide support for the work being done by our federal and state partners on this important issue. The agency will also continue to review the proceedings before us to identify what additional measures we might be able to take under the Act. I would be happy to provide your office with additional updates and if requested, discuss changes to the law to facilitate further action.

I appreciate your interest regarding this public health and safety matter. Please let me know if I can be of further assistance.

Sincerely,

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Jessica Rosenworcel



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

December 21, 2023

The Honorable Jesús "Chuy" Garcia
U.S. House of Representatives
1519 Longworth House Office Building
Washington, DC 20515

Dear Representative Garcia:

Thank you for your letter concerning the media reports of lead-sheathed telephone cables located in certain rights-of-way around the country. I share your concern.

The Federal Communications Commission takes seriously the public health concerns that have been raised regarding this potential source of lead exposure. The agency has continued to follow reports on this issue and is committed to using its authority to support and assist work being done by our federal and state partners to determine the facts and circumstances surrounding any potential lead exposure, as well as efforts to address it. Accordingly, the Commission has been cooperating with federal and state authorities with jurisdiction over potentially hazardous materials on their efforts to help address this important issue. The agency, however, lacks statutory authority under the Communications Act of 1934, as amended (the Act) to regulate the particular materials that carriers have used in facilities within their existing networks.¹³ With respect to these network facilities, the Commission's legal authority, shared with states, is limited to the communications services that were, or continue to be, provided via those facilities. The Act also does not provide the agency with authority over lead remediation, mitigation, or abatement.¹⁴

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The Commission will continue to provide support for the work being done by our federal and state partners on this important issue. The agency will also continue to review the proceedings before us to identify what additional measures we might be able to take under the Act. I would be happy to provide your office with additional updates and if requested, discuss changes to the law to facilitate further action.

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Jessica Rosenworcel



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

December 21, 2023

The Honorable Jonathan Jackson
U.S. House of Representatives
1641 Longworth House Office Building
Washington, DC 20515

Dear Representative Jackson:

Thank you for your letter concerning the media reports of lead-sheathed telephone cables located in certain rights-of-way around the country. I share your concern.

The Federal Communications Commission takes seriously the public health concerns that have been raised regarding this potential source of lead exposure. The agency has continued to follow reports on this issue and is committed to using its authority to support and assist work being done by our federal and state partners to determine the facts and circumstances surrounding any potential lead exposure, as well as efforts to address it. Accordingly, the Commission has been cooperating with federal and state authorities with jurisdiction over potentially hazardous materials on their efforts to help address this important issue. The agency, however, lacks statutory authority under the Communications Act of 1934, as amended (the Act) to regulate the particular materials that carriers have used in facilities within their existing networks.¹⁵ With respect to these network facilities, the Commission's legal authority, shared with states, is limited to the communications services that were, or continue to be, provided via those facilities. The Act also does not provide the agency with authority over lead remediation, mitigation, or abatement.¹⁶

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I appreciate your interest regarding this public health and safety matter. Please let me know if I can be of further assistance.

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Jessica Rosenworcel



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

December 21, 2023

The Honorable Delia Ramirez
U.S. House of Representatives
1523 Longworth House Office Building
Washington, DC 20515

Dear Representative Ramirez:

Thank you for your letter concerning the media reports of lead-sheathed telephone cables located in certain rights-of-way around the country. I share your concern.

The Federal Communications Commission takes seriously the public health concerns that have been raised regarding this potential source of lead exposure. The agency has continued to follow reports on this issue and is committed to using its authority to support and assist work being done by our federal and state partners to determine the facts and circumstances surrounding any potential lead exposure, as well as efforts to address it. Accordingly, the Commission has been cooperating with federal and state authorities with jurisdiction over potentially hazardous materials on their efforts to help address this important issue. The agency, however, lacks statutory authority under the Communications Act of 1934, as amended (the Act) to regulate the particular materials that carriers have used in facilities within their existing networks.¹⁷ With respect to these network facilities, the Commission's legal authority, shared with states, is limited to the communications services that were, or continue to be, provided via those facilities. The Act also does not provide the agency with authority over lead remediation, mitigation, or abatement.¹⁸

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Second, I have directed the Commission's Wireline Competition Bureau to contact the carriers identified in the media reports to discuss their testing and any remediation efforts, and to encourage carrier cooperation with federal and state authorities that are investigating this issue. Commission staff will continue to monitor developments and request updates from the carriers.

Third, the Commission has communicated with the president of the National Association of Regulatory Utility Commissioners (NARUC) to encourage interagency cooperation and information exchange. The lead-lined cables at issue were used in legacy networks that were deployed through the 1960's, during a period when states had oversight of construction and deployment of these local facilities. To that end, the FCC has offered assistance with inter-

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I appreciate your interest regarding this public health and safety matter. Please let me know if I can be of further assistance.

Sincerely,

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Jessica Rosenworcel



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

December 21, 2023

The Honorable Eric Sorensen
U.S. House of Representatives
1205 Longworth House Office Building
Washington, DC 20515

Dear Representative Sorensen:

Thank you for your letter concerning the media reports of lead-sheathed telephone cables located in certain rights-of-way around the country. I share your concern.

The Federal Communications Commission takes seriously the public health concerns that have been raised regarding this potential source of lead exposure. The agency has continued to follow reports on this issue and is committed to using its authority to support and assist work being done by our federal and state partners to determine the facts and circumstances surrounding any potential lead exposure, as well as efforts to address it. Accordingly, the Commission has been cooperating with federal and state authorities with jurisdiction over potentially hazardous materials on their efforts to help address this important issue. The agency, however, lacks statutory authority under the Communications Act of 1934, as amended (the Act) to regulate the particular materials that carriers have used in facilities within their existing networks.¹⁹ With respect to these network facilities, the Commission's legal authority, shared with states, is limited to the communications services that were, or continue to be, provided via those facilities. The Act also does not provide the agency with authority over lead remediation, mitigation, or abatement.²⁰

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Jessica Rosenworcel



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

December 21, 2023

The Honorable Mike Quigley
U.S. House of Representatives
2083 Rayburn House Office Building
Washington, DC 20515

Dear Representative Quigley:

Thank you for your letter concerning the media reports of lead-sheathed telephone cables located in certain rights-of-way around the country. I share your concern.

The Federal Communications Commission takes seriously the public health concerns that have been raised regarding this potential source of lead exposure. The agency has continued to follow reports on this issue and is committed to using its authority to support and assist work being done by our federal and state partners to determine the facts and circumstances surrounding any potential lead exposure, as well as efforts to address it. Accordingly, the Commission has been cooperating with federal and state authorities with jurisdiction over potentially hazardous materials on their efforts to help address this important issue. The agency, however, lacks statutory authority under the Communications Act of 1934, as amended (the Act) to regulate the particular materials that carriers have used in facilities within their existing networks.²¹ With respect to these network facilities, the Commission's legal authority, shared with states, is limited to the communications services that were, or continue to be, provided via those facilities. The Act also does not provide the agency with authority over lead remediation, mitigation, or abatement.²²

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agency coordination and exchange of information between the public utility commissions and the EPA and other federal and state agencies with jurisdiction to address potentially hazardous materials. In addition, the FCC requested that NARUC's president keep us informed of state public utility commission developments on this matter.

The Commission will continue to provide support for the work being done by our federal and state partners on this important issue. The agency will also continue to review the proceedings before us to identify what additional measures we might be able to take under the Act. I would be happy to provide your office with additional updates and if requested, discuss changes to the law to facilitate further action.

I appreciate your interest regarding this public health and safety matter. Please let me know if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Jessica Rosenworcel", with a long horizontal flourish extending to the right.

Jessica Rosenworcel



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

December 21, 2023

The Honorable Danny K. Davis
U.S. House of Representatives
2159 Rayburn House Office Building
Washington, DC 20515

Dear Representative Davis:

Thank you for your letter concerning the media reports of lead-sheathed telephone cables located in certain rights-of-way around the country. I share your concern.

The Federal Communications Commission takes seriously the public health concerns that have been raised regarding this potential source of lead exposure. The agency has continued to follow reports on this issue and is committed to using its authority to support and assist work being done by our federal and state partners to determine the facts and circumstances surrounding any potential lead exposure, as well as efforts to address it. Accordingly, the Commission has been cooperating with federal and state authorities with jurisdiction over potentially hazardous materials on their efforts to help address this important issue. The agency, however, lacks statutory authority under the Communications Act of 1934, as amended (the Act) to regulate the particular materials that carriers have used in facilities within their existing networks.²³ With respect to these network facilities, the Commission's legal authority, shared with states, is limited to the communications services that were, or continue to be, provided via those facilities. The Act also does not provide the agency with authority over lead remediation, mitigation, or abatement.²⁴

²³ Section 214(a) of the Communications Act requires that a carrier seeking to "construct...acquire, or operate lines" or discontinue service obtain Commission authorization to do so; however, the Commission's specific authority under this section regarding existing facilities is limited to services and does not encompass an analysis of the materials used by carriers in constructing their networks or that they might use in extending their networks. 47 U.S.C. § 214(a). Indeed, section 214(a) explicitly excludes from its scope "any installation, replacement, or other changes in plant, operation, or equipment, other than new construction, which will not impair the adequacy or quality of service provided." 47 U.S.C. § 214(a). Similarly 47 U.S.C. § 251(c)(5) expressly limits the Commission's specific authority with respect to incumbent local exchange carriers' network architecture to regulating only the public notice such carriers must provide when implementing changes to their networks limited to "the information necessary for the transmission and routing of services using that local exchange carrier's facilities or networks, as well as [] any other changes that would affect the interoperability of those facilities and networks." See 47 U.S.C. § 251(c)(5). Thus, this section also does not give the Commission specific authority to regulate the particular materials carriers have used in their existing networks.

²⁴ Due to the Commission's lack of specific legal authority under the Communications Act over the particular materials that carriers have in both current networks and previously used facilities, the Commission has never required or requested that carriers provide information on the particular materials used in those networks or

Nonetheless, I believe it is important that the Commission offer its resources and expertise wherever we may be able to assist in the whole-of-government approach that is necessary to ensure that any potential risk from old lead-sheathed cables is addressed. To this end, the agency has taken several key steps to work with federal and state authorities to improve our collective understanding of this matter and support interagency coordination and information exchange.

First, immediately after publication of the July 9, 2023, *Wall Street Journal* article detailing potential health risks involving these cables, Commission staff convened with the Environmental Protection Agency (EPA) and the White House Council on Environmental Quality to discuss interagency coordination. In addition, the agency has met with the President's interagency Task Force on Environmental Health Risks and Safety Risks to Children to discuss this matter. We have also coordinated with the EPA and have similarly engaged with the General Services Administration and the Department of Justice regarding the scope of each agency's authority.

The EPA is responsible for regulating lead and also has extensive expertise in soil sampling and lead removal and remediation. Following this outreach and sharing of information, the EPA requested that telecommunications companies provide the EPA with information needed to evaluate the nature and extent of releases or threatened releases of lead from telecommunications cables and equipment, including results of inspections the companies have undertaken, as well as sampling results and data. The EPA has also been conducting soil sampling in prioritized areas close to vulnerable populations including West Orange, New Jersey, Coal Center, Pennsylvania, and California, Pennsylvania. To date, the EPA has not identified threats to the health of people nearby the sampled sites that would warrant an immediate response or action. Nonetheless, this situation is evolving, and we will do our part to encourage the EPA and other interagency partners involved in this process to keep you updated.

Second, I have directed the Commission's Wireline Competition Bureau to contact the carriers identified in the media reports to discuss their testing and any remediation efforts, and to encourage carrier cooperation with federal and state authorities that are investigating this issue. Commission staff will continue to monitor developments and request updates from the carriers.

Third, the Commission has communicated with the president of the National Association of Regulatory Utility Commissioners (NARUC) to encourage interagency cooperation and information exchange. The lead-lined cables at issue were used in legacy networks that were deployed through the 1960's, during a period when states had oversight of construction and deployment of these local facilities. To that end, the FCC has offered assistance with inter-

reviewed or provided approval for the use of particular materials used in those networks. Consequently, it has never been the practice of the Commission to require records related to the location or ownership of lead-sheathed cables, details regarding the current status, records of repair, removal, or any whistleblower claims regarding these cables. However, states may have records about intrastate facilities in their jurisdiction. As explained in this letter, the Commission has and will continue to offer assistance with facilitating interagency cooperation and information exchange.

agency coordination and exchange of information between the public utility commissions and the EPA and other federal and state agencies with jurisdiction to address potentially hazardous materials. In addition, the FCC requested that NARUC's president keep us informed of state public utility commission developments on this matter.

The Commission will continue to provide support for the work being done by our federal and state partners on this important issue. The agency will also continue to review the proceedings before us to identify what additional measures we might be able to take under the Act. I would be happy to provide your office with additional updates and if requested, discuss changes to the law to facilitate further action.

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